

## **POLICY ADVISORY COMMITTEE**

Thursday, November 8, 2018  
4:00 PM

VTA Conference Room B-106  
3331 North First Street  
San Jose, CA

### **ADDENDUM TO AGENDA**

- 8.X** ACTION ITEM - Recommend that the VTA Board of Directors: (1) Approve a program of projects for the Vehicle Emissions Reductions Based at Schools (VERBS) Cycle 3 Program; and (2) Reprogram \$1,000,000 from the City of Los Altos Miramonte Avenue Bicycle and Pedestrian Access Improvements project if, by January 31, 2019, the City of Los Altos is unable to proceed with the Miramonte Avenue original project scope approved by the VTA Board of Directors.

## POLICY ADVISORY COMMITTEE

Thursday, November 8, 2018

4:00 PM

VTA Conference Room B-106

3331 North First Street

San Jose, CA

### AGENDA

#### COMMITTEE MISSION:

*The Policy Advisory Committee (PAC) represents the prioritized transportation policy views of the Member Agencies, individually and collectively, to the VTA Board of Directors. The PAC proposes approaches to transportation issues identified by the Board, VTA staff, and the PAC itself.*

#### CALL TO ORDER

##### 1. ROLL CALL

##### 2. ORDERS OF THE DAY

- The quorum requirement for this meeting is: 9

##### 3. PUBLIC PRESENTATIONS:

This portion of the agenda is reserved for persons desiring to address the Committee on any matter not on the agenda. Speakers are **limited to 2 minutes**. The law does not permit Committee action or extended discussion on any item not on the agenda except under special circumstances. If Committee 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. Receive Committee Staff Report. (Verbal Report) (Lawson)

- Receive Government Affairs Update.

##### 5. Receive Chairperson's Report. (Verbal Report) (Miller)

---

## **CONSENT AGENDA**

- 6. ACTION ITEM - Approve the Regular Meeting Minutes of May 10, 2018.
- 7. ACTION ITEM - Approve the Regular Meeting Minutes of August 9, 2018.
- 8. ACTION ITEM - Approve the Regular Meeting Minutes of September 13, 2018.

## **REGULAR AGENDA**

- 9. ACTION ITEM - Appoint a nomination subcommittee to identify Committee members interested in serving as the chairperson or vice chairperson for 2019.
- 10. ACTION ITEM - Recommend that the VTA Board of Directors adopt a Station Access Policy for VTA.
- 11. ACTION ITEM - Recommend that the VTA Board of Directors approve the VTA Land Use and Development Review Policy.
- 12. ACTION ITEM - Recommend that the VTA Board of Directors approve the addition of a new section to the Santa Clara Valley Transportation Authority (VTA) Joint Development (JD) Policy Guidance Documents, for a Transit-Oriented Development (TOD) Parking Policy as described in Attachment A, that sets forth guiding principles and implementation strategies for how VTA should address parking for TOD projects at VTA transit stations and facilities, as well as privately developed TOD on adjacent sites.
- 13. ACTION ITEM - Recommend that the VTA Board of Directors adopt a Resolution approving and adopting the Final Relocation Plan for the BART Silicon Valley Phase II Extension Project.
- 14. INFORMATION ITEM - Receive North San Jose Deficiency Plan Update.

## **OTHER**

- 15. Review PAC Work Plan. (Lawson)
- 16. ANNOUNCEMENTS
- 17. ADJOURN

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 ✉ [board.secretary@vta.org](mailto:board.secretary@vta.org) or ☎ (408) 321-2330 (TTY only). VTA's home page is [www.vta.org](http://www.vta.org) or visit us on Facebook [www.facebook.com/scvta](https://www.facebook.com/scvta). ☎ (408) 321-2300: 中文 / Español / 日本語 / 한국어 / tiếng Việt / Tagalog.

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 Friday, Monday, and Tuesday prior to the meeting. This information is available on VTA's website at [www.vta.org](http://www.vta.org) and also at the meeting.



**VTA Advisory Committees  
Committee Staff Liaison Report  
November 2018 Advisory Committee Meetings**

**REQUIRED**

First, I'd like to give you a few highlights from last week's VTA Board of Directors meeting. The Board:

- Introduced and considered the Silicon Valley Express Lanes Program Toll Ordinance. Please note this item will be considered for adoption in December.
- Received an update on the Next Generation of Clipper, also called C2. Cubic Transportation Systems was awarded the contract to design, develop, test, and operate and maintain C2. It is anticipated that the C2 system will be completed by 2024.

**Other items the Committee should be aware of are:**

**EZFare Revenue & Estimated Ridership**

- EZFare is the mobile ticketing app that can be used to purchase VTA transit passes for special events, day pass and single ride fares using a smartphone.
- The EZFare revenues for third quarter of this calendar year were approximately \$40,000 or 38% higher than the second quarter.
- Calendar YTD revenue of approximately \$300,000 represents 1.2% of transit fare revenue.
- The number of monthly EZFare users purchasing tickets have also increased from 927 in January to 3,689 in September.

**Ad Hoc Committee**

- The November 9th Ad Hoc Financial Stability Committee meeting was rescheduled. The Committee will now meet on Friday, November 16<sup>th</sup> at 3:00 PM and will be held here in the Auditorium.

**OPTIONAL - COMMITTEE-SPECIFIC**

**TAC**

- The Board approved both the Mountain View and Santa Clara Multimodal Improvement Plans, which the Committee reviewed and endorsed last month.

**BPAC**

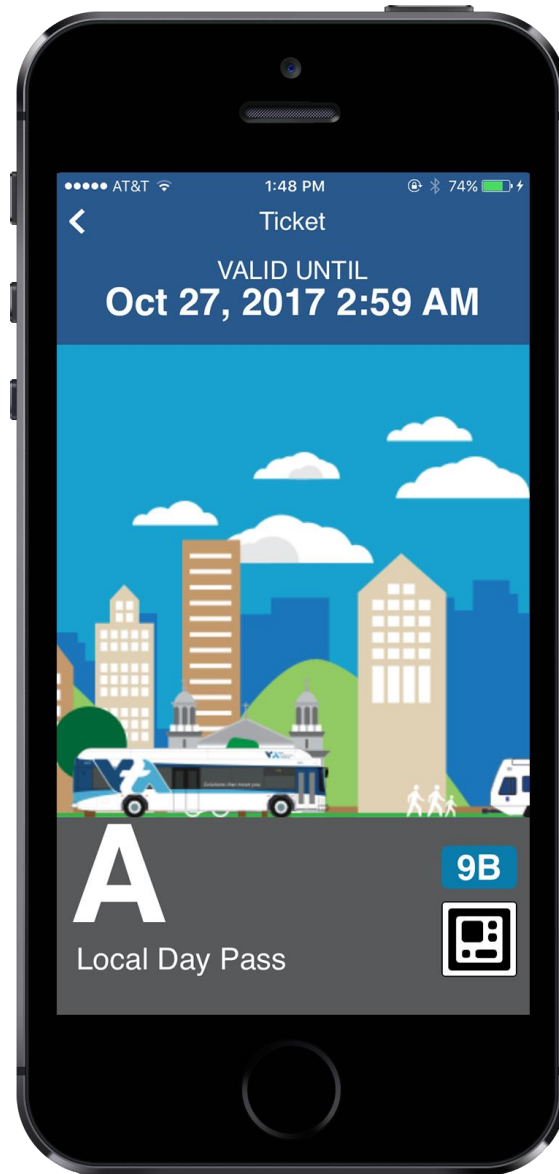
- The Board approved both the Mountain View and Santa Clara Multimodal Improvement Plans, which the Committee reviewed and endorsed last month.

# Committee Staff Report

# Committee Staff Report

VTA Board of Directors actions – November 1, 2018

# EZfare Mobile Payment



# Ad Hoc Financial Stability Committee

**Date:** November 16, 2018

**Time:** 3:00 p.m.

**Location:** VTA River Oaks Auditorium

# Committee Staff Report



## Policy Advisory Committee

Thursday, May 10, 2018

### MINUTES

#### CALL TO ORDER

The Regular Meeting of the Policy Advisory Committee (PAC) was called to order at 4:04 p.m. by Chairperson Miller in Conference Room B-106, Valley Transportation Authority (VTA), 3331 North First Street, San José, California.

#### 1. ROLL CALL

Attendee Name	Title	
Susan Landry	City of Campbell	Present
Rich Waterman (Alternate)	City of Campbell	NA
Rod Sinks	City of Cupertino	Present
Steven Scharf (Alternate)	City of Cupertino	NA
Daniel Harney	City of Gilroy	Absent
Cat Tucker (Alternate)	City of Gilroy	Absent
Lynette Lee Eng	City of Los Altos	NA
Jeannie Bruins (Alternate)	City of Los Altos	Present
Michelle Wu	Town of Los Altos Hills	Present
Gary Waldeck (Alternate)	Town of Los Altos Hills	NA
Rob Rennie	Town of Los Gatos	Present
Marico Sayoc (Alternate)	Town of Los Gatos	NA
Garry Barbadillo	City of Milpitas	Present
Marsha Grilli (Alternate)	City of Milpitas	NA
Marshall Anstandig	City of Monte Sereno	Absent
Evert Wolsheimer (Alternate)	City of Monte Sereno	Absent
Rich Constantine	City of Morgan Hill	Present
Rene Spring (Alternate)	City of Morgan Hill	NA
Lenny Siegel	City of Mountain View	Present
Margaret Abe-Koga (Alternate)	City of Mountain View	NA
Liz Kniss	City of Palo Alto	NA
Cory Wolbach (Alternate)	City of Palo Alto	Present
Magdalena Carrasco	City of San Jose	Absent
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
Glenn Hendricks	City of Sunnyvale	Present
Nancy Smith (Alternate)	City of Sunnyvale	NA
Mike Wasserman	SCC Board of Supervisors	Present

**A quorum was present.**

**2. ORDERS OF THE DAY**

There were no Orders of the Day.

Alternate Member Bruins took her seat at 4:06 p.m.

**3. PUBLIC PRESENTATIONS:**

Blair Beekman, Interested Citizen, expressed concern about the BigBelly trash bins in Santa Clara County, specifically around Great Mall.

**4. Committee Staff Report**

Jim Lawson, Director of Government & Public Relations and Staff Liaison, provided a brief report, highlighting the following: 1) summary of actions taken by the VTA Board of Directors (Board) at their May 3, 2018; 2) VTA's BART Phase II funding status; 3) three VTA Capital Projects are recommended for state funding, pending approval from the California Transportation Commission; 4) Senate Bill 1 (SB1), noting SB1 provides significant funds to local jurisdictions for local streets and roads maintenance; 5) announced efforts to stop human trafficking; 6) the Ad Hoc Financial Stability (Ad Hoc) Committee meeting will be held Friday, May 11, 2018, at 12:00 p.m. at VTA's River Oaks Campus; and 7) the success of May 10, 2018, Bike to Work Day, noting VTA staff participation in a ride from downtown San Jose to VTA's River Oaks campus.

**Public Comment**

Mr. Beekman referenced Senate Bill (SB) 1 and recommended VTA take any opportunity to work with the Trump administration for transit related items.

Chairperson Miller noted VTA works with all administrations and that the Federal Government is a major source for funding towards Capital Projects.

**5. Chairperson's Report**

Chairperson Miller commented about consultant Tony Seba, who provided a presentation at the April 13, 2018, Ad Hoc Financial Stability Committee meeting. Chairperson Miller informed the Committee the presentation was made available online and requested staff send the link to the members. He recommended the Committee watch the video if they have time.

Alternate Member Bruins and chairperson of the Ad Hoc, reported that the first two Ad Hoc meetings have been about receiving information and gathering data, in order to provide the framework for how to proceed with the decisions needed. Alternate Member Bruins referenced Board Chairperson Liccardo's June 2018 timeline for the Committee to come up with recommendations, noting that the Committee will now need additional time and the Committee meetings will now go beyond June 2018.



### **Public Comment**

Roland Lebrun, Interested Citizen, commented about the meeting room location for the May 11, 2018, Ad Hoc Financial Stability Committee, noting Conference Room B-106 is not large enough; 2) referenced the May 9, 2018, Metropolitan Transportation Commission (MTC) meeting, noting VTA needs to go in the direction of hubs based around transportation and making the fares income based.

## **CONSENT AGENDA**

Members of the Committee requested the following items be removed from the Consent Agenda and placed on the Regular Agenda: 1) **Agenda Item #8.**, 2018/19 TFCA Program Manager Fund; and 2) **Agenda Item #10.**, Google North Bayshore Transportation Access Study - Draft Report.

### **Public Comment**

Mr. Beekman referenced **Agenda Item #7.**, FY2018/19 TDA3 Project Priorities, and inquired about where funding comes from for projects, specifically for projects like the Big Belly trash bins.

#### **6. Regular Meeting Minutes of April 12, 2018.**

M/S/C (Constantine/Wasserman) to approve the Regular Meeting Minutes of April 12, 2018.

#### **7. FY2018/19 TDA3 Project Priorities**

M/S/C (Constantine/Wasserman) to recommend that the VTA Board of Directors adopt a resolution approving the project priorities for the FY 2018/19 Countywide Transportation Development Act (TDA) Article 3 program

#### **8. (Removed from the Consent Agenda and placed on the Regular Agenda.)**

Recommend that the VTA Board of Directors approve the programming of FY 2018/19 Transportation Fund for Clean Air Program Manager (TFCA 40%) funds to projects.

#### **9. 2017 CMP Monitoring and Conformance Report**

M/S/C (Constantine/Wasserman) to recommend that the VTA Board of Directors adopt the 2017 Monitoring and Conformance Findings, pursuant to California Government Code Section 65089.

#### **10. (Removed from the Consent Agenda and placed on the Regular Agenda.)**

Receive a report of the Google Sponsored North Bayshore Transportation Access Study.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.

**RESULT:** **Approved – Consent Agenda Item #6 -#7 and #9**  
**MOVER:** Rich Constantine, Member  
**SECONDER:** Mike Wasserman, Member  
**AYES:** Barbadillo, Bruins, Constantine, Hendricks, Landry, Miller, Rennie, Siegel, Sinks, Watanabe, Wasserman, Wolbach, Wu  
**NOES:** None  
**ABSENT:** Anstandig, Carrasco, Harney

**The Agenda was taken out of order.**

## **REGULAR AGENDA**

### **8. 2018/19 TFCA Program Manager Fund**

Members of the Committee expressed frustration regarding the Bay Area Air Quality Management District (BAAQMD) decision making process around protected class 4 separated bike lanes, specifically in the cities of Cupertino and Los Gatos.

Members of the Committee and staff discussed the following: 1) who makes the final determination on what is approved; 2) Los Gatos' opportunity to provide additional data; 3) in what capacity could VTA help move the applications forward; and 4) how BAAQMD data is better than VTA data.

Members of the Committee made the following comments: 1) requested VTA staff make an appointment with Cupertino and Los Gatos representatives to discuss at length their applications and findings; 2) noted Members Kniss and Sinks were the BAAQMD representatives for Santa Clara County; 3) urged Committee Members to reach out to their BAAQMD representatives to further discuss any projects they feel were unfairly evaluated.

**M/S/C (Rennie/Hendricks)** to recommend that the VTA Board of Directors approve the programming of FY 2018/19 Transportation Fund for Clean Air Program Manager (TFCA 40%) funds to projects.

**RESULT:** **Approved – Agenda Item #8**  
**MOVER:** Rob Rennie, Member  
**SECONDER:** Glenn Hendricks, Member  
**AYES:** Barbadillo, Bruins, Constantine, Hendricks, Landry, Miller, Rennie, Siegel, Sinks, Watanabe, Wasserman, Wolbach, Wu  
**NOES:** None  
**ABSENT:** Anstandig, Carrasco, Harney

### **10. Google North Bayshore Transportation Access Study - Draft Report**

Members of the Committee made the following comments: 1) requested that future reports provide data that would support the report, specifically around ridership numbers; and 2) announced that Mountain View was conducting an independent study around North Bayshore Transportation Access that included ridership numbers and ridership

clusters; noting Mountain View would like to see these studies collaborated and would be happy to share the independent study.

### **Public Comment**

Mr. Lebrun suggested using vehicle miles traveled as a metric to be aware of the impacts when new development arises.

Mr. Beekman commented that the report provides transportation ideas for East Side San Jose.

**On order of Chairperson Miller** and there being no objection, the Committee received a report of the Google Sponsored North Bayshore Transportation Access Study.

## **11. Santa Clara Countywide Bicycle Plan Action**

Lauren Ledbetter, Senior Transportation Planner, provided an overview of the staff report.

Upon inquiries of Committee Members, Ms. Ledbetter reported the following: 1) errors on the map will be corrected; 2) the overcrossing at homestead/ hwy 85 is designated as an Across Barrier Connections (ABC); 3) staff would look into coordinating with Caltrain to add specific language in the report about using a portion of Caltrain's right-of-way for bicycles.

**M/S/C (Wasserman/Hendricks)** to recommend that the VTA Board of Directors adopt the Countywide Bicycle Plan.

<b>RESULT:</b>	<b>Approved – Agenda Item #11</b>
<b>MOVER:</b>	Mike Wasserman Member
<b>SECONDER:</b>	Glenn Hendricks, Member
<b>AYES:</b>	Barbadillo, Bruins, Constantine, Hendricks, Landry, Miller, Rennie, Siegel, Sinks, Watanabe, Wasserman, Wolbach, Wu
<b>NOES:</b>	None
<b>ABSENT:</b>	Anstandig, Carrasco, Harney

## **12. Automated Driving System Draft Policy**

Chris Augenstein, Director of Planning and Programming, and Casey Emoto, Deputy Director of Mobility Infrastructure Program, provided an overview of the staff report and provided a presentation entitled “Automated Driving Systems (ADS) Policy Framework,” highlighting: 1) ADS Policy; 2) Patent filings for autonomous technology by US automakers; 3) Corporate US patent filings for autonomous technology; 4) 2018 events; 5) ADS is more than technology & vehicles; 6) VTA Policy Purpose & Need; and 7) Input from the Committee.

Committee Members and staff engaged in a robust discussion about the following: 1) locally based companies doing autonomous vehicle work; 2) developed partnerships with the cities to discuss technology; 3) safety and risks, noting safety should remain a number one priority; 4) metrics used; 5) data protection policy; 6) financial considerations, noting there may be future financial implications based on the policy; 7) using other agencies' data to assess what framework is needed; 7) the need for VTA to catch up as it relates to autonomous vehicles; 8) technology is moving faster than the framework; 9) the importance for autonomous vehicles ability to communicate its intentions with humans; 10) implementation of the policy; 11) the possibility of creating a group that would specifically address formulating ADS policies; 12) the positive and negative impacts of autonomous vehicles; and 13) Reach Your Destination Easily (RYDE) program and VTA's participation.

Members of the Committee expressed support for the policy and urged VTA to continue working with other agencies in order to draft answers to questions that will rise from the use of automated driving systems.

### **Public Comment**

Mr. Lebrun made the following comments: 1) reported he agrees with most of the Committee's comments; 2) noted the importance of thinking about things regionally as it relates to policies; and 3) urged VTA to share whatever policies they develop with (MTC.

Mr. Beekman expressed appreciation for the policy and noted the importance for public oversight.

Member Sinks left the meeting at 5:14 p.m.

**M/S/C (Bruins/Wolbach)** to review and adopt VTA's Automated Driving Systems (ADS) Policy. Further requesting the Board to give due consideration to the Committees comments.

<b>RESULT:</b>	<b>Approved – Agenda Item #12</b>
<b>MOVER:</b>	Jeannie Bruins Member
<b>SECONDER:</b>	Cory Wolbach, Member
<b>AYES:</b>	Barbadillo, Bruins, Constantine, Hendricks, Landry, Miller, Rennie, Siegel, Sinks, Watanabe, Wasserman, Wolbach, Wu
<b>NOES:</b>	None
<b>ABSENT:</b>	Anstandig, Carrasco, Harney

Members Siegel, Wasserman and Barbadillo left the meeting at 5:18 p.m.

### **13. Annual Sustainability Report**

Ann Calnan, Transportation Manager, and Lani Lee Ho, Environmental Planner III, provided an overview of the staff report and provided a presentation entitled "2017 Sustainability Report," highlighting: 1) VTA's Sustainability Program; 2) Environmental Performance; 3) 2017 Achievements; and 4) Current and Planned Projects.

Discussion ensued about the following: 1) topics to include in future reports including VTA's target goals, metrics and financial impacts related to the program; 2) seeking the Board's direction, as it relates to target goals; 3) commended staff for their accomplishments thus far; 4) local agencies standards as it relates to going green; 5) VTA's electric fleet; 6) strategically place VTA's charging stations; 7) time periods for charging VTA's electric fleet; and 8) concerns around creating more solar without battery storage.

### **Public Comment**

Mr. Lebrun recommended using the light rail voltage to charge the electric fleet of buses.

**On order of Chairperson Miller** and there being no objection, the Committee received the 2017 Sustainability Report.

## **OTHER**

### **14. PAC Work Plan**

**On order of Chairperson Miller** and there being no objection, the Committee received the PAC Work Plan.

### **15. ANNOUNCEMENTS**

There were no Announcements.

### **16. ADJOURNMENT**

**On order of Chairperson Miller** and there being no objection, the Committee meeting was adjourned at 5:42 p.m.

Respectfully submitted,

Theadora Abraham, Board Assistant  
VTA Office of the Board Secretary



## Policy Advisory Committee

Thursday, August 9, 2018

### MINUTES

#### CALL TO ORDER

The Regular Meeting of the Policy Advisory Committee (PAC) was called to order at 4:07 p.m. by Vice Chairperson Sinks in Conference Room B-106, Valley Transportation Authority (VTA), 3331 North First Street, San José, California.

#### 1. ROLL CALL

Attendee Name	Title	Status
Susan Landry	City of Campbell	Absent
Rich Waterman (Alternate)	City of Campbell	Absent
Rod Sinks	City of Cupertino	Present
Steven Scharf (Alternate)	City of Cupertino	NA
Daniel Harney	City of Gilroy	Absent
Cat Tucker (Alternate)	City of Gilroy	Absent
Lynette Lee Eng	City of Los Altos	Absent
Jeannie Bruins (Alternate)	City of Los Altos	Absent
Michelle Wu	Town of Los Altos Hills	NA
Gary Waldeck (Alternate)	Town of Los Altos Hills	Present
Rob Rennie	Town of Los Gatos	Present
Marcia Jensen (Alternate)	Town of Los Gatos	NA
Garry Barbadillo	City of Milpitas	Absent
Marsha Grilli (Alternate)	City of Milpitas	Absent
Marshall Anstandig	City of Monte Sereno	Absent
Evert Wolsheimer (Alternate)	City of Monte Sereno	Absent
Rich Constantine	City of Morgan Hill	Present
Rene Spring (Alternate)	City of Morgan Hill	NA
Lenny Siegel	City of Mountain View	Present
Lisa Matichak (Alternate)	City of Mountain View	NA
Liz Kniss	City of Palo Alto	Absent
Cory Wolbach (Alternate)	City of Palo Alto	Absent
Magdalena Carrasco	City of San Jose	Present
Vacant (Alternate)	City of San Jose	-
Kathy Watanabe	City of Santa Clara	Absent
Patrick Kolstad (Alternate)	City of Santa Clara	Absent
Howard Miller	City of Saratoga	Absent

Rishi Kumar (Alternate)	City of Saratoga	Absent
Glenn Hendricks	City of Sunnyvale	Absent
Nancy Smith (Alternate)	City of Sunnyvale	Absent
Mike Wasserman	SCC Board of Supervisors	Present

**A quorum was not present and a Committee of the Whole was declared.**

## **2. ORDERS OF THE DAY**

There were no Orders of the Day.

## **3. PUBLIC PRESENTATIONS**

Blair Beekman, Interested Citizen, stressed the importance of communication between the Santa Clara Valley Transportation Authority (VTA) and its partner agencies in completing projects. He also expressed concern about the BigBelly trash receptacles in San Jose.

## **4. Committee Staff Report**

Jim Lawson, Director of Government & Public Relations and Staff Liaison, provided a brief report, highlighting the following: 1) actions the Board of Directors took at their August 2, 2018 meeting; 2) safety video; 3) retrofit of ticket vending machines to sell Clipper Cards; 4) Ad Hoc Financial Stability Committee meeting scheduled for Friday, August 17, 2018, at 1:30 p.m.; and 5) staff's proposal to adopt an opposed position for Proposition 6 will be discussed under Agenda Item Number 9.

### **Public Comment**

Mr. Beekman expressed concern about the use of Clipper Card on the transit system, and the consequences of receiving federal funds.

Roland Lebrun, Interested Citizen, suggested making the safety video more accessible to people with visual disability. He added that State Route 85 should receive advanced funding to continue its traffic study.

## **5. Chairperson's Report**

Chairperson Sinks reported that projects on McClellan Road and Roberts Road will now receive partial funding from Bay Area Air Quality Management District (BAAQMD), and Apple expressed their commitment to support and partner with VTA to improve the worsening traffic situation.

**On General Consensus**, and there being no objection, the Committee of the Whole accepted to adjourn the meeting after hearing **Agenda Item #8** - Transportation Technology Strategic Plan Development and Final Report, and **Agenda Item #11** - BART Silicon Valley Phase II Relocation Plan.

## CONSENT AGENDA

### 6. (Deferred to the September 13, 2018 Policy Advisory Committee meeting.)

Approve the Regular Meeting Minutes of May 10, 2018.

### 7. **Bay Area Bike Share Revenue Return**

**On General Consensus**, and there being no objection, the Committee of the Whole forwarded the Bay Area Bike Share Revenue Return to the VTA Board of Directors without a recommendation.

### 8. **Transportation Technology Strategic Plan Development and Final Report**

#### **Public Comments**

Mr. Beekman expressed his interest in the Transportation Technology Strategic Plan Development.

Mr. Lebrun expressed the importance of establishing fiber optic infrastructure on the light rail system, freeways, and State Route 85.

**On General Consensus**, and there being no objection, the Committee of the Whole forwarded the Transportation Technology Strategic Plan Development and Final Report to the VTA Board of Directors without a recommendation.

## REGULAR AGENDA

### 9. **Oppose Position on Proposition 6**

**On General Consensus**, and there being no objection, the Committee of the Whole forwarded the Oppose Position on Proposition 6 to the VTA Board of Directors without a recommendation.

### 10. **Story-Keyes Complete Streets Study**

**On General Consensus**, and there being no objection, the Committee of the Whole forwarded the Story-Keyes Complete Streets Study to the VTA Board of Directors without a recommendation.

### 11. **BART Silicon Valley Phase II Relocation Plan**

Ron Golem, Deputy Director, Real Estate; Karen Eddleman, Associate Right of Way Service; and Kathy Bradley, Manager, Real Estate & Project Administration, provided a presentation titled "Relocation Planning," highlighting the following: 1) Real estate planning process; 2) Phase II project alignment; 3) Legal framework for relocation planning; 4) Relocation plan process; 5) VTA's Relocation Assistance Program; 6) Summary of potential impacts; 7) Draft relocation plan public review and comment period; 8) Phase II extension project schedule.



Member of the Committee provided the following recommendations: 1) conduct thorough outreach to the affected community; 2) ensure VTA's policy on projects are bilingual, multi-cultural, and executed in an appropriate timeline; 3) establish a compensation program; and 4) hire a consultant that would evaluate the value of the affected businesses.

### **Public Comments**

Mr. Lebrun expressed concern about the relocation plan, funding for projects borrowed from Measure A, and the status of BART Silicon Valley Phase I and Phase II.

Mr. Beekman stressed the importance of keeping the integrity of the Citizens Advisory Committee.

**On General Consensus**, and there being no objection, the Committee of the Whole received information on BART Silicon Valley Phase II Relocation Plan.

## **OTHER**

### **12. PAC Work Plan**

**On General Consensus**, and there being no objection, the Committee of the Whole received the PAC Work Plan.

### **13. ANNOUNCEMENTS**

There were no Announcements.

### **14. ADJOURNMENT**

**On General Consensus**, and there being no objection, the Committee of the Whole adjourned the meeting at 5:09 p.m.

Respectfully submitted,

Michael Diaresco, Board Assistant  
VTA Office of the Board Secretary



## Policy Advisory Committee

Thursday, September 13, 2018

### MINUTES

#### CALL TO ORDER

The Regular Meeting of the Policy Advisory Committee (PAC) was called to order at 5:06 p.m. by Chairperson Miller in Conference Room B-106, Santa Clara Valley Transportation Authority (VTA), 3331 North First Street, San José, California.

#### 1. ROLL CALL

Attendee Name	Title	
Susan Landry	City of Campbell	Present
Rich Waterman (Alternate)	City of Campbell	NA
Rod Sinks	City of Cupertino	Absent
Steven Scharf (Alternate)	City of Cupertino	Absent
Daniel Harney	City of Gilroy	Absent
Cat Tucker (Alternate)	City of Gilroy	Absent
Lynette Lee Eng	City of Los Altos	Present
Jeannie Bruins (Alternate)	City of Los Altos	NA
Michelle Wu	Town of Los Altos Hills	NA
Gary Waldeck (Alternate)	Town of Los Altos Hills	Present
Rob Rennie	Town of Los Gatos	Present
Marico Sayoc (Alternate)	Town of Los Gatos	NA
Garry Barbadillo	City of Milpitas	Absent
Marsha Grilli (Alternate)	City of Milpitas	Absent
Marshall Anstandig	City of Monte Sereno	Absent
Evert Wolsheimer (Alternate)	City of Monte Sereno	Absent
Rich Constantine	City of Morgan Hill	Absent
Rene Spring (Alternate)	City of Morgan Hill	Absent
Lenny Siegel	City of Mountain View	Present
Margaret Abe-Koga (Alternate)	City of Mountain View	NA
Liz Kniss	City of Palo Alto	Absent
Cory Wolbach (Alternate)	City of Palo Alto	Absent
Magdalena Carrasco	City of San Jose	Present
Vacant (Alternate)	City of San Jose	-
Kathy Watanabe	City of Santa Clara	Absent
Patrick Kolstad (Alternate)	City of Santa Clara	Absent
Howard Miller	City of Saratoga	Present
Rishi Kumar (Alternate)	City of Saratoga	NA
Glenn Hendricks	City of Sunnyvale	Absent
Nancy Smith (Alternate)	City of Sunnyvale	Absent
Mike Wasserman	SCC Board of Supervisors	NA

**A quorum was not present and a Committee of the Whole was declared.**

**2. ORDERS OF THE DAY**

There were no Orders of the Day.

**3. PUBLIC PRESENTATIONS:**

Roland Lebrun, Interested Citizen, commented about the need for VTA to come up with ways to alert pedestrians of oncoming trains in order to prevent fatalities.

Member Siegel arrived and took his seat at 4:08 p.m.

**4. Committee Staff Report**

Aaron Quigley, Senior Policy Analyst and Acting Staff Liaison, provided a brief report highlighting the following: 1) actions the VTA Board of Directors (Board) took at their September 6, 2018 meeting; 2) noted the Government Affairs report was at the Members places and on the Public table; 3) 2016 Measure B status update; 4) VTA endorsed the Transit App; 5) VTA's BART Silicon Valley Berryessa Extension status update; 6) September is California Rail Safety month; 7) VTA's new electric buses are now in service; 8) Viva Calle SJ; and 9) the Ad Hoc Financial Stability Committee will reconvene after the November 2018 election.

Mr. Quigley relinquished his seat to Jim Lawson, Director of Government & Public Relations and Staff Liaison. Upon query Mr. Lawson stated staff provide information on the current amount of 2016 Measure B funds in escrow to the Committee via email.

**Public Comment**

Mr. Lebrun commented about Caltrain stations that would be affected by the construction.

**5. Chairperson's Report**

Chairperson Miller reported that he was not at the August 9, 2018, PAC meeting, but attended the September 6, 2018, Board meeting.

**CONSENT AGENDA**

**6. Thursday, May 10, 2018**

**On order of Chairperson Miller** and there being no objection, the Committee of the Whole deferred approval of the Regular Meeting Minutes of May 10, 2018.

**7. Thursday, August 09, 2018**

**On order of Chairperson Miller** and there being no objection, the Committee of the Whole deferred approval of the Regular Meeting Minutes of August 9, 2018.

**8. Programmed Project Monitoring - Quarterly Report**

**On order of Chairperson Miller** and there being no objection, the Committee of the Whole accepted the Programmed Projects Quarterly Monitoring Report for January - March 2018.

**9. (Removed from the Consent Agenda and placed on the Regular Agenda.)**

Receive the 2000 Measure A Transit Improvement Program Semi-Annual Report Ending June 30, 2018.

**10. VTP Highway Program Semi-Annual Report Ending June 30, 2018**

**On order of Chairperson Miller** and there being no objection, the Committee of the Whole accepted the Valley Transportation Plan (VTP) Highway Program Semi-Annual Report Ending April 30, 2018.

**11. FY 2018 Transportation Systems Monitoring Program Report**

**On order of Chairperson Miller** and there being no objection, the Committee of the Whole accepted the FY 2018 Transportation Systems Monitoring Program (TSMP) Report.

**12. (Removed from the Consent Agenda and placed on the Regular Agenda.)**

Receive information on the Story-Keyes Complete Streets Study and 10% Concept Design.

**REGULAR AGENDA**

**9. 2000 Measure A Semi-Annual Report Ending June 30, 2018**

An inquiry was made about Airport People Mover project and its projected ridership.

**Public Comment**

Mr. Lebrun made the following comments: 1) Bay Area Rapid Transit (BART) project funding gap; 2) alternatives to the Airport People Mover; and 3) Metropolitan Transportation Commission (MTC) is asking the public to come up with proposals for projects.

**On order of Chairperson Miller** and there being no objection, the Committee of the Whole received the 2000 Measure A Transit Improvement Program Semi-Annual Report Ending June 30, 2018.

**12. Story-Keyes Complete Streets Study**

Members of the Committee and staff engaged in a robust discussion about the following: 1) concerns about the severe congestion on the Story-Keyes corridor towards East San Jose and removing lanes along the corridor; 2) the outreach efforts to the community along the Story-Keyes corridor; 3) the ownership of a roadway; 4) requested future

reports be clear, concise and specific as it relates to the community engagement conducted; 5) feedback received from the public; 6) how to make sure the Board is aware of any concerns Committee Members might have; and 7) City officials should be engaged when discussing future projects in their jurisdiction.

Member Waldeck arrived and took his seat at 4:23 p.m.

**On order of Chairperson Miller** and there being no objection, the Committee received information on the Story-Keyes Complete Streets Study and 10% Concept Design.

### **13. Green Building Policy**

Lani Lee Ho, Environmental Planner III, provided a report and presentation entitled “Green Building Policy,” highlighting: 1) What is Green Building; 2) History of Green Building in Silicon Valley; 3) San Bernardino Transit Center; 4) RTC Bonneville Transit Center; 5) LA Metro; and 6) VTA Green Building Policy.

Members of the Committee and staff discussed the following: 1) Carbon Capture Program and Senate Bill 1383; 2) the reference of fuel cells; 3) the need to list sources that are carbon free or carbon neutral and move away from carbon emitting sources; and 4) concerns regarding the use of high frequency wireless telecommunication.

#### **Public Comment**

Mr. Lebrun referenced a video where Elon Musk discusses the use of fuel cells.

**On order of Chairperson Miller** and there being no objection, the Committee of the Whole forwarded the item without a recommendation to the Board of Directors to adopt VTA’s Green Building Policy.

### **14. FY 2018 SR 237 Express Lanes Operational Report**

Jane Yu, Senior Transportation Engineer, provided a brief overview of the staff report.

Members of the Committee and staff discussed the following: 1) concerns about allowing single occupancy vehicles into High Occupancy Vehicles (HOV) lanes; 2) state legislature; and 3) electric vehicles on HOV lanes.

#### **Public Comment**

Mr. Lebrun provided suggestions on how VTA Express Lanes toll revenues should be used.

**On order of Chairperson Miller** and there being no objection, the Committee of the Whole received the Fiscal Year 2018 State Route (SR) 237 Express Lanes Operational Report.

## 15. **Silicon Valley Express Lanes Toll Ordinance**

Murali Ramanujam, Transportation Engineering Manager, provided a brief overview of the staff report and provided a presentation entitled “Silicon Valley Express Lanes,” highlighting: 1) Primary Objectives of Express Lanes; 2) SR 237 Express Lanes: Existing Operations; 3) What Toll Ordinance Does for VTA; 4) Achieve Regional Consistency with Express Lanes; 5) Prepare for Future Changes; and 6) Next Steps.

Members of the Committee expressed concern about the following: 1) equity; 2) how to explain the change to the public; 3) the impact of expanding the hours to commuters; and 4) the purchase of clean air vehicles no longer being an incentive.

Members of the Committee and staff engaged in discussion about the following: 1) how traffic needs have changed over the years; 2) the policy; 3) the need for consistency throughout the region; 4) equity analysis staff conducted.

### **Public Comment**

Mr. Lebrun made the following comments: 1) noted that the Board changing the ordinance was inevitable; and 2) reported that MTC mentioned they would be assisting VTA with the change.

**On order of Chairperson Miller** and there being no objection, the Committee of the Whole received information on the proposed Silicon Valley Express Lanes Toll Ordinance.

## 16. **North First Street Light Rail Improvements**

Jason Kim, Senior Transportation Planner, provided an overview of the staff report and provided a presentation entitled “North First Street Light Rail Improvements,” highlighting: 1) Speeding up Light Rail; 2) VTA Strategic Plan; 3) Light Rail Maximum Speeds; 4) Light Rail Actual Speeds; 5) Light Rail Operating Inefficiency Increasing; 6) Light Rail Operating Delays System wide; 7) North First Street and Delays; 8) Light Rail Enhancement project; 9) Improving Signal Priority; 10) Adaptive Pedestrian Detection; and 11) First and Tasman.

Members of the Committee and staff discussed the following: 1) how the cities can help facilitate the flow of traffic; 2) the need to put transit first over automobiles; 3) light rail traveling at a low speed is a turn-off for the public; 4) concerns about the light rail guardrails being down longer than needed; and 5) downtown stations showing high ridership.

**On order of Chairperson Miller** and there being no objection, the Committee of the Whole received an update on the North First Street Light Rail Improvements.

## **OTHER**

### 17. **PAC Work Plan**

Mr. Lawson noted that the October 2018 PAC meeting will have a heavy agenda.

**On Order of Chairperson Miller** and there being no objection, the Committee of the Whole received the PAC Work Plan.

**18. ANNOUNCEMENTS**

There were no Announcements.

**19. ADJOURNMENT**

**On order of Chairperson Miller** and there being no objection, the Committee of the Whole meeting was adjourned at 5:42 p.m.

Respectfully submitted,

Theadora Abraham, Board Assistant  
VTA Office of the Board Secretary



Date: November 5, 2018  
 Current Meeting: November 8, 2018  
 Board Meeting: December 6, 2018

## BOARD MEMORANDUM

**TO:** Santa Clara Valley Transportation Authority  
 Policy Advisory Committee

**THROUGH:** General Manager, Nuria I. Fernandez

**FROM:** Director - Planning & Programming, Chris Augenstein

**SUBJECT:** VERBS Cycle 3-Supplemental Program of Projects

Policy-Related Action: No

Government Code Section 84308 Applies: No

## ACTION ITEM

### **RECOMMENDATION:**

Recommend that the VTA Board of Directors:

- 1) Approve a program of projects for the Vehicle Emissions Reductions Based at Schools (VERBS) Cycle 3 Program; and
- 2) Reprogram \$1,000,000 from the City of Los Altos *Miramonte Avenue Bicycle and Pedestrian Access Improvements* project if, by January 31, 2019, the City of Los Altos is unable to proceed with the Miramonte Avenue original project scope approved by the VTA Board of Directors.

### **BACKGROUND:**

Under the umbrella of the Climate Initiatives Program, in December 2009, the Metropolitan Transportation Commission (MTC) set aside Federal Highway Administration flexible funds for a Safe Routes to School (SR2S) Program. MTC further split the SR2S program funds into two programs: a regional one administered by MTC, and one delegated to each of the county Congestion Management Agencies (CMAs).

As the CMA for Santa Clara County, Santa Clara Valley Transportation Authority (VTA) developed a county Safe Routes to School program called Vehicle Emissions Reductions Based at Schools (VERBS). Of note, this program is funded exclusively by federal Congestion Mitigation and Air Quality (CMAQ) funds. CMAQ focuses on vehicle emission reductions. As a result, VERBS projects need to target air quality improvements as well as the health and safety of school-aged children.



In 2016, MTC discontinued the regional SR2S program, and directed the funds into the One Bay Area Grant Cycle 2 program, which covers years 2018 through 2022. The VTA Board of Directors then revised the VERBS program to direct all available funds only to infrastructure projects at its April 6, 2017 meeting.

VTA staff issued a VERBS Cycle 3 call for projects on April 7, 2017, however, the program was undersubscribed by \$1,346,000, requiring a supplemental call to program all of the funds.

## **DISCUSSION:**

On June 4, 2018, VTA staff issued a VERBS Cycle 3 supplemental call for projects. Eligible applicants included the Santa Clara County and its cities and towns and VTA. By the deadline of July 30, 2018, staff received five (5) projects requesting a total of \$4,940,100. Subsequent to the deadline, additional funds were made available as a result of cost savings from another project. This increased the amount available to program to \$2,140,776.

Additionally, the City of Los Altos is reconsidering whether to build the *City of Los Altos-Miramonte Avenue Bicycle and Pedestrian Access Improvements*. This project was awarded \$1,000,000 for construction in the original VERBS Cycle 3 call for projects on August 3, 2017. There was opposition to the project as it approached construction this summer. This resulted in a City Council Study Session on July 10, 2018, where council members directed city staff to conduct additional public outreach, develop new design alternatives and return to Council for a decision whether to proceed with the original scope at its November 13, 2018 meeting.

This chain of events presents a challenge for VTA. A new scope may not meet the VERBS program requirements. It will most certainly require a new environmental clearance and new design documents. Those activities are not deliverable within the funding deadlines. VTA staff are therefore recommending contingent reprogramming of the \$1,000,000. If the City proceeds with the original scope, as approved by the VTA Board in August 2017, by January 31, 2019, the City retains the grant. If the City doesn't proceed by that date, or approves a different scope, the funds will be reprogrammed to a qualifying project on the VERBS Cycle 3 supplemental list. In that case, the City may reapply for a qualifying revised scope in a future funding round without prejudice.

It is a VTA Board of Directors adopted policy to require all competitive grant applications to be reviewed and ranked by a scoring committee drawn from the VTA Technical Advisory Committee's (TAC) Capital Improvement Program Working Group (CIPWG), unless otherwise determined by the VTA Board.

The CIPWG volunteer scoring committee met in September, 2018 to evaluate and rank the applications using the VTA Board-adopted criteria shown on Attachment A. Staff from Cupertino, Los Gatos, Mountain View, San Jose, and VTA participated.

The two top scoring projects recommended for approval were *Town of Los Gatos-Shannon Road Complete Streets* and *City of Cupertino-McClellan Road Separated Bike Lane*. Attachment B presents the review results as a scored and ranked list of competitive projects submitted for

consideration. Each recommended project's details are found on Attachment C and project location maps are shown on Attachment D.

### **Projects Recommended for Funding**

#### *Town of Los Gatos-Shannon Road Complete Streets*

The proposed project will construct a Class I multi-use path on the north side of Shannon Road between Los Gatos Blvd. and Cherry Blossom Lane. Project work will provide safer routes to school for Fisher Middle School, Blossom Hill Elementary and Van Meter Elementary School students.

#### *City of Cupertino-McClellan Road Separated Bike Lane*

This project will upgrade 1.0 mile of class 2 bike lanes along McClellan Road in Cupertino, CA to Class 4 separated bike lanes from Byrne Ave to Imperial Ave and from Stelling to Torre Avenue. McClellan Road serves Monta Vista High School, Abraham Lincoln Elementary School, and John F Kennedy Middle School. In addition, McClellan provides an important east-west connection on the south edge of the property of De Anza College.

### **Project Recommended for Contingent Funding**

#### *Campbell - Harriet Avenue Sidewalk Project*

The purpose of this project is to reduce vehicle emissions based at Westmont High School. Students from this school walk along sections of Harriet Avenue without sidewalks. The project would install sidewalks where there are currently gaps on the west side of Harriet Avenue. This project would encourage walking by giving students a continuous walking path physically elevated from motor vehicles on the existing roadway. The school's main entrance is to the west of Harriet Avenue on Westmont Avenue. The project will also install bicycle shared lane markings ("sharrows") between Hacienda Avenue and Westmont Avenue. The project would design and construct the following: sidewalks, curb, gutter, and ADA-compliant curb ramps along Eden Avenue; bicycle shared lane markings ("sharrows") between Hacienda Avenue and Westmont Avenue.

### **ALTERNATIVES:**

The Board may approve alternative projects and/or may not authorize contingent reprogramming of \$1,000,000 from the City of Los Altos *Miramonte Avenue Bicycle and Pedestrian Access Improvements* project.

### **FISCAL IMPACT:**

There is no fiscal impact to VTA as a result of these actions. All projects recommended by the Vehicle Emissions Reductions Based at Schools of Santa Clara County (VERBS) Program will receive programmed funding through the Federal Highway Administration process administered by Caltrans.

Prepared by: Celeste A Fiore  
Memo No. 6599

**ATTACHMENTS:**

- 6599\_Attach A (PDF)
- 6599\_Attach B (PDF)
- 6599\_Attach C (PDF)
- 6599\_Attach D (PDF)

# ATTACHMENT A

## Evaluation Criteria and Procedures

### Santa Clara County Vehicle Emissions Reductions Based at Schools (VERBS)

#### PROJECT EVALUATION

A project must obtain an overall minimum score of 50 out of 100 points to be eligible for funding. Receipt of at least 50 points does not guarantee funding. Each project will be screened to ensure that it has the screening criteria (pass/fail). If the project passes, then it will be scored.

#### SCREENING CRITERIA

Provided Letters of Support from: school officials, school-based associations, local traffic engineers, local elected officials, law enforcement agencies, and other community stakeholders that will inform the evaluation process.

#### INFRASTRUCTURE IMPROVEMENTS SCORING CRITERIA

(Max Pts)		
1. Infrastructure improvement(s) to school access  (Proof of current conditions and map included?)	<b>High:</b> Project will significantly improve access to a school and project will be within 1/3 mile in actual walking/biking distance from a school. <u>Up to 20 pts</u>	<u>20</u>
	<b>Medium:</b> Project will moderately improve access to a school and project will be within 2/3 mile in actual walking/biking distance from a school. <u>Up to 13 pts</u>	
	<b>Low:</b> Project will improve upon limited existing access and project will be 1 mile in actual walking/biking distance from a school. <u>Up to 6 pts</u>	
2. Air Quality Improvements	<b>High:</b> Project will significantly improve air quality. <u>Up to 20 pts</u>	<u>20</u>
	<b>Medium:</b> Project will moderately improve air quality. <u>Up to 13 pts</u>	
	<b>Low:</b> Project will improve air quality. <u>Up to 6 pts</u>	
3. Gap Closure/Connectivity (Map included?)	Project proposes a shorter bicycle or pedestrian route. Score 2 points for each 0.10 mile shorter distance. <u>Up to 15 pts</u>	<u>15</u>
4. Safety	<b>High:</b> Project will significantly improve a demonstrated safety issue with a proven or demonstrated countermeasure. <u>Up to 15 pts</u>	<u>15</u>
	<b>Medium:</b> Project will moderately improve a situation with some safety issues (e.g. some reported collisions, conflicts, near-misses, or evidence of high vehicle traffic volume or speed). <u>Up to 10 pts</u>	
	<b>Low:</b> Project will improve safety, even though there are no known problems. Project will reduce exposure/risk of conflicts between motor-vehicles and bike/pedestrians. <u>Up to 5 pts</u>	
5. Local Match	Agency can commit from 12% to ≥ 21% of total project cost from non- federal sources. (one point for each 1 percent to 10 points max)	<u>10</u>
6. Project Readiness (within 5 years)	<b>High:</b> NEPA, Design and ROW complete. <u>10 pts</u>	<u>10</u>
	<b>Medium:</b> NEPA complete and ROW complete. <u>6 pts</u>	
	<b>Low:</b> ROW complete. <u>3 pts</u>	
7. Community of Concern (Map included?)	Project is in a Community of Concern, which identifies transportation needs and potential social impacts on minority and low-income communities.	<u>5</u>
8. Local Plan(s)	Is the project in a local, county or community-based plan, such as adopted Bicycle Plans, General Plans, Capital Improvement programs, Specific Plans, Park/Trail Master Plans?	<u>5</u>

**ATTACHMENT B**  
**Vehicle Emissions Reductions Based at Schools (VERBS) Cycle 3 - Supplemental**  
**Review Results**

Agency	Application Name	Requested Amount	Cumulative Amount	Rank	Score
Los Gatos	Shannon Road Complete Streets	\$ 940,100	\$ 940,100	1	73
Cupertino	McClellan Rd Separated Bike Lane	\$ 1,000,000	\$ 1,940,100	2	71
<b>Funds Cut Off</b>					
Campbell	Harriet Avenue Sidewalk Project*	\$ 1,000,000	\$ 2,940,100	3	53
Los Gatos	Los Gatos Creek Trail Connector to Los Gatos-Saratoga Rd (Hwy 9)	\$ 1,000,000	\$ 3,940,100	4	50
Cupertino	Stevens Creek Blvd Separated Bike Lane	\$ 1,000,000	\$ 4,940,100	5	46

CMAQ Recommended \$ 1,940,100  
CMAQ Available \$ 2,140,776  
(Over)/Under \$ **200,676**

Los Altos	Miramonte Avenue Bicycle/Pedestrian Access Improvement-Phase 1	\$1,000,000
-----------	--	-------------

\*If Los Altos' Miramonte project cannot be delivered as scoped, Campbell's Harriet project will be funded.

## **ATTACHMENT C**

### **Vehicle Emissions Reductions Based at Schools (VERBS) Cycle 3 - Supplemental Project Details**

#### **Los Gatos – Shannon Road Complete Streets**

The proposed project will construct a Class I multi-use path on the north side of Shannon Road between Los Gatos Blvd. and Cherry Blossom Lane. Project work will provide safer routes to school for Fisher Middle School, Blossom Hill Elementary and Van Meter Elementary School students.

The project will demolish approximately 500 feet of existing sidewalk; fill in approximately 860 feet of sidewalk gap; construct a Class I multi-use path approximately 1360' length x 10' width, with a 3' buffer between the path and the travel lane; install new ADA curb ramps; and complete sharrows on Shannon Road within the project limits. The work scope also includes new curb and gutter and utility underground work. These are necessary items to upgrade the street.

#### **Cupertino - McClellan Rd Separated Bike Lane**

The McClellan Road Separated Bike Lane Project will upgrade 1.0 mile of class 2 bike lanes along McClellan Road in Cupertino, CA to Class 4 separated bike lanes from Byrne Ave to Imperial Ave and from Stelling to Torre Avenue. McClellan Road serves Monta Vista High School, Abraham Lincoln Elementary School, and John F Kennedy Middle School. In addition, McClellan provides an important east-west connection on the south edge of the property of De Anza College. The first phase of this project is currently out to bid and will be funded by the City and likely to begin construction in fall 2018. Phase I includes McClellan Road between Stelling Avenue and Imperial Ave.

The overall project improvements will include barrier-separated bike lanes along the entire 1.6 miles section of McClellan Road from Byrne Avenue to Torre Avenue (on Pacifica Drive and includes traffic signal modifications at 3 signalized intersections.

#### **Campbell – Harriet Avenue Sidewalk Project**

The purpose of this project is to reduce vehicle emissions based at Westmont High School. Students from this school walk along sections of Harriet Avenue without sidewalks. The project would install sidewalks where there are currently gaps on the west side of Harriet Avenue. This project would encourage walking by giving students a continuous walking path physically elevated from motor vehicles on the existing roadway. The school's main entrance is to the west of Harriet Avenue on Westmont Avenue.

This project will add sidewalks where gaps exist on the west side of Harriet Avenue south of Westmont Avenue. The project will also install bicycle shared lane markings ("sharrows") between Hacienda Avenue and Westmont Avenue. The project would design and construct the following: sidewalks, curb, gutter, and ADA-compliant curb ramps along Eden Avenue; bicycle shared lane markings ("sharrows") between Hacienda Avenue and Westmont Avenue.

#### **Los Altos - Miramonte Avenue Bicycle & Pedestrian Access Improvement Phase 1**

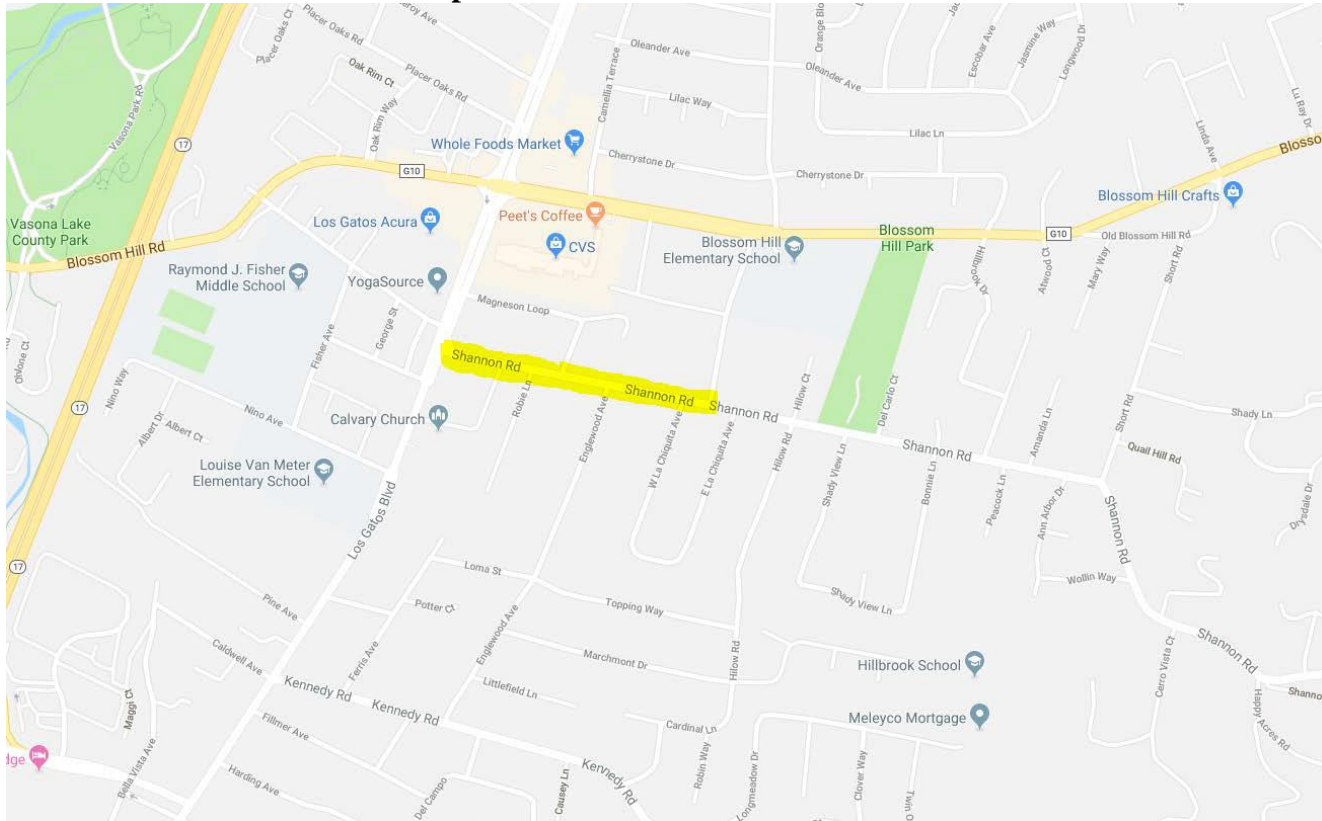
On Miramonte Avenue from Covington Road to Berry Avenue, this project will install new sidewalk and buffered Class II bike lanes, along with improving crosswalks and rechanneled traffic for an improved bicycle and pedestrian access to three schools and a public park within the project vicinity. Miramonte Avenue is the transportation backbone that serves three schools; the Georgina P. Blach

**ATTACHMENT C**  
**Vehicle Emissions Reductions Based at Schools (VERBS) Cycle 3 - Supplemental**  
**Project Details**

Intermediate School, the Miramonte Christian School, and the Loyola Elementary School, all of which are less than 1/3 mile from the proposed project.

**ATTACHMENT D**  
**Vehicle Emissions Reductions Based at Schools (VERBS) Cycle 3 - Supplemental**  
**Project Location Map**

## Los Gatos – Shannon Road Complete Streets

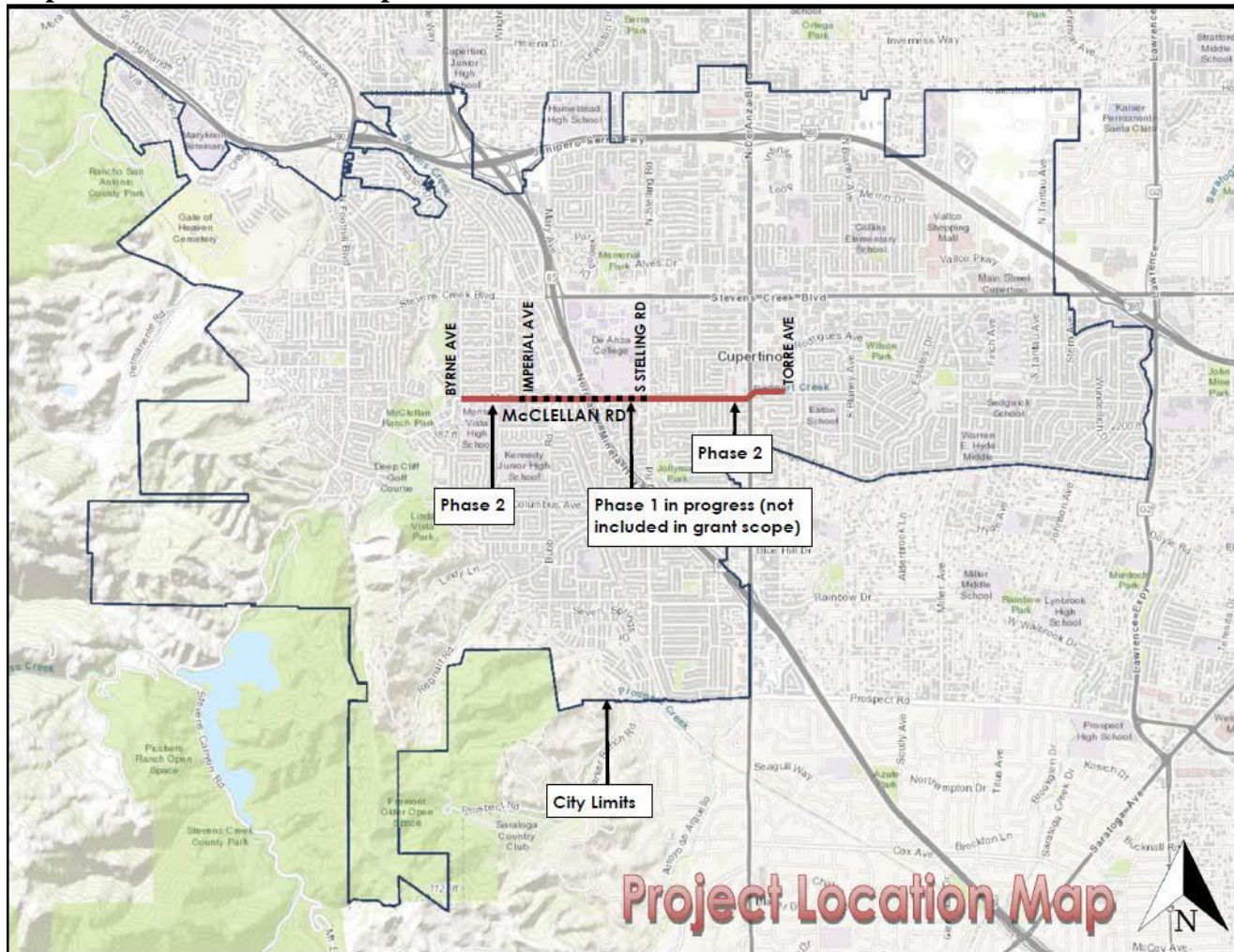




# ATTACHMENT D

## Vehicle Emissions Reductions Based at Schools (VERBS) Cycle 3 - Supplemental Project Location Map

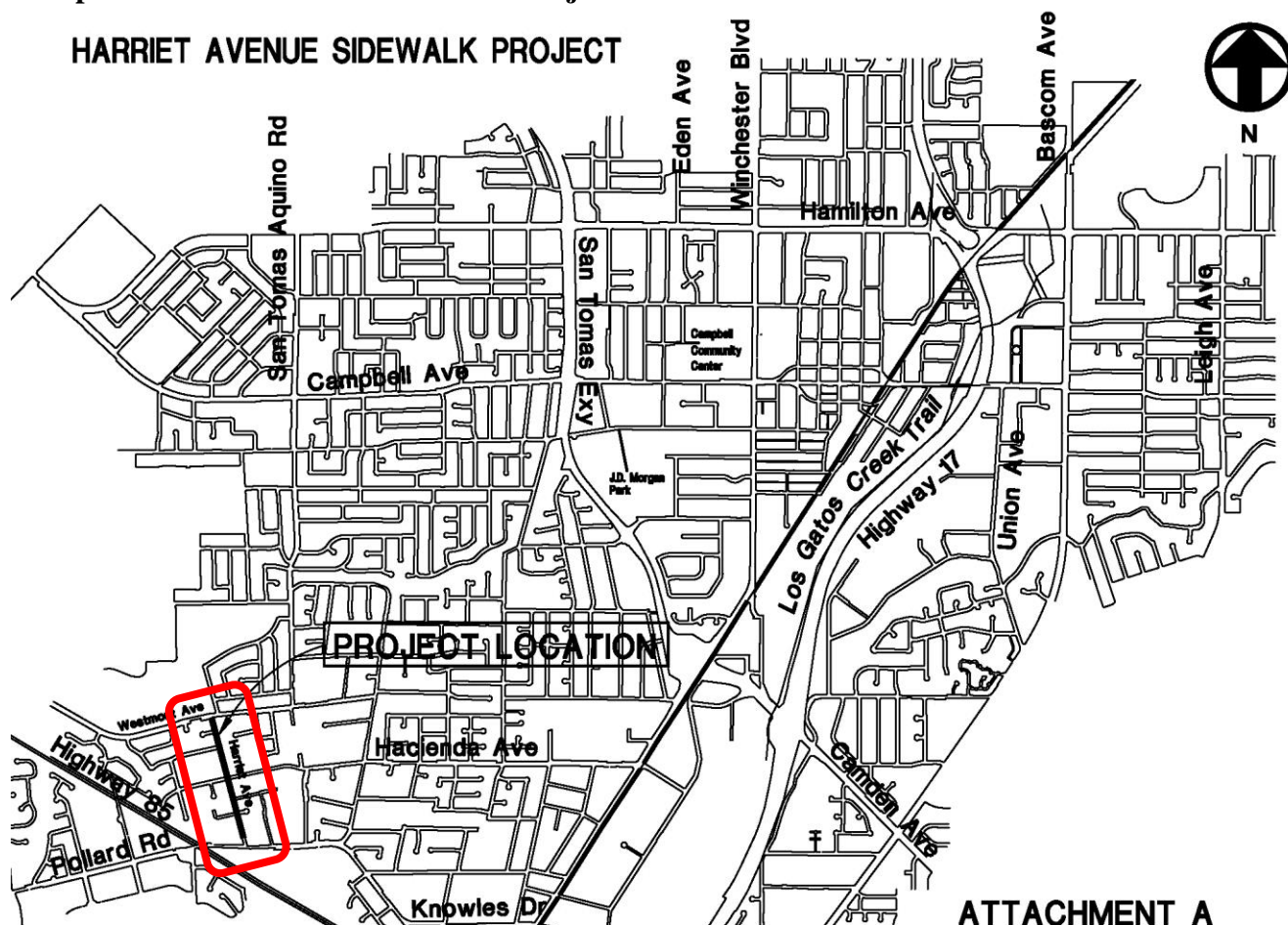
### Cupertino - McClellan Rd Separated Bike Lane




# **ATTACHMENT D** **Vehicle Emissions Reductions Based at Schools (VERBS) Cycle 3 - Supplemental** **Project Location Map**

## **Campbell – Harriet Avenue Sidewalk Project**

### **HARRIET AVENUE SIDEWALK PROJECT**



**ATTACHMENT A**  
**PROJECT VICINITY MAP**

 Indicates project location



Date: September 24, 2018  
 Current Meeting: November 8, 2018  
 Board Meeting: N/A

## BOARD MEMORANDUM

**TO:** Santa Clara Valley Transportation Authority  
 Policy Advisory Committee

**THROUGH:** General Manager, Nuria I. Fernandez

**FROM:** Board Secretary, Elaine Baltao

**SUBJECT:** Election Process for 2019 Advisory Committee Leadership: Appoint  
 Nomination Subcommittee

---

Policy-Related Action: No

Government Code Section 84308 Applies: No

## ACTION ITEM

### RECOMMENDATION:

Appoint a nomination subcommittee to identify Committee members interested in serving as the chairperson or vice chairperson for 2019.

### BACKGROUND:

VTA has five advisory committees providing input to the Board of Directors: Bicycle & Pedestrian Advisory Committee (BPAC); Citizens Advisory Committee (CAC); Committee for Transportation Mobility & Accessibility (CTMA); Policy Advisory Committee (PAC); and Technical Advisory Committee (TAC).

The bylaws for these committees specify that each committee must elect from its membership a chairperson and vice chairperson annually. The duties of the chairperson are to preside at all meetings of the committee and represent the committee before the Board of Directors. In addition, it is the responsibility of the CAC and PAC chairpersons to provide at each regular VTA Board meeting a verbal report on the previous meeting of their respective committees and any of the committee's concerns. The duty of the vice chairperson is to perform the duties of the chairperson when the chairperson is absent. The chairperson and vice chairperson positions both serve a one-year term coinciding with the calendar year and are eligible for election to multiple and consecutive terms. For the PAC and TAC, only members, not alternates, are eligible to serve in these positions.

The bylaws for all advisory committees except PAC and CTMA specify that the elections for these positions are held the last meeting of the calendar year (usually December), whenever possible. Due to meeting schedules and when member appointments are made, the elections for the PAC and CTMA are conducted the first meeting of the calendar year (normally January).

## **DISCUSSION:**

The election process for the chairperson and vice chairperson positions is comprised of three distinct steps. The first step is the appointing of the nomination subcommittee. The second is presentation of the nomination subcommittee's report. The final step is conducting elections to select the chairperson and vice chairperson. Each of these components is conducted during the committee meeting.

### **Appointing the Nomination Subcommittee**

The chairperson requests a small number of volunteers to serve on the nomination subcommittee, typically two or three members. For PAC and TAC, only members, not alternates, are eligible to serve on the nomination subcommittee. If there are no volunteers or an insufficient number, it is the chairperson's prerogative to appoint committee members to serve on it. The bylaws require that each committee vote to approve the appointment of members to the nomination subcommittee. This step normally takes place two meetings prior to conducting the elections.

The mission of the nomination subcommittee is to determine members interested in serving as the chairperson or vice chairperson. This is done by soliciting nominations from members, either for themselves or other members, and is done at a time other than during the committee meeting. Additionally, it is the nomination subcommittee's responsibility to determine that members that have been nominated are willing to serve.

### **Report from the Nomination Subcommittee**

At the meeting immediately preceding the elections, whenever feasible, the nomination subcommittee provides a verbal report to the advisory committee identifying committee members who have confirmed their willingness to serve. In instances where a report cannot be provided at the targeted committee meeting, the nomination subcommittee's report is emailed to the committee prior to the elections. This action establishes the initial list of candidates for the elections to be held at the next meeting. The nomination subcommittee is automatically discharged when its report is formally presented to the committee. No action is required of the committee other than to receive the report.

### **Election of Chairperson and Vice Chairperson**

These elections, which are held at the bylaw-specified meeting whenever possible, are conducted for the chairperson and vice chairperson positions individually and in sequence. Immediately preceding the vote, the chairperson will ask whether there are any nominations from the floor, then close the nomination process to establish the final list of candidates for each position.

For all advisory committees except CTMA and PAC, the affirmative vote of a majority of the total authorized membership is required to elect the chairperson and vice chairperson. CTMA requires the affirmative vote of eight members, and for the PAC the affirmative vote of the majority of the quorum present is required.

For PAC and CTMA, the term of office for the newly elected chairperson and vice chairperson commences immediately following completion of the voting for each office. For the other three committees, the term begins January 1 of the calendar year following the scheduled vote.

**ALTERNATIVES:**

There are no alternatives since the Committee's bylaws specify that to complete the required election process, the Committee must first appoint a nomination subcommittee to identify members interested in serving as the chairperson or vice chairperson.

**FISCAL IMPACT:**

There is no fiscal impact associated with this action.

Prepared by: Board Office  
Memo No. 6697





Date: October 30, 2018  
 Current Meeting: November 8, 2018  
 Board Meeting: December 6, 2018

## BOARD MEMORANDUM

**TO:** Santa Clara Valley Transportation Authority  
 Policy Advisory Committee

**THROUGH:** General Manager, Nuria I. Fernandez

**FROM:** Director - Planning & Programming, Chris Augenstein

**SUBJECT:** Station Access Policy

Policy-Related Action: No

Government Code Section 84308 Applies: No

## ACTION ITEM

### **RECOMMENDATION:**

Recommend that the VTA Board of Directors adopt a Station Access Policy for VTA.

### **BACKGROUND:**

Station access is an essential component of a high-quality transit network. Ensuring that riders are easily and comfortably able to travel to and from the station and between transportation options makes transit attractive, convenient, and easy to use. Currently, the predominant mode of access to Santa Clara Valley Transportation Authority (VTA) transit is walking; more than 90% of riders walk to the bus and more than 80% walk to light rail. This is followed by passenger drop-offs by a private vehicle or a taxi/rideshare service (*2017 VTA On-Board Passenger Survey*).

A rider's ability to easily and comfortably access transit depends on many factors such as their proximity to transit, the quality of the walking and bicycling environment, parking availability and cost, the type and frequency of the connecting transit service provided, and the ease of first and last mile connection options. Some of these factors are within VTA's control and ability to improve, while others require close coordination and partnership with local jurisdictions. For example, VTA can improve bicycle parking at its station but providing bicycle facilities on the sidewalk is generally outside of our purview. Similarly, land use policies that determine the intensity of people and activities within close proximity to transit are decisions made by local jurisdictions.

A number of strategies can improve the access experience and address first/last mile connections, but they require partnerships to ensure that all aspects of the entire transit trip is seamless for the

passenger. VTA will continue to work with local jurisdictions and other transit providers to plan and deliver access strategies that make transit easy to get to, convenient to use, and offer a safe and positive riding experience.

### Station Access Planning

VTA defines access to transit as the ability of riders to travel from their origin, such as home or work, to the transit station, and then from the station to their ultimate destination (often referred to as the “first/last mile” connection). This definition takes into account that access is not limited to the station entrance; it also includes the beginning and last leg of a rider’s journey, making first and last mile solutions an important component of effective station access planning.

VTA has been planning and delivering access improvements through various projects and programs, but has done so without an overarching policy. In 2002, VTA established the Community Design and Transportation program as the mechanism to promote transit-supportive land uses and context sensitive design along its Cores, Corridors, and Station Areas. Since then, VTA has also developed complementary design guidelines as a resource for staff and local agencies to design optimal bicycle and pedestrian accommodation (*Bicycle Technical Guidelines*, *Pedestrian Technical Guidelines*) and passenger facility upgrades (*Transit Passenger Environment Plan*).

In 2016, VTA developed the Transit Ridership Improvement Program which resulted in several major initiatives to improve ridership: a redesigned transit network that is structured around frequent service and cost-effectiveness, a program of first/last mile solutions to connect riders to the core network called the Core Connectivity Program, and a major redesign effort to improve our transit passenger information products. VTA is currently developing the FAST transit program as a distinct, but complementary, effort to speed up transit and improve service efficiency along the frequent network.

Last year, VTA completed its first countywide assessment of pedestrian safety improvements to transit. *The Pedestrian Access to Transit Plan* identifies a list of pedestrian capital infrastructure improvements in 12 focus areas with high transit usage. Projects include safety enhancements to transit such as pedestrian crossings, curb bulb-outs, and completing sidewalk gaps.

More recently, VTA developed the Commuter Shuttle Policy to help facilitate safe operations for employer-run shuttles that use VTA facilities. This policy helps to clarify a set of procedures to ensure that third party shuttle providers who pick-up/drop-off passengers on site will not interfere with the other modes that access the station including VTA bus operations.

VTA's proposed Station Access Policy is designed to give more substance and importance to these existing efforts, and it is a commitment by VTA to make access to transit a vital strategy in its ongoing efforts to improve ridership. It will help formalize VTA's current access practices, provide guidance for developers and local jurisdictions, and establish priorities for access improvements moving forward. The proposed policy is timely given that VTA is in the midst of planning critical station and transit projects that would benefit from a defined access policy. Major examples include the Diridon Station Concept Plan, BART Phase II, Caltrain Business Plan and VTA’s own efforts to construct joint development projects on certain light rail parking lots.

## **DISCUSSION:**

VTA's proposed Station Access Policy (Attachment A) provides high-level policy guidance for station access improvements. It provides a clear statement of VTA's access priorities when considering competing demands for access between different modes of transportation.

While the policy's overall approach is multimodal in terms of addressing access for all modes of arrival, the policy establishes a hierarchy to acknowledge that all modes of access cannot be given equal priority. The hierarchy is based on a similar approach used by peer agencies like BART, Caltrain, and the Washington Metropolitan Area Transit Authority (WMATA) in prioritizing access modes that can produce the highest ridership benefits at the least cost ("cost per rider"), and have the fewest negative impacts on the environment and surrounding neighborhoods. This means non-motorized modes (walking and biking) are prioritized over high-occupancy vehicles (shuttles and buses), which are prioritized over single-occupancy vehicles (auto pick-up/drop-offs, driving and parking).

Since all riders are pedestrians for some part of their trip, the provision of an attractive, easily accessible, and complete pedestrian network is given the highest priority; the pedestrian connections to transit must provide a pleasant and safe experience for users. To encourage the use of a non-motorized and efficient mode of access, bicycles are given priority over all modes of vehicular access. Improving bicycle access provides additional connectivity to other modes and supports transit ridership as an essential first/last mile strategy. Transit connections are given priority over all vehicular modes of access as they carry the highest share of the pedestrian activity at stations. Finally auto pick-up/drop-off and auto parking are accommodated last as they provide a low share of transit riders per vehicle and can require more costly facilities to accommodate. No matter which mode is used, accommodations for persons with disabilities will be provided.

The access hierarchy established in this policy will apply to: 1) station site planning for new stations, 2) existing stations where station site improvements are proposed, 3) stations where changes are proposed to the surrounding development, and 4) where transit facilities are modified to accommodate Joint Development.

### **Guiding Principles**

The proposed policy establishes a set of foundational principles to support and guide VTA's work in station access planning and design:

**Increase Ridership:** Expand access choices for all riders by making it easier, safer and more comfortable to get to and from VTA transit.

**Prioritize Sustainable Travel Behavior:** Promote active transportation and high capacity transit as an access strategy to reduce emissions, decrease vehicle miles traveled (VMT), support Vision Zero safety goals, and improve public health.

**Build Effective Partnerships:** Work in partnership with municipalities, advocacy groups, mobility and technology providers, private entities, and the community to develop access solutions.



**Support Sustainable Development:** Encourage Transit-Oriented Development (TOD) with cities and private developers recognizing that TOD can increase access to transit by promoting walkable, compact, and mixed-use communities.

**Promote Productivity and Cost Effectiveness:** Prioritize cost effective access strategies that generates the most riders with the least cost.

These guiding principles serve as the starting point for staff to develop specific access strategies that can be applied on a countywide, corridor-wide, or station-level scales. Staff will seek to advance projects identified through this process as part of its Capital Improvement Program.

The proposed policy complements the new VTA TOD Parking Policy by encouraging more sustainable modes of access to transit, thus limiting the need for parking and facilitating site design opportunities for housing and other TOD uses. The policy will also work hand-in-hand with other current and forthcoming VTA policies including but not limited to the Land Use & Development Review Policy, Transit Service Design Guidelines, Fast Transit Program and Complete Streets policy.

#### Next Steps

VTA's proposed Station Access Policy will be presented to the Advisory and Standing Committees to obtain feedback. The VTA Board of Directors is scheduled to consider policy adoption in December 2018.

#### **ALTERNATIVES:**

The VTA Board of Directors could decide not to adopt the policy, or request staff to modify certain aspects of the policy.

#### **FISCAL IMPACT:**

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

Prepared by: Aiko Cuenco  
Memo No. 6563

#### **ATTACHMENTS:**

- Attachment A - Draft Station Access Policy (PDF)

<b>POLICY</b>  <b>Station Access Policy</b>	<b>Document Number:</b>	400.006
	<b>Version Number:</b>	
	<b>Date:</b>	10/12/2018

### 1. *Purpose:*

The VTA Station Access Policy establishes VTA's access priorities to guide planning and investment decisions regarding station access for all modes of transportation. It is a commitment to align its internal planning, design, funding and operating practices to optimize station access in a manner that maximizes the functionality of the station for all users while prioritizing investments that support sustainable options such as walking, biking and transit. When designing transit facilities and services, VTA will work with partner agencies, local jurisdictions and private entities to maximize pedestrian, bike and transit access while providing accommodations for vehicles.

The policy is designed to advance broader livability goals such as reduced congestion and vehicle miles traveled, promote safer travel, increased physical activity and improved public health. Successful achievement of this vision will ensure that access improvements are planned and delivered in an integrated, sustainable and financially efficient manner to grow ridership and enhance the riders' experience and safety.

### 2. *Scope:*

This policy applies to all relevant departments and personnel within VTA including consultants and contractors that have a role in planning, design, funding, and implementation of transportation projects and programs that affect access at the station site and/or from the surrounding station area. The policy also serves as guidance for local jurisdictions and developers that have proposed projects within VTA station areas.

### 3. *Responsibilities:*

VTA Divisions will incorporate the guiding principles and access priorities established in this policy in planning decisions related to station site planning for new stations, any existing stations where site improvements are proposed, stations where changes are proposed to the surrounding development, and where transit facilities are modified to accommodate Joint Development.

Definitions for words underlined may be found at the end of this policy.

### 4. *Policy:*

#### A. Guiding Principles

The policy establishes a set of foundational principles to support and guide VTA's work in station access planning and design.

#### **Increase ridership**

<b>POLICY</b>  <b>Station Access Policy</b>	<b>Document Number:</b>	400.006
	<b>Version Number:</b>	
	<b>Date:</b>	10/12/2018

Expand access choices for all riders by making it easier, safer and more comfortable to get to and from VTA transit by:

- Ensuring safe accommodations for all riders including the elderly and people with disabilities, by following accessible, universal design standards.
- Making transit connections easy, attractive, and seamless through investments in frequent service, passenger information, waiting facilities and coordination with other service providers and local agencies.
- Promoting a wide range of first/last mile options to transit including nontraditional services such as bike sharing, “microtransit” shuttles, and scooters. Refer to the Station Access Hierarchy (Figure 1) to determine how these modes should be accommodated at the station.
- Helping riders easily navigate to and through the station area with better passenger information utilizing real-time arrival information, mobile technology, wayfinding signage, and various forms of media.
- Promoting high-quality design for access improvements utilizing industry best practices and design principles found in adopted guidelines such as VTA’s Community Design and Transportation Manual, VTA’s Bicycle Technical Guidelines, and VTA’s Pedestrian Technical Guidelines.

### **Prioritize Sustainable Travel Behavior**

Promote high-capacity transit and active transportation as an access strategy to reduce emissions, decrease vehicle miles traveled (VMT), support Vision Zero safety goals, and improve public health.

- Prioritize the most sustainable access modes based on the Station Access Hierarchy outlined in this policy.
- Invest in strategies that shifts access from single occupancy vehicles to greater levels of walking, bicycling, and transit access.
- Work collaboratively with local jurisdictions and other agencies to improve bicycle and pedestrian infrastructure to transit, including connections between trail systems and stations.

### **Build Effective Partnerships**

<b>POLICY</b>  <b>Station Access Policy</b>	<b>Document Number:</b>	400.006
	<b>Version Number:</b>	
	<b>Date:</b>	10/12/2018

Work in partnership with local jurisdictions, advocacy groups, mobility and technology providers, private entities, and the community to develop access solutions.

- Work with local jurisdictions to create complete, connected street networks; comfortable walking and bicycling conditions in the areas surrounding stations; and transit-supportive land uses.
- Work collaboratively within VTA to consult various departments in access planning and design efforts.
- Involve communities in station access planning and project development.
- Work with local jurisdictions to jointly plan and fund improvements.
- Coordinate with third party shuttle providers to encourage safe and responsible use of VTA facilities per VTA's Commuter Shuttle Policy.
- Facilitate partnership opportunities between the public and private sector to test and evaluate emerging technologies and new forms of access services to transit under the Core Connectivity Program.
- Leverage resources for access improvements through cost-sharing, data sharing and information sharing with partners.

### **Support Sustainable Development Patterns**

Promote pedestrian-friendly, compact, mixed-use development surrounding and within close proximity to station areas with cities and private developers recognizing that this urban design strategy can increase access to transit by promoting walkable, compact communities.

- Work with local jurisdictions to encourage and enable quality development opportunities around VTA transit stations.
- Engage early in the project development phase to maximize the synergy between land use projects and the transit network.
- Identify opportunities for joint development on VTA-owned property to support multimodal station access, enhance transit ridership, increase the efficiency of underutilized park-and-ride lots, support affordable housing and generate new revenues.

<b>POLICY</b>  <b>Station Access Policy</b>	<b>Document Number:</b>	400.006
	<b>Version Number:</b>	
	<b>Date:</b>	10/12/2018

- Promote integration of land use development and transportation investments through the Congestion Management Program, including promoting the use of multimodal measures to analyze impacts of local development decisions on transit and non-motorized modes of transportation, e.g. transit delay analysis.
- Implement VTA Complete Streets principles.
- Promote and support Leadership in Energy and Environmental Design (LEED) and other sustainable design and building practices.

#### **Promote Productivity and Cost Effectiveness**

Prioritize cost effective access strategies that generate the most riders with the least cost.

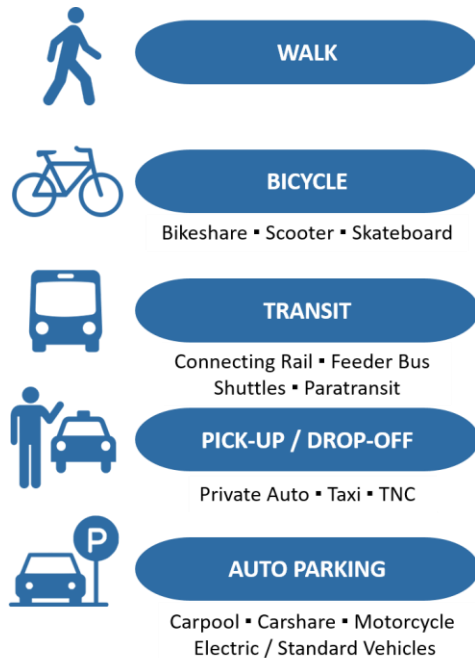
- Consider life-cycle costs, including capital and operating costs, in the design of transit facilities and investments in access infrastructure and services.
- Identify access strategies that can maximize customer benefits and increase ridership within existing resources.
- Prioritize projects that leverage other fund sources and local matches to maximize the value of VTA's investments, including local development contributions.
- Prioritize investments in the most productive ridership corridors.

#### **B. Station Access Hierarchy**

The policy establishes a hierarchy for station access systemwide providing priority access to modes that can produce the highest ridership and revenue benefits for VTA at the least cost. This means pedestrians are given the highest priority, followed by bicycle access and personal mobility options (e.g. scooters), connecting transit services, auto pick-up and drop-off, and park-and-ride access. While improvements should be prioritized based on this hierarchy, access strategies will vary depending on the land uses and development densities around each station. Improvements will be tied to the land use environment to ensure that access solutions are context-sensitive.

<b>POLICY</b>  <b>Station Access Policy</b>	<b>Document Number:</b>	400.006
	<b>Version Number:</b>	
	<b>Date:</b>	10/12/2018

**Figure 1. Station Access Hierarchy**



### C. Strategies

The following strategies serve as the starting point to develop specific access solutions that can improve the access experience to transit and help VTA achieve its ridership goals.

#### **Measure and Monitor**

- Collect and analyze station access data to monitor parking utilization, access mode share, and access gaps.
- Establish systemwide targets for access modes or at high-ridership transfer stations.
- Identify first/last mile barriers to transit including infrastructure needs (e.g. bike parking, sidewalks, crosswalks), connecting services (e.g. shuttles, bike share), and wayfinding and transit information gaps.
- Identify data or additional metrics needed to support VTA's planning and implementation of access improvements.

#### **Fund and Implement**

<b>POLICY</b>  <b>Station Access Policy</b>	<b>Document Number:</b>	400.006
	<b>Version Number:</b>	
	<b>Date:</b>	10/12/2018

- Develop station access improvements at the systemwide, corridor-wide, and station-specific scales.
- Identify investment priorities through VTA's Capital Improvement Program
- Seek grant funding, public-private partnership arrangements, and/or other funding sources to offset costs for access improvements and programs.

#### **D. Interrelated Policies**

This policy has a direct relationship with other VTA policies, including but not limited to:

- *VTA Land Use & Development Review Policy*
- *VTA Transit-Oriented Development Parking Policy*

### **5. Definitions:**

**Access to transit** refers to the portion of a rider's trip between their origin, such as home and work, to the station, and from the station to their final destination (often referred to as the "first/last mile"), and the experience they have during this access.

**Active transportation** refers to human-powered modes of transportation such as walking and bicycling.

**Complete Streets** refers to streets that are for the safe travel of all users, where designs are context-sensitive, and incorporate a balanced network approach, prioritize the safety and comfort, and convenience of pedestrians, bicyclists, and transit riders (including access and operations) of all ages and abilities, while still providing safe accommodations for motorist and other roadway users.

**Joint development** occurs when a transit agency partners with a private developer to develop a property owned by the transit agency and is located near a transit station. Joint development enables a transit agency to encourage retail, commercial and housing opportunities around its station sites, which in turn supports ridership and generates new revenues for the transit agency.

**Microtransit** refers to a technology enabled, multi-passenger transit service offering some demand responsive feature such as flexible routing and/or flexible scheduling with real-time ride matching capabilities. The service is typically on a smaller, more flexible scale than traditional transit.

**Vision Zero** refers to a safety initiative to eliminate all traffic fatalities and severe injuries on the roadway.

<b>POLICY</b>  <b>Station Access Policy</b>	<b>Document Number:</b>	400.006
	<b>Version Number:</b>	
	<b>Date:</b>	10/12/2018

**6. Summary of Changes:**

None.

**7. Approval Information:**

<i>Prepared by</i>	<i>Reviewed by</i>	<i>Approved by</i>
Aiko Cuenco Transportation Planner	Chris Augenstein Director of Planning & Programming	Nuria I. Fernández General Manager/CEO

Date Approved: \_\_\_\_\_



TAC Agenda Item #10  
CAC Agenda Item #9  
BPAC Agenda Item #10  
CTMA Agenda Item #10  
PAC Agenda Item #10

# Station Access Policy

VTA Advisory Committees  
November 2018

# Policy Consistency

Support, catalyze, and create  
Transit-Supportive Development  
on and around VTA Transit  
Centers and Corridors

## VTA Strategic Plan



## Interrelated Planning Policies

Station  
Access



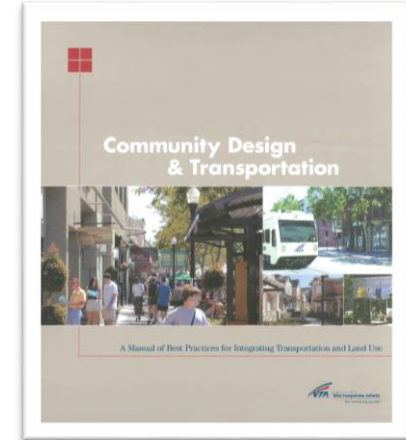
Land  
Use



TOD  
Parking



# Access Policies and Practices



# Station Access Policy

## Results

### Current Practice

- Design guidelines
- Fast, frequent transit
- Passenger amenities
- Bike & pedestrian program
- Complete Streets

### Proposed Policy

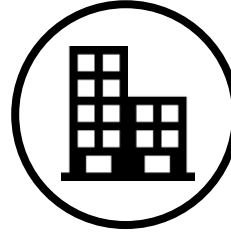
- Statement of access priorities
- Station Access Hierarchy

- Formalize current access practices
- Guide decision-making on planning, design and capital investments
- Provide guidance for local jurisdictions and developers
- Supports ridership goals

# Guiding Principles



Increase Ridership



Support Sustainable Development Patterns



Prioritize Sustainable Travel Behavior



Promote Productivity and Cost Effectiveness



Build Effective Partnerships

# Station Access Hierarchy

- Prioritizes sustainable access modes
- Helps guide decisions when considering competing demands for access between modes



**WALK**



**BICYCLE**

Bikeshare ▪ Scooter



**TRANSIT**

Connecting Rail ▪ Feeder Bus  
Shuttles ▪ Paratransit



**PICK-UP / DROP-OFF**

Private Auto ▪ Taxi ▪ TNC



**AUTO PARKING**

Carpool ▪ Carshare ▪ Motorcycle  
Electric / Standard Vehicles

# Applies to:

Station site planning for  
new stations

Existing stations where  
site improvements are  
proposed

Transit facilities that are  
modified to  
accommodate Joint  
Development

Stations where changes  
are proposed to the  
surrounding  
development

# Next Steps

## Policy Approval

VTA Committees | November 2018

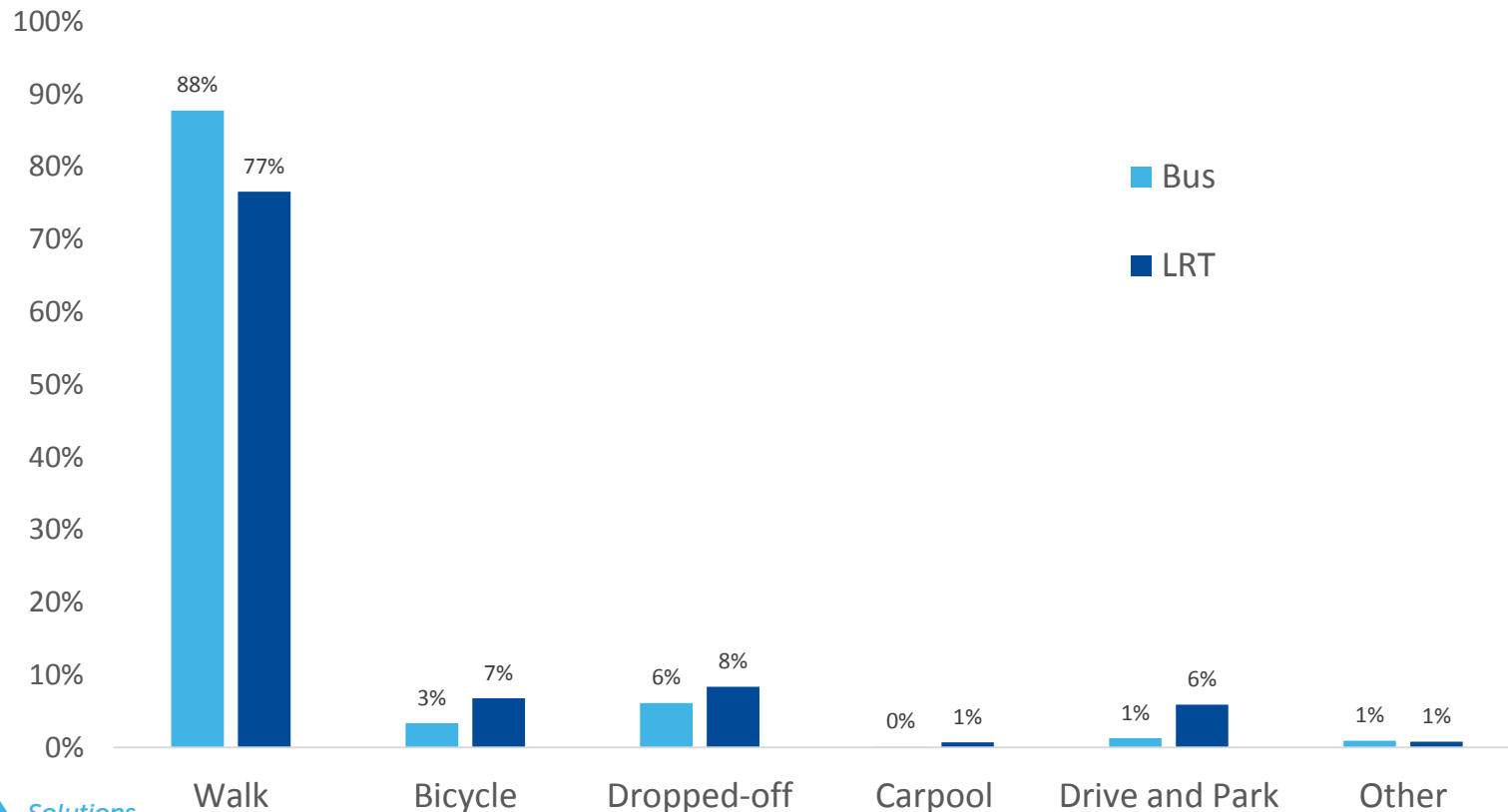
*TAC, BPAC, CTMA, CAC, PAC,  
CMPP, SSTPO, A&F*

VTA Board | December 2018



# Extra Slides

# Mode of access to VTA Bus and LRT





Date: October 30, 2018  
 Current Meeting: November 8, 2018  
 Board Meeting: December 6, 2018

## BOARD MEMORANDUM

**TO:** Santa Clara Valley Transportation Authority  
 Policy Advisory Committee

**THROUGH:** General Manager, Nuria I. Fernandez

**FROM:** Director - Planning & Programming, Chris Augenstein

**SUBJECT:** VTA Land Use and Development Review Policy

Policy-Related Action: Yes

Government Code Section 84308 Applies: No

## ACTION ITEM

### **RECOMMENDATION:**

Recommend that the VTA Board of Directors approve the VTA Land Use and Development Review Policy.

### **BACKGROUND:**

As the Congestion Management Agency (CMA) for Santa Clara County, the Santa Clara Valley Transportation Authority (VTA) administers the Development Review Program (Program). The Program reviews development proposals, land use plans, and transportation projects throughout Santa Clara County. Once reviewed, VTA provides comments on these plans and projects regarding how well they integrate land use and multimodal transportation. It is at the discretion of the local jurisdiction whether or not to incorporate VTA's input in the final development or plan.

The Program has focused predominately on reviewing plans and proposals through California Environmental Quality Analysis (CEQA) and Transportation Impact Analysis (TIA) reports submitted by local jurisdictions. In this capacity, VTA provides detailed review of transportation network impacts, multimodal recommendations and site design improvements, primarily within the CEQA/TIA/entitlement process. However, the overall transportation performance of projects can be influenced by factors prior to projects entering the CEQA/TIA/entitlement process, such as broader land use policies (e.g., General Plans) and early project consultation between developers and local jurisdictions. These factors can set the stage for a project's multimodal travel options and transit-supportive qualities.

While the Program has worked well over the years, VTA believes the creation of a formal process for development review, as well as tools for local jurisdictions and VTA to engage earlier in the development process, will enhance the Program. Accordingly, VTA has created a Land Use & Development Review Policy (policy), provided as Attachment A. The policy formalizes VTA's current best practices and provides a framework for VTA and local jurisdictions to work together in the future. Additionally, the policy clearly lays out VTA's positions on the integration of land use and transportation and provides local jurisdictions with a guide regarding how VTA will provide comments on developments and plans within their jurisdictions. Ultimately, the policy will result in stronger partnerships with local jurisdictions and better integrated development projects that protect and enhance the transportation infrastructure that has been made throughout the county.

## **DISCUSSION:**

The policy was developed across multiple VTA divisions, and presented to the Land Use and Transportation Integration Working Group of the VTA Technical Advisory Committee for input and review. Successful implementation of this policy will facilitate vibrant, complete and connected communities with a high-quality built environment that enables multimodal access, supports fast and efficient transit operations, and creates transit ridership.

The policy fulfills two VTA Business Lines as described in the 2016 Strategic Plan: A network of Fast, Frequent and Reliable Transit Service and Delivering Projects and Program through land use and transportation integration. The principles and strategies outlined in the policy are designed to advance these VTA directives. Additionally, the policy will work hand-in-hand with other current and forthcoming VTA policies, including but not limited to the Station Access Policy, Joint Development Policies, Transit Service Design Guidelines, Fast Transit Program and Complete Streets policy. Ultimately, the success of the policy will rely on the ongoing cooperation, responsiveness, and partnership between VTA and local jurisdictions.

In summary, the policy is divided into the following sections:

### **Principles**

The principles guide how VTA will engage in land use and development processes. The principles describe how VTA will build effective partnerships, work to increase transit ridership, support transit-supportive developments, and prioritize sustainable transit behavior.

### **Strategies**

The strategies describe how VTA will work with local jurisdictions at the earliest planning stages and throughout the process to expand mobility options and fulfill the vision contained in the principles. The strategies also call for VTA to create a comprehensive Land Use and Development Review Procedure (procedure) to facilitate sustainable development, protect transit investment by ensuring well-integrated and structurally safe development adjacent to transit facilities, and ensure early and ongoing coordination.

### **Tools and Implementation**

A series of tools will assist in implementing the Principles and Strategies, including but not limited to:

#### *Collaboration Tools*

- Adopt a Land Use and Development Review Procedure and internal VTA review process (3<sup>rd</sup> Quarter, 2019);
- Create a Development Intake Form that notifies VTA at the earliest stages of development (2<sup>nd</sup> Quarter, 2019);
- Standardize a set of common responses for development review using existing VTA Standards and Guidelines (2<sup>nd</sup> Quarter, 2019);
- Meet early and often, focus on building relationships with local jurisdiction staff and developers (Immediately); and
- Strengthen and update the existing Voluntary Contributions program framework (4<sup>th</sup> Quarter, 2019).

#### *Information Tools*

- Create a Common Concerns matrix that outlines VTA's safety and operational concerns based on VTA facility type (2<sup>nd</sup> Quarter, 2019);
- Build a Developer's Web Portal that provides ease-of-use in understanding the locational relationship between proposed projects and existing or planned VTA facilities, and identifies potential site-specific issues and concerns (3<sup>rd</sup> Quarter, 2019);
- Create a Development Review Guidebook that complements the policy and is targeted toward local jurisdictions and Developers (4<sup>th</sup> Quarter, 2019);
- Create a Best Practices Report that demonstrates the successes of the Land Use and Development Review policy and includes solutions and lessons learned from a range of projects (1<sup>st</sup> Quarter, 2020); and
- Create a safety review checklist for new development immediately adjacent to VTA transit facilities (2<sup>nd</sup> Quarter, 2019).

#### *Monitoring Tools*

- Enhance and support the policy by publishing an annual report on the performance of the policy, highlighting best practices and partnerships, challenges and recommended refinements; and (Annually)
- Utilize the existing Development Review Web service to accurately track project development and milestones (Immediately).

#### **ALTERNATIVES:**

The VTA Board may modify the policy, or elect not to adopt the policy. In the absence of this policy, VTA will continue its current practices.

**FISCAL IMPACT:**

No direct fiscal impacts identified.

Prepared by: Melissa Cerezo  
Memo No. 6685

**ATTACHMENTS:**

- Attachment A - Land Use Development Review Policy 10-31-18 v8 (DOCX)

<b>POLICY</b>  <b>Land Use &amp; Development Review</b>	<b>Document Number:</b>	400.005
	<b>Version Number:</b>	
	<b>Date:</b>	MM/DD/YYYY

### **1. Purpose:**

This VTA Land Use & Development Review Policy establishes a framework for VTA's comprehensive role in local land use and development processes. By strengthening coordination of land use and transportation strategies with local jurisdictions and the development community the policy seeks to promote sustainable development and expand mobility options.

This policy is designed to facilitate vibrant, complete and connected communities with a high-quality physical environment that enables multimodal access and creates transit ridership. This policy supports broader livability goals to manage congestion, support transit and multimodal transportation, reduce vehicle miles traveled (VMT), promote safer travel, increase physical activity and improve public health.

### **2. Scope:**

The policy applies to all relevant VTA Divisions and personnel including consultants and contractors that have a role in planning, coordinating and engaging in local land use and development processes throughout Santa Clara County.

### **3. Responsibilities:**

VTA Planning and Programming Division, specifically the Land Use and Transportation Integration group, will lead and be the primary point of contact for all land use and development review efforts on VTA's behalf, including development coordination, engagement and monitoring between VTA and third parties, such as local jurisdiction staff, and the development community. In some instances, those responsibilities may be delegated to other VTA Divisions. VTA Divisions will incorporate the principles and strategies established in this policy into all phases of their projects when and where those projects or programs involve integration with development, or where developments are proposed by local jurisdictions, or private parties. Furthermore, given the interdependent relationship between local land use and the countywide transportation network, the success of the policy will rely on the ongoing cooperation, responsiveness, and partnership of local jurisdictions.

### **4. Policy:**

#### **A. Guiding Principles**

The policy establishes the following of set of principles to support and guide VTA's work in engaging in local land use and development processes.

#### **Build Effective Partnerships**

VTA will build common ground with local jurisdictions and other stakeholders to support sustainable development that maximizes mobility options by working together at the earliest

<b>POLICY</b>  <b>Land Use &amp; Development Review</b>	<b>Document Number:</b>	400.005
	<b>Version Number:</b>	
	<b>Date:</b>	MM/DD/YYYY

stage in the land use and development process in order to maximize the synergy between land use and transportation.

#### **Increase Ridership and Support Fast, Frequent and Reliable Transit Service**

VTA will expand access and incentivize choices for all riders by making it easier, safer and more comfortable, and convenient to get to and from transit services in the County, principally focused on VTA's Frequent Network.

#### **Support Transit-Supportive Development in Close Proximity to Transit**

VTA will facilitate transit-supportive development that maximizes transit access, incentivizes ridership, and enhances safety and operations by improving communication, coordination, and understanding between VTA, local jurisdictions and the development community regarding development near transit services and/or directly adjacent to VTA facilities.

#### **Prioritize Sustainable Travel Behavior**

VTA will promote active transportation and high capacity transit as an access strategy to reduce emissions, decrease VMT, support Vision Zero safety goals, and improve public health.

### **B. Strategy**

VTA will engage in local land use planning efforts (e.g., placemaking, specific, area, urban village, general plan, long-range, and individual development planning processes) at the earliest planning stage and on an ongoing basis. In doing so, VTA will take policy positions in order to expand mobility options in sustainable locations, preserve and enhance VTA operations and the quality of service VTA provides, and complement VTA joint development efforts. VTA Board Members, and VTA staff will also work alongside local jurisdictions to implement the following policy priorities:

- Encourage new growth and development within close proximity of the Frequent Network and station areas to enable pedestrian-friendly, compact, mixed-use communities that are well-connected, and expand a range of opportunities (including but not limited to economic, educational and social) along high-quality transit.
- Intensify land uses and maximize densities to support transit ridership.
- Implement VTA Complete Streets principles.
- Ensure safe accommodations for all transit riders including the elderly and people with disabilities, by following accessible, universal design standards.
- Make transit connections easy, attractive, and seamless through investments in the Frequent Network, frequent service, passenger information, waiting facilities and coordination with other service providers.
- Promote high-quality design for access improvements utilizing industry best practices and design principles.



<b>POLICY</b>  <b>Land Use &amp; Development Review</b>	<b>Document Number:</b>	400.005
	<b>Version Number:</b>	
	<b>Date:</b>	MM/DD/YYYY

- Invest in strategies that shift access from single occupancy vehicles to greater levels of walking, bicycling, and transit access.
- Improve bicycle and pedestrian infrastructure to transit, including connections between trail systems and stations.
- Protect and enhance transit investment by improving or maintaining travel time of transit operations.
- Ensure that new access across light rail is provided via grade separation in order to safeguard the travelling public and maintain efficient operations. VTA will not support new at-grade crossings of light rail.
- Encourage carefully considered and balanced parking strategies that maximize transit ridership and Transportation Demand Management measures.
- Coordinate with third-party shuttle providers to encourage safe and responsible use of VTA facilities per VTA's Commuter Shuttle Policy.
- Promote the use of multimodal measures to analyze impacts of local development decisions on transit and non-motorized modes of transportation, e.g., transit delay analysis.

VTA will create a comprehensive VTA Development Review Procedure (the "Procedure") to facilitate sustainable development, protect transit investment by ensuring well-integrated and structurally safe development adjacent to transit facilities, and highlights the importance of early and ongoing coordination. This procedure includes:

- Complete and coordinated VTA review (e.g. VTA Planning, Engineering, BART, Safety, Transit Operations, Real Estate, Environmental, and other divisions as appropriate) of development that is
  - 1) Located within 2,000 feet of existing or planned transit services or facilities, with a special attention to development located within 200 feet of VTA property, services or assets; or
  - 2) Generates 100 or more net new peak hour project trips.
- Creating procedural standards that are clear, predictable, correspond with the phases of the development process (e.g. site planning/project development, entitlement, engineering, and construction safety and monitoring), and complements local land use and building permit processes.
- Committing to work with local jurisdictions and the development community to identify shared project objectives and transit integration opportunities/challenges at the earliest stage in the land use and development process to determine common

<b>POLICY</b>  <b>Land Use &amp; Development Review</b>	<b>Document Number:</b>	400.005
	<b>Version Number:</b>	
	<b>Date:</b>	MM/DD/YYYY

understandings, ensure successful transit-supportive development, prevent potential conflicts, and minimize loss of time and money.

- Developing guidance, tools, and resources that facilitate coordination and synergy between adjacent development and VTA facilities, and clarifies challenges and concerns.
- Creating opportunities for access improvements through development by cost-sharing, data sharing and information sharing with partners.

### C. Tools and Implementation

The Principles and Strategies outlined in this policy will be implemented through collaboration, information and monitoring tools. VTA will endeavor to design, build and implement the following tools, which include but are not limited to:

#### Collaboration Tools

- Adopt a future Land Use and Development Review Procedure and internal VTA review process, referred to in Section B;
- Create a Development Intake Form that notifies VTA at the earliest stages of development;
- Standardize a set of common responses for development review using existing VTA Standards and Guidelines;
- Meet early and often, focus on building relationships with local jurisdiction staff and developers; and
- Strengthen and update the existing Voluntary Contributions program framework.

#### Information Tools

- Create a Common Concerns matrix that outlines VTA's safety and operational concerns based on VTA facility type;
- Build a Developer's Web Portal that provides ease-of-use in understanding the locational relationship between proposed projects and existing or planned VTA facilities, and identifies potential site-specific issues and concerns;
- Create a Development Review Guidebook that complements the Land Use & Development Review Policy and is targeted toward local jurisdictions and Developers;
- Create a Best Practices Report that demonstrates the successes of the Land Use and Development Review Policy and includes solutions and lessons learned from a range

<b>POLICY</b>  <b>Land Use &amp; Development Review</b>	<b>Document Number:</b>	400.005
	<b>Version Number:</b>	
	<b>Date:</b>	MM/DD/YYYY

of projects; and

- Create a safety review checklist for development immediately adjacent to VTA transit facilities.

#### Monitoring Tools

- Enhance and support the policy by publishing an annual report on the performance of the policy, highlighting best practices and partnerships, challenges and recommended refinements; and (Annually)
- Utilize the existing Development Review Web service to accurately track project development and milestones (Immediately).

#### **D. Interrelated Policies**

This policy has a direct relationship with other VTA policies, including but not limited to:

- VTA *Station Access Policy*
- VTA *Transit-Oriented Development Parking Policy*

Development Review Best Practices, Standards and Guides. Examples include (but are not limited to):

- VTA *2017-2022 Strategic Plan*
- VTA *Community Design and Transportation Manual of Best Practices for Integrating Transportation and Land Use*
- VTA *Temporary Bus Stop Relocation Policy*
- VTA *Transit Passenger Environment Plan*
- VTA *Transit Service Guidelines Update 2018*
- VTA *Service Design Guidelines*
- VTA *Bicycle Technical Guidelines and Countywide Bicycle Plan*
- VTA *Pedestrian Technical Guidelines and Pedestrian Access to Transit Plan*
- VTA *Complete Streets Policy*
- VTA *Transportation Impact Analysis Guidelines 2014*
- VTA Permit Policy CO-PL-0001
- California *Highway Design Manual* and all Deputy Directives and Design Information Bulletins
- National Association of City Transportation Officials (NACTO) *Urban Bikeway Design Guide*
- NACTO *Urban Street Design Guide*
- NACTO *Transit Street Design Guide*
- Silicon Valley Bicycle Coalition *Bicycle Friendly Development Guidelines*
- Federal Transit Administration *Livable Communities Strategies*
- Federal Highway Administration *Railroad-Highway Grade Crossing Handbook 2007*

<b>POLICY</b>  <b>Land Use &amp; Development Review</b>	<b>Document Number:</b>	400.005
	<b>Version Number:</b>	
	<b>Date:</b>	MM/DD/YYYY

- General Order No. 88-B Public Utilities Commission of the State of California Rules for Altering Public Highway-Rail Crossings
- LA Metro *Adjacent Development Handbook*
- Transportation Research Board *Highway Capacity Design Manual 2010*

## 5. Definitions:

**Complete Streets** refers to streets that are for the safe travel of all users, where designs are context sensitive, and incorporate a balanced network approach, prioritize the safety and comfort, and convenience of pedestrians, bicyclists, and transit riders (including access and operations) of all ages and abilities, while still providing safe accommodations for motorist and other roadway users.

**Frequent Network** refers to VTA's core routes that provide service every 15 minutes or better on weekdays, and every 20 minutes or better on weekends.

**Transit-Supportive Development** refers to development that supports higher numbers of employees or residents per acre, generates a high number of trips that can be served well by transit, reflects a site design that reinforces safe, convenient and direct access to transit, encourages the use of alternative modes, and maintains transit speed and reliability.

**Transportation Demand Management (TDM)** refers to policies and programs to reduce the number of cars on the road. Examples of TDM include transit fare incentives, flextime, ridesharing, parking pricing, and dockless scooters.

**Vision Zero** refers to a safety initiative to eliminate all traffic fatalities and severe injuries on the roadway.

**Voluntary Contributions** refers to a public-private partnership program by VTA whereby a local jurisdiction, in its role as CEQA Lead Agency, may request an optional developer contribution toward a local jurisdiction and VTA-identified improvement of freeway, transit and/or other regional facilities as a mitigation measure for impacts to freeways.

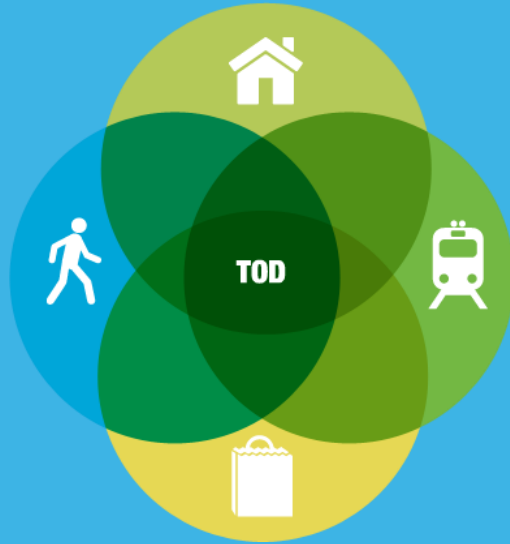
## 6. Summary of Changes:

<b>POLICY</b> <b>Land Use &amp; Development Review</b>	<b>Document Number:</b>	400.005
	<b>Version Number:</b>	
	<b>Date:</b>	MM/DD/YYYY

**7. Approval Information:**

<i>Prepared by</i>	<i>Reviewed by</i>	<i>Approved by</i>
Melissa R. Cerezo, AICP Senior Transportation Planner	Chris J. Augenstein, AICP Director of Planning and Programming	Nuria I. Fernández General Manager/CEO

Date Approved: \_\_\_\_\_



# Land Use and Development Review Policy

VTA Advisory Committees  
November 2018

# Policy Consistency

- Support, catalyze, and create Transit-Supportive Development on and around VTA Transit Centers and Corridors

## VTA Strategic Plan



## Interrelated Planning Policies

Station  
Access



Land  
Use



TOD  
Parking



# Why are we creating this?

## Current Approach

- Review during CEQA/TIA

## Proposed Approach

- Early project consultation
- Proactive focus on broader land use policies

## Results

- Establish a transparent position on land use
- Predictable and consistent policy position
- Partnership and collaboration
- Formalize current best practices



# Policy Outreach

- Presentations/  
listening sessions with  
VTA functional groups
- Jurisdiction feedback
- Industry best practices

LUTI Working  
Group

Grand  
Boulevard  
Initiative

City of  
Mountain View

City of Santa  
Clara

City of  
Cupertino

City of San Jose

# Principles

Build Effective  
Partnerships

Increase Ridership  
and Support Fast,  
Frequent, Reliable  
Transit

Promote Transit-  
Supporting  
Development

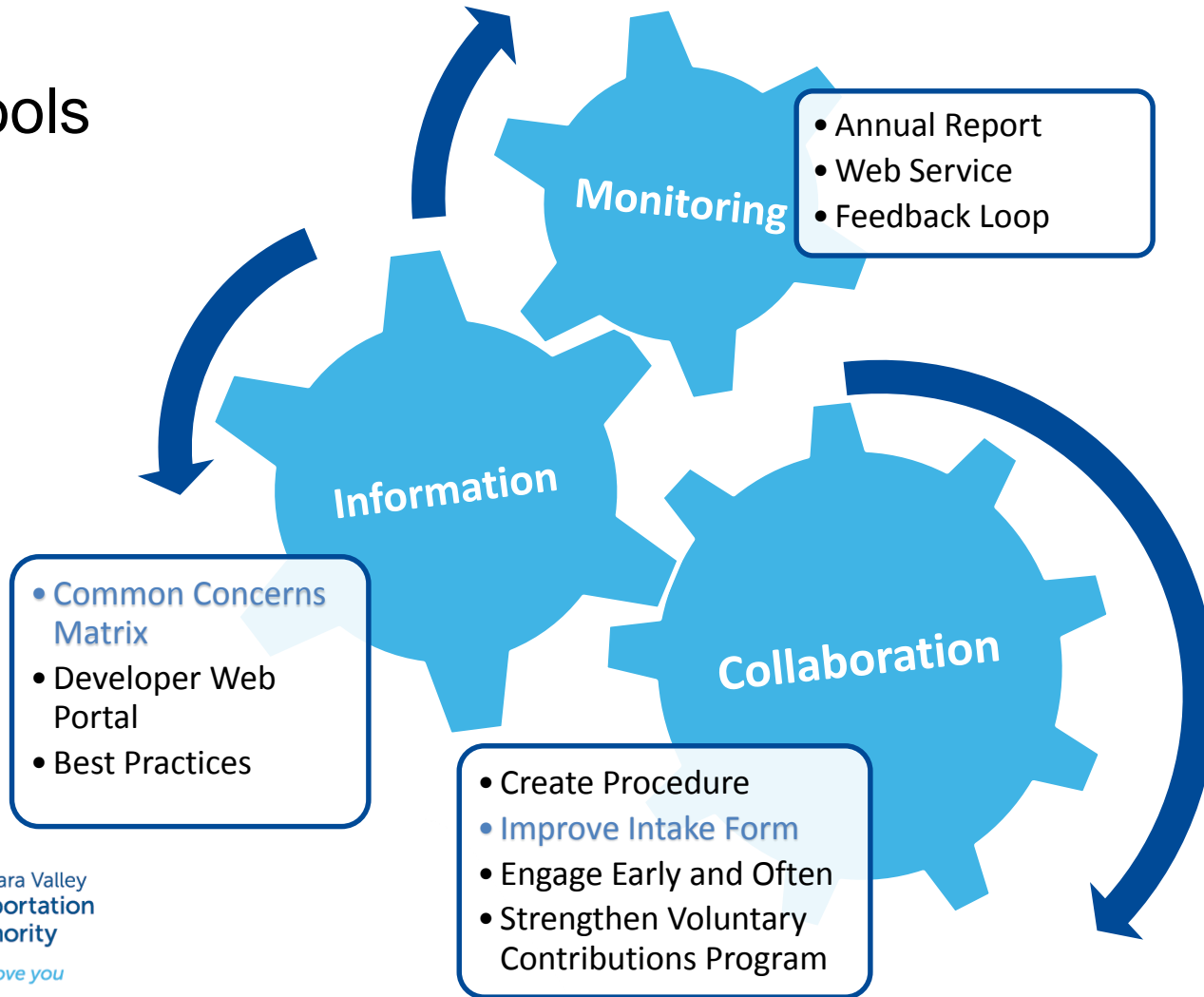
Prioritize  
Sustainable Travel  
Behavior

# Strategies to Fulfill Principles

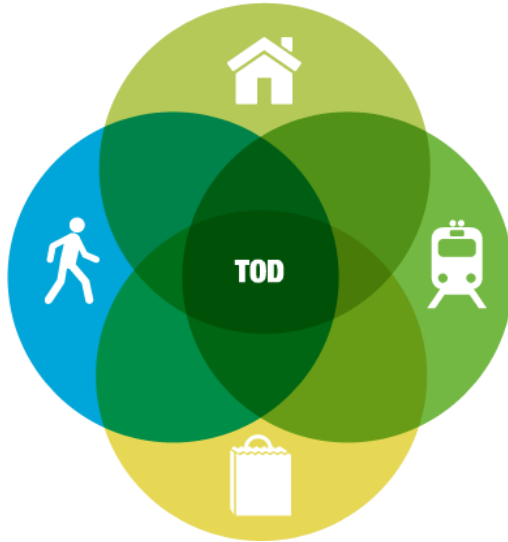
Engage in land use  
planning at the  
earliest stages

Create  
comprehensive land  
use development  
review procedure

# Policy Tools



# Next Steps



## Policy Approval

VTA Committees | November 2018  
*TAC, CAC, BPAC, PAC, CMPP, CTMA*

VTA Board | December 2018

## Policy Tools Implementation

Ongoing Outreach | Through 2019



Date: October 31, 2018  
 Current Meeting: November 8, 2018  
 Board Meeting: December 6, 2018

## BOARD MEMORANDUM

**TO:** Santa Clara Valley Transportation Authority  
 Policy Advisory Committee

**THROUGH:** General Manager, Nuria I. Fernandez

**FROM:** Chief Financial Officer, Raj Srinath

**SUBJECT:** VTA Transit-Oriented Development Parking Policy

Policy-Related Action: Yes

Government Code Section 84308 Applies: No

## ACTION ITEM

### **RECOMMENDATION:**

Recommend that the VTA Board of Directors approve the addition of a new section to the Santa Clara Valley Transportation Authority (VTA) Joint Development (JD) Policy Guidance Documents, for a Transit-Oriented Development (TOD) Parking Policy as described in Attachment A, that sets forth guiding principles and implementation strategies for how VTA should address parking for TOD projects at VTA transit stations and facilities, as well as privately developed TOD on adjacent sites.

### **BACKGROUND:**

VTA's JD Portfolio currently contains 25 properties that the VTA Board has designated as priority sites for TOD projects with the goals of generating revenues, increasing ridership, and catalyzing transit-oriented communities. Twenty-one of these sites consist of Park and Ride lots. It is envisioned that TOD projects would be built on a portion of each of these lots consistent with local jurisdiction plans and zoning, as well as preservation of parking used by VTA transit riders.

Parking is a significantly underutilized resource at VTA. VTA has a total of 7,525 parking stalls located at JD Park and Ride lots. Less than 3,800 of those spaces in total (approximately half) are actively used as of data collected through June 2018. Station by station parking utilization is consistently low portfolio wide, however, several stations do have considerably higher parking usage. (Attachment B contains a breakdown by station). VTA has essentially run an experiment over the past couple decades to see if ample provision of free parking will attract transit riders; the current low level of light rail transit ridership demonstrates that it does not.

Transit agency experience throughout the US has shown that how parking is addressed when creating TOD projects directly affects how successful agencies are in creating projects, the level of new revenues that they receive, and the quality of the resulting development and the extent to which it can catalyze TOD on adjacent private sites.

Previous informational briefings on this topic at VTA advisory and standing committees highlighted the need for clarification of how to create optimal TOD projects that increase ridership while at the same time ensuring maintenance of sufficient parking to accommodate current and future transit riders who drive. VTA's approach to TOD and parking needs to be consistent with a strategy for long-term growth in rail transit ridership.

The proposed VTA TOD parking policy would provide guidance for County residents, local agencies, developers, and others on how to best integrate the objectives of creating high quality TOD projects with affordable housing, supporting future ridership growth, and providing and managing an optimal amount of parking at stations with TOD projects.

## **DISCUSSION:**

Staff, working with a multi-disciplinary development and transportation planning consultant team has conducted research to assess both opportunities and constraints to developing TOD projects on a portfolio wide and individual site basis. This includes evaluation of current and future parking demand and supply. Parking demand is dynamic, and varies by station location, as well as by transit service (e.g. demand is higher at stations where there is both VTA light rail and Caltrain service). Riders of commuter shuttles are increasingly utilizing VTA Park and Ride lots, which is addressed in the Commuter Shuttle Policy recently adopted by the Board of Directors.

With the differences in transit service, parking utilization, and other characteristics between VTA Park and Ride lots, any TOD parking policy should provide flexibility to tailor parking management on a site-by-site basis, while at the same time establishing a consistent process for evaluating parking demand and the parking supply that does need to be provided for transit riders and residents and workers in TOD projects. The goal for this process should be to maximize the increase in new transit riders and new revenues to VTA, and avoid the types of trade-offs that result in a lower level of benefits in order to construct expensive new parking structure spaces that go unused (at a cost of \$50,000+ per space).

Another consideration is a generational and cultural shift already underway in automobile usage; the impact of Transportation Network Companies (Uber, Lyft, etc.); car sharing services; increased uses of other modes of transportation; and the emergence of autonomous vehicles.

Research was conducted on other agency practices for JD parking strategies and Transportation Demand Management (TDM), including BART; Portland TriMet; LA Metro; Washington, DC WMATA; and King County, WA Metro. This work highlighted a range of best practices and strategies for replacement parking that include:

- Developing clear station access goals and priorities for all modes of transportation (pedestrian, bicycle, carpool, private vehicle, etc.);

- Shared parking for use by transit riders and occupants of TOD projects when usage patterns are complementary;
- Use of paid parking and pricing strategies to better match parking demand and supply;
- Coordination with Transportation Network Company (TNC's); ride sharing solutions; and other innovative approaches to address first and last mile challenges;
- Station specific analysis, coordinated with local jurisdictions, to address the specific station area context, transit ridership goals, and provide cost-benefit analysis;
- Encouragement of no parking minimums by local jurisdictions;
- Development of models to help quantify how JD project, and associated changes in parking, will affect future ridership, agency revenues, and other factors, in order to provide a quantitative basis to inform decision-making; and
- Establishment of TOD parking standards established on a station by station basis, with evaluation of ridership gains from TOD projects as well as excess parking capacity, to determine project- specific parking requirements, including construction of additional spaces for use by VTA transit riders

The following chart shows other agencies' parking policies and TDM tools:

Agencies	Defined Access Priorities	Shared Parking	Paid Parking	TNC Coordination	Local Jurisdiction Coordination	No Parking Minimums (Jurisdictions)	Site by Site Review
BART	✓	✓	✓		✓	✓	✓
TriMet		✓					✓
LA METRO		✓	✓			✓	
WMATA	✓		✓	✓	✓		✓
King County Metro		✓		✓	✓		✓



The proposed VTA TOD Parking policy establishes a clear process and a framework for how to evaluate future TOD and station parking needs in order to maximize agency revenues and ridership. Best practices as utilized by other agencies, including but not limited to shared parking, parking benefit districts, paid parking, TNC coordination, and revenue/ridership analysis will be evaluated to increase overall benefits to VTA. A new TOD parking model will be created to evaluate potential alternatives and inform the Board of Directors future consideration of proposed JD projects and the specific parking solutions that would be implemented at the transit station or location in conjunction with the project.

**ALTERNATIVES:**

The Board of Directors could provide direction to staff for additional research, analysis, and recommendations to be incorporated into a revised proposed policy.

**FISCAL IMPACT:**

Expenses associated with station specific parking analysis for JD projects, and implementation of new parking programs at a station, would be funded from a combination of the Joint Development Fund and developer expense reimbursements.

Prepared by: Ron Golem & Jessie O'Malley Solis  
Memo No. 6748

**ATTACHMENTS:**

- Memo 6748 Attachment A (PDF)
- Memo 6748 Attachment B (PDF)

## **Attachment A**

### **VTA Transit Oriented Development (TOD) Parking Policy**

#### **Vision**

The VTA Transit-Oriented Development (TOD) Parking Policy establishes an approach to maintain the optimal level of parking availability at its transit stations that will support the creation of new Joint Development (JD) projects on VTA-owned sites and grow transit ridership. This will occur in conjunction with implementation of a new Access Policy for transit stations.

VTA is committed to maximizing multimodal access to transit stations, incorporating access improvements (including parking) into JD projects, and considering current and future station-area wide goals and needs in the evaluation of parking strategies. This Parking Policy seeks to facilitate the creation of new TOD projects on VTA-owned sites at transit stations in order to increase transit ridership and grow VTA's farebox and other revenues, while continuing to accommodate those who currently drive to stations.

#### **I. DEFINITION**

Joint Development (JD) refers to VTA's development of Transit-Oriented Development (TOD) on sites it owns pursuant to the Federal Transit Administration's Joint Development Circular. JD is a transit-agency specific implementation of TOD and thus a specific subset of all TOD projects. TOD refers to compact, walkable, pedestrian-oriented, mixed-use development that is centered around high-quality transit systems and is not dependent on cars to attract residents and businesses.

#### **II. PURPOSE**

The TOD Parking Policy seeks to manage VTA's transit parking assets to ensure that parking is sized, located, and managed in order to maximize ridership; promote transit access through use of Transportation Demand Management (TDM) tools consistent with VTA's Access Policy; and ensure that JD projects create the highest possible level of net new benefits for VTA.

#### **III. STRATEGIES**

Parking Needs. Walking is the primary method by which VTA light rail transit riders get to transit stations. Historically, less than half of all parking at VTA stations has been utilized by transit riders, because of the many other transportation modes used by riders in addition to private automobiles. Determining how much parking should be retained for transit riders in conjunction with new TOD requires consideration and balance of expanded ridership opportunities resulting from both TOD and TDM measures. Full evaluation of TOD, TDM and ridership opportunities will allow VTA to maximize ridership growth through utilization of multiple effective means to access stations.

Site Specific Analysis. Each individual site will be analyzed through a new VTA TOD Parking Model that evaluates ridership gains created by TOD, weighs parking supply and demand, measures potential impacts of not replacing all current parking, and quantifies net new revenues from implementation of paid parking, farebox revenues from new riders, and other benefits from TOD. The model projects net new ridership and net new annual revenues data to inform Board of Directors consideration of JD projects and station parking solutions. The VTA TOD Parking Model will help shape optimal site-specific parking recommendations that:

- a. consider the potential increase in ridership and revenue benefits associated with TOD;
- b. compare the projected increase in land value and farebox revenues versus the capital and operating costs of future parking alternatives;
- c. quantify the opportunity to accommodate new riders arriving by shuttle, taxi, transportation network company services, and other first/last mile solutions;
- d. identify the trade-offs associated with alternative access and parking solutions; and
- e. measure the collective net increases to ridership and revenues.

Best Practices. A variety of proven and emerging TDM measures will be used in combination to ensure that parking at VTA stations and other VTA-controlled real estate maximizes ridership through TOD and non-auto access, while still providing parking for riders who drive to stations. Staff will coordinate with local jurisdiction planning and transportation departments to understand site specific TDM policy context, analysis and/or existing TDM review infrastructure, including any potential impacts on adjacent neighborhoods.

Prior to proposing for approval to the Board of Directors a JD project and associated parking program for any VTA-controlled site, staff will prepare a thorough site-specific evaluation that uses the VTA TOD Parking Model, Access Policy, best practices for TDM, and other applicable VTA policies and tools, including but not limited to:

- a. shared-use parking agreements with neighboring uses;
- b. parking districts
- c. paid parking to fund transit operations, including dynamic (time-of-day based) pricing, for transit riders and/or other users;
- d. time limits to promote parking turnover;
- e. real-time, on-site and mobile device updates regarding parking availability;
- f. amenities for bicyclists, pedestrians, and special needs travelers, such as shelters, lockers, and mode-supportive routes and surfacing;
- g. valet parking (for vehicles and bicyclists);
- h. preferential parking for high-occupancy and/or clean air vehicles
- i. transit passes; and/or
- j. car, bike and scooter share programs.

VTA will cooperate with partner agencies, jurisdictions, and local employers in determining the need for, and potentially establishing as appropriate, Transportation Management Associations to implement TDM measures.

Paid Parking. Paid parking is an important TDM tool that can be utilized to shift parking supply and demand to underutilized parking areas throughout the JD Portfolio. Implementation of paid parking will be explored on a site by site basis and presented to the Board of Directors for approval. Initial use of paid parking programs will be done on a pilot basis to allow VTA to gain experience that can be used to refine implementation prior to more wide-scale use.

Station Area Access. First and last mile solutions are critical for transit users. Ensuring that riders can conveniently arrive at stations and navigate through them will help limit the need for parking and facilitate site design opportunities for housing and other community-supporting TOD uses and activities. Development proposals on VTA stations will include a station access and wayfinding plan that analyzes station-specific access patterns and shows:

- a. where riders who arrive by private vehicle will park and the route(s) they will travel from parking to transit boarding areas; and
- b. where riders arriving by shuttle, paratransit, and ride-hailing services will be dropped off and the route(s) they will travel to transit boarding areas; and
- c. locations for arrival by bicycles, pedestrian, and special mobility needs travelers, and the route(s) they will travel to transit boarding areas.

Development proposals for all VTA-controlled real estate will include a curb management plan that designates locations and standing time limits for drop-off and pick-up by non-parking shuttles, taxis, paratransit, and ride-hailing and other private vehicles.

Local Regulations. Municipal parking regulations often need updating to reflect changes in the way that transit riders and TOD now use parking, compared to usage patterns when regulations were originally drafted. Refining local standards can help ensure efficient use of parking that promotes ridership and revenue growth and high-quality, sustainable TOD. VTA will work with local jurisdictions to promote updating of regulations to:

- a. eliminate minimum parking requirements for TOD (and establishing maximum parking ratios if and as appropriate);
- b. unbundle parking, such that it can be leased separately from buildings;
- c. establish facilities standards for passenger drop-off and pick-up and non-vehicular access for new residential and mixed-use development; and
- d. Address any potential impacts on adjacent neighborhoods, including working with local jurisdictions on parking management.

#### **IV. IMPLEMENTATION**

- a. Staff will work to implement individual site-specific analysis that is consistent with the Board of Directors approved VTA TOD Parking Policy and the Access Policy.
- b. Individual site evaluation results will be presented to the Board of Directors concurrent with approval of individual project Joint Development Agreements (JDA).
- c. The General Manager is authorized to refine, augment, and revise as needed the specific best practices, models, and tools used to evaluate station parking for JD projects and identify parking recommendations.

## Attachment B

Joint Development Portfolio Park and Ride Lot Usage June 2018		
Station	Stalls	Occupied Stalls
Almaden	189	35
Alum Rock	110	87
Berryessa BART	Not in Service	Not in Service
Blossom Hill***	481	141
Branham	271	27
Capitol	951	41
Cerone	N/A	N/A
Cottle	421	239
Curtner	474	50
Evelyn	n/a	n/a
Gilroy *	471	273
Hostetter	100	89
Alder	275	97
VTA Block	n/a	n/a
Milpitas Transit Center (new)	Not in Service	Not in Service
Morgan Hill*	486	298
Ohlone	549	386
River Oaks	N/A	N/A
Diridon	N/A	N/A
San Martin*	167	77
Santa Clara*, ***	244	201
Santa Teresa	1155	137
Snell	430	129
Tamien**	644	699
Total	7418	3006
	41%	
* Caltrain Station		
**Caltrain and Light Rail Station		
*** Raw data discrepancy on total stall between October 17-June 18		
due to recount and parking lot space additions		

Joint Development Portfolio Park and Ride Lot Usage October 2017		
Station	Stalls	Occupied Stalls
Almaden	189	37
Alum Rock	110	97
Berryessa BART	Not in Service	Not in Service
Blossom Hill	511	220
Branham	271	52
Capitol	951	205
Cerone	N/A	N/A
Cottle	421	237
Curtner	474	80
Evelyn	n/a	n/a
Gilroy *	471	282
Hostetter	100	81
Alder	275	92
VTA Block	n/a	n/a
Milpitas Transit Center (new)	Not in Service	Not in Service
Morgan Hill*	486	328
Ohlone	549	517
River Oaks	N/A	N/A
Diridon	N/A	N/A
San Martin*	167	84
Santa Clara*	321	305
Santa Teresa	1155	251
Snell	430	112
Tamien**	644	771
<b>Total</b>	<b>7525</b>	<b>3751</b>
	<b>50%</b>	
* Caltrain Station		
**Caltrain and Light Rail Station		

TAC Item No. 11  
CAC Item No. 10  
PAC Item No. 12

# Transit-Oriented Development (TOD) Parking Policy

Advisory Committees  
November 2018

# VTA Strategic Plan

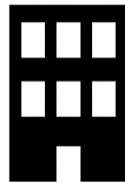


## Interrelated Planning Policies

Station  
Access



Land  
Use



TOD  
Parking





# Study Analysis

- Team Introduction:
  - Strategic Economics and Nelson/Nygaard
- Parking & Transportation Demand Management (TDM) best practices
- Estimate the potential impacts and fiscal benefits of joint development on ridership and revenues
- Examine approaches to TOD parking

# Benefits of TOD

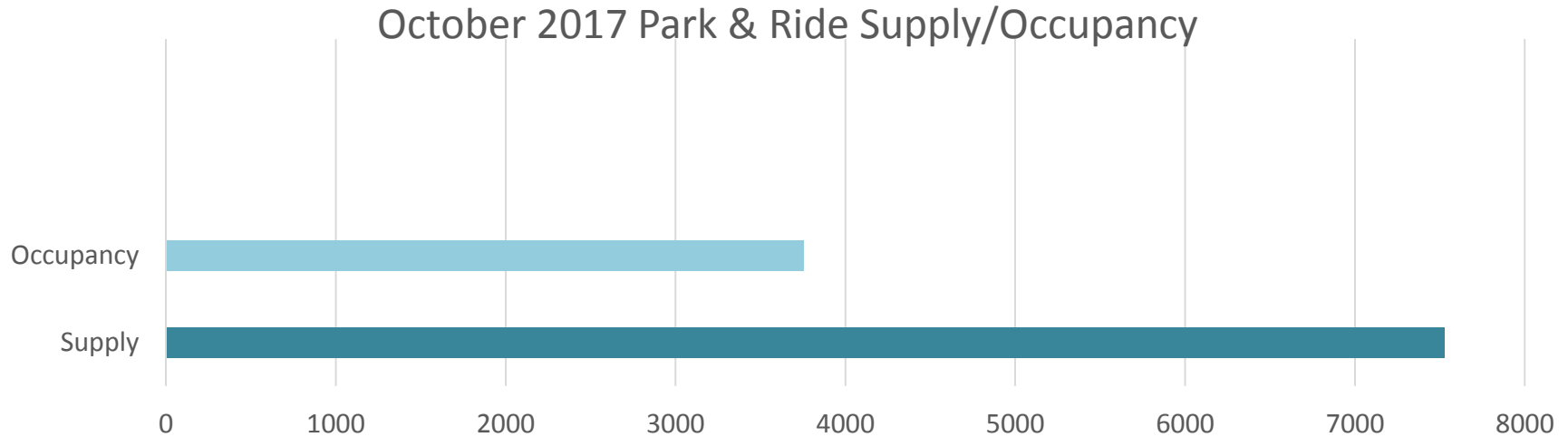
- TOD residents use transit more regularly:
  - Bay Area: 42% of residents who live and work within ½ mile of rail and ferry stops commute by transit
    - Only 4% of those living further away<sup>1</sup>



## Best Practices

Agencies	Defined Access Priorities	Shared Parking	Paid Parking	TNC Coordination	Local Jurisdiction Coordination	No Parking Minimums (Jurisdictions)	Site by Site Review
BART	✓	✓	✓		✓	✓	✓
TriMet		✓					✓
LA METRO		✓	✓			✓	
WMATA	✓		✓	✓	✓		✓
King County Metro		✓		✓	✓		✓

# Park & Ride Utilization



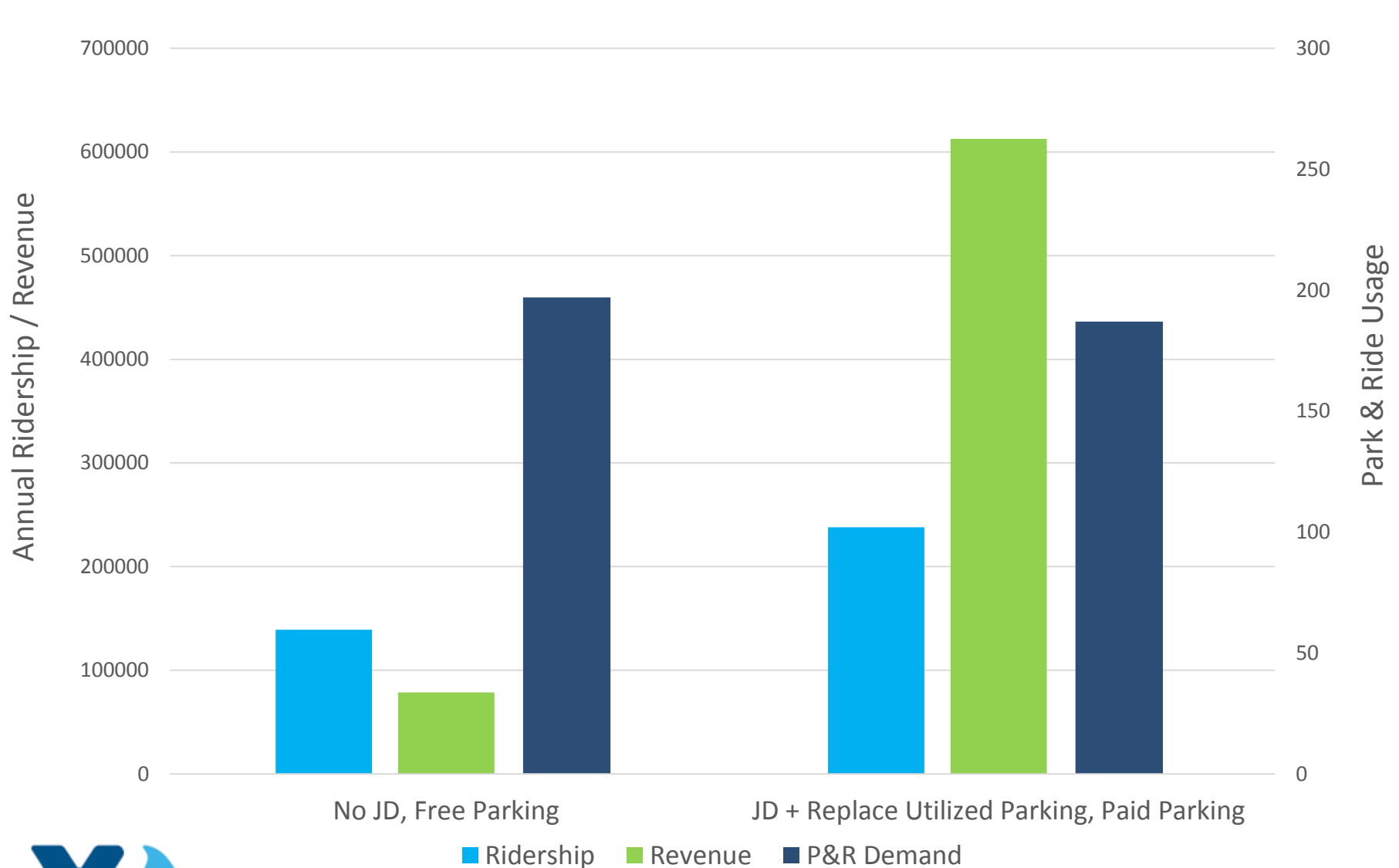
Occupancy at JD Park & Ride

**3,751**

Supply at JD Park & Ride

**7,525**

## Comparison of Ridership, Parking Usage, and Revenue; Current Situation vs. Mixed-Use Residential Mid-Density



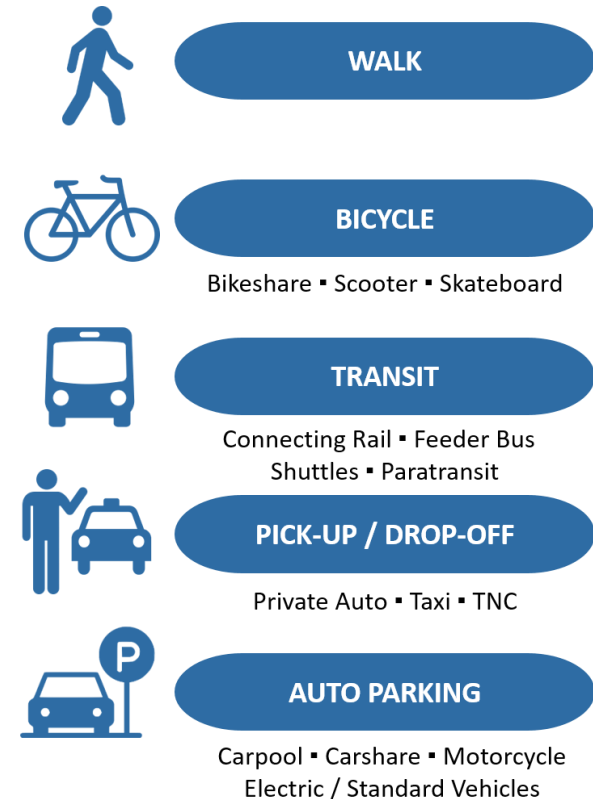
# TOD Parking Policy

## Vision:

- Establish a clear process and a framework to evaluate future TOD and parking needs on a station by station basis to maximize agency revenues and ridership

# TOD Parking Policy Tools

- Demand shift
- Multi-modal access policy →
- Paid parking
- Unbundled parking
- Shared parking
- Parking districts
- Curb management
- No minimum parking ratios



# TOD Parking Policy

## Framework:

- Evaluate stations on a site-by-site basis for future Board decisions on parking
- Utilize parking model to quantify the tradeoffs between revenue, parking, & ridership
- Develop station specific parking management & TDM plans



# Questions?





Date: November 1, 2018  
 Current Meeting: November 8, 2018  
 Board Meeting: December 6, 2018

## BOARD MEMORANDUM

**TO:** Santa Clara Valley Transportation Authority  
 Policy Advisory Committee

**THROUGH:** General Manager, Nuria I. Fernandez

**FROM:** Chief Financial Officer, Raj Srinath

**SUBJECT:** BSVII Adoption of Relocation Plan

Policy-Related Action: No

Government Code Section 84308 Applies: No

## ACTION ITEM

### **RECOMMENDATION:**

Recommend that the VTA Board of Directors adopt a Resolution approving and adopting the Final Relocation Plan for the BART Silicon Valley Phase II Extension Project.

### **BACKGROUND:**

On June 4, 2018, the Federal Transit Administration (FTA) issued a Record of Decision for the BART Silicon Valley Phase 2 Extension Project (BSV Phase 2, or Project), based upon VTA's submission of the federal environmental document (SEIS) for the Project. With this action, and the Board of Directors' prior certification of the California environmental document (SEIR), the Santa Clara Valley Transportation Authority (VTA) received authority to acquire right of way for the Project.

Prior to acquiring properties, which may cause displacement of occupants, federal and state laws require a public agency to prepare a program to appropriately address impacts to property occupants that may arise as a result of the agency's acquisition of the property. Under California law, the VTA Board is required to adopt a formal Relocation Plan that describes the Project, anticipated impact, available replacement site information, and a summary of VTA's Relocation Assistance Program. In the past, VTA has successfully implemented a Relocation Assistance Program for the BART Silicon Valley Berryessa Extension Project (SVBX). VTA's extensive experience in successfully relocating and meeting the needs of affected residents and businesses under SVBX has informed the preparation of the current Draft and Final Relocation Plan.

The Project team has sought to minimize the number of potential acquisitions and resulting relocations as part of its planning efforts. As with any major transportation project in an

urbanized area, some relocations of residential and non-residential occupants will be unavoidable for the Project to be completed. The Project intends to provide as much time as possible for relocation within the constraints of the Project schedule, i.e. more than the statutory minimum of 90 days, to assist impacted occupants pursuant to the VTA Relocation Assistance Program in the proposed Relocation Plan.

In June 2018, VTA provided General Information Notices to property owners and potentially impacted occupants. The General Information Notice encouraged property owners and occupants to meet with VTA's relocation consultant to better understand the Project, the Project schedule, how the Project may impact them, and what assistance would be available under VTA's Relocation Assistance Program. Several meetings and telephone conferences were held with property owners and occupants. The communications helped open lines of communication with potentially impacted persons, and provided information to shape the Draft Relocation Plan. VTA also conducted market research to ascertain the availability of potential relocation sites and investigated zoning requirements with respect to those sites. Based on the foregoing activities, the VTA team prepared a Draft Relocation Plan for public review and comment.

The Draft Relocation Plan was circulated to the general public for public review and comment beginning on August 17, 2018, in accordance with California law. VTA's Real Estate staff participated in a series of public community meetings to present the Draft Relocation Plan and respond to questions and comments:

September 6, 2018	5:30 p.m.	<b>VTA Board Meeting Informational Presentation on Draft Plan</b> 55 West Hedding Street, San José
September 11, 2018	4:00 p.m.	<b>Downtown/Diridon Community Working Group Meeting</b> San Jose City Hall, Wing 118/119 200 East Santa Clara Street, San José
September 12, 2018	4:00 p.m.	<b>Alum Rock/28<sup>th</sup> Avenue Community Working Group Meeting</b> Mexican Heritage Plaza 1700 Alum Rock Avenue, San José
September 13, 2018	4:00 p.m.	<b>Santa Clara Community Working Group Meeting</b> Santa Clara University Manresa Learning Center 475 El Camino Real, Santa Clara

After the close of the public review and comment period, a proposed Final Relocation Plan was prepared for Board consideration and adoption. To ensure that the Project proceeds in a timely manner and meets critical acquisition timelines, anticipated to commence in early 2019, it is important that the Board timely consider and adopt a Final Relocation Plan in December of 2018.

## **DISCUSSION:**

## Overview

VTA is planning the Project with the goal to minimize the number of properties to be potentially acquired and limits the number of households and businesses to be potentially displaced. Based on VTA's current preliminary engineering design, it is presently anticipated that the Project may impact nine residential households and 63 non-residential entities. A summary of anticipated impact based on the current preliminary engineering design is shown below.

<b>Summary of Potential Relocation Impact</b>							
<b><i>Residential Tenant Households Impact</i></b>		<b><i>Non-Residential Impact</i></b>					
<b><i>Apartment Tenant</i></b>	<b><i>Single Family Residential Tenant</i></b>	<b><i>Absentee Landlord</i></b>	<b><i>Business Occupant</i></b>	<b><i>Public Agency Parking or Street Use</i></b>	<b><i>Cell Tower</i></b>	<b><i>Advertising Sign</i></b>	<b><i>Personal Property Only Moves</i></b>
8	1	12	38	6	1	2	4

VTA received several public comments to the Draft Relocation Plan to which VTA responded in the proposed Final Relocation Plan, a copy of which is included as Attachment A. In the event the VTA Board decides to approve the proposed Final Relocation Plan, a Resolution is included as Attachment B. The adoption of the Final Relocation Plan is a critical milestone in the Project schedule, which requires the first phase of acquisitions to commence in early 2019.

VTA considered the public comments carefully and responded by consulting with the Project team and communicating with commenters verbally and in writing. VTA also updated the planning efforts to include two properties that had been identified in the SEIS, but had been left out of the initial Draft Relocation Plan. VTA's relocation advisor contacted the property owners and tenants of the two properties and provided them with General Information Notices, copies of the Draft Relocation Plan, and an opportunity to comment on the Draft Relocation Plan through October 31, 2018. These two properties, as well as any comments submitted regarding the properties, are included in the proposed Final Relocation Plan.

The proposed Final Relocation Plan includes the following key elements:

- A summary of the Project scope and schedule;
- A commitment that the VTA will have funds available to provide full assistance in compliance with applicable laws and regulations prior to making offers to purchase properties;
- A summary of impact to property owners, businesses, residential occupants, and others that may be affected by the Project;
- An analysis of properties that may serve as replacement sites for the businesses and residential occupants if they are required to relocate; and

- An explanation of the VTA's Relocation Assistance Program, how that Program will provide advisory and monetary assistance to affected occupants, and a commitment to comply with State and Federal relocation laws and regulations, including 42 U.S.C *et.seq.*, 49 CFR 24, California Government Code 7260 *et.seq.*, and California Code of Regulations, Title 25, Chapter 6.

The proposed Final Relocation Plan also includes comments to the Draft Relocation Plan and responses thereto. See Appendix G of the proposed Final Relocation Plan.

#### Impacted Residential Households

There are nine residential households that may be impacted by the Project. One household rents a single-family residence and the eight remaining households rent apartments in a single building. The Relocation Assistance Program will provide eligible occupants with the following benefits:

- Advisory Services to assist in identifying available rental properties in the community, understanding available benefits under the Relocation Assistance Program, and filing claims for payment.
- Moving Payment Assistance to reimburse occupants for the cost to move personal property to a replacement site.
- Replacement Housing Payments to help eligible occupants with increased housing costs for comparable housing for 42 months. If the occupants are low income, they may be eligible for a greater level of assistance so that they are not required to pay more than 30% of household income toward rent for 42 months. The household may choose to use the funds from the Replacement Housing Payment to either rent or purchase replacement housing.

#### Impacted Non-Residential Occupants (Businesses)

As noted above, based on the current preliminary engineering design, 57 businesses and owners of personal property would become eligible to receive relocation assistance under the Relocation Assistance Program if VTA proceeds with the acquisition of certain properties. Eligible displaced businesses will receive the following benefits in accordance with VTA's Relocation Assistance Program:

- Advisory Services to assist in identifying appropriate relocation sites, understanding the benefits that are available under the Relocation Assistance Program and filing claims for payment.
- Moving Payment Assistance to reimburse businesses for the cost to move personal property from the site they currently occupy to the replacement site. In general, this benefit covers the cost to disconnect, move, and reconnect all personal property that is moved. There is no monetary limit to this benefit. Displaced businesses are reimbursed for actual, reasonable expenses that are compensable under state and federal laws and regulations.

- Searching Cost to help compensate business owners for the cost to search for a replacement site. This compensation is limited by state and federal laws and regulations to \$2,500.
- Reestablishment Payment to help business owners reestablish their businesses at its replacement sites. Compensation under this benefit is limited by state and federal laws and regulations to \$25,000.
- A business may choose an alternative payment rather than the payments described above. That In-Lieu Payment provides for a payment between \$1,000 and \$40,000 which is a fixed payment based on the net earnings of the business.
- Loss of Business Goodwill Compensation. Loss of business goodwill is not a compensable benefit that is included as part of the relocation process under state and federal law. Business owners, however, may seek such compensation through the acquisition process.

### Project Assurances

After the Board authorizes commencement of the acquisition process, and shortly after an initial offer to purchase property is made, impacted occupants eligible for relocation assistance will receive a Notice of Eligibility. Occupants will not be required to vacate the property until at least 90 days after a Notice to Vacate is issued. VTA will attempt to schedule its acquisition efforts in a manner that will allow occupants more than 90 days to relocate after the Notice is issued if feasible given Project timelines. Advance planning by means of a Relocation Plan will play an important role in ensuring that occupants are able to successfully relocate in a timely manner.

The proposed Final Relocation Plan similarly recognizes that persons potentially impacted by the Project may have questions concerning the Relocation Assistance Program and may need assistance in both planning their relocation and understanding the benefits to which they are entitled. The VTA team developed Business Relocation Assistance and Residential Relocation Assistance brochures (included in the proposed Final Relocation Plan) for this purpose. The brochures describe the relocation assistance available to all eligible businesses, residential households and others displaced as a result of the Project. The proposed Final Relocation Plan also requires that a relocation advisor be available throughout the relocation process to explain and answer questions and to assist eligible impacted persons in achieving successful relocations.

### **ALTERNATIVES:**

The Board could require that the proposed Final Relocation Plan be modified and thereby delay the approval of the Final Relocation Plan, which would result in a delay to the Project schedule. There are no legal alternatives to not adopting a Final Relocation Plan if property is to be acquired, which is necessary if the Project is to be constructed.

### **FISCAL IMPACT:**

Implementation of the Relocation Plan will involve considerable expenditure of Project funds, with the specific amount based on the extent of assistance that is to be provided to each affected party through the Relocation Assistance Program. This is anticipated to be funded through a combination of Project federal and local funds.

Prepared by: Ron Golem  
Memo No. 6565

**ATTACHMENTS:**

- Attachment A\_SVBX Final Relocation Plan 11-1-01 Memo 6565 (PDF)
- Attachment B Resolution BSVII Final Relocation Plan (PDF)



# VTA's BART Silicon Valley Phase II Extension Project FINAL RELOCATION PLAN



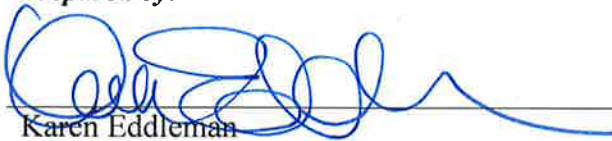


# VTa's BART Silicon Valley Program

## Phase II Extension Project

### Final Relocation Plan

**Prepared by:**



Karen Eddleman  
Relocation Lead

11/1/18

Date

**Reviewed by:**



Kathy Bradley  
Manager, Real Estate

11/1/18

Date



Ron Golem  
VTA Deputy Director, Real Estate & Joint Development

11/1/18

Date

## TABLE OF CONTENTS

<b>1.0</b>	<b>EXECUTIVE SUMMARY.....</b>	<b>1</b>
<b>2.0</b>	<b>THE RELOCATION PLAN .....</b>	<b>3</b>
2.1	STATUTORY REQUIREMENTS .....	3
2.2	PREPARATION OF THE RELOCATION PLAN.....	4
<b>3.0</b>	<b>BART SILICON VALLEY PHASE II EXTENSION .....</b>	<b>5</b>
3.1	PROJECT DESCRIPTION .....	5
3.2	PROJECT SCHEDULE .....	5
3.3	PRELIMINARY RELOCATION COST ANALYSIS.....	6
3.4	FUNDING FOR RELOCATION ASSISTANCE .....	6
3.5	CONCURRENT DISPLACEMENT.....	8
<b>4.0</b>	<b>RELOCATION IMPACT .....</b>	<b>9</b>
4.1	IMPACT TO RESIDENTIAL OCCUPANTS .....	10
4.1.1	Overcrowded Conditions for Residential Occupants .....	10
4.1.2	Accessibility Needs .....	11
4.1.3	Other Special Needs .....	11
4.1.4	Language.....	11
4.1.5	Residential Occupancy and Affordability .....	11
4.1.6	Transportation.....	11
4.2	IMPACT TO NON-RESIDENTIAL OCCUPANTS .....	11
4.2.1	Accessibility Needs .....	14
4.2.2	Other Special Needs .....	14
4.2.3	Language.....	14
4.2.4	Impact to Employees .....	14
4.2.5	Transportation.....	14
<b>5.0</b>	<b>RELOCATION RESOURCES.....</b>	<b>15</b>
5.1	RESIDENTIAL IMPACT AND REPLACEMENT SITES.....	15
5.2	NON-RESIDENTIAL REPLACEMENT SITES .....	15
<b>6.0</b>	<b>RELOCATION ASSISTANCE PROGRAM .....</b>	<b>17</b>
6.1	IMPORTANT TERMS .....	17
6.2	ELIGIBILITY FOR RELOCATION ASSISTANCE AND TIMING OF MOVE .....	20
6.3	RELOCATION ADVISORY ASSISTANCE .....	21
6.3.1	Services.....	21
6.3.2	Understanding the Relocation Assistance Program .....	21
6.3.3	Planning and Preparing to Relocate.....	22
6.4	RELOCATION EXPENSES FOR RESIDENTIAL DISPLACED PERSONS.....	22
6.4.1	Actual Moving Expenses.....	22
6.4.2	Replacement Housing Payments for Tenant-Occupants .....	23
6.4.3	Last Resort Housing Program.....	25
6.5	RELOCATION EXPENSES FOR BUSINESS AND NONPROFIT ORGANIZATION DISPLACED PERSONS .....	26
6.5.1	Actual Moving Expenses.....	26
6.5.2	Searching Expenses for Replacement Property .....	29
6.5.3	Actual Reestablishment Expenses .....	29
6.6	FIXED PAYMENT FOR MOVING EXPENSES (IN LIEU PAYMENT) .....	30
6.7	OTHER IMPORTANT INFORMATION .....	31
6.7.1	Move of Personal Property Only.....	31

6.7.2	Advertising Signs .....	31
6.7.3	Relocation Site Office .....	31
6.7.4	Filing Claims .....	31
6.7.5	Relocation Payments Are Not Considered Income.....	32
6.7.6	Business Goodwill.....	32
6.7.7	Nondiscrimination .....	32
6.7.8	General Information .....	33
6.7.9	Project Assurances .....	33
7.0	RELOCATION APPEAL PROCESS .....	35

#### Appendixes

- Appendix A – Station Site Design Maps
- Appendix B – Residential Replacement Site Information
- Appendix C – Non-Residential Replacement Site Information
- Appendix D – Sample General Information Notices
- Appendix E – Relocation Assistance Handbook – Residential
- Appendix F – Relocation Assistance Handbook – Non-Residential
- Appendix G – Comments and Responses to Draft Relocation Plan

## 1.0 EXECUTIVE SUMMARY

The Santa Clara Valley Transportation Authority (VTA) is proceeding with Phase II of the Silicon Valley Rapid Transit Program (BSV), which seeks to extend the San Francisco Bay Area Rapid Transit system (BART) to Santa Clara County. VTA has received environmental clearance for the BART Silicon Valley Phase II Project (Project). The Project's Final SEIS/SlER certification, and the Federal Transit Administration's issuance of a Record of Decision, resulted after a thorough, multi-year planning effort that included a comprehensive analysis of alternatives and exhaustive public engagement and response to comments, leading to selection of the alignment for the Project.

Phase I of BSV, which is currently undergoing system testing, is an approximately 10.2-mile extension from the BART Warm Springs Station in the City of Fremont to the Berryessa/North San José Station.

BART Phase II consists of an approximately 4.5-mile extension of the BART system from the Berryessa/North San José Station through downtown San José and terminating in Santa Clara near the Santa Clara Caltrain Station. BART Phase II includes three stations in the City of San José (Alum Rock/28<sup>th</sup> Street, Downtown San José, and Diridon Stations), one station in the City of Santa Clara (Santa Clara Station) and the Newhall Maintenance Facility in the City of Santa Clara. Two ventilation structures are included along the alignment. A map of the Project alignment is shown below.

## Map 1.1 BART Phase II Project Alignment



As with any major transportation project in an urbanized area, some relocations of residential and non-residential occupants will be unavoidable for the Project to be completed. The Project team, however, will seek to minimize the number of potential property acquisitions and resulting occupant relocations as part of its ongoing design and planning efforts.

Federal and State law require a public agency to prepare a program to appropriately address potential impacts to occupants of properties that may be acquired to construct a project. California law requires that program to be documented in a Relocation Plan that is formally adopted by the agency.

This Final Relocation Plan generally provides potential Project impact information and an overview of VTA's Relocation Assistance Program. The Draft Relocation Plan was made available for public review and comment in accordance with California law, which requires a minimum 30-day public comment period.

This Final Relocation Plan was prepared to respond to public comments and will be submitted to VTA's Board of Directors for its review, consideration, and adoption at its December 6, 2018 meeting.

The Project will require the acquisition of both publicly and privately-owned properties. VTA will be responsible to acquire the properties needed to construct the Project and to provide relocation assistance to occupants of those properties in compliance with the federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (42 U.S.C.4051 *et seq.*) and the California Relocation Act (Gov. Code 7260 *et seq.*).

The following summary presents an account of potentially impacted persons that may need to relocate based on the current preliminary engineering design:

#### 9 Potentially Impacted Residential Occupants

- |   |  |
|---|--|
| 1 | Tenant Living in a Single-Family Residence |
| 8 | Tenants Living in Apartments               |

#### 57 Potentially Impacted Non-Residential Occupants

- |    |   |
|----|---|
| 12 | Absentee Landlords Leasing Space to Others                  |
| 38 | Business Occupants  |
| 1  | Cellular Tower Tenant                                       |
| 2  | Outdoor Advertising Sign                                    |
| 4  | Entities Who May Be Required to Move Personal Property Only |

## 2.0 THE RELOCATION PLAN

### 2.1 Statutory Requirements

The Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (Uniform Act), and the California Relocation Act require public agencies to plan for the potential impact to persons and personal property caused by the construction of publicly funded projects. California law requires public agencies to prepare a formal Relocation Plan and make it available for a 30-day review and comment period prior to submitting it to the agency's decision-making body for review, consideration and adoption.

The purpose of the Relocation Plan is to:

- (a) Describe the transit portion of the project, its schedule and financing plan;
- (b) Identify the anticipated impact that the project would have on the occupants of property that may be acquired;
- (c) Identify the availability of potential replacement sites for impacted occupants; and
- (d) Explain the agency's Relocation Assistance Program.

The Draft Relocation Plan was made available for public review. The public was given an opportunity to submit comments regarding the Draft Relocation Plan. Comments and responses were incorporated into the final Relocation Plan that will be submitted to the VTA Board of Directors for review, consideration, and adoption during its December 6, 2018 Board meeting.

The Draft Relocation Plan was available online at: [www.vta.org/bart/construction/realestate](http://www.vta.org/bart/construction/realestate) and a hard copy was available at the following locations during normal business hours:

- Santa Clara Valley Transportation Authority  
River Oaks Administrative Offices
- Berryessa Library
- Alum Rock Library
- Dr. Martin Luther King, Jr.  
Main Library
- Central Park Library

VTA also presented the Draft Relocation Plan for discussion and comment during public meetings held on the following dates, times and locations:

September 6, 2018	5:30 p.m.	VTA Board Meeting 55 West Hedding Street, San José
September 11, 2018	4:00 p.m.	San Jose City Hall, Wing 118/119 200 East Santa Clara Street, San José
September 12, 2018	4:00 p.m.	Mexican Heritage Plaza 1700 Alum Rock Avenue, San José
September 13, 2018	4:00 p.m.	Santa Clara University Manresa Learning Center 475 El Camino Real, Santa Clara

## **2.2 Preparation of the Relocation Plan**

VTA contracted with Associated Right of Way Services, Inc. (AR/WS) to help plan how to assist property occupants who may be affected by the Project and to develop a Relocation Plan. VTA developed a list of properties that may be either partially or fully acquired in order to accommodate the Project construction needs. VTA sent letters to the property owners and occupants of the properties. A sample of those letters are included in Appendix D. The letters introduced the Project and invited the property owners and occupants to meet with Relocation Advisors from AR/WS. Property owner and occupant meetings were conducted. Information gathered from those meetings was incorporated into the findings of the Draft Relocation Plan. However, no specific property information or occupant identification is included in this Plan in order to maintain the privacy of occupants, including those who may not need to be relocated based on final Project design and construction.

AR/WS analyzed the characteristics of the occupants to determine replacement site needs, relocation planning needs, and the estimated cost of providing Relocation Assistance under VTA's Relocation Assistance Program. Information was gathered from occupants on a voluntary basis. Some occupants chose not to participate in the interview process. Additional information was gathered from interviews with VTA staff and property owners and general public records.

AR/WS and VTA staff participated in a series of community meetings to present information about the Relocation Planning process and engage the community in the public review and comment period. Those meetings include VTA Board meetings, Community Working Group meetings, Citizens Advisory Committee meetings, Policy Advisory Committee meetings, and Congestion Management Program & Planning Committee meetings.

Comments received during the circulation of the Draft Relocation Plan are summarized in Appendix G.

### 3.0 BART SILICON VALLEY PHASE II EXTENSION

#### 3.1 Project Description

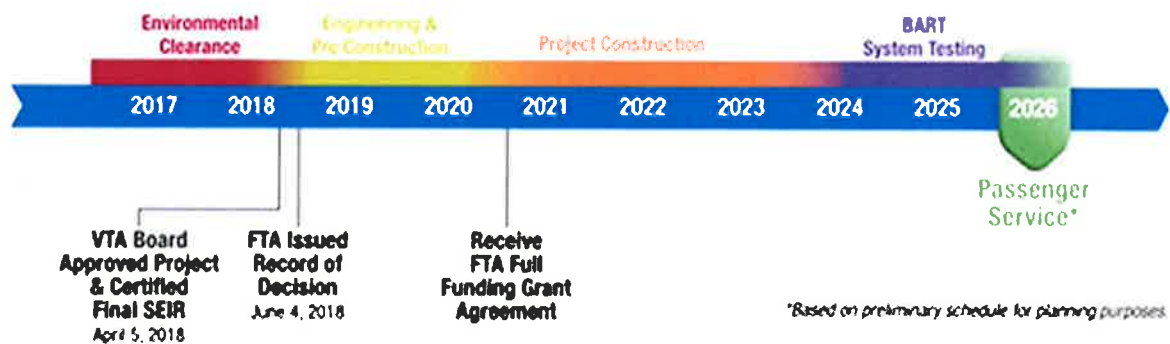
BART Phase II is the second phase of VTA's BART Silicon Valley Program (BSV), which seeks to extend BART to Santa Clara County. Phase I of BSV, currently undergoing system testing, is an approximately 10.2 mile extension from the BART Warm Springs Station in the City of Fremont to the Berryessa/North San Jose Station. BART Phase II, commencing at the terminus of Phase 1, consists of an approximately 4.5-mile extension of the BART system from the Berryessa/North San José Station through downtown San José and terminating in Santa Clara near the Santa Clara Caltrain Station. BART Phase II includes three stations in the City of San José (Alum Rock/28<sup>th</sup> Street, Downtown San José, and Diridon Stations), one station in the City of Santa Clara (Santa Clara Station) and the Newhall Maintenance Facility in the City of Santa Clara. Two ventilation structures are included along the alignment.

#### 3.2 Project Schedule

April 5, 2018	VTA Board of Directors approved the Project and certified the Final SEIR
June 4, 2018	FTA issued the Record of Decision
June – August 2018	Meetings with property owners/occupants who potentially may need to relocate
August 17, 2018	Start of Draft Relocation Plan Comment Period
December 6, 2018	VTA Board of Directors to consider adoption of the Final Relocation Plan

VTA will begin to initiate written offers to property owners as Project design and property impact are determined. The preliminary Project schedule for engineering, construction, revenue service, etc. is depicted in the figure below:

**Figure 3.2 BSV Phase II Preliminary Project Schedule**





### 3.3 Preliminary Relocation Cost Analysis

A preliminary relocation cost analysis was developed from information gathered in property owner and property occupant interviews, research of the area real estate market, federal and California relocation laws and regulations, and the experience of VTA's consultant. For residential occupants, VTA's consultant estimated potentially eligible moving costs and replacement housing payments, and for business occupants, VTA's consultant estimated potentially eligible moving and reestablishment costs. The cost to relocate the one advertising sign was not included in this analysis. Instead of relocating the sign, VTA will compensate the sign owner for the depreciated value of the improvements.

The preliminary relocation cost estimate to provide benefits for affected residential and business occupants is estimated at this time to be approximately \$22 million to \$35 million or more. This preliminary analysis is based upon VTA's current understanding of the affected residents and businesses. The cost to acquire real property and improvements pertaining to realty and the cost associated with potential loss of business goodwill are not included in this analysis.

VTA will not proceed with displacement activities until it has secured the funds to pay relocation assistance payments to eligible occupants. Funds will be sufficient to provide full relocation assistance in accordance with VTA's Relocation Assistance Program.

### 3.4 Funding for Relocation Assistance

VTA has secured sufficient funding to provide full Relocation Assistance in accordance with its Relocation Assistance Program. VTA may seek partial or full reimbursement from federal sources if federal funding is secured.

The current estimated total cost of BART Phase II is approximately \$4.7 billion. A funding strategy for this project is planned through multiple revenue streams including: the 2000 Measure A half-cent sales tax at \$1.0 billion, the State of California and its Traffic Congestion Relief Program (TCRP) at \$160 million, federal grants including the New Starts program at approximately \$1.5 billion, the 2016 Measure B, half-cent sales tax at \$1.5 billion, and a maximum of \$750 million from the Transit and Intercity Rail Capital Program. VTA's funding strategy of \$4.91 billion assumes a level of additional contingency required by FTA that is anticipated based on future risk assessment results.

**2000 Measure A.** On August 9, 2000, the VTA Board of Directors voted to place a 30-year half-cent transit sales tax on the November 7, 2000 General Election ballot, giving Santa Clara County voters the opportunity to vote on transportation improvements in the County including construction of a BART Extension from Alameda County to Santa Clara County.

Measure A was approved by 70.3 percent of the voters and collection of the tax began in April 2006 to help fund design and construction of the BART Silicon Valley project.

**2008 Measure B: Operation and Maintenance Funding.** On November 4, 2008, an additional Santa Clara County ballot measure supporting the BART extension passed, receiving 66.78% of the vote, exceeding the two-thirds super majority. The 30-year eighth-cent Measure B sales tax will generate dedicated revenue to fulfill VTA's obligation to BART for the operation, maintenance, and future capital reserve of the extension VTA constructs.

2008 Measure B stipulated that collection of the eighth-cent sales tax begin when federal and State funds were secured. Federal funds were considered secured and matched at the time VTA received a \$900 million Full Funding Grant Agreement in March 2012. Collection of the eighth-cent sales tax began on July 1, 2012.

**2016 Measure B.** In June 2016, the VTA Board of Directors unanimously adopted the framework and funding amounts to place an additional half-cent 30-year sales tax measure on the November 8, 2016 ballot to help fund transportation priorities. An extensive 18-month public outreach process gathered input and suggestions on how to best improve the transportation needs of Santa Clara County. Through this process, a list of categories and transportation projects were approved, including a plan to invest \$1.5 billion in Phase II of the BART Silicon Valley Extension. Measure B, which required a two thirds majority vote, was approved by voters by more than 71 percent of the vote and became effective in April of 2017.<sup>1</sup>

**State of California – Traffic Congestion Relief Program (TCRP).** In August 2014, VTA received the sixth and final allocation from the State of California's Traffic Congestion Relief Program (TCRP) for VTA BART Silicon Valley (BSV). The \$39 million brings the total amount of TCRP funding received for BSV to \$649 million. The California Transportation Commission (CTC), who is responsible for overseeing State-funded transportation programs, has allocated a total of \$768 million to BSV.

VTA BART Silicon Valley was identified as one of 53 projects statewide eligible to receive TCRP funds in 2000, when legislation passed creating the program.

Early TCRP allocations funded project engineering and environmental clearance activities. The final allocation will help fund construction of the Milpitas and Berryessa/North San Jose Intermodal Transportation Centers and their BART stations and go towards design and construction of the parking structures at the two stations.

**Federal Funding.** The Federal Transit Administration's (FTA) New Starts program is the federal government's primary discretionary financial resource for supporting locally planned, constructed, implemented, and operated major transit projects. This program funds new commuter rail, light rail, heavy rail, and bus rapid transit projects, streetcars, and ferries, as well as extensions to existing transit systems in every area of the country.

<sup>1</sup>2016 Measure B funds are currently being collected and placed in an escrow account pending the resolution of an appeal of a judgment entered in a lawsuit contesting the Measure. VTA prevailed at trial and expects to prevail in the appeal.

*Local support required:* New Starts projects, like all transportation investments in metropolitan areas, must emerge from a regional, multi-modal, transportation-planning process. In the San Francisco Bay Area, the Metropolitan Transportation Commission (MTC) is the metropolitan planning organization (MPO) that oversees transportation planning for the nine Bay Area counties. MTC has included the BART Silicon Valley Extension in the 2040 Regional Transportation Plan.

*How projects are evaluated:* New Starts projects undergo evaluation by the FTA throughout the entire project development process. Based on this evaluation, the FTA makes decisions about moving projects forward, from preliminary engineering to final design, and to the execution of a Full Funding Grant Agreement (FFGA) to annual funding recommendations to Congress. The FFGA is the multi-year contractual agreement between the FTA and VTA that formally defines the project scope, cost and schedule, and establishes the terms of federal financial assistance.

VTA submitted an application to enter into New Starts Project Development for BART Phase II in March 2016. Activities related to the Project Development phase are necessary to refine a cost estimate and financial plan for the project. VTA must complete a number of activities during this phase which include: adoption into the region's long-range transportation plan, clearly defining the project description, completing activities for evaluation and rating, and completing the environmental review process.

Pursuant to its discussions with FTA, VTA anticipates submittal of an application for the Expedited Project Delivery pilot program in late 2019, with the intent of receiving an earlier Full Funding Grant Agreement from the FTA in 2020. In the event that the Project is not approved for the pilot program, VTA will submit a complete package for entry into New Starts Engineering.

### **3.5 Concurrent Displacement**

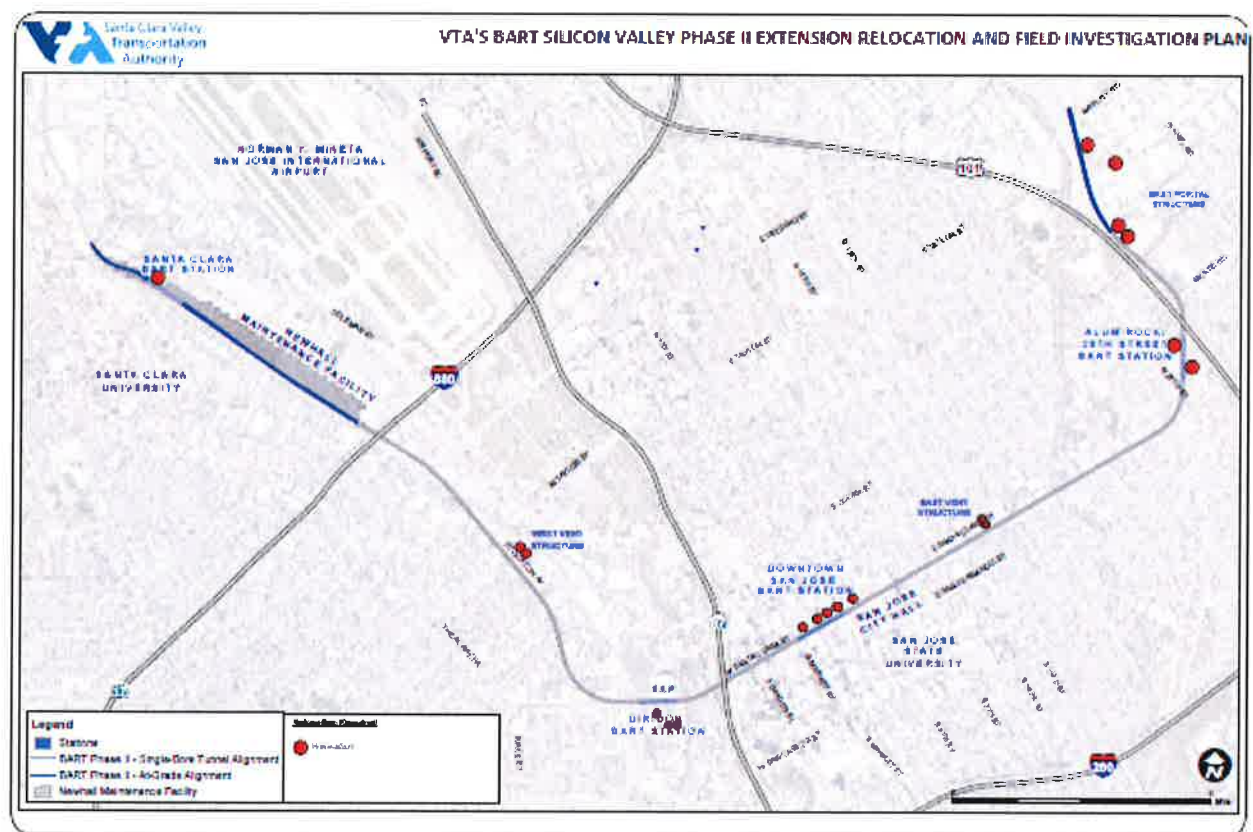
Based upon discussions with local public agencies in Santa Clara County, VTA is not aware of concurrent displacement resulting from public agency generated projects that would be expected to significantly compete for similar replacement site resources.

## 4.0 RELOCATION IMPACT

This section of the Relocation Plan addresses the anticipated relocation impact related to the potential acquisition of properties needed for the construction of the Project. The proposed Project may displace 9 residential occupants and 57 non-residential entities (businesses, cellular towers, outdoor advertising signs and personal property only). VTA is attempting to work with project designers and planners to minimize impact to properties and occupants. When possible, and based on future Project design and engineering work, VTA will acquire only those portions of properties that are necessary and will work with the owners and occupants of those properties to reconfigure the space so that displacement of occupants is minimized or avoided altogether.

Map 4.1 below demonstrates the location of properties in the cities of San José and Santa Clara that were identified in the FEIS/FEIR as properties which may be considered for acquisition in full or in part to allow for Project Construction.

**Map 4.1 Locations of Potentially Impacted Properties**



Twenty-five properties were identified in the FEIS/FEIR for the Single-Bore alternative that may result in relocation of occupants. Seven of those properties are publicly owned. The remainder are privately held properties with residential and non-residential occupants.

Table 4.1 summarizes the occupants that may be impacted by the Project.

**Table 4.1 Summary of Potentially Impacted Occupants**

9 Potentially Impacted Residential Occupants	
1	Tenant Living in a Single-Family Residence
8	Tenants Living in Apartments
57 Potentially Impacted Non-Residential Occupants	
12	Absentee Landlords Leasing Space to Others
38	Business Occupants
1	Cellular Tower Tenant
2	Outdoor Advertising Signs
4	Entities Who May Be Required to Move Personal Property Only

VTA sent General Information Notices to property owners and occupants to provide general project information and to invite property owners and tenants to meet to discuss the Project and potential project impacts. The representatives of 25 entities accommodated VTA's request for meetings and provided much of the information that is included herein. None of the residential tenants agreed to meet.

#### **4.1 Impact to Residential Occupants**

Work to date has identified nine households that may be required to relocate if properties are purchased in downtown San José. One household rents a single-family residence. Eight households rent apartments on the second floor of a mixed-use building.

If VTA initiates negotiations with the owners of these properties, a Relocation Advisor will meet with each household to determine current housing costs, dwelling characteristics, occupant housing needs, and household income. This information will allow VTA to provide meaningful assistance to the occupants. VTA's Relocation Assistance Program provides for advisory and monetary assistance to help households secure comparable replacement housing in the area.

##### **4.1.1 Overcrowded Conditions for Residential Occupants**

No overcrowding of dwellings was perceived or reported. However, if a household needs a larger replacement housing unit in order to meet VTA's Relocation Assistance Program Standards, they will be provided the necessary additional assistance to secure replacement housing that accommodates the size of their household.

#### **4.1.2 Accessibility Needs**

Future interviews with residential occupants will provide information as to household accessibility needs. If an occupant reveals that any special needs exist, VTA will provide any additional advisory assistance that is required in order to identify and secure housing that is fully assessable to the occupant.

#### **4.1.3 Other Special Needs**

VTA will make each occupant aware of their eligibility to receive relocation assistance as offers are made to the property owners. This will allow the maximum number of months for households to work with their Relocation Advisor to identify and relocate to replacement sites.

#### **4.1.4 Language**

If an occupant expresses a preference for verbal and written information in a language other than English, VTA will make every reasonable effort to communicate with those occupants and provide translation and interpretation services.

#### **4.1.5 Residential Occupancy and Affordability**

No rent costs or household income information was provided by property owners or households. VTA's Relocation Assistance Program will provide Replacement Housing Payments to help residential occupants with the increased costs for comparable replacement housing in the area. VTA's Relocation Assistance Program would ensure that comparable replacement housing is affordable for the residential occupants for 42 months.

#### **4.1.6 Transportation**

The tenant living in the single-family residence has on-site parking. The eight households living in the apartments do not have parking available on site. These households may rely on nearby public transportation. VTA will work diligently to identify comparable rentals in the area that will provide for similar access to public transportation.

### **4.2 Impact to Non-Residential Occupants**

Fifty-seven non-residential entities may be impacted by Project acquisition efforts.

Twelve entities own real estate that they lease to others. These businesses may be interested in reestablishing their investment properties.

Seven additional entities own personal property that is currently situated on parcels that may be impacted by the Project. The personal property that potentially may be impacted includes outdoor advertising signs, cellular antenna, and fleet vehicles.

The remaining 38 entities are businesses operating on site. Most are small businesses serving the greater San José community. Seven of these businesses own the property where they operate. The remaining 31 lease properties. The businesses have been categorized to help with the assessment of impact and replacement site options.

**Table 4.2.1 Summary of Impact to Non-Residential Occupants**

<i>Category</i>	<i>Description of Use</i>	<i>Number of Impacted Businesses</i>
1	General Retail/Office/Food Service/Nightclub/Bar	12
2	Service Station	1
3	Warehouse/Light Industrial/Heavy Industrial	6
4	Contractor Yard	9
5	Automotive Use	10

**Category 1: General Retail, Office, Food Service, Nightclub/Bar Space.**

Twelve businesses operate small office space, retail businesses, service businesses, bank services, food service or nightclubs/bars. All but two of these businesses are situated in downtown San José in mixed use buildings. Some are small locally owned businesses and three are franchised or corporately owned retail businesses serving the downtown walk in community. Four of the businesses have liquor licenses that would need to be transferred.

**Table 4.2.2 Summary of Impact to General Retail, Office, Food Service and Nightclub/Bar Occupants**

<i>Description of Use</i>	<i>Size of Leased Space (sf)</i>	<i>Special Considerations</i>
Medical Consulting Office	1,500 to 2,000	Clientele Access
Bank	10,000 to 15,000	Safes and deposit boxes
Bakery/Food/Liquor Store	1,200 to 3,000	Liquor license
Adult Retail Store	1,200 to 1,600	Permissible locations
Night Club/Bar	1,200 to 5,000	Liquor license
General Office Space	1,500 to 2,500	Location
Franchised Service Companies	1,000 to 2,000	Proximity to other franchised locations

**Category 2: Service Station.** One nationally branded gas station facility may be impacted by the project in downtown San José. If this property is acquired for the Project, the station owner would need to relocate to a replacement facility.

**Category 3: Warehouse, Light Industrial and Heavy Industrial Use.** Six businesses are captured in this category. Business uses include a produce sales and distribution, two large print shops, a remodeling business, a small technology-based company, and one business occupying a research and development space. Some businesses have significant building improvement requirements related to their use or equipment.

**Table 4.2.3 Summary of Impact to Warehouse, Light Industrial and Heavy Industrial Use Occupants**

<i>Description of Use</i>	<i>Size of Leased Space</i>	<i>Special Considerations</i>
Large Print Shops	100,000 – 130,000 sf	Heavy Equipment Site Preparation
Research and Development	148,000 sf	Specialty Equipment Site Preparation
Produce Sales and Distribution	1,000 – 1,200 sf	
Remodeling Business	1,000 to 1,200 sf	
Technology Business	1,200 to 1,600 sf	

**Category 4: Contractor Building and Yard.** Nine businesses support the area's construction industry by providing asphaltting, signage, raw materials, fencing, and stone and granite sales and installation. These businesses are similar in that they require office space and yard space to accommodate equipment, materials, and employee parking.

These businesses utilize heavy industrial truck access and depend upon proximity to contractor jobs in the area. Most have heavy equipment and inventory and secured perimeter fencing. While many sell directly to businesses, some sell directly to the public.

**Table 4.2.4 Summary of Impact to Contractor Building and Yard Occupants**

<i>Description of Use</i>	<i>Building Size</i>	<i>Yard Size</i>
Security/Fencing Sales and Service	10,000 to 12,000 sf	1 to 2.5 acres
Stone/Granite Sales and Service	3,000 to 20,000 sf	1.5 to 3 acres
Fleet Sales and Maintenance	80,000 sf	5 acres
Construction Support/Rental Service	2,200 – 6,000 sf	.25 to 1.0 acre
Asphalt and Cement Services	8,500 – 9,500 sf	1.28 acres

**Category 5. Automotive Use.** Ten automotive businesses are captured in this category. Uses include small automotive repair and service businesses, specialty automotive shops and one private bus transportation company. The majority are small automotive businesses situated in an industrial automotive park. One is a stand-alone auto body repair and paint shop. One occupies space adjacent to a service station. The transportation company services local area businesses and performs fleet maintenance.

**Table 4.2.5 Summary of Impact to Automotive Use Occupants**

<i>Description of Use</i>	<i>Size of Leased Space</i>	<i>Special Considerations</i>
Automotive Service and Repair	1,000 to 10,000 sf	Nine businesses would require similar space
Transportation Service and Repair	20,000 sf on 2-acre lot	Business owns and occupies adjacent parcels
Automotive Body Repair	10,000 sf on a 40,000 sf lot	Special permitting and assistance related to automotive painting facility



#### **4.2.1 Accessibility Needs**

None of the business owners who were interviewed reported having employees with special needs that required American with Disabilities (ADA) access at the existing property or at a future replacement property.

#### **4.2.2 Other Special Needs**

The majority of businesses will need significant lead-time to allow the business owners to identify adequate replacement sites and to plan for the design, permitting and actual move of personal property and equipment. Relocation Advisors will work closely with the business owners to keep them apprised of the Project schedule. In addition, Relocation Advisors will provide information on available replacement sites and reimbursement for eligible expenses under VTA's Relocation Assistance Program.

VTA will make each occupant aware of their eligibility to receive relocation assistance as offers are made to the property owners. This will allow the maximum number of months for businesses to work with their Relocation Advisor to identify and relocate to replacement sites.

#### **4.2.3 Language**

Most occupants speak English as their primary language or are able to communicate in English. Two business owners expressed a preference for verbal and written information in Spanish. If language assistance is necessary, VTA will make every reasonable effort to communicate with those occupants and provide translation and interpretation services.

#### **4.2.4 Impact to Employees**

It is anticipated that more than 150 employees may be affected if the businesses are required to relocate. If businesses are able to move to sites within the San José area, and if they can maintain similar access to public transportation, then the impact to employees would be minimal.

#### **4.2.5 Transportation**

Business owners reported that the majority of employees do not rely on public transportation when commuting to work. It is assumed that the residential occupants rely on both public and private transportation. If occupants request information regarding replacement sites close to public transportation, VTA will work diligently to identify sites that will allow access to public transportation.

## 5.0 RELOCATION RESOURCES

Relocation Advisors will begin to work with each occupant once VTA presents a written offer to the property owner. VTA plans to assist the eligible occupants to successfully relocate in the community. Substantial efforts have been made to identify sites that will accommodate the 9 households and 57 non-residential occupants who may be required to move from their present locations under the current preliminary design.

### 5.1 Residential Impact and Replacement Sites

Research was conducted over an eight-week period in June and July of 2018 to identify comparable housing in downtown San José for the nine residential tenant households who may be impacted by the Project. One two-bedroom single family residence and eight one-bedroom apartments could be required to move to allow for Project construction. It is anticipated that at least nine people rent these units on a month-to-month basis. More than 72 similar rental units were found in downtown San José during the search period. Based upon the available replacement housing in downtown San José, it appears that there will be sufficient replacement housing available for the households that may need to relocate.

The Relocation Assistance Program will provide the advisory and monetary assistance necessary for households to secure comparable replacement housing as provided under the Uniform Act and California law. The information provided in Appendix B is representative of the properties that may be available at the time that the households may be searching for comparable replacement housing. The accompanying map demonstrates the proximity to the occupants' current dwellings.

### 5.2 Non-Residential Replacement Sites

Based on public records, observation and tenant interviews, it was determined that there are 57 non-residential entities that may be impacted to allow for the Project's construction. These entities are made up of property owners who lease space, business entities who occupy space, and occupants who store personal property.

#### 57 Potentially Impacted Non-Residential Occupants

12	Absentee Landlords Leasing Space to Others
38	Business Occupants
1	Cellular Tower Tenant
2	Outdoor Advertising Sign
4	Entities Who May Be Required to Move Personal Property Only

These businesses occupy properties with various zoning. Some occupy the property in accordance with a Conditional Use Permit from the City of San José which allows their specific special use. It is anticipated that all impacted businesses will need more than the statutory 90-day notice to identify, secure and move into replacement sites. Several of the businesses may require Conditional Use Permits to accommodate their occupancy at a

replacement site. Others may require significant tenant improvements that will require permitting and construction.

Six businesses own the property that they occupy. The remaining 32 lease property. Research was conducted over an eight-week period in San José, Santa Clara and the surrounding areas to identify properties for sale and for lease that might meet the replacement sites needs of the 38 impacted businesses. Some sites would require significant improvements or Conditional Use Permits to accommodate the business uses.

The information provided in Appendix C is representative of the properties that may be available at the time the businesses may be searching for replacement sites. The accompanying map demonstrates the location of the available properties.

## 6.0 RELOCATION ASSISTANCE PROGRAM

This portion of the Relocation Plan summarizes VTA's Relocation Assistance Program for the Project. This summary is provided for general information purposes only. Should this summary contain any information inconsistent with the laws governing relocation assistance, the applicable laws and corresponding regulations will take precedence. VTA's Relocation Assistance Program must follow federal regulations as cited in the Federal Law (42 U.S.C. 4061 *et seq.*) and its regulations (49 CFR Part 24) (the Uniform Act), and applicable State of California Relocation Law and Regulations.

VTA's Relocation Assistance Program establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs and projects undertaken with Federal financial assistance. The primary purpose of the Relocation Assistance Program is to ensure that persons would not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement.

VTA's Residential Relocation Assistance and Non-Residential Relocation Assistance brochures are contained in Appendixes E and F, respectively.

### 6.1 Important Terms

**Alien Not Lawfully Present.** Under federal law, any resident alien not lawfully present in the United States is not eligible for relocation assistance. As defined by federal law, an alien not lawfully present in the United States includes (1) an alien present in the United States who has not been admitted or paroled in the United States pursuant to the Immigration and Nationality Act and whose stay in the United States has not been authorized by the U.S. Attorney General; or (2) an alien who is present in the United States after the expiration of the period of stay authorized by the U.S. Attorney General who otherwise violates the terms and conditions of admission, parole or authorization to stay in the United States. (8 CFR Section 103.12).

VTA is committed to working with residents who are not lawfully present in the United States and will consider use of local funds for relocation assistance as appropriate.

**Business.** Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease, and rental of personal or real property; or for the manufacture, processing, or marketing of products, commodities or any other personal property; or for the sale of services to the public; or an outdoor advertising display or displays, when the display or displays must be moved as a result of acquisition of property for the Project.

**Comparable Replacement Dwelling.** A dwelling that is of similar size and type to the acquired dwelling. A replacement dwelling must be:

- a) Decent, safe, and sanitary as described below.
- b) Functionally equivalent to the displacement dwelling. The term “functionally equivalent” means that it performs the same function, provides the same utility, and is capable of contributing to a comparable style of living.
- c) In an area not subject to unreasonable adverse environmental conditions from either natural or manmade sources.
- d) Available to all persons regardless of race, color, religion, sex, marital status, or national origin.
- e) Within the financial means of the Displaced Person (housing costs do not exceed 30% of the household’s average monthly income, if the household is low-income based on the U.S. Department of Housing and Urban Development income limits), either by the Displaced Person’s own means or through assistance from the Relocation Assistance Program.

**Conditional Entitlement Letter.** A written notice provided by VTA to eligible residential owner- and tenant-occupants of real property, stating their entitlement to receive a Replacement Housing Payment upon completion of a Housing Valuation Study.

**Decent, Safe, & Sanitary.** In order to meet decent, safe, and sanitary requirements, a replacement site must meet the following criteria:

- a) Be structurally sound, clean, weather tight, in good repair, and adequately maintained.
- b) Contain a safe electrical wiring system adequate for lighting and other devices.
- c) Contain a safe heating system capable of sustaining a healthful temperature.
- d) Be adequate in size, with respect to the number of rooms and area of living space, to accommodate the Displaced Persons.
- e) Have a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system.
- f) Contain unobstructed egress to safe, open space at ground level. If the dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
- g) Be free of any barriers, which prevent reasonable ingress, egress, or use of the dwelling by such Displaced Person.

**Displaced Person.** Any lawful person (individual, family, partnership, association or corporation) who moves from real property, or moves personal property from real property, as a direct result of VTA's written notice of intent to acquire, the initiation of negotiations for, or the acquisition of real property, in whole or in part, for the Project.

**Housing Valuation Study.** A study prepared by VTA, describing the maximum replacement housing payment available to eligible residential owner- and tenant-occupants based on comparable replacement dwellings.

**Nonprofit Organization.** A public or private entity that has established its nonprofit status under applicable federal or State law.

**Notice of Eligibility.** A written notice provided by VTA to owner- and tenant-occupants of real property at the time VTA makes an offer to the property owner to purchase the property, describing the types of assistance available to the occupants.

**Notice to Vacate.** A statutorily required written notice provided by VTA to occupants of real property that VTA plans to acquire or has acquired, informing the occupants that they must move from the property within 90 days.

**Personal Property.** Property that can be moved from real property without damaging the real property or the property moved, including furniture, fixtures and equipment and other movable objects.

**Relocation Advisor.** A Relocation Advisor is a person who is experienced in aiding occupants in accordance with the Uniform Act. Relocation Advisors will be available to work with each occupant to understand the Relocation Assistance Program, provide Program information in writing, provide information on available replacement sites, and provide analyses of compensable monetary assistance under the Program.

**Small Business.** A business having not more than 500 employees working at a site, which is the location of economic activity and which will be acquired or is displaced by the Project. A site occupied solely by outdoor advertising signs, displays, or devices is not a "small business" for purposes of the reestablishment expense benefit of Uniform Relocation Act and its implementing regulations.

**Unlawful Occupant.** A person who occupies without property right, title or payment of rent, or a person legally evicted, with no legal rights to occupy a property under State law. An occupant is considered to be in unlawful occupancy if the occupant has been ordered to move by a court of competent jurisdiction or if the occupant's tenancy has been lawfully terminated by the owner for cause, the tenant has vacated the premises, and the termination was not undertaken for the purpose of evading relocation assistance obligations.

## 6.2 Eligibility for Relocation Assistance and Timing of Move

To be eligible for relocation assistance, a Displaced Person must be lawfully occupying the property to be acquired by VTA at the time VTA makes a written offer to the property owner to purchase the property. All occupants of properties that VTA offers to purchase will be notified of VTA's offer by way of a Notice of Eligibility, which VTA will send to tenants or occupants shortly after it initiates negotiations with a property owner. While VTA is statutorily required to provide only a 90-day written notice of the day the occupant is required to relocate, VTA intends to begin working with each occupant as soon as an offer is presented to the property owner. This will allow each occupant to work with a Relocation Advisor while VTA is negotiating for the purchase of the property. This should provide each occupant an extended period of time to work with a Relocation Advisor to identify and secure a replacement site. VTA's goal is to work with each occupant to plan appropriately for the move and to understand the assistance that is available under VTA's Relocation Assistance Program.

Businesses and storage tenants who occupy the property on the date of VTA's first written offer to the property owner will be eligible to receive assistance in accordance with VTA's Relocation Assistance Program. Residential tenant occupants must rent and occupy a site for 90 days prior to VTA's first written offer to be eligible for Replacement Housing Payments as described in the Relocation Assistance Program.

Residential occupants eligible to receive Replacement Housing Payments will not be required to move prior to receiving a Conditional Entitlement Letter. VTA will send a Conditional Entitlement Letter to eligible residential occupants upon completion of a Housing Valuation Study, which determines the maximum replacement housing payment based on comparable replacement housing.

VTA will make every effort to assist each Displaced Person in finding reasonably comparable replacement sites. However, for businesses or nonprofit organizations, federal and State laws do not require VTA to guarantee that the business owner will find a replacement site that it finds to be acceptable. Displaced Persons ultimately choose their preferred replacement site and their participation in the process is critical to the success of the relocation.

Although an eligible Displaced Person is not required to move until 90 days after receiving a Notice to Vacate, a Displaced Person is eligible to receive relocation assistance upon receiving a Notice of Eligibility from VTA. If Displaced Persons choose to relocate at any time after receiving a Notice of Eligibility, they will be eligible to receive relocation assistance in accordance with VTA's Relocation Assistance Program. If Displaced Persons move before receiving a written Notice of Eligibility, they will not be eligible for, or provided with relocation assistance.

Although VTA may provide notice to Displaced Persons that they are eligible to receive relocation assistance, while occupying their current location, the Displaced Persons will continue to have the same rights and responsibilities they otherwise would have under any

lease or other agreement related to the property; VTA's Notice of Eligibility does not waive those rights and obligations.

### **6.3 Relocation Advisory Assistance**

VTA's Relocation Assistance Program provides relocation advisory assistance. VTA's Relocation Advisors are specialized in providing relocation assistance and will administer VTA's Relocation Assistance Program. Each Displaced Person will be assigned a Relocation Advisor.

#### **6.3.1 Services**

The Relocation Advisor will guide each Displaced Person through the relocation process. The Relocation Advisor will help to locate a decent, safe, and sanitary replacement dwelling for residential occupants and a suitable replacement property for business or nonprofit organizations. It is the Relocation Advisor's goal and desire to be of service and to assist each Displaced Person in any way possible to help the Displaced Person to successfully relocate. The Relocation Advisor is available to help and to advise the Displaced Person; therefore, each Displaced Person should make full use of the available services.

Individuals with disabilities will be provided the assistance needed to understand their rights under VTA's Relocation Assistance Program and assistance to locate and move to a replacement site. A Displaced Person should notify a Relocation Advisor if additional assistance is needed.

#### **6.3.2 Understanding the Relocation Assistance Program**

During the initial contact meeting, a Relocation Advisor will explain VTA's Relocation Assistance Program. The advisor will interview the Displaced Person to understand the household characteristics and replacement housing needs, or the business's current operation, facility, and replacement site needs. The advisor will explain the assistance and payments that the Displaced Person may claim in accordance with the Displaced Person's eligibility. It is important that Displaced Persons explain any anticipated relocation concerns to their Relocation Advisor. During the initial interview, a Relocation Advisor will ask detailed questions to determine specific relocation needs.

After the initial interview, the Relocation Advisor will deliver written information regarding the Displaced Person's eligibility and rights, and forward information regarding available replacement sites as it becomes available. The Relocation Advisor will provide information regarding available replacement properties, maps of replacement properties, and transportation, as needed to inspect replacement properties, especially if the Displaced Person is elderly or disabled. Displaced Persons are free to use the services of their own real estate agents or brokers.



### **6.3.3 Planning and Preparing to Relocate**

A Relocation Advisor will continue to work with each Displaced Person to help plan the relocation to a replacement site. In particular, a Relocation Advisor will explain which costs are reimbursable under VTA's Relocation Assistance Program and which costs are not; and, assist the Displaced Person with properly filing and documenting claims for reimbursement of relocation expenses.

A Relocation Advisor will also provide information and assistance to minimize hardships in adjusting to the new location, such as assistance completed rental applications or loan documents; information on typical down payments; information on real property taxes; information on any permits, fees and local planning regulations applicable to the replacement site; information on services provided by others in the community, as well as federal, State, and local programs offering assistance to Displaced Persons; and consumer education literature. A Relocation Advisor will also help to determine any special need or an outside specialist to help a Displaced Person plan for the move and if applicable, the reinstallation of personal property. A Relocation Advisor will make every effort to secure the services of those agencies with trained personnel who have the expertise to help a Displaced Person through any special concerns related to the relocation.

In addition, a representative of VTA will work with each business owner and the owner of the real property (if the business is a tenant) to identify and to resolve any issues regarding what is "real estate" and what is "personal property" that can be relocated. Each business owner may be asked to provide a copy of the business owner's lease agreement (if applicable) to help to determine the ownership of furniture, fixtures, and equipment.

VTA's goal is for each Displaced Person to achieve a successful relocation in the community. It is important that each business owner do everything a prudent business owner would do to maintain the business. All Displaced Persons should work closely with their Relocation Advisor to evaluate and prepare for the move and search leads to available replacement sites.

## **6.4 Relocation Expenses for Residential Displaced Persons**

### **6.4.1 Actual Moving Expenses**

An eligible Displaced Person may be reimbursed for the actual, reasonable, and necessary cost of the household's move to a replacement home. Actual, reasonable, and necessary moving expenses may include the following:

- (a) Transportation of the displaced household for up to 50 miles.

- (b) Packing, moving and unpacking household goods.
- (c) Disconnecting and reconnecting household appliances and other personal property (e.g., telephone and cable TV).
- (d) Storage of household goods, as may be necessary.
- (e) Insurance for the replacement value of your property during the move and necessary storage.
- (f) The replacement value of property lost, stolen, or damaged in the move (but not through neglect) if insurance is not reasonably available.

Eligible Displaced Persons may choose from among the following reimbursement options:

**Payment for Actual Reasonable Moving and Related Expenses.** Payment is made to reimburse actual moving expenses based on the *lower* of at least two acceptable moving bids from qualified professional moving carriers.

Compensable costs include all reasonable costs to pack, move, and unpack all personal property. A direct payment can be made to the professional moving carrier under this option and will allow reimbursement to the Displaced Person for any one-time utility reconnection fees, such as phone, gas, electricity, and cable.

**A Fixed Moving Payment.** Displaced Persons may choose to move their own personal property to the replacement site and to submit a claim based on the current moving expense and dislocation allowance schedule published by the Code of Federal Regulations below.

Occupant Owner Furniture									Occupant does not own furniture	
Number of Rooms of Furniture								Addt'l room		
1 room	2 rooms	3 rooms	4 rooms	5 rooms	6 rooms	7 rooms	8 rooms		1 room/no. furn.	Add'l room/no. furn.
\$725	\$930	\$1,165	\$1,375	\$1,665	\$1,925	\$2,215	\$2,505	\$265	\$475	\$90

**A combination of both.** A Displaced Person can be reimbursed using a combination of the two reimbursement options, depending upon specific circumstances.

#### 6.4.2 Replacement Housing Payments for Tenant-Occupants

A Replacement Housing Payment may be provided to eligible tenant-occupants to help them rent or buy a comparable replacement dwelling. To qualify for the Replacement Housing Payment, the tenant-occupants must demonstrate that (1) they have lived in the property as legal residents for at least 90 consecutive days prior to VTA's initial written offer to purchase the property; and (2) the property was their primary residence for that 90-day period (Eligible Tenant-Occupants). Federal law limits the maximum Replacement Housing Payment to Eligible Tenant-Occupants to a 42-month period

and caps the payment at \$7,200 per property. The Replacement Housing Payment to Eligible Tenant-Occupants is computed in the following manner:

The Replacement Housing Payment for one month is determined by subtracting the base monthly rent for the present home from the cost of rent and utilities for the actual or comparable replacement dwelling, whichever is less. VTA will determine the cost of replacement housing based on a Housing Valuation Study. If the actual or comparable replacement housing cost is greater than the base monthly rent, that difference is multiplied by 42 months to determine the total maximum Replacement Housing Payment amount. If the actual or comparable replacement housing cost is less than the existing housing cost, no Replacement Housing Payment is available.

Generally, the “base monthly rent” for the present home is the *lesser* of (a) the monthly rent and average monthly cost for utilities during the three months immediately prior to vacation, or (b) 30% of the average monthly gross household income, if the household is low-income based on U.S. Department of Housing and Urban Development income limits. VTA will inform Eligible Tenant-Occupants in writing of the location and cost of comparable replacement housing (Conditional Entitlement Letter) and explain the basis of its determination so that Eligible Tenant-Occupants will know in advance how much assistance they may receive. That information should help Eligible Tenant-Occupants decide how much they wish to pay for replacement housing.

Eligible Tenant-Occupants are free to rent any decent, safe and sanitary housing unit of their choice. The Replacement Housing Payment may be paid directly to the tenant or an authorized designee. VTA will provide the assistance in monthly installments or other periodic payments.

Federal law provides that the maximum Replacement Housing Payment that Eligible Tenant-Occupants can receive is \$7,200 per property acquired by VTA (not per tenant). If the total rent differential (without the moving payments) is in excess of \$7,200, the Last Resort Housing Program will be used as described in Section 6.4.3 below.

To claim the Replacement Housing Payment, Eligible Tenant-Occupants must rent and occupy a decent, safe and sanitary replacement dwelling within 12 months after moving from the acquired property. VTA may extend this period for good cause.

**Purchasing a Replacement Dwelling.** If Eligible Tenant-Occupants choose to buy (rather than rent) a replacement dwelling, the Replacement Housing Payment based on the rent differential could be applied toward a down payment and incidental expenses to purchase a decent, safe, and sanitary replacement dwelling within 1 year of the date the household moves from the property acquired by VTA. The Replacement Housing Payment cannot exceed the maximum rent differential (as previously described) or the amount of a reasonable down payment for a comparable replacement dwelling plus expenses incidental to the purchase, whichever is less.

### 6.4.3 Last Resort Housing Program

Whenever a program or project cannot proceed in a timely manner because comparable replacement dwellings are not available within the maximum Replacement Housing Payment of \$7,200 for Eligible Tenant-Occupants, VTA will provide additional or alternative assistance under the provisions of 49 CFR 24.404 (Last Resort Housing). Last Resort Housing is a program that allows for the implementation of certain regulations to ensure that comparable replacement housing is within the financial means of the Displaced Person. Any determination that VTA makes to provide Last Resort Housing assistance must be adequately justified as follows:

On a case-by-case basis, for good cause, which means that appropriate consideration has been given to the following:

- a. Availability of comparable replacement housing in the area;
- b. Resources available to provide comparable replacement housing;
- c. Individual circumstances of the Displaced Person;

Or, by determination of the following:

- a. Little, if any, comparable replacement housing is available to Displaced Persons within the entire project area; therefore, Last Resort Housing assistance is necessary to the area as a whole.
- b. A project cannot be advanced to completion in a timely manner without Last Resort Housing assistance.
- c. The method selected for providing Last Resort Housing assistance is cost effective, considering all the elements that contribute to total project costs.

Several methods to provide Last Resort Housing assistance to qualified Displaced Persons are available. They include the following:

- a. Provide supplemental funds in excess of \$7,200 limits to allow eligible occupants to purchase or rent a comparable replacement dwelling. The actual amount of assistance is determined through a Housing Valuation Study.
- b. Rehabilitate or create additions to make a replacement dwelling meet DS&S standards.
- c. Construct new replacement housing, rehabilitate existing housing, or provide funds for private parties to rehabilitate existing units for occupancy by displaced households. For tenants, rents would be restricted to an amount per month not to exceed 30% of household's gross monthly income, if the household is low-income based on HUD income limits, for a period of 42 months.

- d. Provided a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest-free.
- e. Relocate and rehabilitate a dwelling.
- f. Purchase land and/or a replacement dwelling and subsequently sell or lease the land to or exchange the land with the Displaced Person.
- g. Remove barriers for persons with disabilities.

All households who are eligible to receive assistance under the Last Resort Housing Program will be notified in writing.

## **6.5 Relocation Expenses for Business and Nonprofit Organization Displaced Persons**

An eligible business or nonprofit organization may request reimbursement of actual, reasonable, and necessary moving costs and related expenses. Under certain circumstances, an eligible business or nonprofit organization may request a fixed payment in lieu of actual moving and related expenses. In addition, certain small businesses and nonprofit organizations may be eligible for reimbursement of actual, reasonable and necessary reestablishment expenses. Related expenses, such as personal property losses and expenses in finding a replacement site, may also be reimbursable.

A business owner must provide a Relocation Advisor with an inventory of the personal property to be moved and advance notice of the approximate date of the move. The Relocation Advisor will need to inspect the personal property at the displacement and replacement sites and monitor the move in order to assess the business's eligibility for reimbursement of certain moving expenses.

### **6.5.1 Actual Moving Expenses**

An eligible business may be reimbursed for the actual, reasonable, and necessary cost of the business's or organization's move when the move is performed by a professional or commercial mover or when the business owner elects to self-move. Any moving expenses for which a business is seeking reimbursement must be supported by paid receipts or other evidence of expenses incurred.

Actual, reasonable and necessary moving expenses may include the following:

- a) Transportation of personal property up to 50 miles from the site from which the business or nonprofit organization was displaced, except where relocation beyond 50 miles is justified.
- b) Packing, crating, unpacking and uncrating personal property.
- c) Storage of personal property for a period up to 12 months, as determined by VTA to be necessary in connection with relocation.

- d) Insurance for the replacement value of personal property lost, stolen, or damaged while in storage or transit.
- e) Replacement value of property lost, stolen, or damaged (but not through neglect) in the process of moving, where insurance covering such loss, theft, or damage is not reasonably available.
- f) Disconnecting, dismantling, removing, reassembling, and reinstalling personal property, such as machinery, equipment, substitute personal property, and other personal property (including goods and inventory kept for sale) and connection to utilities available within the building.
- g) Modifications to personal property, including those mandated by federal, state or local law, code or ordinance, necessary to adapt the personal property to the replacement structure, replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.
- h) Any required license, permit, fee, or certification, as necessary, for the reestablishment of the business or organization at a new location. However, payment shall take into account the remaining useful life of any existing license, permit, or certification.
- i) Professional services (including, but not limited to, architects', attorneys', or engineers' fees, or consultants' charges) necessary for planning the move of personal property, moving the personal property, or installing relocated personal property at the replacement site.
- j) Professional services in connection with the purchase or lease of a replacement site, including feasibility surveys, soil testing, and marketing studies.
- k) Relettering signs and replacing stationery on hand at the time of displacement that is made obsolete as a result of the move.
- l) Impact fees or one-time assessments for anticipated heavy utility usage.

VTA will reimburse businesses for moving expenses related to the cost to move personal property from the acquired site to the replacement site. All costs must be actual, reasonable, and necessary to allow the business to reestablish itself at the replacement location.

This is not an inclusive list of moving-related expenses. A Relocation Advisor will provide each business owner with a complete explanation of potentially reimbursable expenses. This list also is not a guarantee of reimbursable moving expenses. Each business owner should work closely with the assigned Relocation Advisor in advance of incurring any costs related to relocation to determine which expenses are likely to be eligible for reimbursement under the Relocation Assistance Program. It is important that each occupant work closely with their Relocation Advisor so their costs are documented and presented to VTA for review and pre-approval whenever possible. VTA will exercise its discretion to decide which expenses relating to the businesses' move are eligible for reimbursement.

**Professional Moving Planner.** A business owner may elect to work with a move planner. VTA may reimburse a business owner for these costs under the following conditions:

- a) Business works with Relocation Advisors and professional move planners to develop an approved Scope of Services;
- b) Business provides VTA with two detailed Scope of Services and Fees (including hourly rates) from two professional mover planning companies;
- c) The Scope, Fee and Hourly Rate is pre-approved in writing by VTA;
- d) The professional move planner submits deliverables as directed by VTA;
- e) No fees other than those specifically related to the moving of personal property will be approved for payment;
- f) No fees related to preparing claim forms will be approved for payment.

**Commercial/Professional Move.** A business owner may elect to hire professional or commercial movers to move personal property. VTA may reimburse the business owner for the cost, based on the lower of two bids or estimates.

**Self-Move.** If a business owner agrees to take full responsibility for all or part of the move of its operation, rather than hiring a professional or commercial mover, VTA may approve a payment not to exceed the lower of two acceptable bids or estimates obtained from qualified moving firms or moving consultants. A low cost or uncomplicated move may be based on a single bid or estimate, at VTA's discretion.

Before a business performs a self-move, the following must be provided to a Relocation Advisor: (a) two acceptable bids or estimates from moving professionals; (b) a certified inventory of all personal property to be moved; (c) the date the business intends to move; (d) the address of the replacement property; and (e) the opportunity to monitor and inspect the move.

**Direct Loss of Tangible Personal Property.** Displaced businesses may be eligible for a payment for the actual direct loss of tangible personal property, which is incurred as a result of the move or discontinuance of the operation. This payment may be based on the lesser of (a) the value of the item for continued use at the displacement site less the proceeds from its sale, or (b) the estimated reasonable cost of moving the item. A Relocation Advisor will explain this procedure in detail if this is a consideration.

**Substitute Personal Property.** Where an item of personal property, which is used in connection with an operation, is not moved but is replaced with a comparable item, the business may request reimbursement in an amount not to exceed the lesser of (a) the replacement cost, minus any net proceeds from its sale, or (b) the estimated cost of moving the original item.

**Low Value High Bulk Property.** If VTA considers a personal property item to be of low value and high bulk (such as minerals, metals, rock, or topsoil), and moving costs are disproportionate to its value, the allowable moving cost payment shall not exceed the lesser of the amount which would be received if the personal property were sold at the site, or the replacement cost of a comparable quantity delivered to the new business location.

### **6.5.2 Searching Expenses for Replacement Property**

Displaced businesses are entitled to reimbursement for actual, reasonable, and necessary expenses incurred in searching for a replacement property, not to exceed \$2,500. Such expenses may include transportation, meals and lodging when away from home, the reasonable value of the time spent during the search, the reasonable value of fees paid to real estate agents or brokers to locate a replacement site, the reasonable value of time obtaining permits and attending zoning hearings, and the reasonable value of time spent negotiating the purchase of a replacement site.

### **6.5.3 Actual Reestablishment Expenses**

A small business, as defined in section 6.1, or nonprofit organization may be eligible for reimbursement, not to exceed \$25,000, for actual, reasonable, and necessary expenses incurred in relocating and reestablishing the operation at a replacement site.

Reestablishment expenses may include, but are not limited to, the following:

- a) Repairs or improvements to the replacement real property required by federal, State, or local laws, codes or ordinances.
- b) Modifications to the replacement real property to accommodate the operation or to make the replacement structures suitable for the operation.
- c) Construction and installation costs of exterior signs to advertise the operation.
- d) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as painting, wallpapering, paneling, or carpeting.
- e) Advertisement of the replacement location.
- f) Estimated increased costs of operation at the replacement site during the first two years for items such as lease or rental charges, personal or real property taxes, insurance premiums, or utility charges (excluding impact fees).

The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable and necessary, or otherwise not eligible for reimbursement.

- a) Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures.
- b) Purchase of manufacturing materials, production supplies, production inventory, or other items used in the normal course of the operation.
- c) Interest on money borrowed to make the move or purchase the replacement property.



- d) Payment to a part-time business in the home that does not contribute material to the household income.

## **6.6 Fixed Payment for Moving Expenses (In Lieu Payment)**

Displaced businesses and nonprofit organizations may be eligible for a fixed payment in lieu of actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than \$1,000 or more than \$40,000. A business or nonprofit organization that is determined to be eligible for a fixed payment will be paid after it moves from the property that VTA is acquiring and submits a claim for payment.

For a business to be eligible for a fixed payment, it must meet the following criteria, as determined by VTA:

- a) The business owns or rents personal property that must be moved due to the displacement.
- b) The business cannot be relocated without a substantial loss of its existing patronage (e.g., clientele or net earnings).
- c) The business is not part of a commercial enterprise having more than three other entities engaged in the same or similar business activity, which are under the same ownership and are not being displaced by VTA.
- d) The business is not operated at a displacement site solely for the purpose of renting such site to others.
- e) The business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

In order to establish eligibility for the fixed payment option, a business must, before its move (a) complete a Request for Determination of Entitlement form, which is available from a Relocation Advisor; (b) provide a written statement of the reasons the operation cannot be relocated without a substantial loss of existing patronage; and (c) provide documentation supporting claimed net earnings for the two previous tax years.

Fixed payment eligibility requirements and payment computation for nonprofit organizations are slightly different from business requirements. The computation for nonprofit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two-year period specified.

**Computation of the Fixed Payment.** The fixed payment for a displaced business is based on the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which the business is displaced, or a two-year period deemed more representative by VTA. The average annual net earnings of a business are one-half of its net earnings for the two-year period before federal, State and local income taxes. A business must provide VTA with proof of net earnings to support a request for a fixed payment. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to VTA.

## 6.7 Other Important Information

### 6.7.1 Move of Personal Property Only

Some persons rent space to store personal property. An owner of personal property has the option of moving the personal property by using a commercial mover or by performing a self-move as described below.

**Commercial/Professional Move.** An owner of personal property may elect to hire professional or commercial movers to move personal property. VTA may reimburse the storage tenant for the cost, based on the lower of two bids or estimates.

**Self-Move.** If an owner of personal property agrees to take full responsibility for all or part of the move of the operation, rather than hiring a professional or commercial mover, VTA may approve a payment not to exceed the lower of two acceptable bids or estimates obtained from qualified moving firms or moving consultants. A low cost or uncomplicated move may be based on a single bid or estimate, at VTA's discretion.

Before a storage tenant performs a self-move, the following must be provided to a Relocation Advisor: (a) two acceptable bids or estimates from moving professionals; (b) a certified inventory of all personal property to be moved; (c) the date of the intended move; (d) the address of the replacement property; and (e) the opportunity to monitor and inspect the move.

### 6.7.2 Advertising Signs

The amount of a payment for direct loss of an advertising sign, which is considered personal property, shall be the lesser of:

- The depreciated reproduction cost of the sign, as determined by VTA, less any proceeds from its sale; or
- The estimated cost of moving the sign, but no with allowance for storage.

### 6.7.3 Relocation Site Office

VTA River Oaks Administrative offices are located within ten miles of the proposed Project area located in the City of San José. Relocation Advisors will meet with occupants at the affected site or at VTA offices. Therefore, no on-site Relocation Site Office is required.

### 6.7.4 Filing Claims

Relocation expenses will typically be reimbursed after Displaced Persons submit to the Relocation Advisor a signed claim and all required documentation supporting the

claim. Claims may be submitted as costs are incurred; Displaced Persons do not have to wait until the relocation is complete to submit claims for reimbursement.

For tenants of property acquired by VTA, all claims for relocation assistance must be submitted to a Relocation Advisor and filed with VTA within 18 months after the Displaced Person vacates the property. For owners of property acquired by VTA, all claims for relocation assistance must be submitted to a Relocation Advisor and filed with VTA within 18 months of the later of (a) the date the property is vacated or (b) the date that the owner receives final payment from VTA for acquisition of the property. A Relocation Advisor will work with each Displaced Person to properly document claims for reimbursement. The Relocation Advisor will submit each complete claim to VTA for review and processing. VTA will make every effort to provide reimbursement for any approved, eligible portion of that claim within approximately 30 working days after approval of the claim.

If VTA denies all or a part of a claim for reimbursement, or if VTA refuses to consider a claim, VTA shall promptly notify the Displaced Person in writing of its determination, the basis for its determination, and the procedures for appealing the determination.

#### **6.7.5 Relocation Payments Are Not Considered Income**

No relocation reimbursement received by a Displaced Person is considered as income for the purpose of the Internal Revenue Code, or for determining the eligibility of a person for assistance under the Social Security Act, or any other federal law, except for any federal law providing low-income housing assistance.

Payments made by VTA to a third party can be considered a taxable event. As a result, third part payments may be subject to an IRS Form 1099 from VTA.

#### **6.7.6 Business Goodwill**

Business owners may be eligible to make a claim for loss of goodwill. Such a claim would be separate from any claim for relocation assistance benefits and would not be provided as part of VTA's Relocation Assistance Program. Relocation Advisors can assist business owners with understanding basic information about filing a claim for loss of business goodwill.

#### **6.7.7 Nondiscrimination**

Under Title VI of the federal Civil Rights Act of 1964, discrimination based on race, color, religion, sex, or national origin in the purchase and rental of most residential

units is illegal. The Act ensures that all services and benefit will be administered to the public without regard to race, religious creed, color, medical condition, sex, sexual orientation, gender identity, marital status, parental status, domestic partner status, age, national origin, ancestry, disability, veteran status or any other basis protected by law.

#### **6.7.8 General Information**

This summary of VTA's Relocation Assistance Program has been provided as a courtesy by VTA. It is intended to provide general information concerning VTA's Relocation Assistance Program and to assist Displaced Persons in understanding their rights and benefits. Questions regarding VTA's Relocation Assistance Program should be directed to a Relocation Advisor once an advisor has been assigned. If questions arise prior to the assigning of a Relocation Advisor, questions should be directed to Associated Right of Way Services, Inc. at 925-691-8500.

Further details regarding federal and State relocation assistance and benefits are set forth in the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act 42 U.S.C. Sections 4601 et. seq., and its implementing regulations, 49 CRF Part 24; the California Relocation Act, Govt. Code Sections 7260 et seq., and its implementing regulations, 25 Cal. Code Regs. Sections 6000 et seq.

#### **6.7.9 Project Assurances**

VTA is committed to providing relocation assistance to all eligible occupants who are required to relocate as a result of the Project. VTA is committed to following applicable federal and State laws. VTA will not proceed with any phase of the Project or other activity that will result in the displacement of any person, business, or farm until it provides the following assurances:

- a) Fair and reasonable relocation payments will be provided to eligible persons in accordance with federal and State laws and guidelines.
- b) VTA has established a Relocation Assistance Program offering the services described in applicable federal and State law and guidelines.
- c) Eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures.
- d) Adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected.
- e) If the Final Relocation Plan is approved by the VTA Board, VTA attests to its commitment to have funds available to provide relocation assistance in accordance with VTA's Relocation Assistance Program identified herein prior to proceeding with the relocation of an occupant.
- f) This Relocation Plan meets the requirements of the California Code of Regulations, Title 25, Chapter 6.

g) VTA will contract with qualified Relocation Advisors for the following services:

- 1) Provide current and continuing information on the availability, prices, and rentals of comparable residential and commercial properties and locations.
- 2) Assist each eligible Displaced Person to complete applications for payments and benefits.
- 3) Assist each eligible Displaced Person in obtaining and becoming established in a suitable replacement location.
- 4) Provide any services required to ensure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status, familial status, or any basis protected by State or federal anti-discrimination laws, or any other arbitrary circumstances.
- 5) Supply to such eligible person's information concerning programs administered by the Federal Small Business Administration, and other federal or State programs, offering assistance to Displaced Persons.
- 6) Provide other advisory assistance to eligible persons in order to minimize their hardships. As needed, such assistance may include counseling and referrals with regard to financing, employment, training, health and welfare, as well as other assistance.
- 7) Inform all persons who are expected to be displaced about the eviction policies to be pursued in carrying out the project.

## **7.0 RELOCATION APPEAL PROCESS**

The Uniform Act provides that a person may file a written appeal to the agency if the person believes that the agency has failed to properly determine the person's eligibility for, or the amount of a payment authorized, by the Uniform Act. If an individual is dissatisfied, he/she may submit to VTA a letter within 90 days of the claim being rejected, stating all of the relevant facts and the reasons he/she believes the claim should be paid or adjusted. VTA will consider a written appeal regardless of form.

VTA will permit the Appellant to inspect and copy all materials pertinent to the appeal, except for materials that have been classified as confidential. In deciding the appeal, VTA will consider all pertinent justification and other material submitted by the Appellant. VTA will then make written determination of the appeal, including an explanation of the basis on which the decision was made, and furnish the Appellant a copy. The Appellant will be advised of his/her right to seek judicial review.

## Appendix A

### Station Site Design Maps

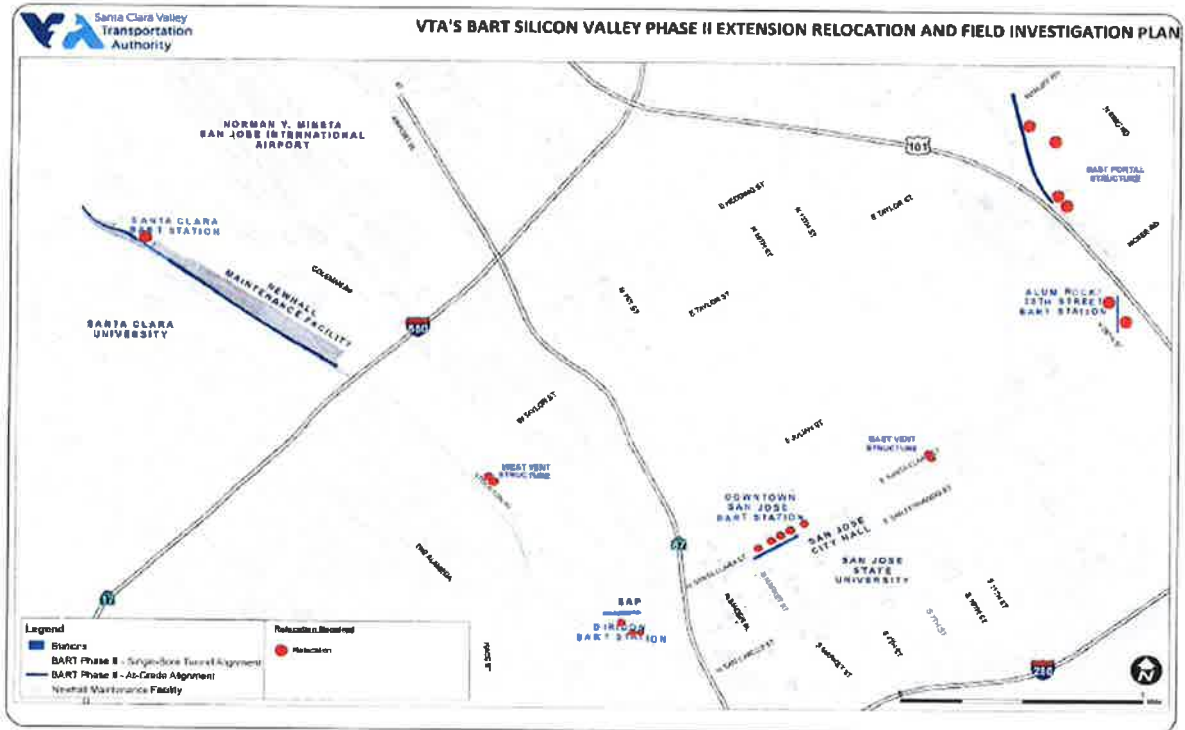
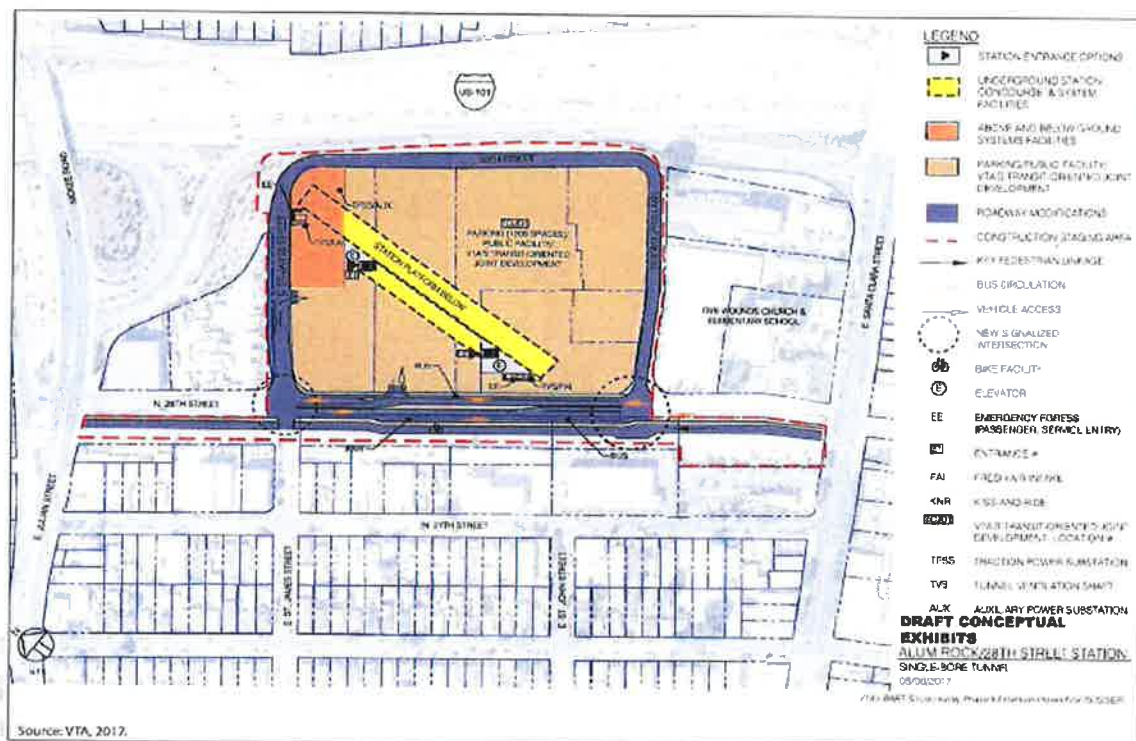
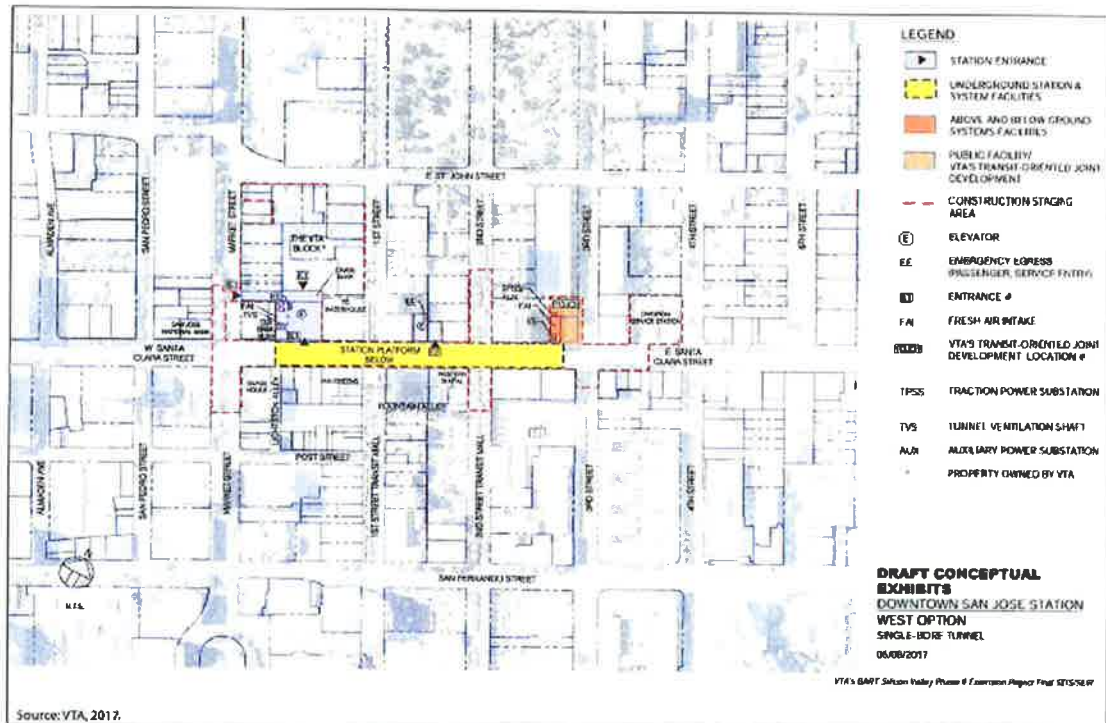


Figure 1

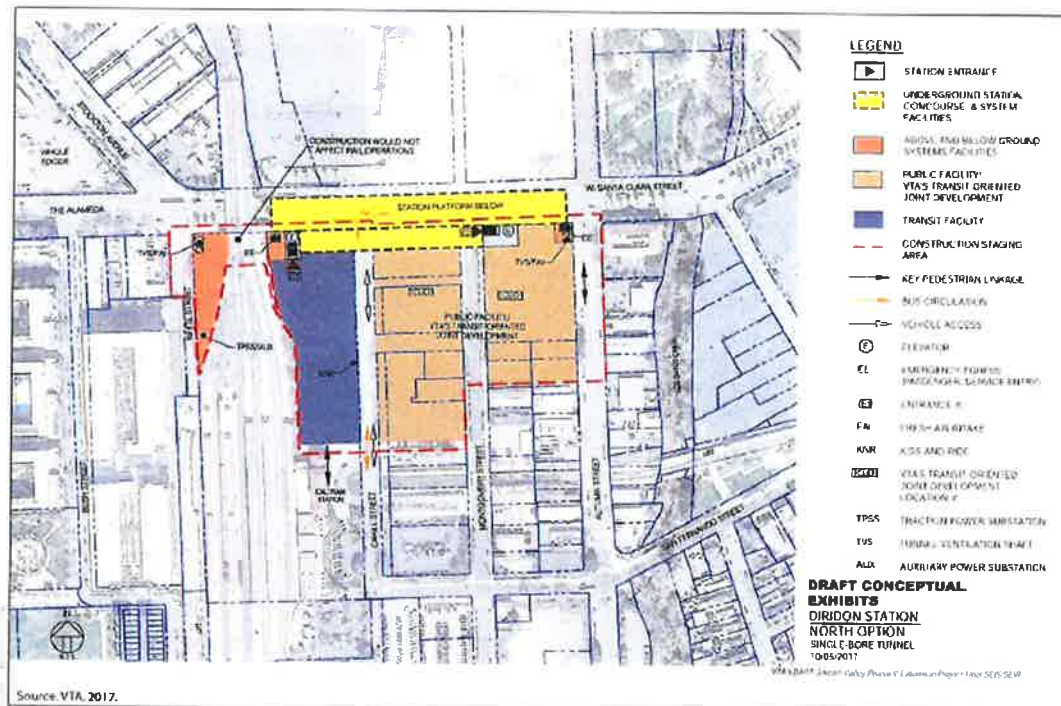


**Figure 2**  
**Alum Rock/28th Street Station Plan (Single-Bore)**  
 VTA's BART Silicon Valley-Phase II Extension Project

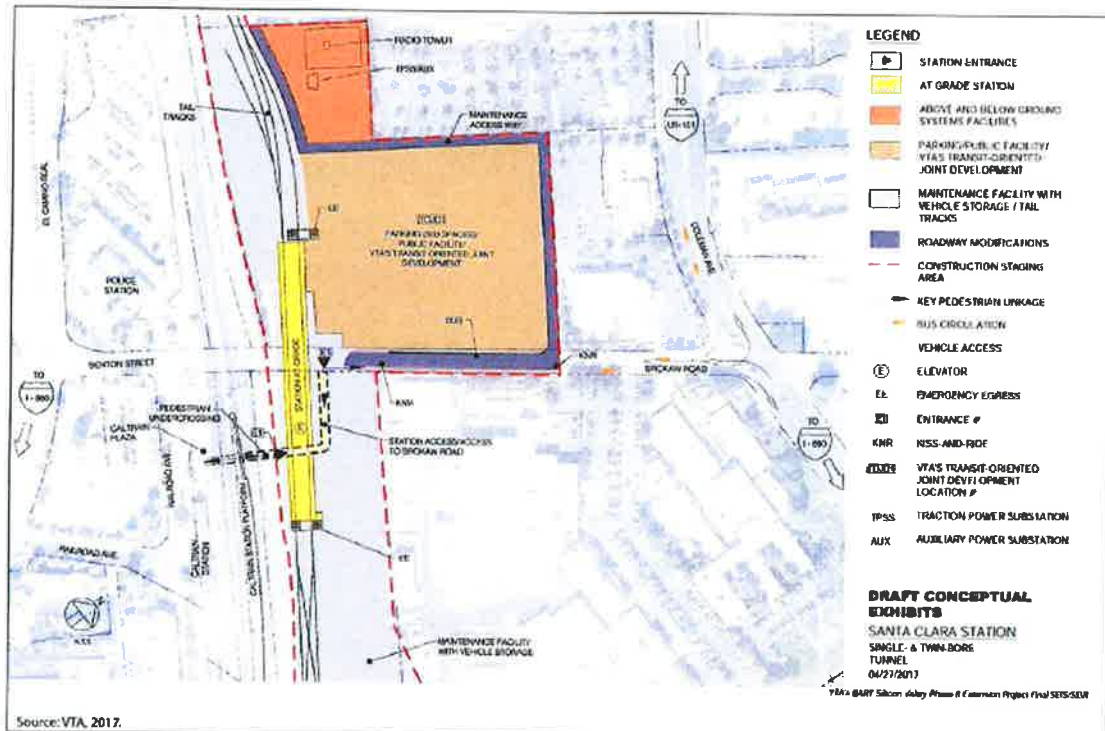




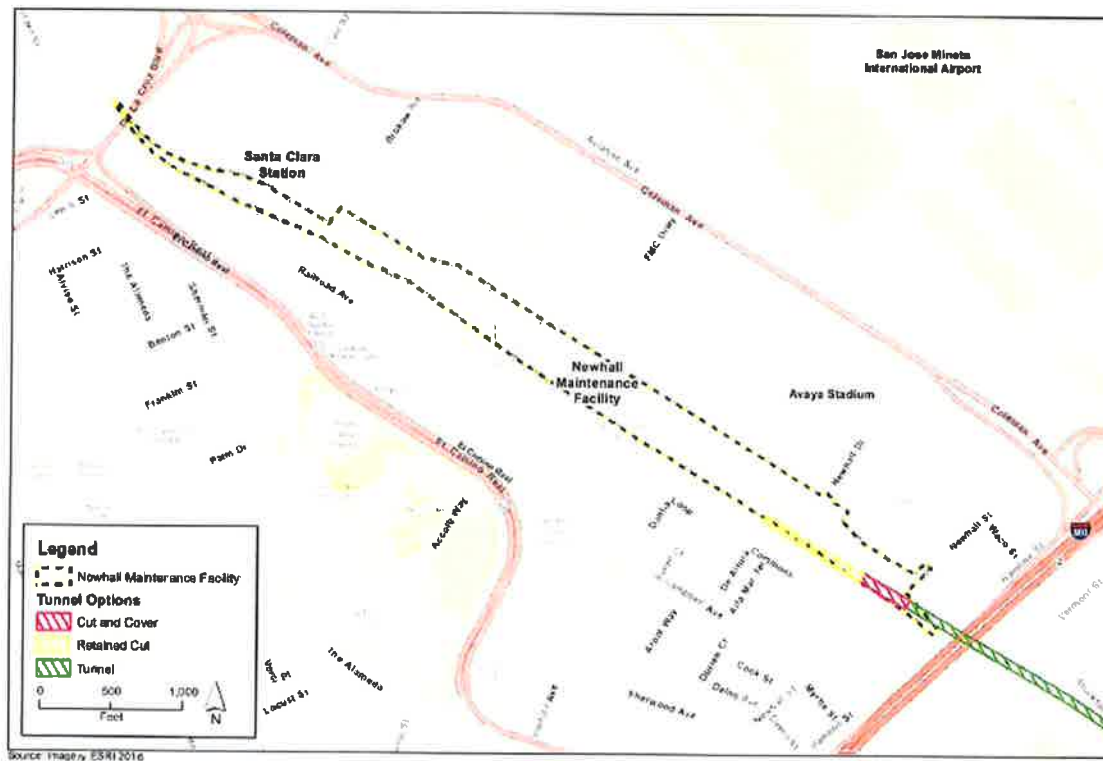
**Figure 3**  
**Downtown San Jose Station West Option Plan (Single-Bore)**  
 VTA's BART Silicon Valley-Phase II Extension Project



**Figure 4**  
**Diridon Station North Option Plan (Single-Bore) (Revised)**  
 VTA's BART Silicon Valley-Phase II Extension Project



**Figure 5**  
**Santa Clara Station (Twin-Bore and Single-Bore) (Revised)**  
 VTA's BART Silicon Valley–Phase II Extension Project



**Figure 6**  
**Newhall Maintenance Facility**  
 VTA's BART Silicon Valley – Phase II Extension Project

## Appendix B

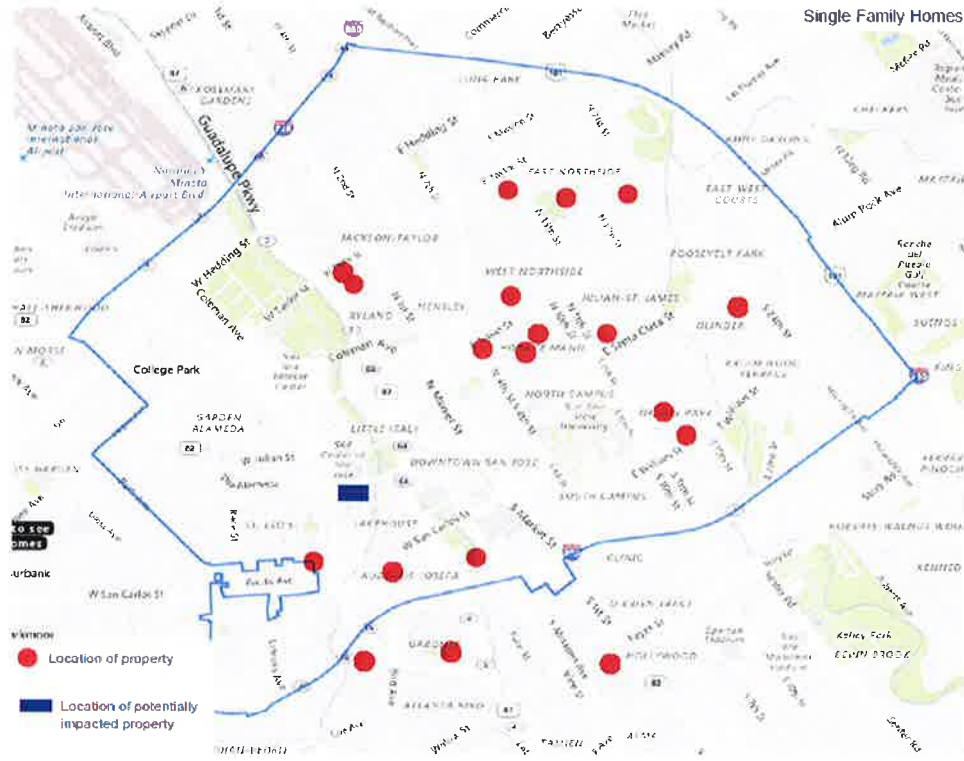
### Residential Replacement Site Information

## Appendix B Residential Replacement Site Information

The Relocation Assistance Program will provide the advisory and monetary assistance necessary for households to secure comparable replacement housing. The information provided below is representative of the properties that might be available at the time that the households would be searching for comparable replacement housing.

### Two-Bedroom Single Family Residences for Rent Downtown San José Area

<i>Address</i>	<i>Monthly Rental Rate</i>
238 North 12 <sup>th</sup> Street at Julian	\$1,800
247 North 5 <sup>th</sup> Street	\$2,350
131 George Street	\$2,550
East Saint James at 7 <sup>th</sup> Street	\$2,650
Sunol Street at Pacific Avenue	\$2,695
296 Woz Way	\$2,700
607 North 13 <sup>th</sup> Street	\$2,750
478 North 20 <sup>th</sup> Street	\$2,795
1333 Essex Way	\$2,865
651 Miller Street	\$2,995
1169 Sherman Street	\$3,100
521 North 16 <sup>th</sup> Street	\$3,195
Jerome Street at Provost	\$3,200
20 South 21 <sup>st</sup> Street	\$3,400
373 North 8 <sup>th</sup> Street	\$3,400
730 Drake Street	\$3,450
373 North 8 <sup>th</sup> Street	\$3,500
3219 King Street	\$5,000



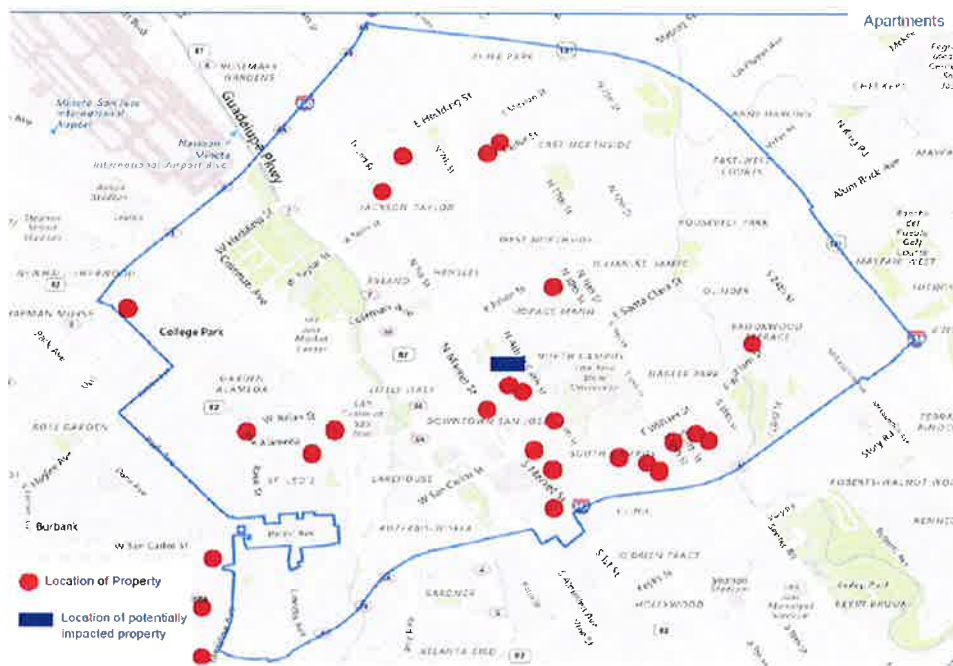
Eighteen two-bedroom single-family residences were listed for rent in the downtown San José area over the eight-week search period. This research would indicate that there are a sufficient number of comparable replacement dwellings in the area to accommodate the one tenant household who may be required to relocate for the Project.

### One-Bedroom Apartments for Rent Downtown San José Area

<i>Address</i>	<i>Monthly Rental Rate</i>
411 Clifton Avenue	\$ 1,650
10 <sup>th</sup> Street at Taylor	\$ 1,650
516-518 Chiechi Avenue (three available)	\$ 1,650
971 Whitethorn Drive	\$ 1,750
266 & 290 Perrymount Avenue (two available)	\$ 1,800
280 North 8 <sup>th</sup> Street	\$ 1,850
283 East Reed Street	\$ 1,850
628 South 10 <sup>th</sup> Street	\$ 1,950
North 4 <sup>th</sup> Street	\$ 1,950
40 Sunol Street	\$ 1,995
93 West Reed Street	\$ 2,095
561 South 7 <sup>th</sup> Street	\$ 2,095



<i>Address</i>	<i>Monthly Rental Rate</i>
950 Meridian Avenue	\$ 2,095
773 North 2 <sup>nd</sup> Street	\$ 2,095
322 South 19 <sup>th</sup> Street	\$ 2,100
101 East San Fernando Street	\$ 2,117
56 South 2 <sup>nd</sup> Street	\$ 2,125
201 South 4 <sup>th</sup> Street	\$ 2,418
201 South 12 <sup>th</sup> Street	\$ 2,501
787 The Alameda	\$ 2,650
1300 The Alameda (four available)	\$ 2,723
360 South Market Street	\$ 3,106
77 North Alameda Avenue (fifteen available)	\$ 2,813-4,456
1040 South 12 <sup>th</sup> Street	\$ 1,695- 1,995
33 S. 3 <sup>rd</sup> Street (six available)	\$ 2,595- 2,795
1432 West San Carlos Street (two available)	\$ 2,618-2,748
311 South 1 <sup>st</sup> Street (two available)	\$ 2,550-2,670



Fifty-four one-bedroom apartments were listed for rent in the downtown San José area over the eight-week search period. This research would indicate that there are a sufficient number of comparable replacement dwellings in the area to accommodate the eight tenant households who may be required to relocate for the Project. VTA may extend the period of time households have to identify and secure replacement housing. This would allow households to select from a greater number of rental units in the downtown San José area.

## Appendix C

### Non-Residential Replacement Site Information

## Appendix C

### Non-Residential Replacement Site Information

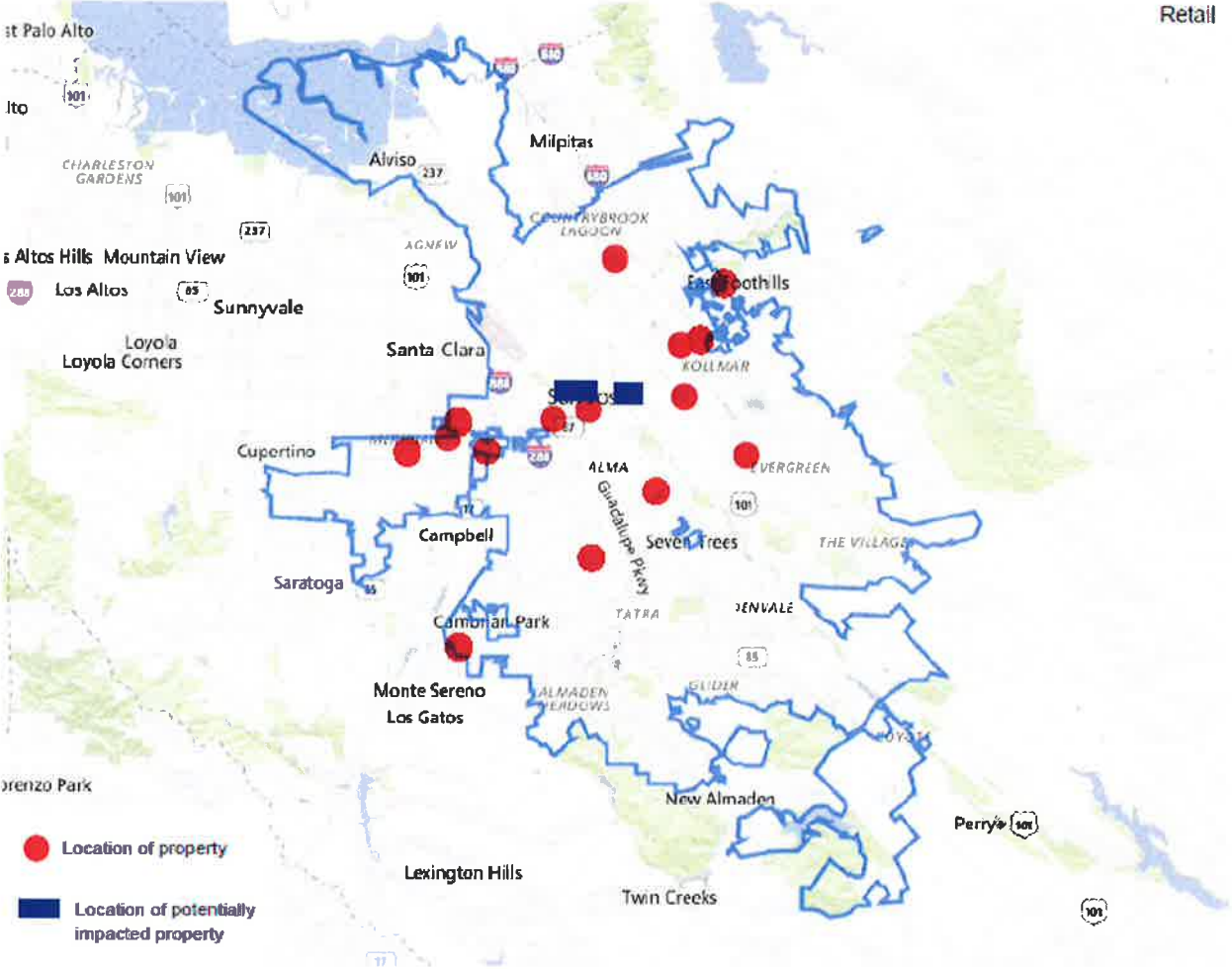
The Relocation Assistance Program will provide advisory assistance to businesses to identify viable properties to accommodate their business use. The information provided below is representative of the properties that might be available at the time businesses would be searching for replacement sites. Some properties would require Conditional Use Permits to accommodate the business uses. In addition, properties may require tenant improvements to meet the business' needs.

As many as 38 businesses may need to relocate to allow for Project development. Those businesses have been grouped into five general categories of use to allow for an analysis of impact and replacement site options. If a business is actually impacted by the Project, a Relocation Advisor will work closely with each business owner to determine specific replacement site needs and to help identify viable replacement sites for each business.

#### Category 1: General Retail, Office, Food Service, Nightclub/Bar Space in San Jose

<i>Address of Site</i>	<i>Building Size</i>	<i>Lease Rate</i>	<i>Description</i>
110 Baytech Drive	27,988 sf	Not Disclosed	First Floor Creative Space, 2000 AMPS/277-480 Volts, Dock Loading
4620 Fortran Drive	10,000 sf	\$14,000/Month NNN	Open Floor Plan, Close to Freeways
1550 Leigh Avenue	18,987 sf	Not Disclosed	Single Story Freestanding Building, Corner Signage
2170-2190 Paragon Drive	46,032 sf	\$11.04/SF/Year	Flex Space Light Manufacturing
1155 North Capitol Avenue	1,500 sf	\$ 1.75/SF/Month	Office/Medical Office Space on Second Floor. Close to Light rail.
2365 Quimby Road, Suite 260	200-5,796 sf	Not Disclosed	Medical Office Space Second Floor.
3162 Newberry Drive, Suite 30	900 sf	\$27.60/SF/Year	Medical Office Space First Floor.
3162 Newberry Drive, Suite 40	1,225 sf	\$27.60/SF/Year	Medical Office Space First Floor.
455 O'Connor Drive, Suite 330	1,471 sf	\$33.00/Sf/Year	Medical Office Space Third Floor
2550 Samaritan Drive, Suite E	1,052 sf	Not Disclosed	Medical Office Space
2550 Samaritan Drive, Suite F	2,211 sf	Not Disclosed	Medical Office Space
2081 Forest Avenue	1,280 sf	Not Disclosed	Medical Office Space
1698 Story Road	4,587 sf	Not Disclosed	Freestanding Retail Space
2131 South 10 <sup>th</sup> Street	6,000 sf	\$6,000/Month	Retail Space/Office/Warehouse
840 The Alameda	1,500-3,783 sf	\$42 NNN/SF/Year	Divisible Office/Retail
175 South Capitol Avenue, Suite D	1,134 sf	\$2.75 NNN/SF/Month	Retail/Office/Medical Office Space
175 South Capitol Avenue, Suite I	1,206 sf	\$2.75 NNN/SF/Month	Retail/Office/Medical Office Space
3477 McKee Road	1,073 sf	\$ 3.50 NNN/SF/Month	Restaurant Space
3481 McKee Road	1,350 sf	\$3.50 NNN/SF/Month	Bakery Space
2652 Alum Rock Avenue, Suite E	985 sf	\$ 3.75 NNN/SF/Month	Restaurant Space
375 Saratoga Avenue, Suite N	1,080 sf	\$ 4.50 NNN/SF/Month	Retail/Restaurant Space
4750 Almaden Expressway, Suite 148	1,400 sf	\$ 2.75 NNN/SF/Month	Retail Space Full Storefront Glass and Private Office,
127 North 4 <sup>th</sup> Street	1,000 sf	\$2,000/Month	Office/Retail Space





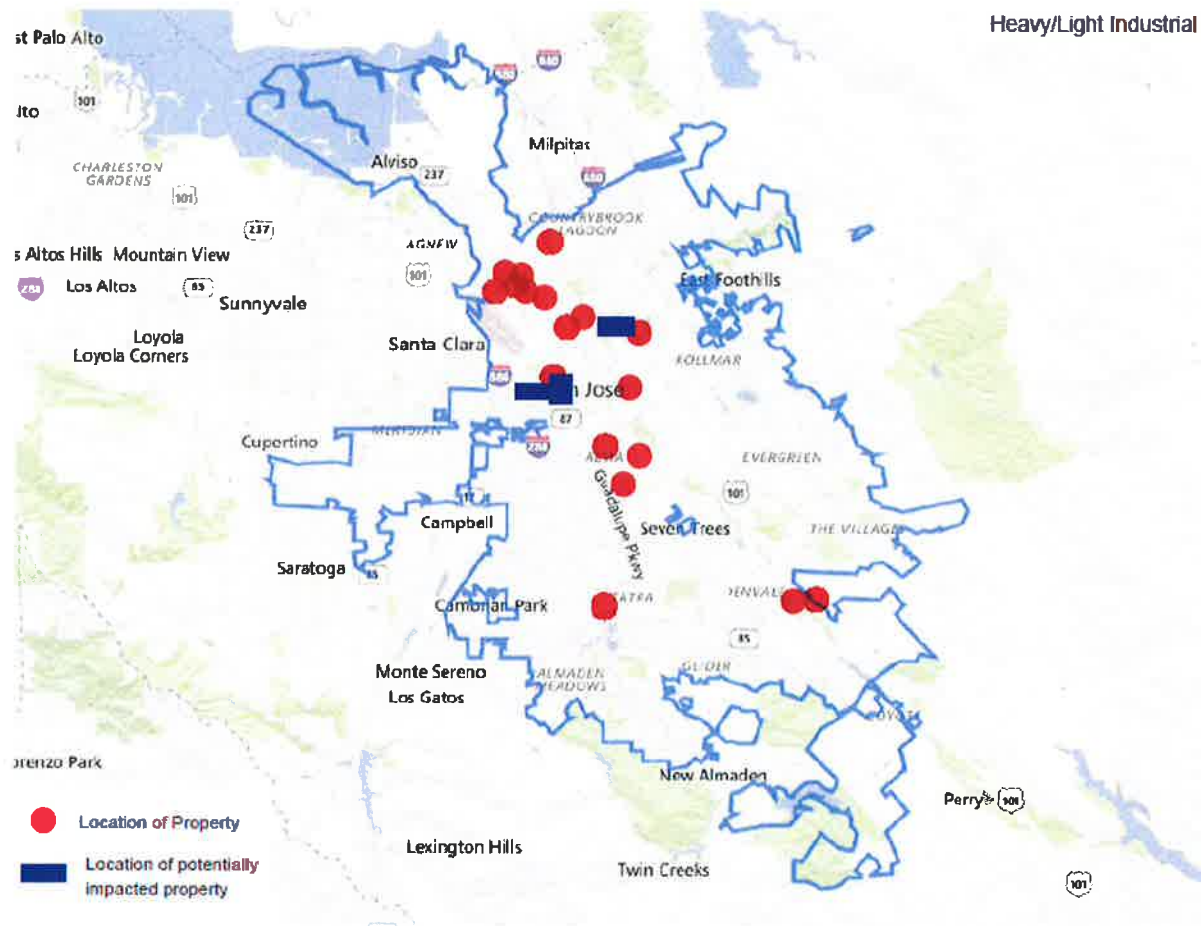
Research for area retail, office and medical office space was focused in San José. The properties listed above are representative of the types of replacement sites that may be available when occupants are searching for replacement sites. Twelve businesses will need to relocate into space that might easily accommodate client access. Some of the businesses will require liquor licenses or special use permits at their replacement locations. Relocation Advisors will work closely with impacted businesses to help identify potential replacement sites that specifically meet the needs of the business.

### Category 2: Service Station, San José

No vacant service stations were found to be listed for sale or for lease during the search period. It is anticipated that an extended search period and a focused search enlisting area specialty Brokers may reveal area service stations for lease or for sale.

### Category 3: Warehouse, Light Industrial and Heavy Industrial Use in San José

<i>Address of Site</i>	<i>Building Size</i>	<i>Lease Rate</i>	<i>Description</i>
211 Ryland Street	2,900 sf office 700 sf warehouse	Not Disclosed	Office/Warehouse and 15,400 sf Yard Space
85 Keyes Street	2,000 sf industrial space	\$7,900/Month	Light Industrial Zoning, Roll Up Doors, 8,000 sf Yard Space
370 South 22 <sup>nd</sup> Street	14,000 sf	\$24.00/Sf/Year	Industrial Warehouse, Roll Up Doors
2075 Bering Drive	39,744 sf	\$18.00/SF/Year	Industrial Warehouse
941 Berryessa Road	25,400 sf	\$14.40/SF/Year	Industrial Warehouse
6212 Hellyer Avenue	68,084 sf		Industrial Warehouse with 32' Clear Height, Dock High Doors, 1,000 Amp, 3-phase electric, new
326-330 Charcot Avenue	24,724-51,175 sf	Not Disclosed	Warehouse/Manufacturing Space, Dock High and Grade Level Doors, 2,000 Amps, 277/480 Volts, 3- phase, 24' Clear Height,
2520-2530 Zanker Road	55,600 sf	\$14.40/SF/Year	Warehouse/Manufacturing Space, Dock High and Grade Level Doors, 8250 Amps, 120/208 Volts, 3- phase, 24' Clear Height,
1766 Junction Avenue	50,000 sf	\$13.30/SF/Year	Industrial Warehouse Space
370-372 Piercy Road	12,050 sf	\$20.04/SF/Year	Industrial Warehouse Space, Light Manufacturing
1335 North 10 <sup>th</sup> Street	10,000 sf	\$1.20 Gross	Industrial Warehouse, Fenced Yard, Grade Level Doors, 14' Clear Height
350 West Trimble Road	463,512 sf	Not Disclosed	Industrial Manufacturing 6,000 Amps
1801 Smith Avenue	6,000 to 22,484 sf	\$13.80/SF/Year	Industrial Warehouse Space, Dock and Grade Level Doors, Heavy Industrial Zoning, 20' Clear Height, 600 Amps 208 Volt 3 Phase
2170 Oakland Road	8,170 sf	\$15.60 NNN/SF/Year	Light Manufacturing, 400 Amps 208 Volt, Grade Level Doors
1718 Stone Avenue	30,000 sf	\$14.40/SF/Year	Industrial Warehouse Space
3553 North 1 <sup>st</sup> Street	86,145 sf	Not Disclosed	Industrial Live/Work Unit



Six businesses will require Light Industrial or Heavy Industrial Warehouse space if they are required to relocate. Research for space was focused in San José. The properties listed above are representative of the types of replacement sites that may be available when occupants are searching for replacement sites. Some of the businesses will require special use permits at their replacement locations. Relocation Advisors will work closely with impacted businesses to help identify potential replacement sites that specifically meet the needs of the business.

#### Category 4: Contractor Yard and Lots, San Jose

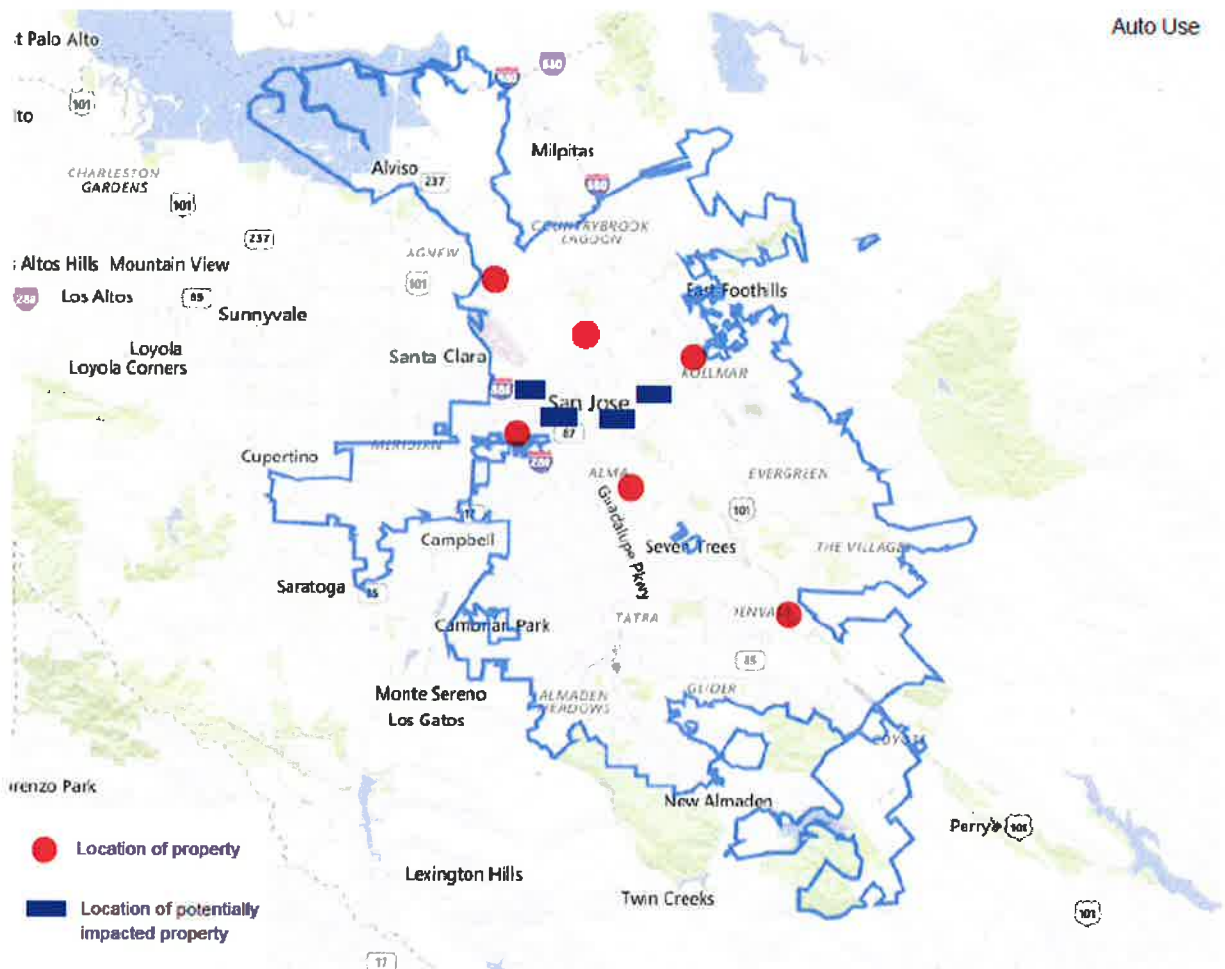
<i>Address of Site</i>	<i>Building Size</i>	<i>Lease Rate</i>	<i>Comments</i>
1711 Junction Court	22,959 sf	Not Disclosed	Dock Doors, 24' Clear Height, Shared Yard
1810 South 7 <sup>th</sup> Street	21,650 sf on 1.70 acres	\$1.15 PSF, NNN	For sale at \$4,950,000
1815 South 10th Street	22,484 sf on .70 acres	\$1.45 PSF, NNN	For sale at \$4,150,000
San Carlos at Josefa Street	1,000 sf office 14,000 sf lot	Not Disclosed	Office/Storage and 14,000 sf lot.



Nine businesses may need to relocate to contractor yards or warehouse space with fenced yard areas. This search for contractor yard space was limited to San José. The properties listed above are representative of the types of replacement sites that may be available when occupants are searching for replacement sites. Some of the businesses may require special use permits at their replacement locations. Relocation Advisors will work closely with impacted businesses to help identify potential replacement sites that specifically meet the needs of the business.

### Category 5. Automotive Use, San José

<i>Address of Site</i>	<i>City</i>	<i>Building Size</i>	<i>Lease Rate</i>
40-50 Cleveland Avenue	San José	4,945 sf	\$22.56/SF/Year
855 Service Street	San José	4,980 sf	Not Disclosed
31-93 South Capitol Avenue	San José	7,419 sf	\$19.20/SF/Year
2123 Bering Drive	San José	15,992 sf	\$16.20/SF/Year
2127-29 Monterey Highway	San José	9,640 sf	\$1.00 NNN/SF/Month



Research for area automotive use space was focused in San José. The properties listed above are representative of the types of replacement sites that may be available when occupants are searching for replacement sites. Ten automotive related businesses may be impacted by the Project. Relocation Advisors will work closely with impacted businesses to help identify potential replacement sites that specifically meet the needs of the business.

## Appendix D

### Sample General Information Notices





*Sent Via First Class and Certified Mail  
Return Receipt Requested*

June 25, 2018

Contact  
Address  
City/State

**Re: Notice: VTA's BART Silicon Valley Phase II Extension Project  
Relocation Assistance Program  
General Information Notice and Informational Brochure**

APN: \_\_\_\_\_ P.I.N.: \_\_\_\_\_

Dear \_\_\_\_\_:

VTA is in the preliminary design and planning phase of the BART Silicon Valley Phase II Project (Project). This Project is a six-mile, four-station extension that will expand BART service from Berryessa/North San Jose through downtown San Jose to the City of Santa Clara. The Project recently received the environmental clearance required to advance engineering and design. At this juncture, it is believed that the property you own may be affected.

After a thorough, criteria-based assessment process, VTA has identified the property you own at \_\_\_\_\_ ("the property") as a potential site that may be required to construct the Project. If it is ultimately determined that the Project requires this property and as a result you or your tenant are required to move, you may be eligible for Relocation Advisory services and payments in accordance with federal and state law, including 42 USC 4601 *et seq.*, 49 CFR Part 24, *et seq.*, California Government Code Section 7260 *et seq.*, and California Code of Regulations Title 25, Chapter 6. The enclosed General Information Fact Sheet and the Relocation brochure provides additional information.

We would like to schedule a time to meet and discuss the Project and its potential impacts. Our relocation consultant, Ms. Karen Eddleman at Associated Right of Way Services, Inc. (AR/WS), will contact you to schedule a meeting, you may also contact her at 925-691-8500. For further information on VTA's Relocation Assistance Program, please contact Ms. Eddleman at AR/WS at 925-691-8500.

Sincerely,

Ron Golem  
Deputy Director, Real Estate & Joint Development

Enclosures

**BART Silicon Valley Phase II  
Extension Project**



*Sent Via First Class and Certified Mail  
Return Receipt Requested*

June 25, 2018

Contact  
Business Name  
Address  
City/State

Re: **Notice: VTA's BART Silicon Valley Phase II Extension Project  
Relocation Assistance Program  
General Information Notice and Informational Brochure**

APN: \_\_\_\_\_ P.I.N.: \_\_\_\_\_

Dear \_\_\_\_\_:

VTA is in the preliminary design and planning phase of the BART Silicon Valley Phase II Project (Project). This Project is a six-mile, four-station extension that will expand BART service from Berryessa/North San Jose through downtown San Jose to the City of Santa Clara. The Project recently received the environmental clearance required to advance engineering and design. At this juncture, it is believed that the property you own and occupy ***may*** be affected.

After a thorough, criteria-based assessment process, VTA has identified the property you own and occupy at \_\_\_\_\_ ("the property") as a potential site that ***may*** be required to construct the Project. If it is ultimately determined that the Project requires this property and as a result you are required to move, you may be eligible for Relocation Advisory services and payments in accordance with federal and state law, including 42 USC 4601 *et seq.*, 49 CFR Part 24, *et seq.*, California Government Code Section 7260 *et seq.*, and California Code of Regulations Title 25, Chapter 6. The enclosed General Information Fact Sheet and the Relocation brochure provides additional information.

**This is not a notice to move.** It is important that you continue to honor your existing lease agreement. No decision has been made to acquire the property you occupy. Therefore, if you move before VTA makes a written purchase offer and before VTA provides you with a Notice of Eligibility, you will ***not*** be eligible to receive relocation assistance. If it is determined that the property you occupy is needed for the Project, VTA will provide you with a Notice of Eligibility as soon as possible *after* the initiation of negotiations *and* it is determined that you are eligible to receive relocation benefits.

We would like to schedule a time to meet and discuss the Project and its potential impacts. Our relocation consultant, Ms. Karen Eddleman at Associated Right of Way Services, Inc. (AR/WS), will contact you to schedule a meeting, you may also contact her at 925-691-8500. For further information on VTA's Relocation Assistance Program, please contact Ms. Eddleman of AR/WS at 925-691-8500.

Sincerely,

Ron Golem  
Deputy Director, Real Estate & Joint Development

Enclosures



**BART Silicon Valley Phase II  
Extension Project**



*Sent Via First Class and Certified Mail  
Return Receipt Requested*

June 25, 2018

Contact  
Business Name  
Address  
City/State

Re: **Notice: VTA's BART Silicon Valley Phase II Extension Project  
Relocation Assistance Program  
General Information Notice and Informational Brochure**

APN: \_\_\_\_\_

P.I.N.: \_\_\_\_\_

Dear \_\_\_\_\_:

VTA is in the preliminary design and planning phase of the BART Silicon Valley Phase II Project (Project). This Project is a six-mile, four-station extension that will expand BART service from Berryessa/North San Jose through downtown San Jose to the City of Santa Clara. The Project recently received the environmental clearance required to advance engineering and design. At this juncture, it is believed that the property you occupy may be affected.

After a thorough, criteria-based assessment process, VTA has identified the property you occupy at \_\_\_\_\_ ("the property") as a potential site that may be required to construct the Project. If it is ultimately determined that the Project requires this property and as a result you are required to move, you may be eligible for Relocation Advisory services and payments in accordance with federal and state law, including 42 USC 4601 *et seq.*, 49 CFR Part 24, *et seq.*, California Government Code Section 7260 *et seq.*, and California Code of Regulations Title 25, Chapter 6. The enclosed General Information Fact Sheet and the Relocation brochure provides additional information.

**This is not a notice to move.** It is important that you continue to honor your existing lease agreement. No decision has been made to acquire the property you occupy. Therefore, if you move before VTA makes a written purchase offer to the property owner and before VTA provides you with a Notice of Eligibility, you will not be eligible to receive relocation assistance. If it is determined that the property you occupy is needed for the Project, VTA will provide you with a Notice of Eligibility as soon as possible *after* the initiation of negotiations with the property owner *and* it is determined that you are eligible to receive relocation benefits.

We would like to schedule a time to meet and discuss the Project and its potential impacts. Our relocation consultant, Mr. Andrew Marchesano at Associated Right of Way Services, Inc. (AR/WS), will contact you to schedule a meeting, you may also contact him at 925-691-8500. For further information on VTA's Relocation Assistance Program, please contact Mr. Marchesano at AR/WS at 925-691-8500.

Sincerely,

Ron Golem  
Deputy Director, Real Estate & Joint Development

Enclosures

**BART Silicon Valley Phase II  
Extension Project**



*Sent Via First Class and Certified Mail  
Return Receipt Requested*

June 25, 2018

Contact  
Address  
City/State

Re: **Notice: VTA's BART Silicon Valley Phase II Extension Project  
Relocation Assistance Program  
General Information Notice and Informational Brochure**  
APN: \_\_\_\_\_ P.I.N.: \_\_\_\_\_

Dear \_\_\_\_\_:

VTA is in the preliminary design and planning phase of the BART Silicon Valley Phase II Project (Project). This Project is a six-mile, four-station extension that will expand BART service from Berryessa/North San Jose through downtown San Jose to the City of Santa Clara. The Project recently received the environmental clearance required to advance engineering and design. At this juncture, it is believed that the property you occupy may be affected.

After a thorough, criteria-based assessment process, VTA has identified the property you occupy at \_\_\_\_\_ ("the property") as a potential site that may be required to construct the Project. If it is ultimately determined that the Project requires this property and as a result you are required to move, you may be eligible for Relocation Advisory services and payments in accordance with federal and state law, including 42 USC 4601 *et seq.*, 49 CFR Part 24, *et seq.*, California Government Code Section 7260 *et seq.*, and California Code of Regulations Title 25, Chapter 6. The enclosed General Information Fact Sheet and the Relocation brochure provides additional information.

**This is not a notice to move.** It is important that you continue to honor your existing lease agreement. No decision has been made to acquire the property you occupy. Therefore, if you move before VTA makes a written purchase offer to the property owner and before VTA provides you with a Notice of Eligibility, you will not be eligible to receive relocation assistance. VTA will provide you with a Notice of Eligibility as soon as possible *after* the initiation of negotiations with the property owner *and* it is determined that you are eligible to receive relocation benefits.

We would like to schedule a time to meet and discuss the Project and its potential impacts. Our relocation consultant, Mr. Andrew Marchesano at Associated Right of Way Services, Inc. (AR/WS), will contact you to schedule a meeting, you may also contact him at 925-691-8500. For further information on VTA's Relocation Assistance Program, please contact Mr. Marchesano at AR/WS at 925-691-8500.

Sincerely,

Ron Golem  
Deputy Director, Real Estate & Joint Development

Enclosures

## General Information Notice Fact Sheet for Businesses

**Relocation Assistance Program Benefits.** If the proposed Project moves forward and VTA acquires the property, you will be provided with advisory services and payments related to costs to move personal property and equipment. A summary of these benefits is contained in the enclosed Relocation Assistance Brochure, and generally include the following:

- Relocation Advisory Services
- Actual, Reasonable and Necessary Moving and Related Expenses
- Replacement Site Search Costs
- Reestablishment Expenses

If you are required to move, a Relocation Advisor will work with you throughout the relocation process. The Relocation Advisor is available to answer relocation questions, assist in completing claim forms, and keep displaced informed of the project schedule.

**Right to Appeal.** Persons displaced may appeal if they believe that VTA failed to properly determine eligibility or the amount of the payment required under the Relocation Regulations. All displaced persons have the right to be represented by legal counsel at their own expense, but legal representation is not required. If the appeal is denied, they may seek judicial review.

**Minimum of 90 Days' Notice to Vacate.** VTA will not require any legal occupants to vacate the property with less than 90 days written notice. It is VTA's goal to provide a written notice of eligibility as soon as an offer is presented to the property owner to enable you to have as much lead time as is feasible to secure a replacement site and to successfully relocate.

**Commitment to Anti-Discrimination.** VTA assures that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program, service or activity on the grounds of race, color, national origin, age, gender, disability or religion as provided by the Civil Rights Act of 1964. Should you need language assistance for translation of documents or interpretation services, your Relocation Advisor will ensure that you receive such assistance at no cost to you. If you have a complaint against VTA or its third-party contractors, please call customer services at (408) 321-2300 or TTY (408) 321-2330 or via email to: [customer.service@vta.org](mailto:customer.service@vta.org).

**¿Puede leer este documento?** Si no, podemos ayudarle a leerlo. Si desea recibir asistencia, llame al Departamento de Relaciones con la Comunidad de VTA al (408) 321-2300.

이 문서를 읽을 수 있습니까? 읽지 못하신다면 저희가 도와드릴 수 있습니다. 무료 도움이 필요하시다면, VTA 커뮤니티 관계 부서에 (408) 321-2300로 연락주시기 바랍니다.

**Kaya mo bang basahin ang dokumentong ito?** Kung hindi, matutulungan ka naming basahin ito. Para makatanggap ng libreng tulong, mangyaring tumawag sa Community Relation Department ng VTA sa (408) 321-2300.

您是否能閱讀本文件? 若否, 我們能協助您閱讀。欲取得免費協助, 請聯絡VTA社區關係部專線 (408) 321-2300。

**Bạn có thể đọc tài liệu này không?** Nếu không, chúng tôi có thể giúp bạn đọc tài liệu này. Để được trợ giúp miễn phí, vui lòng gọi Bộ Phận Quan hệ Cộng đồng của VTA theo số (408) 321-2300.

## Appendix E

### Relocation Assistance Handbook – Residential

# Relocation Assistance Handbook

## Residential Occupants

A Summary of the Santa Clara Valley Transportation Authority's  
Relocation Assistance Program for Federally Funded Projects

June 2018

This handbook is presented as a courtesy of Santa Clara Valley Transportation Authority and is intended to provide general information concerning the Relocation Assistance Program that may become available for residential occupants.

**¿Puede leer este documento?** Si no, podemos ayudarle a leerlo. Si desea recibir asistencia, llame al Departamento de Relaciones con la Comunidad de VTA al (408) 321-2300.

**이 문서를 읽을 수 있습니까?** 읽지 못하신다면 저희가 도와드릴 수 있습니다. 무료 도움이 필요하시다면, VTA 커뮤니티 관계 부서에 (408) 321-2300 로 연락주시기 바랍니다.

**Kaya mo bang basahin ang dokumentong ito?** Kung hindi, matutulungan ka naming basahin ito. Para makatanggap ng libreng tulong, mangyaring tumawag sa Community Relation Department ng VTA sa (408) 321-2300.

## Relocation Assistance for Residential Occupants

Oftentimes, properties that are needed for a public project are occupied by residents, businesses, farms or non-profit organizations. The Santa Clara Valley Transportation Authority (VTA) is in the process of planning its project and has determined that certain properties currently occupied by owners or tenants potentially may be required for project construction. Such properties may be appraised in accordance with applicable state and federal laws, and a formal written offer may be presented to the owner of the real property. VTA will notify occupants promptly after it initiates negotiations for the purchase of the property so that the occupants are fully informed of the efforts to acquire the property and the possibility that the occupants may be required to move to allow for the project's development. In order to protect the rights of the occupants, the law provides that a displaced person can become eligible to receive relocation assistance as soon as VTA initiates negotiations with the property owner.

If a negotiated settlement cannot be reached with the property owner, VTA staff may request its Board of Directors to adopt a Resolution of Necessity, which authorizes the General Counsel to initiate an eminent domain action.

In the event it is determined that an occupied property is required for construction of a project, VTA will seek to minimize the impact caused by its project by providing impacted occupants with assistance in accordance with its established Relocation Assistance Program that includes personal relocation advisory assistance and monetary benefits for eligible displaced persons. On November 4, 2010, the VTA Board of Directors adopted federal and state relocation laws and regulations to ensure that uniform, fair and equitable treatment is afforded to persons displaced as a result of VTA's projects:

**Federally Funded Projects:**

U.S. Code, Title 42, Chapter 61 "The Uniform Act"

49 Code of Federal Regulations Part 24

**State and Locally Funded Projects:**

California Government Code Section 7260, et seq.

California Code of Regulations, Title 25, Chapter 6, §6000, et seq.

If a planned VTA project may require an occupant to move, a Relocation Advisor will work with the occupant throughout the process to provide detailed information, answer specific questions, and assist in finding a replacement site. Occupants should make full use of their services.

This brochure broadly summarizes VTA's Relocation Assistance Program for Residential Occupants. It describes the principal provisions of relocation legislation. Relocation regulations can be complicated and difficult to interpret. Therefore, persons reading this brochure are urged not to form advanced opinions as to the benefits and amounts to which they may receive. Strict requirements must be met before program eligibility can be established and benefit amounts are determined. Premature action may jeopardize eligibility for a relocation payment.



## Definition of Terms

This Relocation Assistance Handbook incorporates certain language that may be unfamiliar to the reader. Therefore, the following terms have been defined in federal regulations and are summarized below. Please refer to 49 CFR 24.2 for a more detailed presentation of definitions.

**Comparable Replacement Dwelling.** A dwelling that is of similar size and type to the acquired dwelling. A replacement dwelling must be:

- Decent, safe, and sanitary as described below.
- Functionally equivalent to the displacement dwelling. The term “functionally equivalent” means that it performs the same function and provides the same utility.
- Adequate in size to accommodate the occupants.
- In an area not subject to unreasonable adverse environmental conditions.
- In a location generally not less desirable with respect to public utilities and commercial and public facilities, and reasonably accessible to the occupant’s place of employment.
- On a site that is typical in size for residential development with normal site improvements and customary landscaping.
- Currently available to the displaced person on the private market. Persons receiving government housing assistance will be provided housing based upon housing program criteria.
- Within the financial means of the displaced person:
  - For a homeowner, a dwelling is considered to be within their financial means if they receive Replacement Housing Payments.
  - For a tenant occupant, a dwelling is considered to be within their financial means if they receive Replacement Housing Payments.
  - For low income tenant households (based on the U.S. Department of Housing and Urban Development income limits) a dwelling is considered housing if costs do not exceed 30% of the household’s average monthly income.
  - For a low-income tenant occupant household, either by the displaced person’s own means or through assistance from the Relocation Program.

**Decent, Safe, & Sanitary (DS&S).** In order to meet decent, safe, and sanitary requirements, a replacement site must meet the following criteria:

- Be structurally sound, clean, weather tight, in good repair, and adequately maintained.
- Contain a safe electrical wiring system adequate for lighting and other devices.
- Contain a safe heating system capable of sustaining a healthful temperature.
- Be adequate in size, with respect to the number of rooms and area of living space, to accommodate the displaced persons.
- Have a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system.
- Contain unobstructed egress to safe, open space at ground level. If the dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
- Be free of any barriers which prevent reasonable ingress, egress, or use of the dwelling by such displaced person.

**Displaced Person/Occupant.** Any person who moves from the real property or moves his or her personal property from the real property as a direct result of a written notice of intent to acquire, the initiation of negotiations for, or the acquisition of such real property in whole or in part.



**Dwelling.** Dwelling is the place of permanent or customary and usual residence of a person, according to local custom or law, including a single-family house; a single-family unit in a two-family, multi-family or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home or other residential unit.

**Household Income.** The total gross income received for a 12-month period from all sources (earned and unearned). Household income does not include program benefits that are not considered income by federal law such as food stamps and Women Infants Children (WIC) program. For detailed exclusions published by FHWA, please see [https://www.fhwa.dot.gov/real\\_estate/policy\\_guidance/exclusions.cfm](https://www.fhwa.dot.gov/real_estate/policy_guidance/exclusions.cfm).

**Initiation of Negotiations (ION).** The date of delivery of the initial written offer of just compensation by VTA to the owner or the owner's representative to purchase the real property for the project. If VTA issues a notice of its intent to acquire the real property, and a person moves after that notice, but before delivery of the initial written purchase offer, the initiation of negotiations means the actual move of the person from the property.

**Legal Residency.** Each displaced person seeking relocation payments or relocation advisory assistance shall, as a condition of eligibility, certify lawful presence in the United States. Occupants should speak with a Relocation Advisor if they cannot provide certification. Such occupants may be eligible for benefits through alternative assistance under the Relocation Program.

**Low-Income Household.** The U. S. Department of Housing and Urban Development's Annual Survey of Income Limits for the Public Housing and Section 8 Programs identifies income levels for metropolitan areas (<https://www.huduser.gov/datasets/ura/ura18/IncomeLimits-URA-FY18.pdf>). Tenant households who can document that their total average gross household income is classified as "low income" may be eligible to receive additional housing assistance. In order for a household to qualify as "low income" in the San Jose, Sunnyvale, Santa Clara the gross household income must be at or below the following levels:

Fiscal Year 2018 Income Limits Summary							
U. S. Department of Housing and Urban Development							
1 Person	2 People	3 People	4 People	5 People	6 People	7 People	8 People
\$66,150	\$75,600	\$85,050	\$94,450	\$102,050	\$109,600	\$117,150	\$124,700

**Owner of a Dwelling.** A person who is considered to have met the requirements to own a dwelling if the person holds any of the following interests in that real property:

- Fee title, a life estate, a land contract, a 99-year lease or a lease including any options for extension with at least 50 years to run from the date of acquisition; or
- An interest in a cooperative housing project which includes the right to occupy a dwelling; or
- A contract to purchase any interest or estate; or
- Any other interest, including a partial interest which, in the judgment of VTA, warrants consideration as ownership.

**Person Not Displaced.** Federal regulations provide a list of persons who do not qualify as eligible displaced persons which includes persons who move before the initiation of negotiations, persons who occupy the property after it is acquired, persons who occupy for the purpose of obtaining assistance, a person who is not required to relocate permanently, a person who is not required to relocate as a result of a partial acquisition of real property, persons who are notified in writing that eligibility for relocation assistance has been rescinded, an owner-occupant who voluntarily conveys property after being fully informed that VTA will not seek to condemn the property, a person who is determined to be an unlawful occupant, or a person who is not legally present in the United States.

**Tenant.** A person who has the temporary use and occupancy of real property owned by another.

**Unlawful Occupant.** A person who occupies without property right, title or payment of rent, or a person legally evicted, with no legal rights to occupy a property under state law. A person who is determined to be in unlawful occupancy prior to or after the ION, or a person who has been evicted for cause, under applicable law.

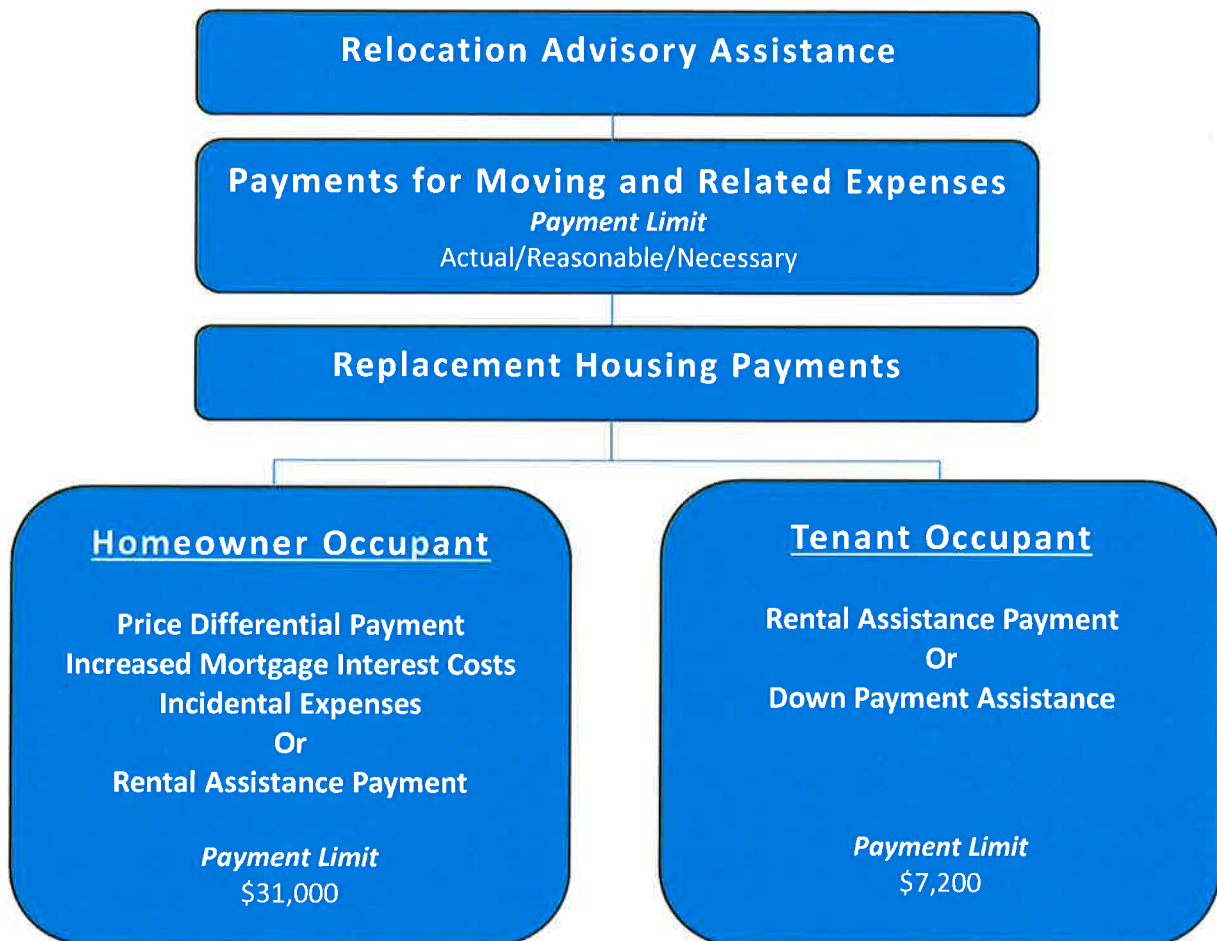
## VTA's Relocation Assistance Program

State and federal law require that VTA adequately plan for how the Project might impact the community and occupants who may be required to relocate to allow for Project development. Therefore, VTA attempts to engage property occupants early in the planning process in order to provide information about the Project, potential impact, and available relocation assistance services. Displaced persons can become eligible to receive relocation assistance as soon as VTA initiates negotiations with the property owner.

In accordance with federal law and VTA's Relocation Assistance Program, VTA offers displaced persons both Advisory Services and Payments for eligible relocation costs. VTA's Relocation Assistance Program is broadly summarized on the following pages. Occupants are encouraged to speak with a Relocation Advisor and to read specific details in the regulations found in 49 CFR 24.

Please understand that this is a summary of the assistance that may be available to eligible displaced persons and, therefore, does not anticipate every circumstance or question regarding the Relocation Program.

### VTA's Relocation Assistance Program for Eligible Residential Occupants



*Note: Households may qualify for Replacement Housing of Last Resort which may provide Replacement Housing Payments which exceed payment limits stated above.*

## Relocation Advisory Assistance

VTA contracts with experienced Relocation Advisors who will work with each displaced person to provide assistance throughout the planning and moving process. A Relocation Advisor will meet with each eligible displaced person to explain the Relocation Program and to learn more about the occupant's current housing and replacement site needs. The Advisor will deliver written information regarding eligible benefits and available replacement sites as sites become available.

VTA's goal is for each occupant to successfully relocate back into the community. It is important that an occupant actively participates in the relocation process, searching for viable replacement sites, and working closely with a Relocation Advisor to plan for the relocation.

All displaced persons shall receive appropriate noticing that helps them understand the available benefits and the project schedule. A Relocation Advisor will assist in the search for comparable, decent, safe, and sanitary replacement housing that is available to the occupant and is within the household's financial means. Transportation will be offered to inspect housing referrals, if needed. An eligible occupant cannot be required to move unless at least one comparable replacement dwelling has been made available and the occupant has been given at least 90 days' advance written notice of the date by which they would be required to move. A Relocation Advisor will also prepare claim forms on behalf of each household and will help to file those claims for reimbursement under the Relocation Program.

Eligible displaced persons will be provided advisory assistance which may include assistance in the referral of complaints of discrimination to the appropriate federal, state or local fair housing enforcement agency. Relocation Advisors can also act as a resource to possible sources of funding and assistance from other local, state, and federal agencies and will make every effort to help secure the services of those agencies with trained personnel who have the expertise to help.

## Payments for Moving and Related Expenses

Each eligible displaced person is entitled to receive a moving payment to cover the cost to move personal property to a replacement home. The Relocation Program covers specific costs related to the move. Each household may elect one or a combination of the following three options for cost reimbursement:

*One or a combination of the following*

Commercial Move	Fixed Moving Payment	Actual Cost Move
<i>Payment Limit</i> Actual/Reasonable/Necessary	<i>Payment Limit</i> FHWA Move Schedule	<i>Payment Limit</i> Invoices and Receipts

**Commercial Move.** Payment is made to reimburse actual moving expenses based on the lower of at least two acceptable moving bids from qualified professional moving carriers. Compensable costs include all reasonable costs to pack, move, and unpack all personal property for a distance up to 50 miles. A direct payment can be made to the professional moving carrier under this option and will allow reimbursement to the displaced household for any one-time utility reconnection fees, such as phone, gas, electric, and cable.

**Fixed Move Payment.** A household may choose to move their own personal property to the replacement site and to submit a claim based on the following schedule.

Occupant Owns Furniture									Occupant does not own furniture	
Number of Rooms of Furniture								Addt'l room	1 room/ no furn.	Additional room no furn.
1 room	2 rooms	3 rooms	4 rooms	5 rooms	6 rooms	7 rooms	8 rooms			
\$725	\$930	\$1,165	\$1,375	\$1,665	\$1,925	\$2,215	\$2,505	\$265	\$475	\$90

**Actual Cost Move Based on Receipts.** Payment is based upon receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover. Equipment rental fees should be based on the actual cost of renting the equipment, but not exceed the cost paid by a commercial mover. This option allows the household to be reimbursed for any one-time utility reconnection fees, such as phone, gas, electric, and cable. VTA will participate in costs related to moving the occupant up to 50 miles.

**Storage Costs.** A displaced person may be reimbursed for certain costs to store personal property in a professional storage facility for a period not to exceed 12 months. The need for such storage must be pre-approved by VTA and determined to be reasonable and necessary. Only property that is currently located at the affected site would be eligible for storage cost reimbursement. This option is available to persons who do not choose to be reimbursed under the Fixed Moving Payment.

## Replacement Housing Payments

Replacement Housing Payments are available to eligible displaced persons to ensure that decent, safe and sanitary comparable replacement housing is available within their financial means. The type of replacement housing payment an occupant is eligible to receive depends on whether an occupant owns or rents a dwelling. To be fully eligible to receive Replacement Housing Payments, occupants must have legally occupied the dwelling 90 days or more prior to the initiation of negotiations. Persons who have occupied the dwelling for less than 90 days prior to initiation of negotiations could possibly become eligible for program benefits, once VTA is able to acquire the property and close escrow.

A Housing Valuation Study will be prepared to determine the cost of a comparable replacement dwelling. Each household will receive a Conditional Entitlement Letter that describes all relocation benefits and the maximum Replacement Housing Payment to which the household is entitled. Replacement Housing Payments will be made only when the household demonstrates that entitlement amounts have been or will be spent to purchase or rent comparable, decent, safe and sanitary replacement housing.

Replacement Housing Payments	
Homeowner Occupant	Tenant Occupant
Price Differential Payment Increased Mortgage Interest Costs Incidental Expenses Or Rental Assistance Payment	Rental Assistance Payment Or Down Payment Assistance
<b>Payment Limit</b> \$31,000	<b>Payment Limit</b> \$7,200
<i>Note: Households may qualify for Replacement Housing of Last Resort which may provide Replacement Housing Payments which exceed payment limits stated above.</i>	

Relocation Advisors will provide continuing information concerning available, comparable replacement dwellings in the area. Occupants may choose to purchase or rent a replacement dwelling that is decent, safe and sanitary in whatever community they choose. Occupants must work with a Relocation Advisor to coordinate an inspection of the replacement property prior to the occupant making a commitment to purchase or rent the dwelling.

An occupant may also be eligible for additional monetary assistance through VTA's Last Resort Housing Program. A Relocation Advisor will thoroughly explain the program and assess an occupant's potential eligibility.

**Homeowner-Occupants.** If a homeowner has owned and occupied a dwelling for at least 90 days immediately prior to the initiation of negotiations for a property, the homeowner may be eligible to receive a payment of up to \$31,000 to assist with the increased cost to purchase a comparable, decent, safe and sanitary replacement dwelling. This payment is in addition to the amount VTA pays for the purchase of the property. VTA will compute the maximum payment a homeowner is eligible to receive. A homeowner must purchase and occupy a replacement dwelling within one year from the date of purchase of the displacement dwelling by VTA. A homeowner occupant's Replacement Housing Payment has three components:

1. **Price Differential Payment** – is a payment made for the difference between the cost of a comparable replacement dwelling and the cost VTA pays for the acquired property; and
2. **Mortgage Interest Differential Payment** – the amount which covers the increased interest costs, if any, required financing a replacement dwelling. To be eligible, the acquired dwelling must have been encumbered by a bona fide mortgage which was a valid lien for at least 90 days immediately prior to the initiation of negotiations; and
3. **Incidental Expenses Payment** – for one-time incidental costs related to the purchase of a comparable replacement dwelling, such as escrow fees, recording fees and credit reports. Recurring expenses such as prepaid taxes and insurance premiums are not compensable. Some incidental expenses are pro-rated.

An owner-occupant, who **chooses to rent rather than purchase** a replacement dwelling, may be eligible to receive a rental assistance payment of up to the amount available under the Price Differential Payment option, explained above. The payment would be based on the difference between the monthly economic rental value of the occupied dwelling and the amount of monthly rent required for a comparable replacement dwelling, as determined by VTA, multiplied by 42.

**Tenant-Occupants.** Tenants (and certain owners in occupancy for less than 90 days) may be eligible for a payment of up to \$7,200 to assist in renting or purchasing a comparable replacement dwelling. This payment is designed to enable an occupant to rent a comparable decent, safe, and sanitary replacement dwelling for a 42-month period. If an occupant qualifies, and **wishes to rent** a replacement dwelling, the maximum rental assistance payment will be based on the difference, over a 42-month period, between the monthly rental cost (including utilities) of a comparable replacement dwelling and the **lesser of** current average rent and utilities or thirty percent (30%) of the household's average monthly household income. The assistance is calculated as shown below and is available to help with actual increased housing costs for 42 months. This amount will be paid directly to the tenant or to the tenant's designee.

If the tenant is determined to be low-income, they may receive additional assistance to secure housing.

#### Computation for Monthly Replacement Housing Payments

**Lesser of:**

Cost to Rent Comparable Replacement Housing + Estimated Utility Costs

or

The Actual Cost to Rent Comparable Replacement Housing + Estimated Utility Costs

**Minus the Lesser of:**

Current Rent + Average Monthly Utilities

or

30% of the Household's Gross Monthly Income if household is "Low Income"<sup>1</sup>

Eligible tenant-occupants may choose to purchase (rather than rent) a replacement dwelling. The Replacement Housing Payment can be converted into a down payment to purchase a decent, safe and sanitary replacement home within one year of the date the household moves from the acquired property. The amount of the down payment shall not exceed the amount of a reasonable down payment for a comparable dwelling plus expenses incident to the purchase. For additional information regarding this payment option, please speak with a Relocation Advisor.

## Replacement Housing of Last Resort

Replacement Housing of Last Resort is a program that allows for the implementation of certain regulations to ensure that comparable, decent, safe and sanitary replacement housing is within the financial means of the displaced person. Last Resort Housing is a procedure wherein the Replacement Housing Payment may exceed the indicated monetary limits above to enable a displaced person to relocate to comparable, decent, safe and sanitary replacement housing within their financial means. VTA has considered several methods to provide Replacement Housing of Last Resort to qualified displaced persons:

1. Provide supplemental funds in excess of the standard limit to allow occupants to replace their current home with a comparable, affordable dwelling. All payments are based on the most comparable replacement property as approved in the Housing Valuation Study. As with all other replacement housing payments, displaced occupants must meet requirements in order to claim payments.

<sup>1</sup> As determined by the U.S. Department of Housing and Urban Development's Annual Survey of Income Limits that determine eligibility for assisted housing programs (<https://www.huduser.gov/portal/datasets/il.html>)

2. New replacement housing could be constructed, existing housing could be rehabilitated, or funds could be provided for private parties to rehabilitate existing units for occupancy by displaced households.
3. Provision of a Housing Voucher or other subsidized housing option.

All households who are eligible to receive assistance under Replacement Housing of Last Resort, will be notified in writing. Typically, this information is included in the Conditional Entitlement Letter.

## Additional Program Information

**Claim Processing and Distribution of Payments.** All claims are to be filed through a Relocation Advisor. The Relocation Advisor will assist in completing claim forms, will notify each displaced person of the documentation needed in order to file the claim, and will inspect all displacement and replacement properties as needed. Each claim will be submitted to VTA along with documentation for review and processing.

The time limit to file claims with VTA is 18 months from the later of (1) the date on which the claimant receives final payment for the real property or, (2) the date which the property is vacated. Approved, fully documented claims submitted to VTA are typically paid within 30 days. Checks will be delivered to the household or to the household's designee. Advance payments may be provided, on a case-by-case basis, when a later payment would result in financial hardship.

**Appeal and Grievance Process.** Displaced persons have the right to ask for administrative review when they believe themselves aggrieved by a determination as to eligibility, payment amounts, or the failure to provide comparable replacement housing referrals or VTA and/or VTA's property management practices. If a displaced person chooses to file a grievance, they should contact their Relocation Advisor for additional information.

**Eviction Policy.** It is important that each tenant-occupant continues to pay rent to their current landlord. Should an occupant be evicted for failure to meet any tenant obligations or for violating the terms and conditions of their lease or rent agreement, the evicted tenant would not be considered a "displaced person" and, therefore, would not be eligible to receive relocation assistance payments.

If VTA takes possession of the property, the household will be required to pay rent in accordance with the existing rental agreement. Failure to pay rent can result in a deduction from payments owed to the household and/or eviction. If a household receives a Notice to Vacate and VTA is required to take legal action to move the household from the property, they will seek rent and damages.

**Relocation Payments are Not Considered Income.** 49 CFR 24 states that no relocation payment received by a displaced person shall be considered as income for the purpose of the Internal Revenue Code of 1986 (Title 26, U. S. Code), or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act (42 U. S. Code 301 et seq.) or any other federal law, except for any federal law providing low-income housing assistance. Occupants should always consult their tax advisor for current tax information.



**This is Not a Notice to Vacate.** No eligible household will be required to move until/unless comparable, decent, safe and sanitary replacement housing is available within the household's financial means and they have received at least 90-days advance written notice of the date by which they must vacate.

## **Title VI – VTA's Non-Discrimination Policy**

Title VI of the Civil Rights Act of 1964 requires that no person in the United States, on the grounds of race, color or national origin be excluded from, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. Presidential Executive Order 13166 addresses services to those individuals with limited English proficiency. Any person who believes that they have been excluded from, denied the benefits of, or been subjected to discrimination may file a written complaint with VTA. Federal and state law requires complaints be filed within one-hundred eighty (180) calendar days of the last alleged incident. To request additional information on VTA's non-discrimination obligations or to file a Title VI Complaint, please call customer services at (408) 321-2300 or TTY (408) 321-2330 or via email to: [customer.service@vta.org](mailto:customer.service@vta.org).

Should language assistance be required, it will be provided at no cost. A Relocation Advisor can arrange assistance for language assistance upon request.

## **Fair Housing Laws**

Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968 set forth the policy of the United States to provide, within constitutional limitations, fair housing throughout the United States. These Acts and Executive Order 11063 make discriminatory practices in the purchase and rental of residential units illegal if based on race, color, religion, sex or national origin.

Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe and sanitary housing, not located in an area of minority concentration, that are within their financial means. This policy, however, does not require VTA to provide a person a larger payment than what may already be necessary to enable a person to relocate to a comparable replacement dwelling.

Please understand that this is a summary of the assistance that may be available to eligible displaced persons. No summary relocation law can anticipate every circumstance or question regarding the Relocation Program. It is important that each household works closely with a Relocation Advisor to identify any special circumstances that need to be addressed when searching for replacement housing. No household should commit to renting or purchasing a replacement dwelling until the home has been inspected by a Relocation Advisor. A Relocation Advisor is available to assist in the relocation process and will explain each person's rights and help to obtain the relocation payments and other assistance for which they are eligible.

Notes

## Appendix F

### Relocation Assistance Handbook – Non Residential

# Relocation Assistance Handbook

Businesses, Farms and Non-Profit  
Organizations

A Summary of the Santa Clara Valley Transportation Authority's  
Relocation Assistance Program for Federally Funded Projects

June 2018

This handbook is presented as a courtesy of Santa Clara Valley Transportation Authority and is intended to provide general information concerning the Relocation Assistance Program that may become available for non-residential occupants.



*Solutions that move you*

**¿Puede leer este documento?** Si no, podemos ayudarle a leerlo. Si desea recibir asistencia, llame al Departamento de Relaciones con la Comunidad de VTA al (408) 321-2300.

**이 문서를 읽을 수 있습니까?** 읽지 못하신다면 저희가 도와드릴 수 있습니다. 무료 도움이 필요하시다면, VTA 커뮤니티 관계 부서에 (408) 321-2300 로 연락주시기 바랍니다.

**Kaya mo bang basahin ang dokumentong ito?** Kunghindi, matutulungan ka naming basahin ito. Para makatanggap ng libreng tulong, mangyaring tumawag sa Community Relation Department ng VTA sa (408) 321-2300.

## Relocation Assistance for Businesses, Farms and Non-Profit Organizations

Oftentimes, properties that are needed for a public project are occupied by residents, businesses, farms or non-profit organizations. State and federal law require that the Santa Clara Valley Transportation Authority (VTA) contact these occupants as soon as negotiations for the property begins so that the occupants are fully informed of the efforts to acquire the property and the possibility that the occupants may be required to move to allow for the project's development. In order to protect the rights of the occupants, the law provides that a displaced person can become eligible to receive relocation assistance as soon as VTA initiates negotiations with the property owner.

VTA is in the process of planning its project and has determined that certain properties currently occupied by owners or tenants potentially may be required for project construction. Such properties may be appraised in accordance with applicable state and federal laws, and a formal written offer may be presented to the owner of the real property. If a negotiated settlement cannot be reached, VTA staff may request its Board of Directors to adopt a Resolution of Necessity, which authorizes the General Counsel to initiate an eminent domain action.

In the event it is determined that an occupied property is required for construction of a project, VTA will seek to minimize the impact caused by its project by providing impacted occupants with assistance in accordance with its established Relocation Assistance Program that includes personal relocation advisory assistance and monetary benefits for eligible displaced persons. On November 4, 2010, the VTA Board of Directors adopted federal and state relocation laws and regulations to ensure that uniform, fair and equitable treatment is afforded to persons displaced as a result of VTA's projects:

**Federally Funded Projects:**

U.S. Code, Title 42, Chapter 61 "The Uniform Act"

49 Code of Federal Regulations Part 24

**State and Locally Funded Projects:**

California Government Code Section 7260, et seq.

California Code of Regulations, Title 25, Chapter 6, §6000, et seq.

A Relocation Advisor will work with the occupant throughout the process to provide detailed information, answer specific questions, and assist in finding a replacement site. Occupants should make full use of their services.

This brochure broadly summarizes VTA's Relocation Assistance Program for Businesses, Farms and Non-Profit Organizations. It describes the principal provisions of relocation legislation. Relocation regulations can be complicated and difficult to interpret. Therefore, persons reading this brochure are urged not to form advanced opinions as to the benefits and amounts to which they may receive. Strict requirements must be met before program eligibility can be established and benefit amounts are determined. Premature action may jeopardize eligibility for a relocation payment.

## Definition of Terms

This Relocation Assistance Handbook incorporates certain language that may be unfamiliar to the reader. Therefore, the following terms have been defined in federal regulations and are summarized below. Please refer to 49 CFR 24.2 for a more detailed presentation of definitions.

**Displaced Person/Occupant.** Any lawful person (individual, family, partnership, association, business or corporation) who moves from real property, or moves personal property from real property, as a direct result of VTA's written notice to vacate the property required for a project. In the case of a partial acquisition, VTA will determine if a person is displaced as a direct result of the acquisition.

**Business.** Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease, and rental of personal or real property; or for the manufacturing, processing, and/or marketing of products, commodities, or any other personal property; or for the sale of services to the public; or an outdoor advertising display or displays, when the display(s) must be moved as a result of acquisition of property for the project.

**Non-Profit Organization.** A public or private entity that has established its nonprofit status under applicable federal or state law.

**Small Business.** A business having not more than 500 employees working at a site being acquired, which is the location of economic activity. A site occupied solely by outdoor advertising signs, displays, or devices is not a "small business" for purposes of the reestablishment expense benefit of the Uniform Relocation Act and its implementing regulations.

**Initiation of Negotiations (ION).** Generally, the date VTA delivers the initial written offer to the property owner with the intent to initiate negotiations to purchase the property for a public project. In rare cases, VTA may present a Notice of Intent to Acquire to a property owner and tenant in order to establish an earlier ION and allow parties to become eligible to receive relocation assistance.

**Legal Residency.** Each displaced person seeking relocation payments or relocation advisory assistance shall, as a condition of eligibility, certify lawful presence in the United States of America. Occupants should speak with a Relocation Advisor if they cannot provide certification. Such occupants may be eligible for benefits through alternative assistance under the Relocation Program.

**Unlawful Occupancy.** A person who occupies without property right, title or payment of rent, or a person legally evicted, with no legal rights to occupy a property under state law prior to or at the time of the ION. An occupant is considered to be in unlawful occupancy if the occupant has been ordered to move by a court of competent jurisdiction or if the occupant's tenancy has been lawfully terminated by the owner for cause, the tenant has vacated the premises, and the termination was not undertaken for the purpose of evading relocation assistance obligations.

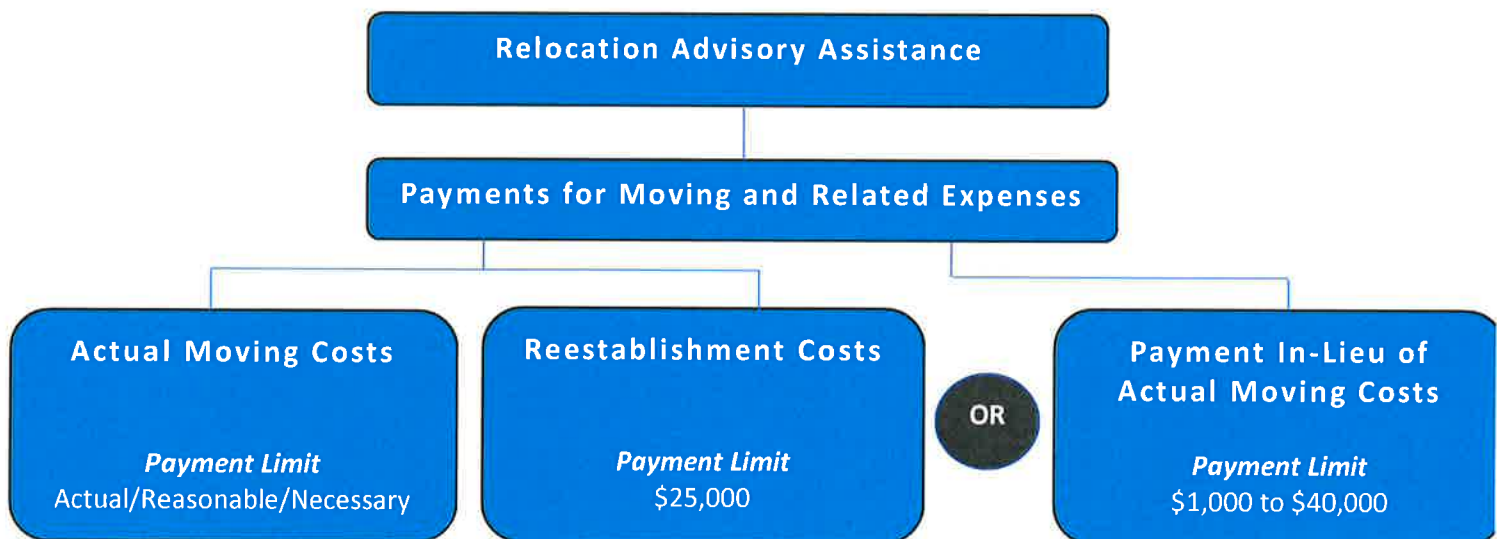
## VTA's Relocation Assistance Program

State and federal law require that VTA adequately plan for how the Project might impact the community and occupants who may be required to relocate to allow for Project development. Therefore, VTA attempts to engage property occupants early in the planning process in order to provide information about the Project, potential impact, and available relocation assistance services. Displaced persons can become eligible to receive relocation assistance as soon as VTA initiates negotiations with the property owner.

In accordance with federal law and VTA's Relocation Assistance Program, VTA offers displaced persons both advisory services and payments for eligible relocation costs. VTA's Relocation Assistance Program is broadly summarized in the chart below and on the following pages. If an occupant is eager to learn more about the assistance that may be available to them, they are encouraged to speak with their Relocation Advisor and to read specific details in the regulations found in 49 CFR 24.

Please understand that this is a summary of the assistance that may be available to eligible displaced persons. No handbook summarizing relocation law can anticipate every circumstance or question regarding the Relocation Program.

### VTA's Relocation Assistance Program for Eligible Businesses, Farms and Non-Profit Organizations





## Relocation Advisory Assistance

VTA contracts with experienced Relocation Advisors who will work with each displaced person (occupant) to provide assistance throughout the planning and moving process. A Relocation Advisor will meet with each eligible displaced person to explain the Relocation Program and to learn more about the occupant's current operation, facility and replacement site needs. The Advisor will deliver written information regarding eligible benefits and available replacement sites as sites become available.

VTA's goal is for each occupant to successfully relocate back into the community. Relocation Advisors work closely with each occupant so that the Advisor can better understand the needs of the occupant and help the occupant understand the assistance that is available to them and to help the occupant make claims for payment. It is important that an occupant do everything a prudent business owner would do to relocate to a replacement site and maintain its goodwill. This includes actively participating in the relocation process, searching for viable replacement sites, and working closely with a Relocation Advisor to plan for the relocation.

Relocation Advisors can also act as a resource to possible sources of funding and assistance from other local, state, and federal agencies and will make every effort to help secure the services of those agencies with trained personnel who have the expertise to help.

## Payments for Moving and Related Expenses

An eligible business or non-profit organization may request reimbursement on the basis of actual, reasonable moving costs and related expenses or, under certain circumstances, a fixed payment. Actual, reasonable moving expenses may be paid when the move is performed by a professional mover or if an occupant moves themselves. Related expenses, such as personal property losses, expenses in finding a replacement site, and reestablishment expenses may also be reimbursable.

Each occupant will need to provide an inventory of the personal property to be moved and advance notice of the approximate date of the move. A Relocation Advisor must be allowed to inspect the personal property at the displacement and replacement sites, and to monitor the move in order to assess eligibility for certain moving payments.

An occupant may file a claim for whatever costs it would like to submit. Claims are filed through the Relocation Advisor who will assist the occupant to document the claim. The Relocation Advisor will then package the claim and submit the claim to VTA for review. If all or part of a claim is approved, payment will be processed and a check will be delivered to the occupant within approximately 30 days. If all or a part of the claim is denied, the occupant will be paid for the portion of the claim that was approved and will receive a letter detailing the reasons for the denial. The occupant will also receive additional information related to VTA's Relocation Appeal Process.

VTA weighs all claims against the standards set forth in the law and regulations which require that payment be made to reimburse occupants for eligible actual, reasonable and necessary costs.

<b>Actual:</b>	The cost must actually be incurred and must be related to moving the personal property from the property VTA would like to acquire or be an actual cost to reestablish the occupant at a replacement site.
<b>Reasonable:</b>	The cost must be reasonable. VTA measures reasonableness by a number of factors, including, but not limited to getting multiple detailed estimates for each cost.
<b>Necessary:</b>	The cost must be necessary and related to the moving or personal property from the property VTA would like to acquire or be necessary to reestablish the occupant at a replacement site.

### **Actual Moving Costs**

An occupant may claim reimbursement for actual, reasonable and necessary moving costs related to moving personal property. Eligible expenses under this category are described below. An occupant may seek reimbursement under one or a combination of the following options:

- Option 1: **Commercial Move.** An occupant can secure two reasonable, detailed moving bids for the cost to perform the move of personal property. VTA will review the bids and will indicate approval of the lower bid prior to the move date. An occupant can then hire a commercial mover to perform all or part of the move of the personal property. The occupant then submits documentation of the contract and proof that the move has been completed and the contractor has been paid.
- Option 2: **Self-Move.** An occupant can elect to move all or a portion of the personal property. There are two choices for reimbursement under this option:
- A. Occupant secures two reasonable, detailed bids for the cost to move items of personal property. Occupant enters into a Self-Move Agreement with VTA to accept the lower of the two bids as compensation. Occupant performs a self-move of the personal property and demonstrates to VTA that the move has been completed.
  - B. Occupant performs the move and keeps detailed receipts for labor, materials and equipment and submits the documentation to VTA for payment once the move is completed.

The word “move” is used to capture the various facets of the costs related to preparing for the move of personal property and various costs to reconnect the personal property. A more detailed itemization of eligible costs is listed below.

- Transportation of persons and property not to exceed a distance of 50 miles from the site from which the business or non-profit organization was displaced, except where relocation beyond 50 miles is justified;
- Packing, crating, unpacking and uncrating personal property;
- The cost of disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment, substitute personal property, and other personal property (including goods and inventory kept for sale) and connection to utilities available within the building; it also includes modification to personal property, including those mandated by federal, state or local law, code or ordinance, necessary to adapt it

to the replacement structure, replacement site or the utilities at the replacement site and modification necessary to adapt the utilities at the replacement site to the personal property.

- Storage of personal property for a period generally not to exceed 12 months, as determined by VTA to be necessary in connection with relocation. These expenses must be pre-approved.
- Insurance of personal property while in storage or transit; and
- The reasonable replacement value of property lost, stolen or damaged (not through the fault or negligence of the displaced person, his agent or employee) in the process of moving, where insurance covering such loss, theft or damage is not available.
- The cost of any license, permit, fee or certification that is required to the extent such cost is necessary to the reestablishment of the operation at a new location. However, payment shall be based on the remaining useful life of the existing license, permit or certification.
- The reasonable cost of any professional service (including, but not limited to, architects', attorneys' or engineers' fees, or consultants' charges) necessary for the planning of the move of personal property, moving the personal property, or installation of relocated personal property at the replacement site. These expenses must be preapproved by VTA.
- Professional services in connection with the purchase or lease of a replacement site, including feasibility surveys, soil testing and marketing studies. A business owner may elect to work with a move planner. VTA will reimburse a business owner for these costs under the following conditions:
  - Business works with Relocation Advisors and professional move planners to develop an approved Scope of Services;
  - Business provides VTA with two detailed Scope of Services and Fees (including hourly rates) from two professional mover planning companies;
  - The Scope, Fee and Hourly Rate is pre-approved in writing by VTA;
  - The professional move planner submits deliverables as directed by VTA;
  - No fees other than those specifically related to the moving of personal property will be approved for payment;
  - No fees related to developing claim forms will be approved for payment.
- Re-lettering signs and replacing stationary on hand at the time of displacement that is made obsolete as a result of the move.
- Impact fees or one-time assessment for anticipated heavy utility usage.
- Reimbursement of up to \$2,500 for time spent searching for a replacement property. Expenses may include transportation, meals, and lodging when away from home; the reasonable value of the time spent during the search. Fees paid to real estate agents or brokers to locate a replacement site may be reimbursed, related time obtaining permits and attending zoning hearing, and time spent negotiating for a replacement site. Commission and fees related to the purchase of a replacement site are not eligible relocation expenses and will not be reimbursed.
- Other moving and related expenses not listed as ineligible as VTA determines to be reasonable and necessary.

Again, all costs must be actual, reasonable and necessary. Only those costs that could not have been avoided or substantially reduced at an alternate available site will be considered eligible. This is not an inclusive list of moving related expenses. A Relocation Advisor will provide a complete explanation of reimbursable expenses specific to the occupant's needs.

**Alternative Options for Items Not Moved.** At times, occupants find that it is not ideal for them to relocate a piece of personal property. There are several options to be reimbursed for items that are not actually moved. They are briefly described below. A Relocation Advisor can provide clearer direction on these options based on the personal property being addressed.

**Direct Loss of Tangible Personal Property.** When an occupant chooses not to move an item of personal property and chooses not to replace it at the new location, the occupant may be eligible for a payment for the actual direct loss of tangible personal property. This payment is based on the lesser of:

- (1) the value of the item for continued use at the site less the proceeds from its sale, or
- (2) the estimated reasonable cost of moving the item.

**Substitute Personal Property.** When an occupant chooses not to move an item of personal property but instead chooses to substitute it with a comparable item at the new location, an occupant may request reimbursement in an amount not to exceed the lesser of:

- (1) the replacement cost, minus any net proceeds from its sale, or
- (2) the estimated cost of moving the original item.

**Low Value High Bulk Property.** If VTA considers an item of personal property to be of low value and high bulk, and moving costs are disproportionate to its value (such as minerals, metals, rock, or topsoil), the allowable moving cost payment shall not exceed the lesser of the amount which would be received if the personal property were sold at the site, or, the replacement cost of a comparable quantity delivered to the new location.

**Costs Not Eligible for Reimbursement Under Actual Moving Costs.** Certain items that are not eligible for reimbursement under the Relocation Program. There is no assistance with the costs:

- Moving structures or any other item of real property improvement.
- Interest on a loan.
- Loss of goodwill, loss of profits, or loss of trained employees.
- Additional operating expenses at the new location (except as provided for under Reestablishment).
- Personal injury.
- Preparing claims for a relocation payment (legal or professional services fees).
- Searching for a replacement dwelling.
- Physical changes to the real property at the replacement site that are not specifically related to reconnecting moved personal property or under Reestablishment.
- Storage costs on real property owned or leased by occupant.
- Refundable security deposits and utility deposits.

## **Reestablishment Expenses**

A small business or non-profit organization may be eligible for a payment, not to exceed \$25,000, for expenses actually incurred in relocating and reestablishing the enterprise at a replacement site. To qualify, the business or non-profit organization must have not more than 500 employees working at the site VTA is attempting to acquire.

Reestablishment expenses may include, but are not limited to:

- Repairs or improvements to the replacement real property required by federal, state, and local laws, codes or ordinances.
- Modifications to the replacement real property to accommodate the business operation or to make the replacement structures suitable for the operation.
- Construction and installation costs of exterior signs to advertise the business.
- Redecoration or replacement of soiled or worn surfaces at the replacement site such as painting, wallpapering, paneling, or carpeting.
- Advertising the replacement location.
- Estimated increased costs of operation at the replacement site during the first two years for items such as: lease or rental charges; personal or real property taxes; insurance premiums; utility charges (excluding impact fees).
- Other items that VTA considers essential for reestablishment.

The following is a nonexclusive listing of reestablishment expenditures **not** considered to be reasonable and necessary, or otherwise eligible:

- Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures.
- Purchase of manufacturing materials, production supplies, production inventory, or other items used in the normal course of the business operation.
- Interior or exterior refurbishments at the replacement site which are for aesthetic purposes.
- Interest on money borrowed to make the move or purchase the replacement property.
- Payment to a part-time business in the home which does not contribute materially to the household income.

## **Fixed Payment In-Lieu Actual Moving Costs**

A displaced business, non-profit organization, or farm operation may be eligible for a fixed payment in lieu of (in place of) actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than \$1,000 or more than \$40,000.

For an occupant to be eligible for a fixed payment, VTA must determine the following:

- Occupant owns or rents personal property that must be moved due to the displacement.
- Occupant cannot be relocated without a substantial loss of its existing patronage.
- Occupant is not part of a commercial enterprise having more than three other businesses engaged in the same or similar activity which are under the same ownership and are not being displaced by VTA's project.

- Occupant contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

Eligibility requirements for non-profit organizations are slightly different than business requirements. The computation for non-profit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two-year period specified. Occupants who are interested in claiming a fixed payment, should consult a Relocation Advisor for additional information.

Computation of the Fixed Payment. The fixed payment for a displaced business is based upon the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which it was displaced, or a two-year period deemed more representative by VTA. An occupant must provide proof of net earnings to support the claim. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to VTA.

## Additional Program Information

**Title VI – VTA’s Non-Discrimination Policy.** Title VI of the Civil Rights Act of 1964 requires that no person in the United States, on the grounds of race, color or national origin be excluded from, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. Presidential Executive Order 13166 addresses services to those individuals with limited English proficiency. Any person who believes that they have been excluded from, denied the benefits of, or been subjected to discrimination may file a written complaint with VTA. Federal and state law requires complaints be filed within one-hundred eighty (180) calendar days of the last alleged incident. To request additional information on VTA’s non-discrimination obligations or to file a Title VI Complaint, please call VTA Customer Service at (408) 321-2300 or TTY (408) 321-2330 or via email to: [customer.service@vta.org](mailto:customer.service@vta.org).

Should language assistance be required, it will be provided at no cost. A Relocation Advisor can arrange assistance for language assistance upon request.

**Claim Processing and Distribution of Payments.** All claims are to be filed through a Relocation Advisor. The Relocation Advisor will assist the occupant in completing claim forms, will notify occupants of the documentation needed in order to file the claim, and will inspect the displacement and replacement properties as needed. Each claim will be submitted to VTA along with documentation for review and processing. All claims filed with VTA shall be submitted within 18 months of the later of (1) the date on which the claimant receives final payment for the real property or, (2) the date on which the property is vacated. Once a fully documented and complete claim is submitted to VTA, if approved, a check should be available within 60 days. Checks will be delivered to the claimant or claimant’s designee. Advance payments may be provided, on a case-by-case basis, when a later payment would result in financial hardship to the business.

**Appeal and Grievance Process.** Displaced persons will have the right to ask for administrative review when they believe themselves aggrieved by a determination as to eligibility, payment amounts, or the failure to provide comparable replacement housing referrals or VTA and/or VTA’s property management practices. If a displaced person chooses to file a grievance, they should contact their Relocation Advisor for additional information.

**Eviction Policy.** Should an occupant be evicted for failure to meet any tenant obligations or for violating the terms and conditions of their lease or rent agreement, then under the applicable relocation law, the evicted tenant(s) will not be considered a "displaced person" and, therefore, will not be eligible for relocation benefits.

**Relocation Payments are Not Considered Income.** 49 CFR 24 states that no relocation payment received by a displaced person shall be considered as income for the purpose of the Internal Revenue Code of 1986 (Title 26, U. S. Code), or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act (42 U. S. Code 301 et seq.) or any other federal law, except for any federal law providing low-income housing assistance. Occupants should always consult their tax advisor for current tax information.

**This is not a notice to vacate.** No eligible occupant in legal occupancy will be required to move without at least 90-days advance written notice of the date by which they must vacate.

**Current Rental Agreement.** It is important that each tenant continues to pay rent to their current landlord. If VTA takes possession of the property, the tenant will be required to pay rent. Failure to pay rent can result in a deduction from payments owed to the occupant and/or eviction. If an occupant receives a Notice to Vacate and VTA is required to take legal action to move the entity from the property, they will seek rent and damages.

**Loss of Business Goodwill Information.** A business, farm or non-profit organization may be eligible to claim a loss of business goodwill. California law provides that under the circumstances detailed below, a business owner may be compensated for a loss of goodwill. Section 1263.510 of the California Civil Code of Procedure states:

- (a) The owner of a business conducted on the property taken, or on the remainder if such property is part of a larger parcel, shall be compensated for loss of goodwill if the owner proves all of the following:
  - 1. The loss is caused by the taking of the property or the injury to the remainder.
  - 2. The loss cannot reasonably be prevented by relocation of the business or by taking steps and adopting procedures that a reasonably prudent person would take and adopt in preserving the goodwill.
  - 3. Compensation for the loss will not be included in payments under Section 7262 of the Government Code.\*
    - \*Section 7262 of the Government Code refers to compensation to displaced persons for moving and related expenses as a part of the cost of the acquisition of real property for a public use. Compensation for the loss of goodwill under Section 1263.510 of the California Civil Code of Procedure will only be made to the extent such loss is not compensated for under Section 7262.
  - 4. Compensation for the loss will not be duplicated in the compensation otherwise awarded to the owner.
- (b) Within the meaning of this article, "goodwill" consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality and any other circumstances resulting in probable retention of old or acquisition of new patronage.

Any entitlement is contingent upon the business owner's ability to prove such loss in accordance with the provisions of the California Code of Civil Procedure.

## Notes



## Appendix G

### Comments and Responses to Draft Relocation Plan

**Public Comment**

<b><i>Public Comment Number:</i></b>	1
<b><i>Comment Received From:</i></b>	William Lyon, Property Owner Lyon-Edison Investment Company, LLC
<b><i>Form and Date of Comment:</i></b>	Letter to Ron Golem, Deputy Director, Real Estate & Joint Development dated September 6, 2018
<b><i>Property Referenced:</i></b>	664 and 656 Stockton Avenue, San José, CA
<b><i>Comments:</i></b>	See Attached Public Comment 1 Letter
<b><i>Public Comment Number:</i></b>	2
<b><i>Comment Received From:</i></b>	William Lyon, Property Owner Lyon-Edison Investment Company, LLC
<b><i>Form and Date of Comment:</i></b>	Verbal comments presented at the Santa Clara Community Working Group Meeting on September 13, 2018
<b><i>Property Referenced:</i></b>	664 and 656 Stockton Avenue, San José, CA
<b><i>Comments:</i></b>	Mr. William Lyon presented comments similar to those presented in attached Public Comment 1 Letter

**VTA Response to Comments**

**Response to commenter's request to avoid acquisition of this parcel:** VTA received environmental clearance for the BART Silicon Valley Phase 2 Project (Project) after an exhaustive, multi-year planning effort that included a comprehensive analysis of alternatives and extensive public engagement and response to comments, leading to selection of the alignment for the Project.

With the decision on the alignment made, the Project is proceeding with design and engineering work to enable the selection of contractors to complete the design. As the Project's design work progresses, VTA will seek to identify any opportunities where property acquisitions can be refined to reduce impacts, to the extent possible. At the same time, we know from our experience with the 10-mile first phase of VTA's BART Berryessa Extension, and the experience of our consultant team with major projects throughout the United States, that a considerable program of property acquisition and relocation will be unavoidable to construct the Project and realize the tremendous public benefits BART service will offer for Santa Clara County residents and workers.

When VTA's property acquisition program does commence, VTA will work diligently with impacted property owners, businesses, and residents, and their representatives, to ensure that just compensation is paid for their property, and that they receive all relocation assistance and benefits as established by law.

VTA intends to implement transit-oriented joint development as part of its transit facilities for a range of reasons. These include, but are not limited to: fostering transit use; enhancing transit service; increasing ridership; decreasing automobile use; and facilitating the creation and improvement to walkable, mixed-use communities. However, VTA is in the planning and design stages of the Project, and has not initiated the acquisition process for any of the properties identified in Project environmental documents.

William Lyon  
Lyon-Eidson Investment Co. LLC  
c/o Matteoni, O'Laughlin & Hechtman  
Norman Matteoni, Esq.  
848 The Alameda  
San Jose, CA 95126

September 6, 2018

Ron Golem  
Deputy Director, Real Estate & Joint Development  
Valley Transit Authority (VTA)  
BART Silicon Valley Phase II Extension Project  
3331 North First Street  
San Jose, CA 95134-1927

Dear Mr. Golem,

I am the property manager and one of the owners of **656 and 664 Stockton Avenue** consisting of shops and warehouses. I am writing to respectfully request that VTA does not select our property as the site for the Stockton Avenue Ventilation Structure as part of the BART II Extension.

This property has been in our family since 1929 and is the location from which my grandfather operated his business. It has had significant sentimental and financial value for three generations of our family. My two siblings and I have planned for, and rely on the rental income that this property generates for our retirement. Replacement of this reliable, steady income stream is nearly impossible as we rarely have vacancies.

More significantly, the property is currently leased to 11 commercial tenants (see Exhibit A). Six of these tenants are small business owners operating from our site for over 14 years. **Three of those businesses have been at our site for over 27 years.** They are rightly concerned about the disruption to their operations that will result if VTA condemns the property. Some of these businesses have installed equipment on-site that would be difficult, if not impossible, to relocate or replicate in another location. Others have a customer base that is dependent on this central location. Given the lack of comparable, affordable space in downtown San Jose, a move would have a dramatic adverse effect on their businesses. The community may lose the valuable services that they provide.

In addition, VTA has proposed the street facing portion of the Stockton Avenue Ventilation Structure site house up to 15,000 square feet of retail and commercial use (Exhibit C). If that is the case, such a seizure would, in our view, be in violation of the California Constitution, which permits private property to be taken only for public use. At a minimum, we would therefore expect VTA to exclude the portion of our land that is slated for retail development.

Based on the plan outlined in the June 4<sup>th</sup> Record of Decision and subsequent Proposed Relocation Plan, it appears that VTA is considering three sites on Stockton Avenue (see Exhibit B-1):

1. One-half of our property at 664 Stockton Avenue and the adjacent property to our left (two buildings at 690 Stockton Avenue).
2. One-half of our property at 656 and 664 Stockton Avenue and the adjacent property to our right (Royal Coach Bus Company at 630 Stockton Avenue).
3. Maaco Auto Painting Corporation (600 Stockton Avenue).

We propose that the VTA select the 3rd site identified above based on the following:

1. *Due to the increase in residential use on Stockton Avenue, a painting business, such as Maaco Auto Painting, is incompatible with the respiratory health needs of a residential community, and will most likely necessitate a future move.*
2. *Maaco Auto Painting has several other locations in the South Bay from which to serve their customers.*
3. *A forced relocation of single business at the Maaco site verses 11 businesses on our site.*
4. *Maaco Auto Painting has the support of a large corporation making a move far less disastrous to their business than to our family and tenants.*

It is important to note that the most recent diagram (Exhibit B-2) found in a memorandum to the VTA Board dated August 29<sup>th</sup> only shows 2 sites on Stockton Avenue. *We believe that this is misleading and that the third proposed ventilation site should be included in all correspondence prior to September 17<sup>th</sup>, the official close of the Proposed Relocation Plan public comment period. We hope that this was an oversight and that our property has not been selected prior to the end of this period in violation of the legal guidelines.*

While we certainly understand the need, and are in full support of the BART II extension. Based on the existence of viable alternatives, the financial harm a condemnation would create for so many families and businesses, and the high cost to taxpayers of relocating our tenants, we urge VTA to consider a different location for the Stockton Avenue Ventilation Structure.

Please do not hesitate to contact me if you have any additional questions. Please share this letter with the VTA Board.

Sincerely,



William Lyon  
Lyon-Eidson Investment Co. LLC  
(408) 842-8704

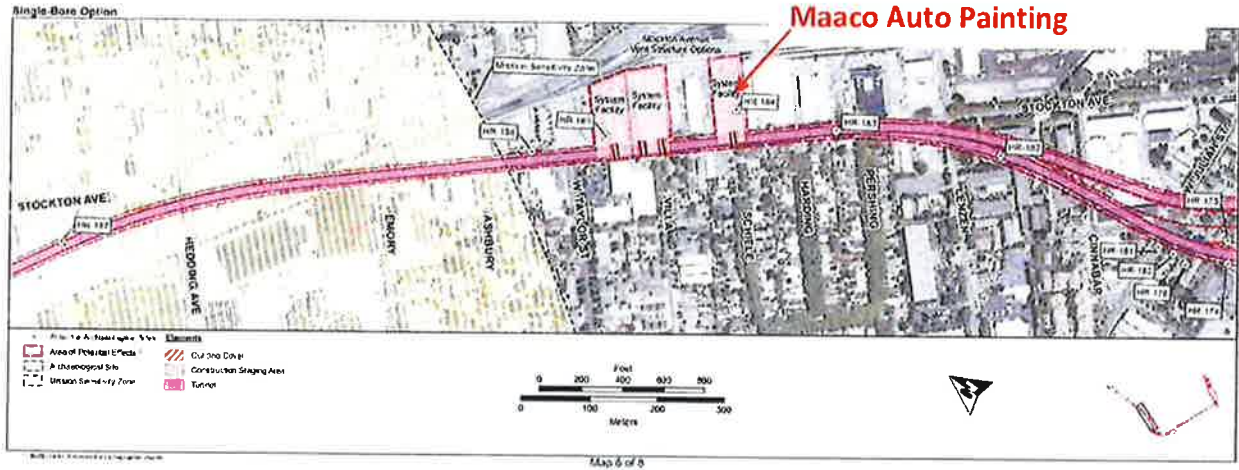
cc: [community.outreach@vta.org](mailto:community.outreach@vta.org)

**Exhibit A**

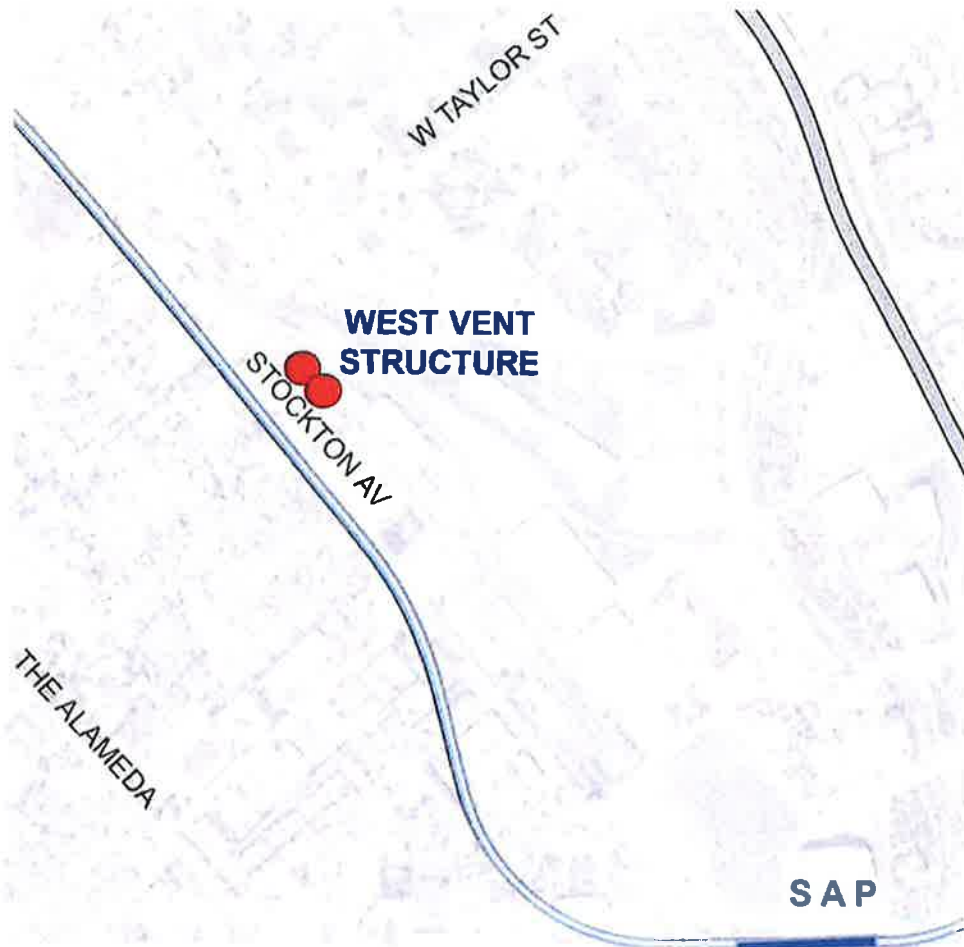
	Unit	Name	Lease Start	Duration (years)
1	664	Sharon's Auto Repair	9/1991	27
2	A	Midway Auto	6/2015	3
3	B-E	TN Produce & Grocery	12/2011	6
4	F	Alma and Cisco Auto Detail	8/2004	14
5	G	J & J Radiator Service	7/2004	14
6	H	Sean Denton Automotive	9/2003	15
7	I	Renovation: Residential & Commercial Remodeling	11/2014	3
8	J-K	Gromm Racing Heads	3/1970	38
9	L	Vietnam Luue / J Vimer Automotive	2/2017	1
10	M	Arron Von Minden Research & Development	9/2010	8
11	656	Acrylonics	10/1989	28

## Exhibit B

### B-1- Original Diagram with 3 sites as identified in the June 4<sup>th</sup> Record of Decision (RoD)



### B-2 - New Diagram - from Board Memorandum, August 29, 2018, sent from Raj Scrinath to VTA Board of Directors (only shows 2 sites)



## Exhibit C

### Stockton Ave Retail Projection - 15,000 Square Feet

**Table 2: TOJD Densities and Parking**

Location	Residential (dwelling units)	Retail (square feet)	Office (square feet)	Parking (spaces)	Acres
Alum Rock/28 <sup>th</sup> Street Station	275	20,000	500,000	2,150 <sup>a</sup>	11
Santa Clara and 13 <sup>th</sup> Streets Ventilation Structure	N/A	13,000	N/A	N/A	1.18
Downtown San Jose Station	N/A	10,000	35,000	128	0.35
Diridon Station	N/A	72,000	640,000	400	8
Stockton Avenue Ventilation Structure	N/A	15,000	N/A	N/A	1.18-1.7
Santa Clara Station	220	30,000	500,000	2,200 <sup>b</sup>	10

<sup>a</sup> Total Parking (BART Extension + TOJD) at Alum Rock/28<sup>th</sup> Street Station will be 3,350 spaces.  
<sup>b</sup> Total Parking (BART Extension + TOJD) at Santa Clara Station will be 2,700 spaces.

## Public Comment

<b>Public Comment Number:</b>	3
<b>Comment Received From:</b>	Norman E. Matteoni, Attorney for Lyon-Edison Investments Company
<b>Form and Date of Comment:</b>	Letter to Ron Golem, Deputy Director, Real Estate & Joint Development dated September 13, 2018
<b>Property Referenced:</b>	664 and 656 Stockton Avenue, San José, CA
<b>Comments:</b>	See Attached Public Comment 3 Letter
<b>Public Comment Number:</b>	4
<b>Comment Received From:</b>	Ross Lyon
<b>Form and Date of Comment:</b>	Verbal comments presented at the VTA Board Meeting on September 6, 2018 and at the Santa Clara Community Working Group Meeting on September 13, 2018
<b>Property Referenced:</b>	664 and 656 Stockton Avenue, San José, CA
<b>Comments:</b>	Mr. Ross Lyon presented comments similar to those presented in attached Public Comment 3 Letter.

## VT A Response to Comments

**Response to commenter's request to avoid acquisition of this parcel:** VTA has received environmental clearance for the BART Silicon Valley Phase 2 Project (Project) after an exhaustive, multi-year planning effort that included a comprehensive analysis of alternatives and extensive public engagement and response to comments, leading to selection of the alignment for the Project.

With the decision on the alignment made, the Project is proceeding with design and engineering work to enable the selection of contractors to complete the design. As the Project's design work progresses, VTA will seek to identify any opportunities where property acquisitions can be refined to reduce impacts, to the extent possible. At the same time, we know from our experience with the 10-mile first phase of VTA's BART Berryessa Extension, and the experience of our consultant team with major projects throughout the United States, that a considerable program of property acquisition and relocation will be unavoidable to construct the Project and realize the tremendous public benefits BART service will offer for Santa Clara County residents and workers.

When VTA's property acquisition program does commence, VTA will work diligently with impacted property owners, businesses, and residents, and their representatives, to ensure that just compensation is paid for their property, and that they receive all relocation assistance and benefits as established by law.

**Response to commenter's comment related to lack of noticing during environmental phase:** The following environmental notices concerning this property were delivered to the owner's address of record in Gilroy, CA: notices for the public scoping meetings in February, 2015; Notice of Availability of the Draft SEIS/SEIR in December, 2016; and the Notice of Availability of the Final SEIS/SEIR in February, 2018.



Norman E. Matteoni

September 13, 2018

Peggy M. O'Laughlin

Bradley M. Matteoni

Barton G. Hechtman

Gerry Houlihan

Ron Golem  
Deputy Director, Real Estate & Joint Development  
Santa Clara Valley Transportation Authority  
3331 North First Street  
San Jose, CA 95134-1927

**Re: 664 and 656 Stockton Avenue, San Jose, California**

Dear Ron,

I represent the Lyon-Edison Investments Company that owns the above property.

One of the family members attended the community outreach meeting the other night. Prior to that, a letter of August 16, 2018 was sent concerning potential relocation of businesses that occupy this property. The owner's responded that an alternative location be chosen for the ventilation facility that is under consideration at the front of this property.

The owner's representative was informed that the objection comes too late and should have been made during the environmental review process, finalized earlier this year. Neither the owner nor the tenants received any notice of that process. The first notice that they received was your letter of June 25, 2018, at which point they immediately investigated the impacts. That letter does not commit to acquire the property, but states that the property may be affected and acquired (it is not clear whether the entire site is under consideration). Thus, the owner's input should be evaluated in the decision making process of whether the acquisition should occur.



848 The Alameda  
San Jose, CA 95126  
ph. 408.293.4300  
fax. 408.293.4004  
www.matteoni.com

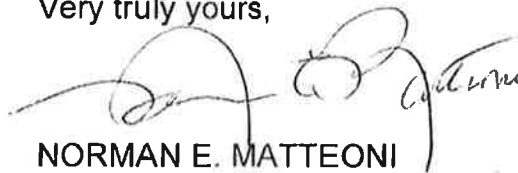
Ron Golem

September 13, 2018  
Page 2

Most importantly, the owner does request that the consequences of any take of this property be considered. Your letter not only references the vent shaft but the overall property. Nor is the location of the ventilation facility specifically identified in relation to buildings or driveway on the overall site.

There are 12 small businesses on the one acre plus site. These business will have great difficulty in relocating and maintaining their operations. Any take should balance the cost of acquisition, where there are alternatives, against the impacts of displacing 12 businesses. If only the vent shaft is taken, there are still consequences to the businesses.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Norman E. Matteoni', is written over the typed name.

NORMAN E. MATTEONI

NEM/jm

cc: William D. Lyon  
email: [Community.Outreach@vta.org](mailto:Community.Outreach@vta.org)

## Public Comment

**Public Comment Number:** 5

**Comment Received From:** Sharon Smith, Business Owner, Sharon's Auto Repair

**Form and Date of Comment:** Email sent to VTA Community Outreach September 11, 2018

**Property Referenced:** 664 Stockton Avenue, San José, CA

**Comments:** See Attached Public Comment 5 Electronic Mail

## VTA Response to Comments

**Response to commenter's request to avoid acquisition of this parcel:** VTA has received environmental clearance for the BART Silicon Valley Phase 2 Project (Project) after an exhaustive, multi-year planning effort that included a comprehensive analysis of alternatives and extensive public engagement and response to comments, leading to selection of the alignment for the Project.

With the decision on the alignment made, the Project is proceeding with design and engineering work to enable the selection of contractors to complete the design. As the Project's design work progresses, VTA will seek to identify any opportunities where property acquisitions can be refined to reduce impacts, to the extent possible. At the same time, we know from our experience with the 10-mile first phase of VTA's BART Berryessa Extension, and the experience of our consultant team with major projects throughout the United States, that a considerable program of property acquisition and relocation will be unavoidable to construct the Project and realize the tremendous public benefits BART service will offer for Santa Clara County residents and workers.

When VTA's property acquisition program does commence, VTA will work diligently with impacted property owners, businesses, and residents, and their representatives, to ensure that just compensation is paid for their property, and that they receive all relocation assistance and benefits as established by law.

**Response to commenter's concern about potential replacement sites:** In the event this business owner needs to be relocated, relocation advisors will work closely with this business to find available replacement sites that are as close as possible to its current location.

**From:** sts52 <sts52@sbcglobal.net>  
**Sent:** Tuesday, September 11, 2018 5:07 PM  
**To:** Community.Outreach  
**Subject:** VTA phase II

My name is Sharon Smith I'm owner/operator at Sharon's Auto Repair located at 664 Stockton Avenue the front unit I have been there since 1991. I sincerely hope you find another place to relocate as I am not quite ready to retire yet and I'm certainly not ready to start over somewhere else just for a few years my customers are used to come in there they're very comfortable there it's been working out very well for a lot of years and I hope you find a better location I know a lot of the neighbors I will lose them as customers because they won't be able to walk down and have it so convenient I also walk to work everyday and have for year's.. this would greatly change my life and a negative way and also my customers if you need to call me my phone number is 408-529 7445, email: sts52@sbcglobal.net

Sent from my Verizon, Samsung Galaxy smartphone

## Public Comment

<b>Public Comment Number:</b>	6
<b>Comment Received From:</b>	Manraj Natt, Property Owner and Business Owner
<b>Form and Date of Comment:</b>	Email sent to VTA Community Outreach September 13, 2018
<b>Property Referenced:</b>	147 East Santa Clara Street, San José, CA
<b>Comments:</b>	See Attached Public Comment 6 Electronic Mail
<b>Public Comment Number:</b>	7
<b>Comment Received From:</b>	Manraj Natt Property Owner and Business Owner
<b>Form and Date of Comment:</b>	Verbal Comments Presented at the Downtown/Diridon Community Working Group Meeting on September 11, 2018
<b>Property Referenced:</b>	147 East Santa Clara Street, San José, CA
<b>Comments:</b>	Mr. Manraj Natt presented comments similar to those presented in his email to Community Outreach dated September 13, 2018

## VT A Response to Comments

**Response to the commenter's request to avoid acquisition of this parcel:** VTA has received environmental clearance for the BART Silicon Valley Phase 2 Project (Project) after an exhaustive, multi-year planning effort that included a comprehensive analysis of alternatives and extensive public engagement and response to comments, leading to selection of the alignment for the Project.

With the decision on the alignment made, the Project is proceeding with design and engineering work to enable the selection of contractors to complete the design. As the Project's design work progresses, VTA will seek to identify any opportunities where property acquisitions can be refined to reduce impacts, to the extent possible. At the same time, we know from our experience with the 10-mile first phase of VTA's BART Berryessa Extension, and the experience of our consultant team with major projects throughout the United States, that a considerable program of property acquisition and relocation will be unavoidable to construct the Project and realize the tremendous public benefits BART service will offer for Santa Clara County residents and workers.

When VTA's property acquisition program does commence, VTA will work diligently with impacted property owners, businesses, and residents, and their representatives, to ensure that just compensation is paid for their property, and that they receive all relocation assistance and benefits as established by law.

**Response to the commenter's reference to questions posed during the meeting between commenter and the relocation advisor:** Mr. Natt's questions pertained to the selection of alternative properties for the Project, and the request to avoid acquisition of this parcel. VTA's response regarding the selection of the alignment for the Project, as well as acquisition refinement process, is stated above.

**Karen Eddleman**

---

**From:** MANRAJ NATT <sjchevron@att.net>  
**Sent:** Thursday, September 13, 2018 10:57 AM  
**To:** Community.Outreach  
**Cc:** Bradley, Kathy  
**Subject:** Comment - From Manraj Natt (147 E. Santa Clara St. San Jose, CA 95113) on Draft Relocation Plan

Dear Sir/Madam,

My name is Manraj Natt, and I am the owner of Chevron gas station @ 147 E. Santa Clara St. San Jose, CA 95113. Our location has been identified that 'MAY' be taken over by VTA for the construction of Bart Phase II project.

My questions to VTA & AWRS were not satisfactorily answered during our meeting with AWRS. None of my concerns were given importance and no one from VTA tried to reach out to me regarding them

VTA's one letter has made our lives very stressful not knowing our short or long term future. There was no hope or guarantees presented in that letter. Furthermore, in the draft relocation plan, it is asserted (on page 12) that service station may be relocated without any concrete plans.

It is very clear that not enough homework was done by VTA/AWRS to answer/satisfy our concerns or questions. According to VTA our site will be used for 'Construction Staging Area', which to me does not make sense. Had VTA conducted the proper survey, there were many suitable and worthy locations where 'Construction Staging' can be done. I will name few here for your reference.

1. Empty lot on St. James St and 4<sup>th</sup> Street (North East Corner)
2. Empty parking lots on 4<sup>th</sup> Street (between our Chevron station & Church)
3. Empty space in front of city hall (South East corner of Santa Clara St & 4<sup>th</sup> Street)
4. VTA lost opportunity to get the empty lot in front of city hall (North East corner of Santa Clara St & 4<sup>th</sup> Street). The construction on this lot started on Jan 10 earlier this year.

Since most of our questions were unanswered and we do not want to relocate and not interested in selling our property, I urge VTA to reconsider their decision about annexing our property. I also want VTA to conduct detailed analysis about their needs and then proceed accordingly.

The annexation of our property by VTA will impact our lives, our tenants' lives, and future of our kids and beyond. Please reconsider acquiring our property.

Thanks,

Manraj Natt  
 Owner of property @  
 147 E. Santa Clara St. San Jose, CA 95113

## Public Comment

<b>Public Comment Number:</b>	8
<b>Comment Received From:</b>	Norman E. Matteoni, Attorney for Apple, Inc.
<b>Form and Date of Comment:</b>	Letter to Ron Golem, Deputy Director, Real Estate & Joint Development dated September 13, 2018
<b>Property Referenced:</b>	335 Brokaw Road, Santa Clara, CA
<b>Comments:</b>	See Attached Public Comment 8 Letter

## VTA Response to Comments

**Response to commenter's statement related to relocation timeframe:** In the event relocation of Apple, Inc. is required, VTA's relocation advisors will closely work with Apple, Inc. to appropriately plan for the relocation of this facility to minimize impacts. The VTA team has already met with Apple, Inc. and has requested a tour of the property and a listing of personal property and equipment inside the facility to allow further advance planning in the event relocation is required.

**Response to commenter's statement regarding requirement that new facility be replicated in advance of move:** At this juncture, VTA does not have sufficient information as to whether a new facility must be constructed in advance of relocation. Regardless, VTA would reimburse Apple, Inc. for moving and reestablishment costs as provided under applicable state and federal laws. Apple, Inc. also would be able to assert a claim for loss of business goodwill through the acquisition process.

**Response to commenter's request to avoid acquisition of this parcel:** VTA has received environmental clearance for the BART Silicon Valley Phase 2 Project (Project) after an exhaustive, multi-year planning effort that included a comprehensive analysis of alternatives and extensive public engagement and response to comments, leading to selection of the alignment for the Project.

With the decision on the alignment made, the Project is proceeding with design and engineering work to enable the selection of contractors to complete the design. As the Project's design work progresses, VTA will seek to identify any opportunities where property acquisitions can be refined to reduce impacts, to the extent possible. At the same time, we know from our experience with the 10-mile first phase of VTA's BART Berryessa Extension, and the experience of our consultant team with major projects throughout the United States, that a considerable program of property acquisition and relocation will be unavoidable to construct the Project and realize the tremendous public benefits BART service will offer for Santa Clara County residents and workers.

When VTA's property acquisition program does commence, VTA will work diligently with impacted property owners, businesses, and residents, and their representatives, to ensure that just compensation is paid for their property, and that they receive all relocation assistance and benefits as established by law.

September 13, 2018

*Via E-mail and Overnight Delivery*

Norman E. Matteoni

Peggy M. O'Laughlin

Bradley M. Matteoni

Barton G. Hechtman

Gerry Houlihan

Santa Clara Valley Transportation Authority  
Real Estate and Joint Development  
Ron Golem, Deputy Director, Real Estate and Joint Development  
3331 North First Street  
San Jose, CA 95134-1927

**Re: Apple Inc.'s Comments to the Draft Relocation Plan for  
BART Silicon Valley Phase II Project**

Dear Mr. Golem:

Apple Inc. appreciates the opportunity to review and comment on the Draft Relocation Plan for BART Silicon Valley Phase II Project (the "Plan").

Apple's research and development (R&D) operation, at its leased premises on 335 Brokaw Road, in Santa Clara is not a typical business suitable for relocation under the Plan. To date, Apple has invested approximately \$100 million in 335 Brokaw. Apple's operations this state-of-the-art business critical facility cannot go dark and be shut down to allow the equipment to be moved and installed in a replacement site. And, given that the equipment in 335 Brokaw is highly specialized and custom designed and manufactured, it cannot be picked up, moved and reinstalled in a replacement site. If VTA insists on taking the 335 Brokaw facility prior to the expiration of Apple's initial lease term in 2025, the only viable solution for Apple is replicating the 335 Brokaw facility at a replacement site while continuing its R&D operations at 335 Brokaw, thus assuring a seamless transition to the replacement site.

Finding a suitable replacement site will also be a challenge according to Apple's real estate and development team. Based upon Apple's extensive knowledge of the local real estate market, it will be very difficult to find a suitable alternative site for Apple's R&D operation which have the same favorable features as 335 Brokaw. Because the Plan is only intended to provide an overview of the businesses and residents impacted by the project, it does not provide relevant information critical for VTA's Board to consider when evaluating the impact of the project on Apple's R&D facility and why the relocation



848 The Alameda  
San Jose, CA 95126  
ph. 408.293.4300  
fax. 408.293.4004  
www.matteoni.com




assistance available for small businesses described in the Plan will be immaterial given Apple's circumstances. In short, standard relocation assistance just does not fit.

As to the timing of displacement, the Plan acknowledges that most businesses will require more than the statutory 90-day notice to vacate their premises. Apple will need 2 to 3 years notice to be able to implement an acceptable plan of replication. Due to this long lead time and the challenges Apple has already identified associated with securing a suitable replacement facility, Apple continues to request the project's construction schedule for a reliable indication of when 335 Brokaw may be taken. This schedule and VTA's project plans remain elusive. Making matters more uncertain is VTA's recent correspondence to Apple on relocation indicating that VTA has not yet made any final decision to acquire 335 Brokaw.

Of particular concern to Apple is that VTA has identified 335 Brokaw as a potential early acquisition target for an interim use as a construction laydown yard. As VTA is aware from Apple's March 6, 2017 and April 4, 2018 comment letters to the Draft Project EIR and the recent, July relocation meeting, Apple opposes any interim use of 335 Brokaw requiring an early taking of its state-of-the-art R&D facility as a significant and unnecessary waste of public funds.

Apple supports a successful outcome for BART Silicon Valley Phase II Project and looks forward to continuing a constructive dialogue with VTA regarding the Project's potential impacts on Apple's facility at 335 Brokaw and the means to lessen or avoid those impacts. Apple hopes this comment letter provides VTA with a better understanding of the unique circumstances involving a take and relocation of this Apple facility.

Very truly yours,



Peggy M. O'Laughlin,  
for Apple, Inc.

PMO/jm

cc: Evelyn Tran, Acting General Counsel

## Public Comment

<b>Public Comment Number:</b>	9
<b>Comment Received From:</b>	Glenn L. Block, California Eminent Domain Law Group, a P. C. for Monarch Truck Center
<b>Form and Date of Comment:</b>	Letter to SCVTA dated September 17, 2018
<b>Property Referenced:</b>	195 North 30 <sup>th</sup> Street, San José, CA
<b>Comments:</b>	See Attached Public Comment 9 Letter

## VTA Response to Comments

**Response to commenter's statement related to client not being mentioned by name in Relocation Plan:** The purpose of the Draft Relocation Plan is to plan for the potential relocation of occupants. The federal and state regulations do not require that all potentially impacted occupants and properties be listed by name. Further, some occupants may not wish their names to be publicly disclosed--especially given that they ultimately could be removed from the Project footprint.

**Response to commenter's statement related to insufficient relocation planning:** Monarch Trucking was included in the Contractor Building and Yard category (Category 4, Section 4.2) of the Draft Relocation Plan. Although the site description was inadvertently omitted from the summary table, the Draft Relocation Plan did consider and address the impact to this business. The table was corrected in the Final Relocation Plan.

The Draft and Final Relocation Plans recognize the complexity of the move of this business, and anticipate that this and other businesses will require significant lead time and planning to identify and secure viable replacement sites in order to allow businesses to successfully relocate. See Sections 4.2.2 and 5.2 of the Draft and Final Relocation Plans. VTA will work closely with business owners to help identify potential replacement sites that specifically meet the needs of the business if and when they are required to relocate. The regulations do not require VTA to identify specific relocation sites for each business that potentially may be relocated sometime in the future. Rather, the Relocation Plans are required to assist in understanding the businesses' needs to help plan for successful future potential relocations. Every effort will be made to work with this and all businesses to provide adequate lead time to identify, secure and move to replacement properties.

Public Comment 9

GLENN L. BLOCK  
[GLB@CALEDLAW.COM](mailto:GLB@CALEDLAW.COM)  
 DIRECT DIAL – 818-957-6577

September 17, 2018

**Via Email** ([community.outreach@vta.org](mailto:community.outreach@vta.org))

Santa Clara Valley Transportation Authority  
 Real Estate & Joint Development  
 3331 North First Street  
 San Jose, CA 95134-1927

Re: **Draft Relocation Plan for Public Comment**  
 Santa Clara Valley Transportation Authority (VTA)  
 BART Silicon Valley Extension Project, Phase II  
**195 N. 30<sup>th</sup> Street, San Jose, CA (APN 467-08-010 and – 052; etc.)**

Dear Sir/Madam:

We are counsel to Monarch Leasing, Inc. dba Monarch Truck Center (“Monarch”) with respect to the proposed acquisition of the above-referenced properties (“Subject Properties”), and displacement of Monarch, for the BART Silicon Valley Extension Project, Phase II (“Project”).

Monarch is a family owned full-service medium-duty truck dealership employing about 65 people. Monarch was established in 1976, and has operated continuously at the Subject Properties for more than 30 years. Monarch sells new and used trucks, as well as offering truck leasing, truck rental, truck service and repair, and truck parts.

This letter constitutes Monarch’s comments with regard to the VTA’s Draft Relocation Plan (“Draft Plan”).

First, although the Subject Properties occupied by Monarch (in addition to the adjacent leased ROW areas) are clearly identified for acquisition in Figure 2 (Alum Rock/28<sup>th</sup> Street Station Plan), *the Draft Plan **does not** identify Monarch’s business as one of the businesses being displaced.* Moreover, the Plan does not address the significant time and complexity associated with relocating Monarch’s business. Accordingly, in these respects it appears the Draft Plan is inaccurate and deficient.

The Draft Plan generally identifies and references 35 potentially impacted business occupants (Page 2, Table 4.1, etc.), and more specifically identifies the businesses by “type” in Section 4.2 (pages 11 - 13). While Category 5 purports to identify the “Automotive Use” businesses, it only references 8 small or specialty automotive service and repair businesses (1000sf – 1200sf), and one “private bus transportation company” (20,000sf on 2 acre-lot). Monarch’s business is not identified or referenced in Section 4.2 or otherwise in the Draft Plan.

Santa Clara Valley Transportation Authority  
Real Estate & Joint Development  
September 17, 2018  
Page 2 of 2

As noted above, Monarch is a full-service medium duty truck dealership (sales, leasing, rental, service/repair and parts). The Subject Properties occupied by Monarch consist of approximately 80,000sf of buildings (showrooms, offices, service/repair bays, parts warehouse, etc.) located on a total site area of approximately 5 acres.

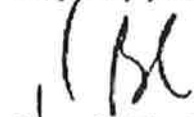
Relocation of Monarch's business is anticipated to take approximately 12 – 18 months, starting after Monarch is able to secure a suitable relocation site. Because of the size and complexity of Monarch's operation, significant improvements will need to be designed, permitted and constructed. And, the relocation site must be operational before Monarch can move, or the business will be substantially damaged. This information was discussed with the VTA's relocation consultants prior to the issuance of the Draft Plan.

The Draft Plan does not reference the availability of any potentially suitable relocation sites for Monarch. Monarch commenced its search for suitable relocation sites several months ago, but no potentially suitable relocation sites have been identified yet. The Draft Plan does not address the lack of available potentially suitable sites meeting Monarch's relocation requirements.

The Federal relocation regulations suggest that a proper relocation plan, "should be scoped to the complexity and nature of the anticipated displacing activity including an evaluation of program resources available to carry out timely and orderly relocations." 49 C.F.R. §24.205(a). Moreover, "When an adequate supply of replacement business sites is not expected to be available, the impacts of displacing the businesses should be considered and addressed. Planning for displaced businesses which are reasonably expected to involve complex or lengthy moving processes ... and/or few alternative relocation sites should include an analysis of business moving problems." 49 C.F.R. §24.205(a)(5). And, special relocation services should also be considered. 49 C.F.R. §24.205(a)(6). It does not appear the Draft Plan adequately addresses these matters.

We look forward to reviewing a revised Plan that incorporates these comments, and working with the VTA to ensure Monarch is successfully relocated.

Very truly yours,



Glenn L. Block  
California Eminent Domain Law Group, a P.C.

cc: Nicole Guetersloh, Monarch Truck Leasing, Inc. dba Monarch Truck Center

**Public Comment**

**Public Comment Number:** 10  
**Comment Received From:** Elias Garcia, Maaco Collision and Auto Painting  
**Form and Date of Comment:** Letter Sent to Karen Eddleman dated October 25, 2018  
**Property Referenced:** 600 Stockton Avenue, San José, CA  
**Comments:** See Attached Public Comment 10 Letter

**VTA Response to Comments**

**Response to commenter's request to avoid acquisition of this parcel:** VTA has received environmental clearance for the BART Silicon Valley Phase 2 Project (Project) after an exhaustive, multi-year planning effort that included a comprehensive analysis of alternatives and extensive public engagement and response to comments, leading to selection of the alignment for the Project.

With the decision on the alignment made, the Project is proceeding with design and engineering work to enable the selection of contractors to complete the design. As the Project's design work progresses, VTA will seek to identify any opportunities where property acquisitions can be refined to reduce impacts, to the extent possible. At the same time, we know from our experience with the 10-mile first phase of VTA's BART Berryessa Extension, and the experience of our consultant team with major projects throughout the United States, that a considerable program of property acquisition and relocation will be unavoidable to construct the Project and realize the tremendous public benefits BART service will offer for Santa Clara County residents and workers.

When VTA's property acquisition program does commence, VTA will work diligently with impacted property owners, businesses, and residents, and their representatives, to ensure that just compensation is paid for their property, and that they receive all relocation assistance and benefits as established by law.

**Response to commenter's concern about potential replacement sites:** In the event this business owner needs to be relocated, relocation advisors will work closely with this business to find available replacement sites that are as close as possible to its current location.



AMERICA'S BODYSHOP®

October 25, 2018

Karen Eddleman  
Associated Right of Way Services, Inc.  
2300 Contra Costa Blvd., #525  
Pleasant Hill, CA 94523

Re: Maaco at 600 Stockton Avenue, San Jose, CA  
Draft Relocation Plan

Dear Ms. Eddleman:

The owners of this property and I have been invited to respond to the Draft Relocation Plan for potentially affected properties of the BART Extension project.

My auto body shop is located at the above address on Stockton Avenue, which the VTA indicates as a location of potential ventilation shaft for the underground BART line in the street. At the same time, the VTA letter of September 27 does not specify this limited use but states the parcel may be required for construction of the project. This and other language indicate the potential of total acquisition. At the same time, I understand VTA will be looking at other alternatives. My business—Maaco, is a long term tenant on this site with a large metal building on the first 2/3ds of the parcel; the rear of the property is devoted to vehicle and parts storage with a couple of smaller out buildings.

First, I am uncertain where on the site a ventilation shaft would be located. But any location that displaces the business has numerous negative impacts. Any location near the front of the property can interfere with access and visibility, as well as customer parking. See the attached photo.

Second, the impact on the business, particularly if it is totally displaced, is serious:

1. The ability to relocate this business is very limited:
  - a. There is not a comparable building available for rental (size, location, rent). I have spent two years looking for a second auto business site in San Jose and have not found any with the required characteristics.
  - b. Due to zoning and environmental laws, it is very difficult to get San Jose or any nearby city to grant a new spray booth license. It is a long and costly endeavor.



*AMERICA'S BODYSHOP®*

- c. 80% of my fleet accounts are within 3-4 miles of my business. I provide services to several companies around the San Jose Airport and I know those local contracts were given to me because of my proximity to their business.
  - d. The Franchise Agreement imposes restrictions on distance from other competing Maaco businesses. I cannot be any closer than 5 miles to another Maaco location. That compounds the difficulty to find another location.
  - e. Any possible relocation can effectively cause me lose substantial customer base and require me to start over.
2. All of the above show the strong prospect of a wipe out of my business.
  3. I am a minority business owner.
  4. I made a long term investment in the purchase of a home three years ago with the expectation that I would be at my home long term and close to work. I may need to sell my home depending if I had to move my business elsewhere, assuming a location could be found. As indicated above that prospect is very dim.
  5. I am the head of my household and this would have a significant impact on my family.
  6. This change would displace 10 employees that would lose their jobs and depend on this income to support their families.
  7. I entered a new 5 year lease a year ago and still have 4 years on the current lease.
  8. I have a good relationship with the owner of the property and every expectation of the renewal of the lease.

Any attempted relocation is destined to fail and another vital service business will have been displaced from San Jose.

Sincerely,

ELIAS GARCIA

EG:cab  
encls.

cc: Kathy Bradley, VTA  
Kosich Properties, LLC

**Attachment B to Board Memorandum**  
**(on following page)**



**RESOLUTION ADOPTING RELOCATION PLAN FOR  
THE BART SILICON VALLEY PHASE II EXTENSION PROJECT**

Whereas, the Santa Clara Valley Transportation Authority (VTA) is in the process of planning the BART Silicon Valley Phase II Extension Project (Project);

**Whereas**, although VTA is planning the Project in a manner that minimizes the displacement of businesses and residences, it is anticipated that displacement will occur;

**Whereas**, public agencies undertaking or participating in an activity that results in displacement are required to adopt rules and regulations to implement relocation benefits and administer relocation assistance that are consistent with the federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (42 U.S.C. 4051 et.seq.) and its implementing regulations (49 CFR 24 et.seq.), and the California Relocation Act (Gov. Code 7260 et. seq.) and its implementing regulations (25 CCR sections 6000 et.seq.);

**Whereas**, on November 4, 2010, the VTA Board of Directors adopted the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (42 U.S.C. 4051 et.seq.) and federal regulations (49 CFR 24 et.seq.), for projects with federal financial assistance, and the California Relocation Act (Gov. Code 7260 et. seq.) and the California regulations (25 CCR sections 6000 et.seq.), and such amendments that may follow, as its own rules and regulations for purposes of implementing relocation benefits and administering relocation assistance;

**Whereas**, California law also requires public agencies to prepare and submit for approval a Relocation Plan when their actions result in significant displacement;

**Whereas**, on September 6, 2018 a presentation regarding the Draft Relocation Plan for the Project was made for informational purposes only to the VTA Board of Directors;

**Whereas**, the Draft Relocation Plan for the Project was circulated to the general public for public review and comment in accordance with California law, which requires a minimum 30-day public circulation period; and

**Whereas**, following the closure of the time period for public review and comment, the Draft Relocation Plan was updated to respond to public comments and is now the proposed Final Relocation Plan for the Project subject to approval by the VTA Board of Directors;

**NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED** as follows:

1. VTA finds, determines and declares:
  - a. Fair and reasonable relocation payments will be provided to eligible persons as required by state and federal law.
  - b. A relocation assistance program will be established in compliance with state and federal law.

- c. Eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures, as required by state and federal law.
  - d. Comparable replacement dwellings will be available, or provided, if necessary, within a reasonable period of time prior to displacement sufficient in number, size and cost for the eligible persons who require them, in compliance with state and federal law.
  - e. Adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons to comparable replacement housing available without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected.
2. The Board hereby adopts the Final Relocation Plan for the Project on file with the Board Secretary and incorporated by reference herein.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Transportation Authority, State of California, on December 6, 2018, by the following vote:

AYES:

NOES:

---

Chairperson

ATTEST:

---

Board Secretary

# Final Relocation Plan

BART Silicon Valley Phase II Extension Project

## Advisory Committees

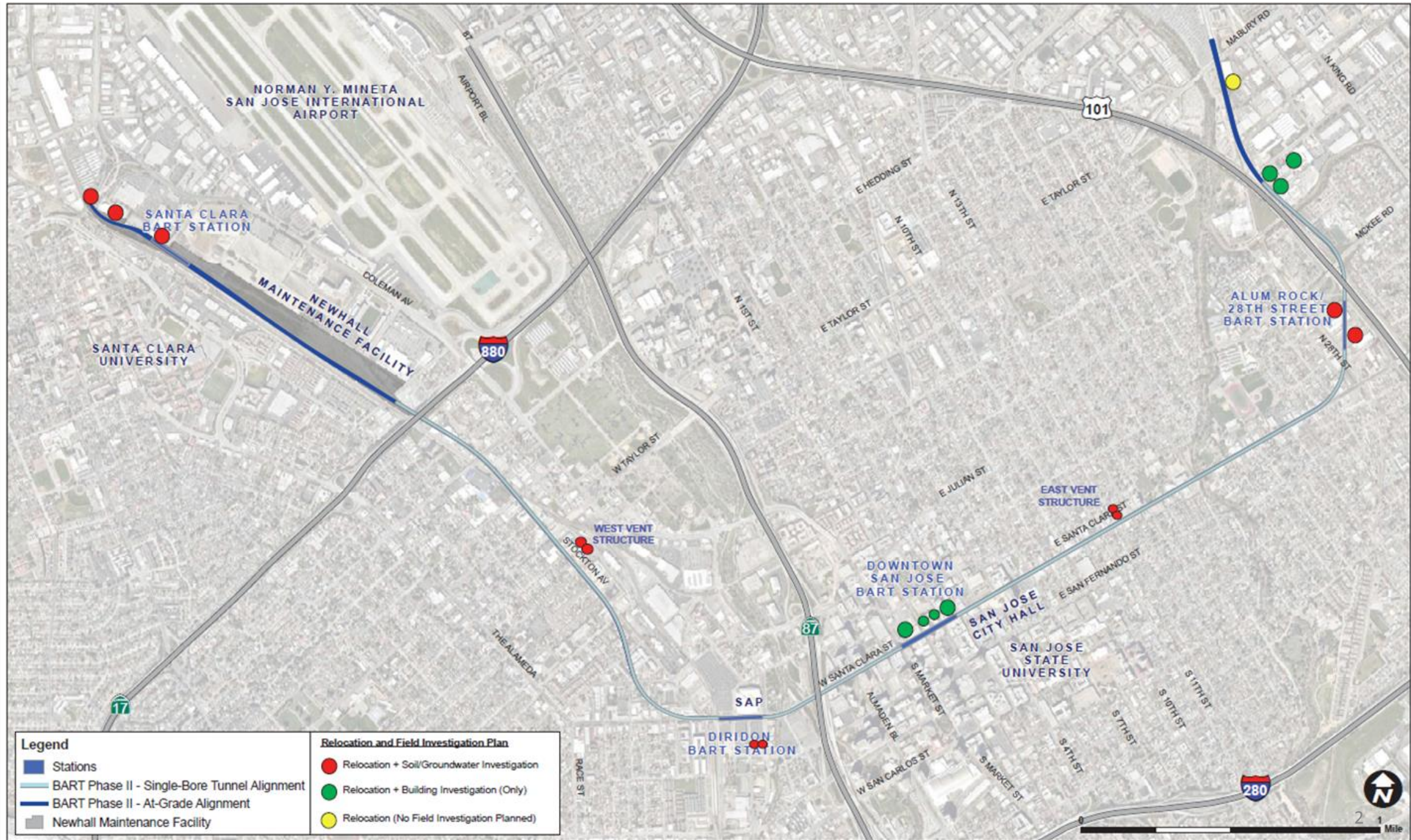
November 2018

VTA Office  
3331 North First Street, San Jose  
Meeting Room B106

**BART Silicon Valley Phase II  
Extension Project**







# Real Estate Planning Process

- ✓ **Environmental Clearance**
- ✓ **Preliminary Engineering and Testing**
- ✓ **Relocation Planning and Public Comment**

## Community Engagement

CAC Meeting	Aug 8	CWG Meeting: Alum Rock/28 <sup>th</sup> St.	Sep 12
PAC Meeting	Aug 9	CWG Meeting: Santa Clara	Sep 13
CMPP Meeting	Aug 16	CAC Meeting	Nov 7
VTA Board Meeting	Sep 6	PAC Meeting	Nov 8
CWG Meeting: Downtown/Diridon	Sep 11	VTA Board Meeting	Dec 6



# Contents of Relocation Plan

- Project Description
- Description of Potential Impact

## 9 Potentially Impacted Residential Occupants

- 1 Tenant Living in a Single-Family Residence
- 8 Tenants Living in Apartments

## 57 Potentially Impacted Non-Residential Occupants

- 12 Absentee Landlords
- 38 Business Occupants
  - 1 Cellular Tower Tenant
  - 2 Outdoor Advertising Sign Tenants
  - 4 Entities Storing Personal Property

- Summary of Relocation Resources for Impacted Occupants
- Description of VTA's Relocation Assistance Program
- Comments Received on Draft Relocation Plan

# Public Comment

# VTA Response

**Request for Project redesign to reduce or eliminate property and occupant impact**



**VTA commits to ongoing evaluation of the property footprint needed for the Project**

**Request for additional time and effort to allow for complicated business moves**



**VTA will endeavor to provide more than the statutorily required timeframe to relocate**

**Request to address construction impacts to local businesses not being relocated**



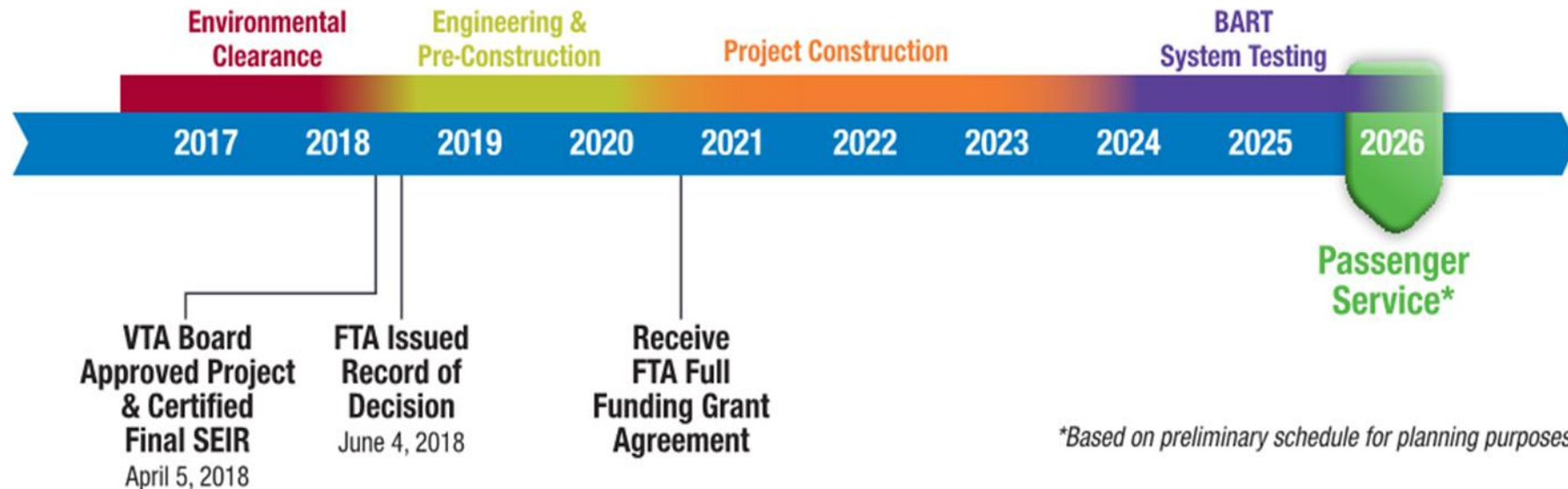
**VTA will address this non-relocation matter through a small business marketing and assistance program**

# Real Estate Planning Process Continued

☐ VTA Board to Consider Adoption of Final Relocation Plan Dec 6

☐ Continued Design Refinement

☐ Property Appraisal, Acquisition and Relocation



*\*Based on preliminary schedule for planning purposes.*





Date: October 31, 2018  
 Current Meeting: November 8, 2018  
 Board Meeting: December 6, 2018

## BOARD MEMORANDUM

**TO:** Santa Clara Valley Transportation Authority  
 Policy Advisory Committee

**THROUGH:** General Manager, Nuria I. Fernandez

**FROM:** Director - Planning & Programming, Chris Augenstein

**SUBJECT:** North San Jose Deficiency Plan Update

---

### FOR INFORMATION ONLY

#### **BACKGROUND:**

VTA administers the state enabled Congestion Management Program (CMP) for Santa Clara County, which requires that Member Agencies prepare a deficiency plan for CMP system facilities (e.g., key arterial roadway or Expressway intersections) located within their jurisdictions that exceed the CMP traffic Level-of-Service (LOS) Standard of E. Since the 2013 update to VTA's Congestion Management Program, deficiency plans are now called Multimodal Improvement Plans (MIPs).

MIPs should improve system-wide traffic LOS, contribute to a significant improvement in air quality, and demonstrate innovative, coordinated and comprehensive transportation strategies that reinforce community goals. These plans "trade off" making infeasible or undesirable physical traffic capacity improvements, such as widening an intersection or roadway, with offsetting improvements at other locations to improve transportation conditions on the CMP transportation network.

MIPs must be prepared in accordance with the VTA Board-adopted *Deficiency Plan Requirements* document, developed in 1992 and updated in 2010 (available at [www.vta.org/cmp](http://www.vta.org/cmp) <<http://www.vta.org/cmp>>). These requirements conform to State CMP legislation and regional guidelines established by the Bay Area Quality Management District (BAAQMD).

The North San Jose Deficiency Plan (NSJDP) was approved by the San Jose City Council and adopted by the VTA Board in 2007 (attached). The plan was developed in concert with the North San Jose Area Development Policy (Policy), which links future development capacity with transportation infrastructure improvements. The City of San Jose is preparing an update to the NSJDP in order to address Citywide housing goals while maintaining conformance with

Congestion Management Program (CMP) requirements. The NSJDP update would facilitate the development of affordable and market-rate housing in North San Jose to alleviate the regional housing crisis.

### **DISCUSSION:**

The City of San Jose developed the NSJDP to address projected LOS deficiencies at nine CMP intersections associated with the North San Jose Area Development Policy (Policy). The Policy approved up to 26.7 million square feet of industrial and 32,000 housing units, apportioned equally across four development phases, approximately 7 million square feet of industrial and 8,000 housing units per phase. Transportation improvements are tied to each phase. To date, 1.5 million square feet of industrial has been built, while 6.7 million square feet of industrial has been entitled (not yet built), and 7,937 housing units have been built.

The NSJDP and Policy mandate that development milestones and portions of identified transportation improvements be implemented before the next phase of development can advance. Funding for the transportation improvements is enabled by a Traffic Impact Fee (TIF) levied on development within the Policy area. For Phase 1, housing development capacity has been built-out, but industrial development capacity has been entitled not been built-out, thus TIF collection is not sufficient to implement the identified transportation improvements. In order for the City to facilitate additional housing entitlements and move to Phase 2, a significant portion of the phased transportation improvements must be completed.

### **San Jose's Proposed Approach**

The proposed NSJDP modifications would change the development and transportation mitigation improvement phasing from four phases to two phases (Phases A and B) to facilitate 8,000 housing units (of which, 2,900 units must be affordable). Funding for the required transportation improvements could then leverage Measure B and TIF money from residential development. The proposed re-phasing of transportation improvements is based on where development has actually occurred, project readiness, and funding availability. To remain consistent with the North San Jose Final Environmental Impact Report, no other changes to NSJDP are proposed. The chart below demonstrates the proposed changes.

<b>Original Policy Phasing</b>	<b>Development Allowed</b>	<b>Built-to-Date</b>	<b>Proposed Phasing</b>
Phase 1	Industrial: 7 MSF (+1.8 MSF credit from demolished buildings)	1.5 MSF built 6.9 MSF entitled (but not built)	Phase A
	Residential: 8,000 units	7,937 units	
Phase 2	Industrial: 7 MSF	-	
	Residential: 8,000 units	-	
Phase 3	Industrial: 7 MSF	-	Phase B
	Residential: 8,000 units	-	
Phase 4	Industrial: 5.7 MSF	-	
	Residential: 8,000 units	-	

Deficiency Plan Coordination

The City of San Jose is currently engaging with the Cities of Milpitas and Santa Clara, and the County of Santa Clara regarding the policy change, including the CMP facilities addressed by the NSJDP, and to remain consistent with existing settlement agreements in connection with the NSJDP's transportation improvements.

Next Steps

The City of San Jose anticipates that the San Jose City Council will first adopt the proposed NSJDP modifications, followed by VTA Committees and Board adoption in early spring 2019.

Prepared By: Melissa Cerezo  
Memo No. 6683



Date: May 2, 2007  
 Committee Meeting Date: May 23, 2007  
 Board Meeting Date: June 7, 2007  
 ACTION X DISCUSSION        INFO       

## BOARD MEMORANDUM

**TO:** Congestion Management Program and Planning Committee  
 Santa Clara Valley Transportation Authority  
 Board of Directors

**THROUGH:** Michael T. Burns  
 General Manager

**FROM:** Carolyn M. Gonot  
 Chief Development Officer

**SUBJECT:** North San Jose Deficiency Plan Approval

*Michael T. Burns*

*Carolyn M. Gonot*

APPROVED ACCEPTED ADOPTED AMENDED DEFERRED  
 Santa Clara Valley Transportation Authority  
 Board of Directors  
 Maria Mendez, Secretary  
 BY: *[Signature]*  
 DATE: 6/8/07

## RECOMMENDATION:

Approve the City of San Jose North San Jose Deficiency Plan (Attachment A.)

## BACKGROUND

According to Congestion Management Agency (CMA) statutes, Member Agencies are required to conform to the Congestion Management Program (CMP) level-of-service (LOS) standard at CMP facilities (intersections and roadways). The standard for Santa Clara County's CMP facilities is LOS E. A Member Agency's gas tax subventions may be withheld if the Member Agency does not maintain the CMP LOS standard or have an approved deficiency plan for facilities that fall below, or are projected to fall below, the LOS standard. Procedures for preparing and approving deficiency plans are outlined in VTA's Board-adopted *Requirements for Deficiency Plans*.

Deficiency plans were not included in the original CMP legislation. They were added as an amendment to allow local jurisdictions to proceed with development projects even if compliance with CMP traffic LOS standard could not be achieved for each CMP facility. Deficiency plans allow local jurisdictions to adopt innovative and comprehensive transportation strategies for improving systemwide LOS rather than strictly adhering to a traffic LOS standard that may contradict other community goals, such as concentrating higher density mixed use development near transit facilities. Moreover, deficiency plans allow Member Agencies to offset circumstances where the traffic LOS falls below the standard by providing other types of

copy to: Carolyn Gonot, Chris Augenstein - 6/8/07 dm

transportation system improvements related to transit, bicycles, walking, or transportation demand management (TDM) measures.

The process for approving local deficiency plans requires Member Agencies to first adopt their deficiency plan and then submit that plan to VTA for approval or disapproval. The San Jose City Council adopted its North San José Deficiency Plan (NSJDP) at its April 24, 2007 meeting.

### **DISCUSSION:**

Over the past two years, the City of San Jose has worked collaboratively with VTA to develop an update to its North San Jose Deficiency Plan (NSJDP) in accordance with VTA's *Requirements for Deficiency Plans*. This effort also involved the cities of Milpitas and Santa Clara, the County of Santa Clara and Caltrans, and the community San Jose. The NSJDP, included as Attachment A, addresses traffic impacts that are projected to occur during the full build-out of North San Jose area, and is not limited to CMP facilities. The NSJDP assumes that all projects will be completed as currently envisioned in the general plan.

The NSJDP has identified a broad range of roadway, transit, bicycle and pedestrian improvements that will work to offset the impacts of the projected developments. Elements of the Vision North San Jose, the San José General Plan, and NSJDP provide strong connections with VTA's Community Design and Transportation (CDT) Program, and will work in unison to make streets and communities more livable, and to support transit, walk and bike modes.

### **Deficiency Plan Funding**

The NSJDP Policy includes a Traffic Impact Fee (TIF) that will generate funding for an estimated \$460 million in improvements (Table 1). The fee is based on PM peak-hour trip-making characteristics – since the PM peak period generates more trips than the AM peak period -and the particular land use proposed for development in the North San Jose area.

Table1. North San Jose Land Use Impact Fees

Land Use	Impact Fee	Unit of Measure
Single-Family detached	\$ 6,994	Per Dwelling Unit
Multi-Family attached	\$ 5,996	Per Dwelling Unit
Industrial	\$ 10.44	Per Square Foot

Another \$59 million is identified from other sources, including the Valley Transportation Plan (VTP) 2030, for a total amount of \$519 million (2006 dollars). Approximately \$456 million is allocated to roadway projects including improvements to both CMP and non-CMP intersections and facilities, and the addition of new streets in the North San Jose Grid. Another \$62.3 million is allocated to various transit improvements and pedestrian and bicycle facility enhancements.

A summary of the costs is shown in Table 2 below:

Table 2.

Category	Amount (Million \$)
CMP Intersection Improvements	175.675
NSJ Non-CMP Intersection Improvements	229.250
Intersection Improvements Outside NSJ	51.780
Transit, Bicycle, Pedestrian and TDM Actions	62.300
<b>TOTAL</b>	<b>519.000</b>

### ***Roadway Improvements***

Under build-out scenario conditions, nine CMP intersections in the Deficiency Plan Area will degrade from an acceptable LOS to LOS F. Out of these, six CMP intersections are in San Jose and three share the border with the City of Milpitas. The following twelve CMP intersections will operate at LOS F under no-build conditions:

- Trade Zone Boulevard and Montague Expressway
- North First Street and Montague Expressway
- Zanker Road and Montague Expressway
- Trimble Road and Montague Expressway \*
- McCarthy Boulevard and Montague Expressway
- Old Oakland Road and Montague Expressway
- North First Street and Trimble Road
- Zanker Road and Trimble Road
- North First Street and Brokaw Road
- Zanker Road and Brokaw Road
- Old Oakland Road and Brokaw Road \*
- North First Street and SR 237 (South) \*

\* Will not operate at LOS F under build out scenario conditions

The City of San Jose has identified improvements for eleven of the twelve intersections. Six of the recommended improvements would be unable to meet the CMP LOS standard but will improve intersection operations.

### ***Transit Improvements***

The NSJDP includes a number of enhancements for transit serving the [area] corridor. These include the following broad measures:

- Bus service enhancements to the intensified development areas of North San Jose and along the new grid system streets.

- Widen Zanker Road to accommodate increased capacity to allow North First Street to serve as a transit-oriented street with operations of the transit system taking precedent over automobile traffic.
- Coordination of extensive shuttle services between employment, transit stations, and large residential areas.
- The City of San Jose may elect to implement parking strategies in the future as an action to encourage transit usage.

In addition, the NSJDP identifies \$30 million in funding for the implementation of specific transit improvements including:

- Bi-directional full priority with ability to cascade calls for continuous green signals for LRT along North First Street from Santa Clara Street (downtown) to Tasman Drive (up to 28 intersections.)
- Real-time information infrastructure and other intelligent transportation systems enhancements at stations and stop areas.
- LRT Station Platform improvements such as lighting, furniture and landscaping.
- LRT operations capital improvements.
- Shuttles between residential areas, businesses and transit stops/stations, new bus/shuttle stop locations, and specialized bus/shuttle passenger shelters and other stop and station improvements and amenities.
- Self-cleaning bathrooms.

### ***Bicycle and Pedestrian Improvements***

The NSJDP includes over \$30 million for bicycle and pedestrian improvements including improvements to the Guadalupe River and Coyote Creek Trail, and general bicycle and pedestrian improvements such as bike lanes and bike sensitive signal detectors, bike racks storage facilities, pedestrian scale lighting and intersection and crosswalk improvements.

### **Updating and Monitoring**

According to VTA's *Requirements for Deficiency Plans*, local jurisdictions must report on their local deficiency plans as part of the Annual Monitoring and Conformance Reporting process, and provide periodic plan updates. The City of San Jose will monitor the implementation of deficiency plan actions as they relate to specific transportation improvement projects by reviewing and updating the NSJDP every three years.

While the adoption of a NSJDP reduces the need for preparing detailed Transportation Impact Analysis (TIA) reports required by VTA, VTA and San Jose have developed a process for reviewing individual projects as part of the NSJDP. The City of San Jose will monitor the implementation of deficiency plan actions as they relate to land development through participation by the San Jose Department of Transportation and the City's land use and building permit review process. All land development and site design plans will be reviewed by trained professional land use, transportation planning, and engineering staff. Developments exceeding the CMP TIA standard of 100 peak hour trips will be assessed for potential impacts not mitigated by the Deficiency Plan Action Plan, and additional transportation impact analysis will occur to assure that impacts are addressed. These analyses will be submitted to VTA for review.

**ALTERNATIVES:**

The VTA Board may reject the North San Jose Deficiency Plan. According to CMA statutes, the VTA Board must either accept or reject the deficiency plan in its entirety, but may not modify the deficiency plan.

**FISCAL IMPACT:**

There is no fiscal impact to the VTA enterprise fund.

Prepared by Chris Augenstein, Transportation Planning Manager



# North San Jose Deficiency Plan

---

**Prepared for:  
City of San Jose**

**Prepared by:  
Hexagon Transportation Consultants, Inc.**

**January 2006**

## Table of Contents

---

Executive Summary .....	i
1. Introduction .....	1
2. Deficiency Analysis .....	8
3. Deficiency Plan Action List .....	13
4. Action Plan .....	30
5. Deficiency Plan Monitoring .....	33
6. Environmental Documentation.....	36

## List of Tables

Table ES 1	NSJ CMP Intersection LOS – With Proposed Improvement .....	iii
Table ES 2	CMP Intersection Future Conditions Level of Service Summary .....	iv
Table ES 3	Future Conditions w/ Deficiency Plan Improvements—Non-CMP Facilities .....	v
Table ES 4	Transit, Bicycle and Pedestrian Improvements .....	vi
Table ES 5	Transportation Improvement Cost Summary .....	vii
Table 1	NSJ CMP Intersection LOS—Existing and Future Conditions .....	7
Table 2	NSJ CMP Intersection LOS – With Proposed Improvement.....	12
Table 3	Future Conditions w/ Deficiency Plan Improvements—Non-CMP Facilities.....	17
Table 4	Transit, Bicycle and Pedestrian Improvements.....	19
Table 5	Santa Clara County VTA CMP Immediate Implementation Action List .....	21
Table 6	Transportation Improvement Cost Summary .....	31
Table 7	North San Jose Trip Estimates .....	32
Table 8	North San Jose Land Use Impact Fees .....	32
Table 9	Action Plan Implementation Schedule.....	35

## List of Figures

Figure 1	North San Jose Deficiency Plan Area and Deficient CMP intersections.....	4
Figure 2	North San Jose Deficiency Plan Area Land Use Map .....	5
Figure 3	Offsetting Improvements to Non-CMP Facilities.....	14
Figure 4	Potential Future Bicycle Facilities .....	20

## Executive Summary

---

This report sets forth a plan to address existing and anticipated deficiencies in the level of service (LOS) of intersections in North San Jose that are identified as part of the Valley Transportation Authority (VTA) Congestion Management Program (CMP). The deficiencies are projected to occur with the proposed intensification of future development within the North San Jose area. The objective of the North San Jose Deficiency Plan (NSJDP) is to identify and implement a set of measures that will improve transportation conditions and air quality in North San Jose. Further, it is the objective of the NSJDP to set forth a comprehensive solution to LOS deficiencies at CMP intersections in North San Jose to avoid the need for strict adherence to LOS standards at CMP intersections for which no localized mitigation is feasible.

### Exceedance of LOS Standards

Nine of the 12 CMP intersections that are the subject of this Deficiency Plan are currently operating within the CMP LOS standard but all are expected to degrade to LOS F at sometime in the future. The City of San Jose has identified improvements for five of these intersections that will improve the level of service at the intersections to LOS E or better. Improvements for six other intersections have been identified that will improve intersection operations but not enough to meet the CMP LOS standard of E. The remaining intersection has been studied to identify possible improvements, but the City of San Jose has determined that the improvements required to meet LOS standards are not feasible. Table ES-1 presents projected intersection levels of service conditions for each of the 12 deficient intersections along with proposed improvement descriptions and estimated costs.

Intersection levels of service calculations were conducted as part of the “*North San Jose Development Policy*” traffic study prepared in January 2005. Results of the analysis indicate that 12 of the 22 CMP designated intersections located within North San Jose are projected to operate at LOS F or worse under project conditions. Improvements have been identified for 11 of the 12 intersections as part of this Deficiency Plan. The proposed improvements would greatly enhance circulation within and to North San Jose. Nevertheless, 8 CMP intersections within North San Jose will continue to operate at unacceptable levels. The deterioration of the identified intersections is projected to occur regardless of the planned development levels of the North San Jose Development Policy. The proposed improvements will serve to support future traffic to the maximum extent feasible. In addition to those improvements described for CMP intersections, improvements to other intersections are proposed to further improve the overall levels of service on the North San Jose transportation system. Table ES-2 presents a summary of operating

levels of each of the CMP within North San Jose.

## **Offsetting Roadway Improvements**

The City of San Jose has identified several physical improvements to non-CMP intersections that will further offset CMP deficiencies. The improvements will serve to improve the overall operations of the North San Jose roadway network. The addition of new streets and physical improvements to non-CMP facilities will help alleviate congestion along the major arterials in North San Jose. Table ES-3 presents the offsetting improvements with cost estimates to non-CMP facilities located within North San Jose. Improvements were also identified at intersections and roadway facilities outside of North San Jose at which the anticipated traffic from North San Jose development will have an adverse effect. These additional facilities are not detailed since they are not located within North San Jose, but the improvements will serve to improve the overall operations in the city.

## **Transit, Bicycle, Pedestrian, and TDM Actions**

The planned growth within the North San Jose area will require that the already extensive transit system within the North San Jose area be enhanced. The high density transit oriented proposed project development plan characterized by mixed land uses and high rise buildings along the North First Street creates opportunities for strong transit demand along with the need to implement pedestrian and bicycle facility improvements to reduce auto travel. The City of San Jose will work with VTA as the North San Jose area develops to find a mutually agreeable process to implement transit improvements. The planned specific transit/bicycle/pedestrian improvements are described in Table ES-4.

Additionally, offsetting actions from Immediate Implementation Action List of the VTA will be implemented by the City of San Jose. The actions will serve to offset deficiencies in the CMP transportation system anticipated by this plan.

## **Summary of Improvement Costs**

In total, approximately \$519 million in needed roadway/intersection and transit/pedestrian/bicycle facility improvements have been identified in North San Jose as well as other parts of the city where it is expected that traffic associated with North San Jose development would have adverse effects. Table ES-5 itemizes the transportation improvement projects identified in this report and associated costs.

Table ES 1

## Future Conditions CMP Intersection Levels of Service with Proposed Improvements

	Peak Hour	Future Conditions No Improvements		Future Conditions w/Improvements		Proposed Improvement	Funding	Estimated Cost
		Ave. Delay/a/	LOS	Ave. Delay/a/	LOS			
North First Street and SR 237 (South)	AM	34.7	C	27.9	C	Reconstruct interchange overpass	NSJ Impact Fee	\$7,000,000
	PM	139.6	F	49.8	D			
North First Street and Montague Expressway	AM	216.2	F	100.6	F	Widen Montague Expressway	NSJ Impact Fee	\$18,000,000
	PM	239.3	F	133.1	F			
Zanker Road and Montague Expressway	AM	274.7	F	66.8	E	Widen Zanker Road	NSJ Impact Fee	\$49,000,000
	PM	329.9	F	163.9	F			
Trimble Road and Montague Expressway	AM	47.7	D	21.5	C	Construct eastbound Montague to southbound Trimble Flyover	NSJ Impact Fee	\$30,000,000
	PM	555.6	F	52.5	D			
McCarthy Boulevard and Montague Expressway	AM	191.1	F	34.7	C	Replace at-grade intersection with square-loop interchange	NSJ Impact Fee	\$68,000,000
	PM	389.5	F	57.5	E			
Old Oakland Road and Montague Expressway	AM	233.1	F	173.5	F	Widen Montague Expressway	NSJ Impact Fee	\$500,000
	PM	217.3	F	114.4	F	Add second southbound left-turn lane		
North First Street and Trimble Road	AM	118.5	F	86.2	F	Add second eastbound left-turn lane	NSJ Impact Fee	\$1,000,000
	PM	123.4	F	101.0	F	Add exclusive westbound right-turn lane		
Zanker Road and Trimble Road	AM	120.3	F	63.7	E	Widen Zanker Road	NSJ Impact Fee	/c/
	PM	294.7	F	210.4	F	Add second eastbound and southbound left-turn lanes		
North First Street and Brokaw Road*	AM	89.6	F			No Feasible Improvements		
	PM	96.2	F					
Zanker Road and Brokaw Road	AM	224.7	F	96.1	F	Widen Zanker Road	NSJ Impact Fee	/c/
	PM	198.2	F	105.2	F	Add second eastbound, northbound and southbound left-turn lanes		
Old Oakland Road and Brokaw Road	AM	80.7	F	79.0	E	Widen Oakland Road	Funded	/d/
	PM	79.1	E	72.3	E			
Trade Zone Boulevard and Montague Expressway	AM	156.2	F	52.7	D	Add second northbound and southbound left-turn lanes	NSJ Impact Fee	\$2,175,000
	PM	119.6	F	70.0	E	Add westbound free-right turn lane		
<b>Total Cost</b>								<b>\$175,675,000</b>

## Notes:

/a/ Reported delay based on average control delay as calculated by TRAFFIX using HCM 2000 methodology

/b/ Calculated level of service based on worst case intersection LOS assuming lane configurations for two new intersections of square-loop interchange.

/c/ Part of Zanker Road widening cost of \$49,000,000 presented for Zanker/Montague

/d/ Improvement funding of \$1,000,000 is already in place.

\* No feasible improvements

**Table ES 2**  
**CMP Intersection Future Conditions Level of Service Summary**

	Peak Hour	Year 2000 Existing		Future Conditions No Improvements		Future Conditions w/Improvements	
		Ave. Delay/a/	LOS	Ave. Delay/a/	LOS	Ave. Delay/a/	LOS
#3026 North First Street and SR 237 (North)	AM	16.0	B	18.3	B	18.3	B
#3026	PM	16.8	B	21.0	C	21.0	C
#3027 North First Street and SR 237 (South)	AM	23.4	C	34.7	C	27.9	C
#3027	PM	25.0	C	139.6	F	49.8	D
#3030 Zanker Road and SR 237 (North)	AM	8.8	A	9.1	A	9.1	A
#3030	PM	13.4	B	11.6	B	11.6	B
#3031 Zanker Road and SR 237 (South)	AM	18.2	B	19.2	B	19.2	B
#3031	PM	12.4	B	14.6	B	14.6	B
#5807 North First Street and Montague Expressway	AM	63.3	E	216.2	F	100.6	F
#5807	PM	119.7	F	239.3	F	133.1	F
#5812 Zanker Road and Montague Expressway	AM	42.5	D	274.7	F	66.8	E
#5812	PM	54.9	D	329.9	F	163.9	F
#5808 Trimble Road and Montague Expressway	AM	23.5	C	47.7	D	21.5	C
#5808	PM	50.4	D	555.6	F	52.5	D
#5809 McCarthy Boulevard and Montague Expressway	AM	48.2	D	191.1	F	190.5	F
#5809	PM	119.3	F	389.5	F	304.1	F
#5801 Old Oakland Road and Montague Expressway	AM	78.0	E	233.1	F	173.5	F
#5801	PM	88.8	F	217.3	F	114.4	F
#3096 De La Cruz Boulevard and Trimble Road	AM	33.8	C	34.8	C	34.8	C
#3096	PM	53.4	D	53.6	D	63.0	E
#3098 North First Street and Trimble Road	AM	44.7	D	118.5	F	86.2	F
#3098	PM	50.0	D	123.4	F	101.0	F
#3119 Zanker Road and Trimble Road	AM	35.0	D	120.3	F	63.7	E
#3119	PM	53.8	D	294.7	F	210.4	F
#3083 North First Street and Brokaw Road*	AM	46.9	D	89.6	F	89.6	F
#3083	PM	44.6	D	96.2	F	96.2	F
#3020 US 101 and Brokaw Road	AM	28.5	C	42.2	D	42.2	D
#3020	PM	31.9	C	38.1	D	38.1	D
#3085 Zanker Road and Brokaw Road	AM	49.0	D	224.7	F	96.1	F
#3085	PM	59.7	E	198.2	F	105.2	F
#3051 I-880 and Brokaw Road (West)	AM	36.6	D	47.2	D	47.2	D
#3051	PM	28.7	C	43.2	D	34.6	C
#3050 I-880 and Brokaw Road (East)	AM	20.4	C	35.1	D	35.1	D
#3050	PM	19.1	B	25.2	C	19.9	B
#3084 Old Oakland Road and Brokaw Road	AM	52.4	D	80.7	F	79.0	E
#3084	PM	43.5	D	79.1	E	72.3	E
#3054 North First Street and I-880 (North)	AM	15.8	B	8.6	A	8.6	A
#3054	PM	10.5	B	16.9	B	16.9	B
#3055 North First Street and I-880 (South)	AM	22.0	C	27.3	C	27.3	C
#3055	PM	17.4	B	23.8	C	23.8	C
#3106 Lundy Avenue and Murphy Avenue	AM	45.0	D	50.7	D	50.7	D
#3106	PM	43.9	D	60.0	E	60.0	E
#5802 Trade Zone Boulevard and Montague Expressway	AM	45.8	D	156.2	F	52.7	D
#5802	PM	75.8	E	119.6	F	70.0	E

Notes:

/a/ Reported delay based on average control delay as calculated by TRAFFIX using HCM 2000 methodology

**Table ES 3**  
**Future Conditions Intersection Levels of Service with Proposed Improvements -Non-CMP Facilities**

	Peak Hour	Future Conditions No Improvements Ave. Delay/a/		LOS	Future Conditions w/Improvements Ave. Delay/a/		LOS	Proposed Improvement	Funding	Estimated Cost
<b>Roadway Improvements</b>										
Grid System									NSJ Impact Fee	\$55,000,000
Zanker Rd. Widening									NSJ Impact Fee	See Note /b/
Zanker Rd./Skyport Dr. Connection									NSJ Impact Fee	\$64,000,000
US 101/Trimble Rd. Interchange									NSJ Impact Fee	\$27,000,000
Charcot Avenue Extension									NSJ Impact Fee	\$32,000,000
Mabury Interchange									NSJ Impact Fee	\$43,000,000
									Sub-Total	\$221,000,000
<b>Intersection Improvements</b>										
Zanker Road and Tasman Drive	AM	47.2	D	43.4	D	Add second eastbound and westbound left-turn lanes			NSJ Impact	\$2,000,000
	PM	76.3	E	60.3	E				Fee	
North First Street and Charcot Avenue	AM	158.7	F	80.5	F	Add exclusive westbound and eastbound right-turn lanes			NSJ Impact	\$2,000,000
	PM	92.3	F	65.1	E	Add second southbound left-turn lane			Fee	
North First Street and Metro Drive	AM	21.2	C	17.6	B	Add second eastbound left-turn lane			NSJ Impact	\$250,000
	PM	58.7	E	28.7	C				Fee	
Zanker Road and Charcot Avenue	AM	122.2	F	56.6	E	Add second left-turn lane to all approaches			NSJ Impact	\$2,000,000
	PM	187.3	F	61.0	E	Widen Charcot Avenue to 4-lanes			Fee	
Junction Avenue and Charcot Avenue	AM	66.6	E	34.9	C	Add second eastbound and westbound left turn lanes			NSJ Impact	\$1,000,000
	PM	179.6	F	39.6	D	Widen Charcot and Junction Avenues			Fee	
Bering Drive and Brokaw Road	AM	83.3	F	41.6	D	Add second northbound left-turn lane			NSJ Impact	\$1,000,000
	PM	44.3	D	43.8	D	Add separate southbound left-turn lane			Fee	
									Sub-Total	\$8,250,000
									<b>Total Cost</b>	<b>\$229,250,000</b>

Notes:

/a/ Reported delay based on average control delay as calculated by TRAFFIX using HCM 2000 methodology

/b/ Zanker Road widening cost of \$49,000,000 included with CMP facility costs.

**Table ES 4**  
**Transit, Bicycle and Pedestrian Improvements**

<b>Improvement</b>	<b>Cost</b>
Specialized bus/shuttle passenger shelters and other stop and station improvements and amenities.	\$3.0 million
LRT Station Platform improvements including possible widening or lengthening, new passenger shelters and extending shelters to accommodate three-car trains.	\$7.5 million
Lighting, furniture and landscaping at LRT stations, bus stops and key pedestrian locations.	\$2.0 million
Self-cleaning bathrooms (2-4 locations)	\$1.5 million
Real-time information infrastructure and other intelligent transportation systems enhancements at stations and stop areas.	\$1.0 million
Bus Stop duck outs at up to ten locations (priority at @ Tasman LRT station).	\$500k
Shuttles between residential areas, businesses and transit stops/stations. Shuttle service may be pursued by the City of San Jose as conditions of development approvals.	TBD
New bus/shuttle stop locations (notably around the Tasman LRT station) including dedication of Rights-of-Way dedications (ROW dedications will be pursued by the City of San Jose as conditions of development approvals and are not included in this cost estimate.)	\$500k
Bi-directional full priority with ability to cascade calls for green signals for LRT along North First Street from Santa Clara Street (downtown) to Tasman Drive (up to 28 intersections.)	\$1.0 million
LRT operations capital improvements, including but not limited to: <ul style="list-style-type: none"> <li>• Trackway improvements.</li> <li>• Switches.</li> <li>• Tail/storage/layover tracks.</li> <li>• Other improvements to be determined.</li> </ul>	\$15 million
Guadalupe River Trail.	\$10 million
Coyote Creek Trail.	\$10 million
General Bicycle and Pedestrian Improvements, including but not limited to: <ul style="list-style-type: none"> <li>• Bike Lanes and bike sensitive signal detectors.</li> <li>• Bike Racks and bike storage facilities such as cages or electronic bike lockers.</li> <li>• Pedestrian Scale lighting.</li> <li>• Intersection and Crosswalk improvements including but not limited to special pavers or pavement, bollards, pedestrian-activated in pavement lights, countdown signals for pedestrian crossings, narrowing of pedestrian crossing distance including reduced curve radii and/or curb bulbouts, sidewalks along median from intersections to station platform and other safety and aesthetic enhancement.</li> <li>• Curb Ramps.</li> <li>• Other bicycle and pedestrian improvements to be determined.</li> </ul>	\$10.3 million
<b>Total</b>	<b>\$62.3 million</b>



**Table ES 5**  
**Transportation Improvement Cost Summary**

<b>Location (Type)</b>	<b>Cost</b>
<b>NSJ CMP Intersection Improvements</b>	
North First Street & SR237 (South)	\$7,000,000
North First Street & Montague Expressway	\$18,000,000(a)
Zanker Road & Montague Expressway	\$49,000,000(b)
Trimble Boulevard & Montague Expressway	\$30,000,000
McCarthy Boulevard & Montague Expressway	\$68,000,000
Old Oakland Road & Montague Expressway	\$500,000
North First Street & Trimble Road	\$1,000,000
Zanker Road & Trimble Road	See Note c
Zanker Road & Brokaw Road	See Note c
Old Oakland Road & Brokaw Road	See Note d
Trade Zone Boulevard & Montague Expressway	\$2,175,000
Subtotal CMP Intersection Improvements	<b>\$175,675,000</b>
<b>Offsetting Improvements to NSJ Non-CMP Intersections</b>	
North San Jose Grid Street System	\$55,000,000
Zanker Road Widening	See Note c
Zanker Road/Skyport Drive Connection	\$64,000,000
US 101/Trimble Road Interchange	\$27,000,000
Charcot Avenue Extension	\$32,000,000
Mabury Road Interchange	\$43,000,000
Zanker Road & Tasman Drive	\$2,000,000
North First Street and Charcot Avenue	\$2,000,000
North First Street and Metro Drive	\$250,000
Zanker Road and Charcot Avenue	\$2,000,000
Junction Avenue and Charcot Avenue	\$1,000,000
Bering Drive and Brokaw Road	\$1,000,000
Subtotal NSJ Non-CMP Intersection Improvements	<b>\$229,250,000</b>
<b>Other Intersection Improvements Outside of NSJ</b>	<b>51,775,000</b>
<b>Offsetting Action from VTA CMP Immediate Implementation Action List</b>	
<b>Transit, Bicycle, Pedestrian, and TDM Actions</b>	<b>\$62,300,000</b>
<b>Total</b>	<b>\$519,000,000</b>

Notes:

a – Cost associated with the widening of Montague Expressway

b – Cost associated with the widening of Zanker Road

c – Included as part of the Zanker Widening cost listed at Zanker Rd./Montague Expwy.

d – Improvement funding of \$1,000,000 is already in place.

# 1.

## Introduction

---

The purpose of this document is to set forth a plan to address existing and anticipated deficiencies in the level of service (LOS) of intersections in North San Jose that are identified as part of the VTA's Congestion Management Program (CMP). The objective of the North San Jose Deficiency Plan (NSJDP) is to identify and implement a set of measures that will improve transportation conditions and air quality in North San Jose. Further, it is the objective of the NSJDP to set forth a comprehensive solution to LOS deficiencies at CMP intersections in North San Jose to avoid the need for strict adherence to LOS standards at CMP intersections for which no localized mitigation is feasible.

This plan report is organized into six chapters (including this introduction) and one appendix, as follows:

- ❖ Chapter 2 contains a deficiency analysis of roadways and intersections that will exceed the CMP LOS standard, a list and planning-level cost estimates of the physical improvements necessary to maintain the CMP LOS standard on subject intersections, an explanation of why particular intersections cannot be improved to operate with the CMP LOS standard, and an analysis of system-wide benefits to CMP intersections,
- ❖ Chapter 3 identifies physical improvements to non-CMP intersections designed to provide additional offset and sets forth an action list describing how feasible and appropriate actions on the VTA CMP Immediate Implementation Action List will be implemented as part of the deficiency plan,
- ❖ Chapter 4 contains an action plan that describes how deficiency plan actions will be implemented, who bears responsibility for implementation, the source of funding for individual actions, and the timing of implementation,
- ❖ Chapter 5 contains a monitoring program that describes how the City will evaluate the implementation of deficiency plan actions,
- ❖ Chapter 6 describes the reconciliation of CEQA with actions included in the deficiency plan, and
- ❖ Finally, Appendix A contains VTA's CMP Immediate Implementation Action list.

## Background

### ***Deficiency Plan Policy***

The California State Congestion Management Program (CMP) legislation requires Member Agencies to prepare deficiency plans for CMP intersections located within their jurisdictions that exceed, or are expected to exceed in the future, the CMP traffic level-of-service (LOS) standard. The CMP standard for Santa Clara County is LOS E. The statute requires that deficiency plans improve system-wide traffic level of service and contribute to a significant improvement in air quality. If a CMP System intersection exceeds the LOS standard and does not have a CMP-approved deficiency plan, then the local jurisdiction in which the intersection is located is at risk of losing gas tax revenues provided from Proposition 111 (1991).

Deficiency plans are a logical addition to CMP LOS standards, because in some situations, meeting LOS standards may be impossible or undesirable. For these situations, deficiency plans allow local jurisdictions to adopt innovative and comprehensive transportation strategies for improving system-wide LOS rather than adhering to strict traffic LOS standards that may contradict other community goals. In short, deficiency plans allow Member Agencies to trade off a LOS violation on one CMP intersection for improvements to other facilities or services (e.g. transit, bicycles, walking, or transportation demand management). For example, it may be impossible to improve a CMP intersection to meet the LOS standard because of insufficient right-of-way. With deficiency plans, offsetting improvements, such as higher-density residential development or improved transit service, can be pursued.

A deficiency plan must identify the cause(s) of a deficiency, demonstrate that all feasible improvements have been made to the deficient intersection, and describe actions that will be implemented to compensate for the deficiency.

### ***North San Jose Deficiency Plan Update***

In 1994, a Deficiency Plan for North San José was adopted by both the City of San José and the Santa Clara County Congestion Management Agency (which was later combined with the Santa Clara County Transit District to form VTA). During the past eleven years, the City has adhered to the requirements of the deficiency plan, and has implemented many of the improvements and operational actions identified, and/or required of new development approved within the City of San José's North San Jose Area. The *Deficiency Plan for North San José* is now being updated to be consistent with the revised *North San Jose Area Development Policy* adopted in 2005, and to reflect current and planned infrastructure and land use policies in the City.

## Deficiency Plan Actions

Deficiency plan actions are transportation improvements, programs, and actions that are implemented to compensate for violations or potential violations of the CMP traffic LOS standard. Under the statute, the Bay Area Air Quality Management District (Air District) is required to prepare a list of deficiency plan actions, improvements, and programs for use in local deficiency plans. According to the statute, actions included in local deficiency plans must be from this list or be approved by the Air District. Air District staff prepared a Deficiency Plan Action List, and the CMP has used the Air District's Deficiency Plan Action List to develop its own action list tailored to Santa Clara County.

The VTA CMP's action list is divided into two categories—immediate implementation actions and deferred implementation actions. Immediate implementation actions are those that Member Agencies can

implement immediately. Deferred implementation actions are actions that cannot be implemented immediately because they require new institutional arrangements and/or specific implementation techniques that must be developed. The VTA CMP requires Member Agencies to implement all feasible and applicable actions on the most current version of the VTA CMP Deficiency Plan Immediate Implementation Action List. Additionally, to further improve transportation conditions, the CMP recommends that Member Agencies include as many actions from the Deferred Implementation Action List as possible.

## Deficiency Plan Area Boundary and Deficient Intersections

The North San Jose Deficiency Plan addresses deficiencies throughout North San Jose in an area also known as the Golden Triangle. Figure 1 shows the location of the deficiency plan area boundary and the 12 CMP intersections that have existing or anticipated deficiencies. The Deficiency Plan area is generally bounded by US 101, I-880, and SR 237. The Deficiency Plan Area contains 22 intersections that are part of the CMP system. According to a traffic report prepared for the City of San Jose entitled: “*North San Jose Development Policy*,” 12 of the 22 CMP intersections are projected to be deficient under the desired development levels for North San Jose.

## Description of Base Year and Future Conditions

### *North San Jose Development Traffic Projections*

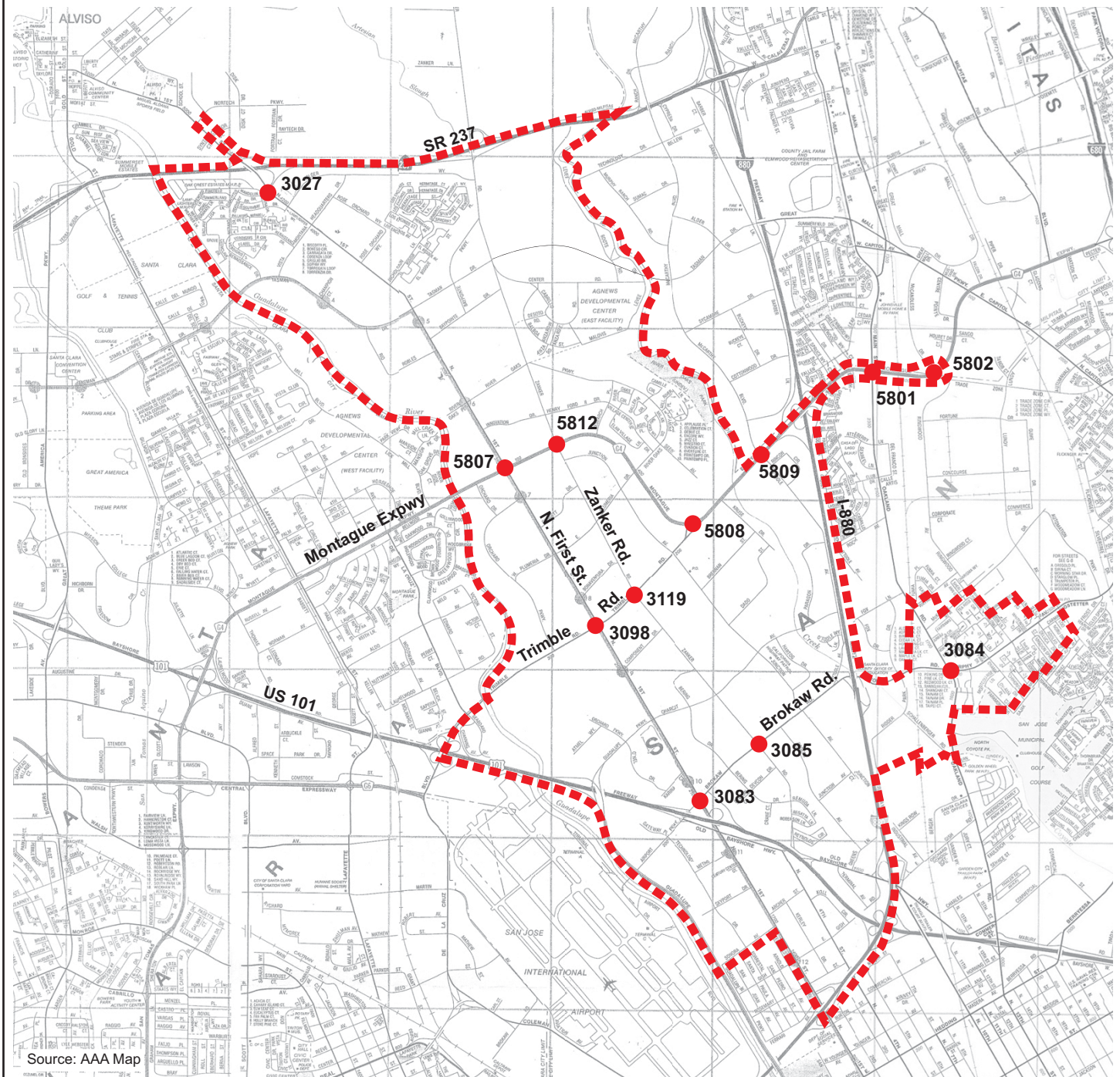
The North San Jose area is primarily an industrial area made up of one to four story buildings housing high-tech companies and other industrial businesses. Though there are some residential developments within the North San Jose area, it has generally been viewed as a major employment center for the city. The proposed North San Jose development levels would allow for the intensification of employment, while also adding additional housing to balance land uses in the North San Jose area. The proposed future development levels for each type of land use, or what is referred to as the “project,” are as follows:

26.7 msf of Industrial Space  
1.7 msf of Commercial Space  
32,000 residential units

The project’s housing and employment numbers were then aggregated to traffic zones and put into the model to project the future traffic volumes. The project would add approximately 122,000 jobs and 32,000 high-density residential units to the North San Jose area. In addition, the project assumes 18,000 new housing units in potential growth areas within the City of San Jose and other areas within Santa Clara County. Figure 2 presents land uses within the North San Jose Deficiency Plan area.

The VTA Silicon Valley Rapid Transit Corridor (SVRTC) travel demand model, modified by the City’s consultants, was used to estimate the trip making characteristics of the project. There are four major steps in the travel demand forecasting process. First, the trip generation model is applied to calculate the number of (daily) trips produced by the population in the modeled area. Next, the distribution model estimates where the trips are coming from and going to. The mode choice model then estimates which mode of transportation will be chosen for each trip (walk, bike, transit, automobile). And at last, the trip assignment step determines the amount of traffic that will be allocated to each road or transit route.

The model estimated that the project will increase the number of trips within the region by approximately 3% or 622,000 per day. The total number of projected regional trips is approximately 22 million trips. The North



Source: AAA Map

----- = North San Jose Deficiency Plan Area Boundary

● = Deficient Intersection

Figure 1

# **NORTH SAN JOSE DEFICIENCY PLAN AREA AND DEFICIENT CMP INTERSECTION**

North San Jose Deficiency Plan



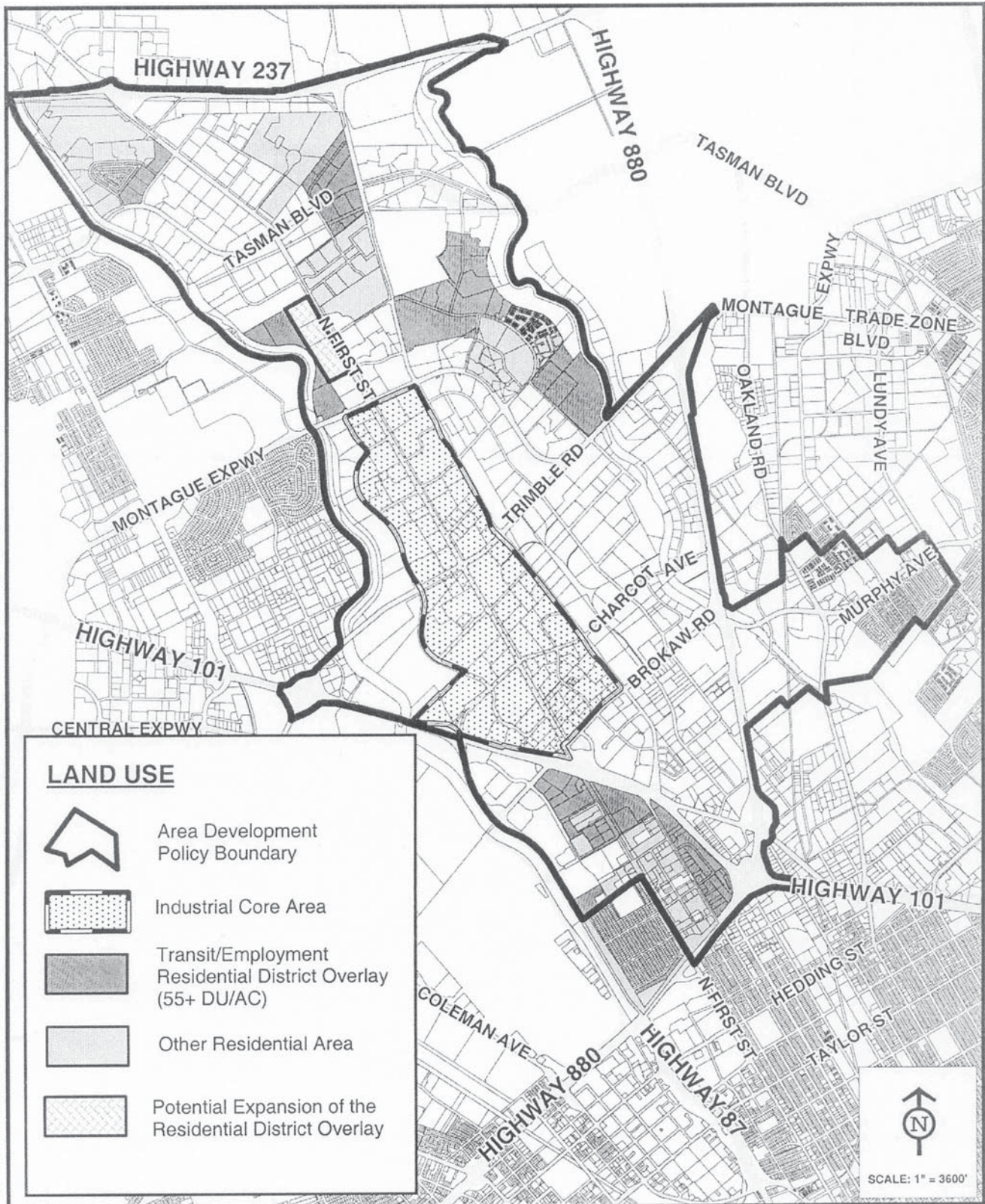


Figure 2

## NORTH SAN JOSE DEFICIENCY PLAN AREA LAND USE MAP

San Jose project area will generate about 487,000 new person trips. About 158,000 (or 32%) of these project trips will stay within the North San Jose area. Of all North San Jose project trips, 88% will be made by automobile, six percent will be on transit and six percent will be pedestrian or bike. Of the trips that will stay within the North San Jose area, these mode shares are 75% automobile, 8% transit, and 17% pedestrian/bike. The project will add approximately 34,200 vehicles to the roadways during the AM peak hour and 41,300 vehicles during the PM peak hour.

### ***Intersection Level of Service***

Only three of the 12 intersections that are the subject of this deficiency plan currently operate at LOS F, according to Year 2000 conditions (The year 2000 reflects peak traffic conditions in North San Jose since volumes have since decreased slightly). The level of service at the remaining nine intersections will decline to LOS F under future conditions without improvements. Table 1 summarizes existing and future LOS.

### **Responsible Government Agencies**

With the exception of Montague Expressway, all deficient intersections identified in this deficiency plan are located in the City of San Jose. Montague Expressway is within the jurisdiction of the County of Santa Clara. The deficiency plan actions identified in this report will be implemented as part of the North San Jose Development Policy by each applicable jurisdiction in which they are located. With provided funds, each jurisdiction (City of San Jose, County of Santa Clara, VTA) will be responsible for implementing each action. The Valley Transportation Authority (VTA), as the administrator of the county Congestion Management Program, has designated funds for several deficiency plan actions that are also part of the Valley Transportation Plan 2030.

**Table 1**  
**NSJ CMP Intersection LOS—Existing and Future Conditions**

TRAFFIX Number		Peak Hour	Year 2000 Existing		Future Conditions No Improvements	
			Ave. Delay/a/	LOS	Ave. Delay/a/	LOS
#3026	North First Street and SR 237 (North)	AM	16.0	B	18.3	B
#3026		PM	16.8	B	21.0	C
#3027	North First Street and SR 237 (South)	AM	23.4	C	34.7	C
#3027		PM	25.0	C	139.6	F
#3030	Zanker Road and SR 237 (North)	AM	8.8	A	9.1	A
#3030		PM	13.4	B	11.6	B
#3031	Zanker Road and SR 237 (South)	AM	18.2	B	19.2	B
#3031		PM	12.4	B	14.6	B
#5807	North First Street and Montague Expressway	AM	63.3	E	216.2	F
#5807		PM	119.7	F	239.3	F
#5812	Zanker Road and Montague Expressway	AM	42.5	D	274.7	F
#5812		PM	54.9	D	329.9	F
#5808	Trimble Road and Montague Expressway	AM	23.5	C	47.7	D
#5808		PM	50.4	D	555.6	F
#5809	McCarthy Boulevard and Montague Expressway	AM	48.2	D	191.1	F
#5809		PM	119.3	F	389.5	F
#5801	Old Oakland Road and Montague Expressway	AM	78.0	E	233.1	F
#5801		PM	88.8	F	217.3	F
#3096	De La Cruz Boulevard and Trimble Road	AM	33.8	C	34.8	C
#3096		PM	53.4	D	53.6	D
#3098	North First Street and Trimble Road	AM	44.7	D	118.5	F
#3098		PM	50.0	D	123.4	F
#3119	Zanker Road and Trimble Road	AM	35.0	D	120.3	F
#3119		PM	53.8	D	294.7	F
#3083	North First Street and Brokaw Road	AM	46.9	D	89.6	F
#3083		PM	44.6	D	96.2	F
#3020	US 101 and Brokaw Road	AM	28.5	C	42.2	D
#3020		PM	31.9	C	38.1	D
#3085	Zanker Road and Brokaw Road	AM	49.0	D	224.7	F
#3085		PM	59.7	E	198.2	F
#3051	I-880 and Brokaw Road (West)	AM	36.6	D	47.2	D
#3051		PM	28.7	C	43.2	D
#3050	I-880 and Brokaw Road (East)	AM	20.4	C	35.1	D
#3050		PM	19.1	B	25.2	C
#3084	Old Oakland Road and Brokaw Road	AM	52.4	D	80.7	F
#3084		PM	43.5	D	79.1	E
#3054	North First Street and I-880 (North)	AM	15.8	B	8.6	A
#3054		PM	10.5	B	16.9	B
#3055	North First Street and I-880 (South)	AM	22.0	C	27.3	C
#3055		PM	17.4	B	23.8	C
#3106	Lundy Avenue and Murphy Avenue	AM	45.0	D	50.7	D
#3106		PM	43.9	D	60.0	E
#5802	Trade Zone Boulevard and Montague Expressway	AM	45.8	D	156.2	F
#5802		PM	75.8	E	119.6	F

Notes:

Source: North San Jose Development Policy, Hexagon Transportation Consultants, February 2005

/a/ Reported delay based on average control delay as calculated by TRAFFIX using HCM 2000 methodology and adhering to CMP guidelines.

Box indicates LOS F conditions



## 2. Deficiency Analysis

---

The purpose of this chapter is to examine why roadways and intersections in the plan area will exceed the CMP LOS standard, analyze the degree to which roadways and intersections will exceed the CMP LOS standard, and project how development in North San Jose and neighboring cities is expected to impact transportation conditions within the plan area.

### Exceedance of LOS Standards

Nine of the 12 CMP intersections that are the subject of this Deficiency Plan are currently operating within the CMP LOS standard but all are expected to degrade to LOS F at sometime in the future. The City of San Jose has identified improvements for five of these intersections that will improve the level of service at the intersections to LOS E or better. Improvements for six other intersections have been identified that will improve intersection operations but not enough to meet the CMP LOS standard. The improvements planned for these intersections, however, are years from programming and completion, and as a result the operation of these intersections may exceed CMP LOS standards in the interim. The remaining intersection has been studied to identify possible improvements, but the City of San Jose has determined that the improvements required to meet LOS standards are not feasible.

Study intersections were evaluated for the revised North San Jose Development Policy and were done so based on traffic forecasts using the Valley Transportation Authority (VTA) Silicon Valley Rapid Transit Corridor (SVRTC) traffic model with refinements implemented by the City's consultants to improve the model's performance in Santa Clara County and North San Jose, specifically. The evaluation is based on intersection levels of service calculations conducted as part of the "*North San Jose Development Policy*" traffic study prepared in January 2005. Table 2 presents projected intersection levels of service conditions for each of the 12 deficient intersections.

## Impact of Development on Transportation Conditions

Anticipated deficiencies identified in this plan are the result of development in North San Jose and the surrounding area. For the purposes of this study, growth is measured against 2000 development levels, which are considered worse case compared with current conditions. Anticipated development in North San Jose includes:

- 26.7 million square feet of Industrial Space
- 1.7 million square feet of Commercial Space
- 32,000 Residential Units

Combined, this development will result in 122,000 jobs and 32,000 new high-density residential units in North San Jose. In addition, the analysis assumes 18,000 new housing units in potential growth areas within the City of San Jose and other areas within Santa Clara County. The change in commercial (retail, office, industrial, R & D) square footage under the plan is expected to occur within the existing industrial areas of North San Jose.

## Proposed Improvements for Deficient Intersections

The purpose of this section is to describe the physical improvements that are possible at the subject intersections, provide statements explaining why certain intersections cannot be improved to operate within the CMP traffic LOS standard, and summarize an analysis of system-wide benefits to CMP intersections that will result from implementation of the North San Jose Deficiency Plan. The improvements described below are based on the analysis conducted as part of the North San Jose Development policy traffic study and will be necessary to support the projected growth in North San Jose identified in the study. The improvements are preliminary designs only, and details about specific right-of-way and design features will be worked out when the improvements are programmed. Estimated costs are planning-level estimates only. Table 2 summarizes future conditions and improvement costs for the 12 CMP intersections studied in this deficiency plan.

### ***North First Street and SR 237 (South)***

A third northbound through lane will be added at the intersection. The addition of the through lane will require widening of the existing overpass of SR 237. This improvement will maintain the level of service at this intersection at LOS D. The estimated cost is \$7,000,000.

### ***North First Street and Montague Expressway***

As part of the Tier 1-A improvements to Montague Expressway identified by the County of Santa Clara, Montague Expressway will be widened within North San Jose from six to eight lanes between North First Street and I-880. However, the Montague Expressway widening will not be adequate to improve intersection LOS to the CMP LOS standard. There are no further feasible improvements that can be implemented to improve intersection levels of service to acceptable levels due to right-of-way constraints and the adverse effects further roadway widening will have on transit and pedestrian facilities. Further widening of the roadways will increase vehicular traffic through the intersection that in turn will cause increased delays on buses and the LRT system, and require narrower sidewalks. The estimated cost of the Montague widening is \$18,000,000.

### ***Zanker Road and Montague Expressway***

Zanker Road will be widened to six lanes between Old Bayshore Highway and Montague Expressway. As part of the Zanker Road widening, second northbound and southbound left-turn lanes will be constructed at the intersection of Zanker Road and Montague Expressway. However, the intersection improvements will not be adequate to improve intersection LOS to the CMP LOS standard. There are no further feasible improvements that can be implemented to improve intersection levels of service to acceptable levels due to right-of-way constraints and the adverse effects further roadway widening will have on transit and pedestrian facilities. Further widening of the roadways will increase vehicular traffic through the intersection that in turn will cause increased delays on the transit system, and require narrower sidewalks. The estimated cost of the Zanker Road widening is \$49,000,000 that includes improvements at the intersections of Zanker Road and Brokaw Road and Zanker Road and Trimble Road.

### ***Trimble Road and Montague Expressway***

The intersection of Trimble Road with Montague Expressway serves as a major access point into and out of North San Jose. It currently experiences large vehicle queues for the westbound Montague Expressway to southbound Trimble Road movement. The movement is currently served by three left-turn lanes. County improvement plans identify the construction of a flyover to serve the movement. With the construction of the flyover all other movements at the intersection will improve. The improvements will maintain the level of service at this intersection at LOS E. The estimated cost is \$30,000,000.

### ***McCarthy Boulevard and Montague Expressway***

The intersection of McCarthy Boulevard/O'Toole Avenue with Montague Expressway serves as a major access point into and out of North San Jose to and from I-880. The intersection also serves portions of Milpitas. As such, major congestion is experienced on all approaches to the intersection. County improvement plans identify the construction of a "square-loop" interchange to replace the at-grade intersection as a Tier 1-B improvement. The interchange will eliminate the conflicting movements at the intersection and allow for uninterrupted flow along Montague Expressway to I-880. While specific designs have not been completed yet, it is assumed that the improvements will maintain the level of service at the new facilities at LOS E. The estimated cost of the interchange is \$68,000,000.

### ***Old Oakland Road and Montague Expressway***

A second southbound left-turn lane on Old Oakland Road will be added to the intersection. However, the intersection improvement will not be adequate to improve intersection LOS to acceptable levels. There are no further feasible improvements that can be implemented to improve intersection levels of service to the CMP LOS standard due to right-of-way constraints and the adverse effects further roadway widening will have on transit and pedestrian facilities. Further widening of the roadways will increase vehicular traffic through the intersection that in turn will cause increased delays on the transit system, and require narrower sidewalks. The estimated cost of the improvement is \$500,000.

### ***North First Street and Trimble Road***

A second eastbound left-turn lane and exclusive westbound right-turn lane on Trimble Road will be added at its intersection with North First Street. The improvements may require acquisition of a minimal amount of right-of-way. However, the intersection improvement will not be adequate to improve intersection LOS to acceptable levels. There are no further feasible improvements that can be implemented to improve intersection levels of service to the CMP LOS standard due to right-of-way constraints and the adverse

effects further roadway widening will have on transit and pedestrian facilities. Further widening of the roadways will increase vehicular traffic through the intersection that in turn will cause increased delays on the transit system, and require narrower sidewalks. The estimated cost of the improvement is \$1,000,000.

### ***Zanker Road and Trimble Road***

Second eastbound and southbound left-turn lanes will be added at the intersection. The improvements will be constructed as part of the Zanker Road widening project. The improvements will fit within the existing right-of-way, but will require reconstruction of the existing medians. However, the intersection improvement will not be adequate to improve intersection LOS to acceptable levels. There are no further feasible improvements that can be implemented to improve intersection levels of service to the CMP LOS standard due to right-of-way constraints and the adverse effects further roadway widening will have on transit and pedestrian facilities. Further widening of the roadways will increase vehicular traffic through the intersection that in turn will cause increased delays on the transit system, and require narrower sidewalks. The improvements will be included as part of the Zanker Road widening that has an estimated cost of \$49,000,000.

### ***North First Street and Brokaw Road***

This intersection is projected to operate at LOS F into the future. The City of San Jose has determined that there is no feasible improvement for this intersection due to the impacts associated with acquiring additional needed right-of-way. The intersection's proximity to access points to and from US 101 is also a factor in the degraded level of service expected at this intersection.

### ***Zanker Road and Brokaw Road***

Second eastbound, northbound and southbound left-turn lanes will be constructed. However, the intersection improvement will not be adequate to improve intersection LOS to acceptable levels. There are no further feasible improvements that can be implemented to improve intersection levels of service to the CMP LOS standard due to right-of-way constraints and the adverse effects further roadway widening will have on transit and pedestrian facilities. Further widening of the roadways will increase vehicular traffic through the intersection that in turn will cause increased delays on the transit system, and require narrower sidewalks. The improvements will be included as part of the Zanker Road widening that has an estimated cost of \$49,000,000.

### ***Old Oakland Road and Brokaw Road***

Old Oakland Road will be widened from four to six lanes. This improvement will maintain the level of service at this intersection at LOS E. The improvement is already funded at \$1,000,000.

### ***Trade Zone Boulevard and Montague Expressway***

Second northbound and southbound left-turn lanes as well as a westbound free-right-turn lane will be added to the intersection. These improvements will maintain the level of service at this intersection at LOS E. The estimated cost of the improvements is \$2,175,000.

**Table 2**  
**Future Conditions CMP Intersection Levels of Service with Proposed Improvements**

	Peak Hour	Future Conditions No Improvements		Future Conditions w/Improvements		Proposed Improvement	Funding	Estimated Cost
		Ave. Delay/a/	LOS	Ave. Delay/a/	LOS			
North First Street and SR 237 (South)	AM	34.7	C	27.9	C	Reconstruct interchange overpass	NSJ Impact Fee	\$7,000,000
	PM	139.6	F	49.8	D			
North First Street and Montague Expressway	AM	216.2	F	100.6	F	Widen Montague Expressway	NSJ Impact Fee	\$18,000,000
	PM	239.3	F	133.1	F			
Zanker Road and Montague Expressway	AM	274.7	F	66.8	E	Widen Zanker Road	NSJ Impact Fee	\$49,000,000
	PM	329.9	F	163.9	F			
Trimble Road and Montague Expressway	AM	47.7	D	21.5	C	Construct eastbound Montague to southbound Trimble Flyover	NSJ Impact Fee	\$30,000,000
	PM	555.6	F	52.5	D			
McCarthy Boulevard and Montague Expressway	AM	191.1	F	34.7	C	Replace at-grade intersection with square-loop interchange	NSJ Impact Fee	\$68,000,000
	PM	389.5	F	57.5	E			
Old Oakland Road and Montague Expressway	AM	233.1	F	173.5	F	Widen Montague Expressway	NSJ Impact Fee	\$500,000
	PM	217.3	F	114.4	F	Add second southbound left-turn lane		
North First Street and Trimble Road	AM	118.5	F	86.2	F	Add second eastbound left-turn lane	NSJ Impact Fee	\$1,000,000
	PM	123.4	F	101.0	F	Add exclusive westbound right-turn lane		
Zanker Road and Trimble Road	AM	120.3	F	63.7	E	Widen Zanker Road	NSJ Impact Fee	/c/
	PM	294.7	F	210.4	F	Add second eastbound and southbound left-turn lanes		
North First Street and Brokaw Road*	AM	89.6	F			No Feasible Improvements		
	PM	96.2	F					
Zanker Road and Brokaw Road	AM	224.7	F	96.1	F	Widen Zanker Road	NSJ Impact Fee	/c/
	PM	198.2	F	105.2	F	Add second eastbound, northbound and southbound left-turn lanes		
Old Oakland Road and Brokaw Road	AM	80.7	F	79.0	E	Widen Oakland Road	Funded	/d/
	PM	79.1	E	72.3	E			
Trade Zone Boulevard and Montague Expressway	AM	156.2	F	52.7	D	Add second northbound and southbound left-turn lanes	NSJ Impact Fee	\$2,175,000
	PM	119.6	F	70.0	E	Add westbound free-right turn lane		
<b>Total Cost</b>								<b>\$175,675,000</b>

Notes:

/a/ Reported delay based on average control delay as calculated by TRAFFIX using HCM 2000 methodology

/b/ Calculated level of service based on worst case intersection LOS assuming lane configurations for two new intersections of square-loop interchange.

/c/ Part of Zanker Road widening cost of \$49,000,000 presented for Zanker/Montague

/d/ Improvement funding of \$1,000,000 is already in place.

\* No feasible improvements

### 3.

## Deficiency Plan Action List

---

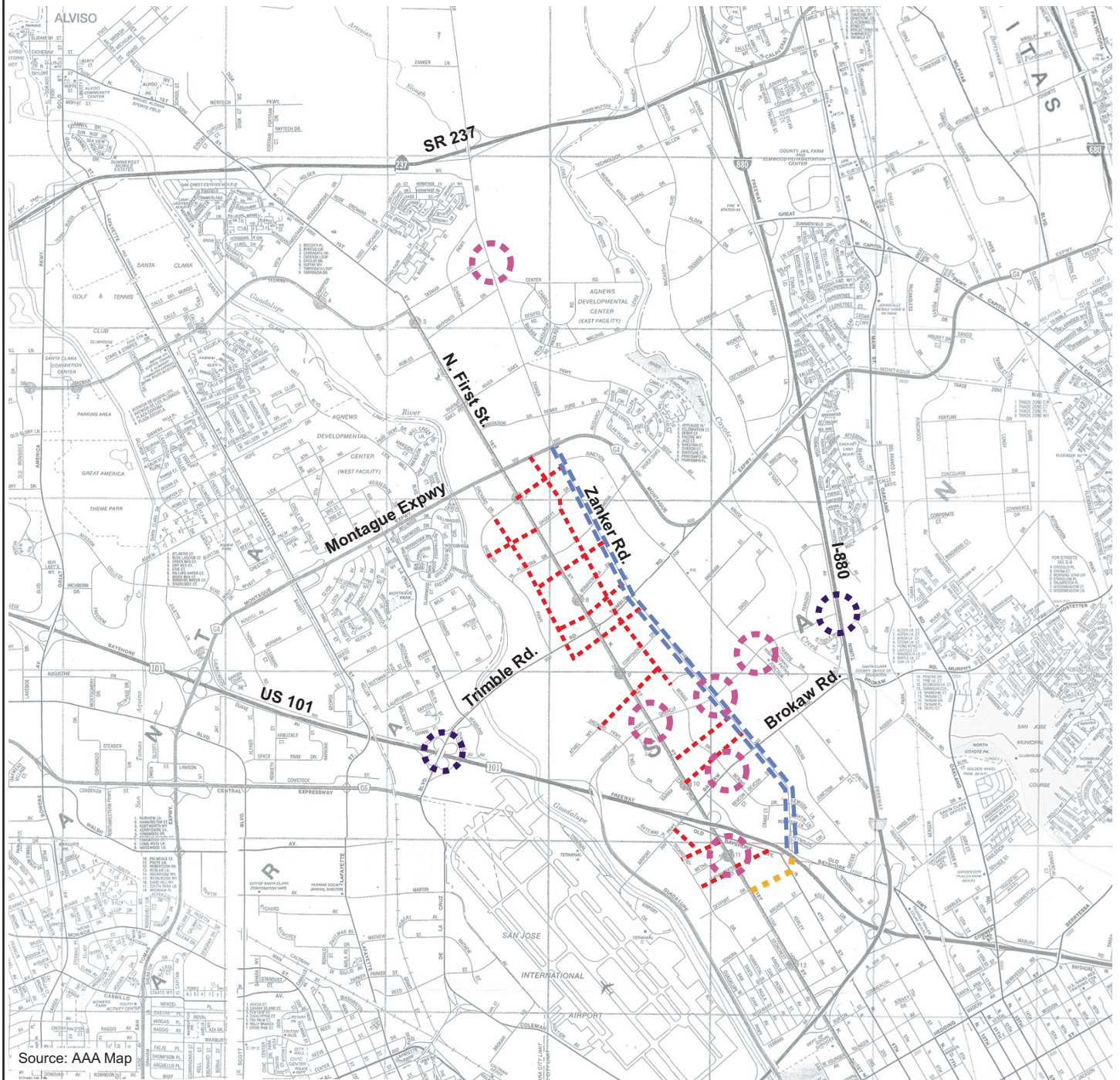
The purpose of this chapter is two-fold: 1) to identify physical improvements to non-CMP facilities designed to provide further offset for CMP deficiencies, and 2) to describe how all feasible and appropriate actions on the VTA's Immediate Implementation Action List will be implemented as part of the deficiency plan.

### Offsetting Roadway Improvements

The City of San Jose has identified several physical improvements to non-CMP intersections that will further offset CMP deficiencies. The improvements will serve to improve the overall operations of the North San Jose roadway network. The addition of new streets and physical improvements to non-CMP facilities will help alleviate congestion along the major arterials in North San Jose. As with the CMP intersection improvements, the offsetting improvements described below are preliminary designs only, and details about specific right-of-way and design features will be worked out when the improvements are programmed. Estimated costs are planning-level estimates only. Figure 3 shows offsetting improvements to non-CMP facilities located within North San Jose. Improvements were also identified at intersections and roadway facilities outside of North San Jose at which the anticipated traffic from North San Jose development will have an adverse effect. Improvements at the additional facilities are not described in detail since they are not located within North San Jose, but the improvements will serve to improve the overall operations in the City.

#### ***North San Jose Grid Street System***

To facilitate the efficient circulation of traffic within North San Jose, several new local streets will be constructed to form a "grid system" of streets. The streets, will serve future development and provide connections to all major arterials in North San Jose. The new streets will generally be two-lane roadways connecting to the major roadways within North San Jose such as Montague Expressway, Trimble Road, North First Street, and Zanker Road. The additional roadways will serve to reduce congestion along the major arterials in the area by providing alternate routes for local trips. Included within the system of streets will be the extensions of Zanker Road to Skyport Drive and Component Drive to Orchard Parkway. Orchard Parkway will also be connected between Trimble Road and Atmel Way. The estimated cost is \$55,000,000.



Source: AAA Map

### Legend

- = North San Jose Grid Streets
- = Zanker Widening
- = Zanker Skyport Connection
- = Interchange Improvement
- = Intersection Improvement

Figure 3

## OFF SETTING IMPROVEMENTS TO NON-CMP FACILITIES

North San Jose Deficiency Plan



### ***Zanker Road Widening***

Zanker Road runs from Old Bayshore Highway north into Alviso. It is currently two lanes in each direction between Old Bayshore Highway and Montague Expressway. Between Montague Expressway and SR 237 it widens to six lanes, three lanes in each direction. The planned widening will consist of widening the roadway to a minimum of 120 feet between Old Bayshore Highway and Montague Expressway to accommodate the addition of one through lane in each direction. The widening will promote the use of Zanker Road as the primary north/south route in North San Jose and allow for North First Street to serve as a transit-oriented street with operations of the transit system taking precedent over automobile traffic. The estimated cost is \$49,000,000.

### ***Zanker Road to Skyport Drive Connection***

The current intersection of Fourth Street and Old Bayshore Road will be replaced by a new partial interchange with US 101 that will provide for the connection of Zanker Road to Skyport Drive and Fourth Street. Currently, ramps only provide access to southbound US 101 from Fourth Street/Old Bayshore and Old Bayshore/Zanker Road from US 101 northbound with no connection over US 101. The new interchange will allow for the connection of Zanker Road to Skyport Drive as well as access to southbound US 101 from Zanker Road and Fourth Street/Old Bayshore. Access to Fourth Street/Skyport Drive and Zanker Road from US 101 northbound also will be provided. The estimated cost is \$64,000,000.

### ***US 101 and Trimble Road Interchange***

Some improvements at the US 101 and Trimble Road interchange currently are under construction and others are planned but unfunded. Several improvements will be made to the existing interchange including the elimination of the southbound loop off-ramp to eastbound Trimble, construction of a new southbound diagonal ramp that will serve both eastbound and westbound Trimble, and reconstruction of the southbound diagonal on-ramp and southbound and northbound loop on-ramps. The northbound US 101 loop-off-ramp to westbound Trimble Road also will be eliminated and replaced by a new northbound diagonal off-ramp that will serve both eastbound and westbound Trimble. The northbound diagonal ramp will be fed by a new collector road that will exit US 101 south of SR 87. The existing exit from US 101 is north of SR 87 and causes operational weaving problems. The estimated cost is \$27,000,000.

### ***Charcot Avenue Extension***

Charcot Avenue currently begins at North First Street, as a transition from Guadalupe Parkway, and runs east to its terminus at O'Toole Avenue. The planned overpass will cross I-880 and provide for the extension of Charcot Avenue to Old Oakland Road. The connection of Charcot Avenue to Old Oakland Road will provide an alternative east/west route to the already congested roadways of Brokaw Road and Montague Expressway. In order to provide space for bicycle and pedestrian access the overpass will provide two travel lanes, one in each direction. The estimated cost is \$32,000,000.

### ***Mabury Interchange***

To alleviate projected congested conditions at the Old Oakland Road and McKee Road interchanges with US 101, a new interchange are planned at Mabury Road. Mabury Road currently passes over US 101, but no access to the freeway is provided. Additionally, the above described Zanker Road to Skyport Drive connection will also serve to alleviate congestion at the Old Oakland and McKee Road interchanges. The estimated cost is \$43,000,000.



### ***Zanker Road and Tasman Drive***

The planned improvement is the addition of second eastbound and westbound left-turn lanes on Tasman Drive. The improvements may require the acquisition of right-of-way due to the LRT line running within the median along Tasman Drive. The estimated cost is \$2,000,000. This improvement will maintain the level of service at this intersection at LOS E.

### ***North First Street and Charcot Avenue***

The planned improvement is the addition of exclusive westbound and eastbound right-turn lanes on Charcot Avenue and a second southbound left-turn lane on First Street. The improvements may require the acquisition of right-of-way due to the LRT line running within the median along First Street. The estimated cost is \$2,000,000. While improved, this intersection will continue to operate at LOS F.

### ***North First Street and Metro Drive***

The planned improvement is the addition of a second eastbound left-turn lane. The improvement will fit within the existing right-of-way and will only require restriping and possibly signal modifications. The estimated cost is \$250,000. This improvement will maintain the level of service at this intersection at LOS C and will not effect LRT operations along North First Street.

### ***Zanker Road and Charcot Avenue***

The planned improvement is the addition of second left-turn lanes on all approaches and the widening of Charcot Avenue from two-lanes to four-lanes. The improvements will not fit within the existing right-of-way, but could be included as part of the Zanker Road widening project. The estimated cost is \$2,000,000. These improvements will maintain the level of service at this intersection at LOS E.

### ***Junction Avenue and Charcot Avenue***

The planned improvement is the addition of second eastbound and westbound left-turn lanes and widening of both Charcot Avenue and Junction Avenue from two to four lanes. The estimated cost is \$1,000,000. These improvements will maintain the level of service at this intersection at LOS D.

### ***Bering Avenue and Brokaw Road***

The planned improvement is the addition of a second northbound left-turn lane and separate southbound left-turn lane. The improvements may require the acquisition of a minimal amount of right-of-way. The estimated cost is \$1,000,000. These improvements will maintain the level of service at this intersection at LOS D.

Table 3 summarizes future conditions and costs associated with the offsetting improvements to non-CMP facilities included in this deficiency plan.

**Table 3**  
**Future Conditions Intersection Levels of Service with Proposed Improvements -Non-CMP Facilities**

	Peak Hour	Future Conditions No Improvements Ave. Delay/a/		LOS	Future Conditions w/Improvements Ave. Delay/a/		LOS	Proposed Improvement	Funding	Estimated Cost
<b>Roadway Improvements</b>										
Grid System									NSJ Impact Fee	\$55,000,000
Zanker Rd. Widening									NSJ Impact Fee	See Note /b/
Zanker Rd./Skyport Dr. Connection									NSJ Impact Fee	\$64,000,000
US 101/Trimble Rd. Interchange									NSJ Impact Fee	\$27,000,000
Charcot Avenue Extension									NSJ Impact Fee	\$32,000,000
Mabury Interchange									NSJ Impact Fee	\$43,000,000
									Sub-Total	\$221,000,000
<b>Intersection Improvements</b>										
Zanker Road and Tasman Drive	AM	47.2	D	43.4	D	Add second eastbound and westbound left-turn lanes			NSJ Impact	\$2,000,000
	PM	76.3	E	60.3	E				Fee	
North First Street and Charcot Avenue	AM	158.7	F	80.5	F	Add exclusive westbound and eastbound right-turn lanes			NSJ Impact	\$2,000,000
	PM	92.3	F	65.1	E	Add second southbound left-turn lane			Fee	
North First Street and Metro Drive	AM	21.2	C	17.6	B	Add second eastbound left-turn lane			NSJ Impact	\$250,000
	PM	58.7	E	28.7	C				Fee	
Zanker Road and Charcot Avenue	AM	122.2	F	56.6	E	Add second left-turn lane to all approaches			NSJ Impact	\$2,000,000
	PM	187.3	F	61.0	E	Widen Charcot Avenue to 4-lanes			Fee	
Junction Avenue and Charcot Avenue	AM	66.6	E	34.9	C	Add second eastbound and westbound left turn lanes			NSJ Impact	\$1,000,000
	PM	179.6	F	39.6	D	Widen Charcot and Junction Avenues			Fee	
Bering Drive and Brokaw Road	AM	83.3	F	41.6	D	Add second northbound left-turn lane			NSJ Impact	\$1,000,000
	PM	44.3	D	43.8	D	Add separate southbound left-turn lane			Fee	
									Sub-Total	\$8,250,000
									<b>Total Cost</b>	<b>\$229,250,000</b>

Notes:

/a/ Reported delay based on average control delay as calculated by TRAFFIX using HCM 2000 methodology

/b/ Zanker Road widening cost of \$49,000,000 included with CMP facility costs.

## Transit Service Improvements

The planned growth within the North San Jose area will require that the transit system within the North San Jose area be enhanced. The backbone of the transit service in North San Jose is the light rail system that operates along North First Street and Tasman Drive. In addition, bus service is provided primarily along Tasman Drive, Montague Expressway and Trimble Road. According to model estimates, the demand for transit will greatly increase from about 8,200 without the project to 44,000 riders a day under project conditions.

The high-density transit-oriented proposed project development plan characterized by mixed land uses and high rise buildings along the North First Street creates opportunities for strong transit demand. The VTA will consider improvements as part of its annual service plans and other planning studies. The City of San Jose will work with VTA as the North San Jose area develops to find a mutually agreeable process to implement transit improvements. The following measures will serve to meet anticipated transit service demands and comfort:

- Bus service enhancements to the intensified development areas of North San Jose and along the new grid system streets.
- Widen Zanker Road to accommodate increase its capacity so allow North First Street to serve as a transit oriented street with operations of the transit system taking precedent over automobile traffic.
- Coordination of extensive shuttle services between employment, transit stations, and large residential areas.
- The City of San Jose may elect to implement parking strategies in the future as an action to encourage transit usage.
- Implementation of planned specific improvements as described in Table 4.

## Pedestrian and Bicycle Facility Enhancements

With the large amount of planned development, increases in pedestrians and bicyclists are expected along with increased auto traffic. It will be desirable to implement pedestrian bicycle improvements to reduce auto travel. Existing pedestrian facilities will need to be improved and future development designed to better serve pedestrians. As development progresses within North San Jose, the following pedestrian and bicycle facility enhancements will be needed:

- Construct the new grid streets system to accommodate and encourage bicycles and pedestrians.
- Provide for continuous bicycle connections throughout North San Jose. Provide bicycle facilities on all major streets where feasible as shown in Figure 4. The City of San Jose is pursuing an updated citywide bicycle map.

## Offsetting Actions from Immediate Implementation Action List

The Valley Transportation Authority (VTA) has adopted a list of action items for immediate implementation, and this section describes the items from this list that the City of San Jose is planning to undertake to offset the effects of deficiencies in the CMP transportation system anticipated by this plan.

**Table 4**  
**Transit, Bicycle and Pedestrian Improvements**

<b>Improvement</b>	<b>Cost</b>
Specialized bus/shuttle passenger shelters and other stop and station improvements and amenities.	\$3.0 million
LRT Station Platform improvements including possible widening or lengthening, new passenger shelters and extending shelters to accommodate three-car trains.	\$7.5 million
Lighting, furniture and landscaping at LRT stations, bus stops and key pedestrian locations.	\$2.0 million
Self-cleaning bathrooms (2-4 locations)	\$1.5 million
Real-time information infrastructure and other intelligent transportation systems enhancements at stations and stop areas.	\$1.0 million
Bus Stop duck outs at up to ten locations (priority at @ Tasman LRT station).	\$500k
Shuttles between residential areas, businesses and transit stops/stations. Shuttle service may be pursued by the City of San Jose as conditions of development approvals.	TBD
New bus/shuttle stop locations (notably around the Tasman LRT station) including dedication of Rights-of-Way dedications (ROW dedications will be pursued by the City of San Jose as conditions of development approvals and are not included in this cost estimate.)	\$500k
Bi-directional full priority with ability to cascade calls for green signals for LRT along North First Street from Santa Clara Street (downtown) to Tasman Drive (up to 28 intersections.)	\$1.0 million
LRT operations capital improvements, including but not limited to: <ul style="list-style-type: none"> <li>• Trackway improvements.</li> <li>• Switches.</li> <li>• Tail/storage/layover tracks.</li> <li>• Other improvements to be determined.</li> </ul>	\$15 million
Guadalupe River Trail.	\$10 million
Coyote Creek Trail.	\$10 million
General Bicycle and Pedestrian Improvements, including but not limited to: <ul style="list-style-type: none"> <li>• Bike Lanes and bike sensitive signal detectors.</li> <li>• Bike Racks and bike storage facilities such as cages or electronic bike lockers.</li> <li>• Pedestrian Scale lighting.</li> <li>• Intersection and Crosswalk improvements including but not limited to special pavers or pavement, bollards, pedestrian-activated in pavement lights, countdown signals for pedestrian crossings, narrowing of pedestrian crossing distance including reduced curve radii and/or curb bulbouts, sidewalks along median from intersections to station platform and other safety and aesthetic enhancement.</li> <li>• Curb Ramps.</li> <li>• Other bicycle and pedestrian improvements to be determined.</li> </ul>	\$10.3 million
<b>Total</b>	<b>\$62.3 million</b>

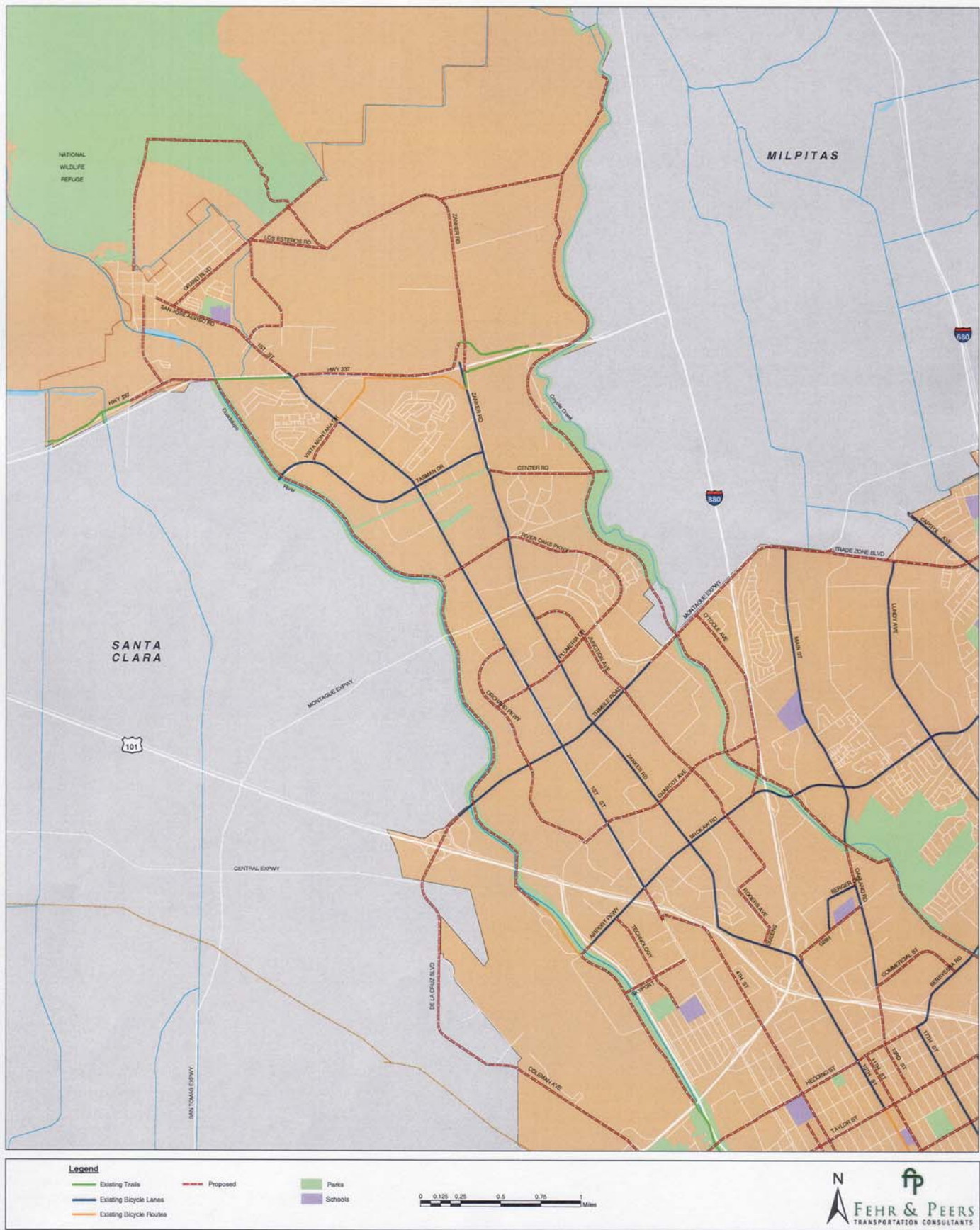


Figure 4

## POTENTIAL FUTURE BICYCLE FACILITIES

North San Jose Deficiency Plan

Each of the alternative action items identified is contained in the VTA's Immediate Implementation Action List that can be found in Appendix A. As such, each of these actions has been found to contribute to an improvement of air quality in the region. Table 5 summarizes the VTA CMP Immediate Implementation Action List.

**Table 5**  
**Santa Clara County VTA CMP Immediate Implementation Action List**

CMP Action Item	CMP Action Items Implemented in Deficiency Plan
<b>Bicycle and Pedestrian Actions</b>	
A-2 Bike Lockers, Racks, and Facilities at Transit Centers	❖ The City of San Jose does not have jurisdiction over most transit centers in the City, but it supports and advocates to the VTA and Caltrain for bike parking facilities.
	❖ The VTA provides bike racks and access on all buses and LRT's.
	❖ The City of San Jose, in consultation with the VTA, will be responsible for ensuring that additional bicycle storage facilities are provided at designated transit centers including park and ride lots, rail transit facilities, and major transit transfer stations. The location of new bicycle storage facilities and the specific style of storage facility will be determined as the action is implemented in conformance with the adopted Deficiency Plan requirements.
	❖ General Plan policy calls for the City to provide a bikeway system linking residences, employment, schools, parks, and transit facilities. Priority improvements to the bikeway system including: <ul style="list-style-type: none"> <li data-bbox="574 1161 1214 1192">▪ Bike routes linking LRT stations to neighborhoods.</li> <li data-bbox="574 1224 1295 1255">▪ Bike paths along designated trails and pathway corridors.</li> </ul>
	❖ The City of San Jose plans to enhance the existing bicycle facilities along the North San Jose roadway network. The enhancements will provide for continuous bicycle connections throughout North San Jose. Bicycle facilities will be provided on all major streets, where feasible. Possible locations of future bicycle facilities are shown in Figure 3.
	❖ The City will place priority on implementation of the following identified cross-county bicycle corridors:
A-3 Improve Roadside Bicycle Facilities	▪ Highway 880 Corridor & South US 101/Caltrain – that runs along the extent of Zanker Road in North San Jose
	▪ State Route 237/Tasman Drive & Capitol Rail – that runs along the extent of Tasman Drive in North San Jose
	▪ Bay Trail Corridor – that runs along the bay inlets in Alviso
	▪ Alma Street/El Camino Real – that runs just north and parallel to Montague Expressway

CMP Action Item	CMP Action Items Implemented in Deficiency Plan
A-4 Improve Pedestrian Facilities	❖ The San Jose General Plan requires that right-of-way requirements, including provision of bicycle lanes were planned, be considered in conjunction with planning and improvement projects for major streets.
	❖ Sidewalks and bicycle facilities will be constructed along the proposed new grid system streets that will serve pedestrians and bicyclists more efficiently than the major arterials that serve large volumes of vehicular traffic.
	❖ Sidewalk construction, replacement or repair will be required as part of the entitlement for new construction throughout the North San Jose area.
	❖ In order to preserve an acceptable pedestrian environment in conjunction with major roadway widening and to support walking as an alternative for short trips, sidewalks will be constructed along all streets of the proposed North San Jose Grid Street System improvements. The roadways will be of minimal width so as to provide for pedestrian friendly thoroughfares.
<b>Public Transit</b>	
B-3 Shuttle Service (Existing Employment Centers)	❖ The City of San Jose promotes the coordination and operation of shuttle services between employment uses and transit facilities within the North San Jose area. In specific cases the City may require new development involving major employers within North San Jose to operate, not fund, shuttle services through approved development permits.
	❖ The City requires the construction of specialized passenger shelters and bus/shuttle stop improvements including curb bulb-outs depending on location and site conditions. The City has implemented the construction of new bus/shuttle stop locations (e.g. around Tasman LRT station) including dedication of ROW.
	❖ The City will work with residential developers to explore potential shuttles between residential areas, businesses and transit stops/stations.
B-7 Transit Traffic Signal Preemption	❖ Any traffic signal improvements should at a minimum, maintain the level of priority at traffic signals provided to LRT operations since the inception of the Guadalupe LRT line.
	❖ The City of San Jose coordinates with the VTA to implement bus stop and station improvements through the permit review process for new development within North San Jose.
B-8 Bus Stop/Station Improvements	❖ Improvements to be constructed in the vicinity of bus stops and stations include intersection and crosswalk improvements; lane or intersection narrowing, curve radii reductions, curb bulb-outs; and sidewalks along medians from intersections to station platform
	❖ Improvements are planned for the LRT shelters within and adjacent to

CMP Action Item	CMP Action Items Implemented in Deficiency Plan
	<p>the North San Jose area</p> <ul style="list-style-type: none"> <li>❖ Other potential improvements include: <ul style="list-style-type: none"> <li>▪ Lighting, furniture and landscaping at LRT stations, bus stops and key pedestrian locations</li> <li>▪ Station platform improvements</li> <li>▪ Other stop and station amenities such as sidewalks (locations) or sidewalk widening and lengthening</li> <li>▪ Self-cleaning bathrooms (2-4 locations)</li> <li>▪ Real-time information infrastructure (on LRTs and at 17 stations and stops.)</li> <li>▪ Bus duck-outs (most important @ Tasman station)</li> </ul> </li> </ul>
<b>Carpooling, Bus Pooling, Van Pooling, Taxi Pooling</b>	
C-1 Enhanced Trip Reduction Program	<ul style="list-style-type: none"> <li>❖ All new significant employment generating development within North San Jose will be required to develop and implement a transportation demand management (TDM) program. The TDM program should address the following actions:</li> <li>❖ Implement a carpool/vanpool program, e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.</li> <li>❖ Develop a transit use incentive program for employees, such as on site distribution of passes and/or subsidized transit passes for local transit system (participation in the VTA EcoPass system will satisfy this requirement).</li> <li>❖ Provide preferential parking for electric or alternatively-fueled vehicles.</li> <li>❖ Provide a guaranteed ride home program.</li> <li>❖ Implement a flextime policy.</li> <li>❖ Implement parking cash out program for employees (non-driving employees receive transportation allowance equivalent to the value of subsidized parking).</li> </ul>
<b>High Occupancy Vehicle (HOV) Facilities</b>	
D-1 Arterial HOV/Transit Lanes	<ul style="list-style-type: none"> <li>❖ It is not the policy of the City of San Jose to pursue HOV-type improvements on city streets. With regard to Montague Expressway, the City has supported HOV-type improvements on selected portions of the facility that could support future Bus Rapid Transit facilities.</li> </ul>



<b>CMP Action Item</b>	<b>CMP Action Items Implemented in Deficiency Plan</b>
D-2 Implement MTC's 2005 HOV Plan	❖ See above
D-3 Construct HOV Support Facilities	❖ See above
D-4 Construct HOV Connections and Ramps	❖ See above
D-5 Construct HOV Bypass Facilities	❖ See above
<b>Transportation Demand Management (TDM) Programs</b>	
E-2 Public Information Programs	❖ Transportation Demand Management (TDM) programs required for new development and permit approvals within North San Jose include public information elements such as designation of a on-site TDM manager and education of employees regarding alternative transportation options.
<b>Traffic Flow Improvements</b>	
F-2 Peak-Hour Parking and Delivery Restrictions	❖ It is not the policy of the City of San Jose to pursue these types of capacity enhancements on city streets, although such improvements could be proposed by large development as part of a TDM program.
F-3 Traffic Signal Timing and Synchronization Program	❖ Any traffic signal improvements should at a minimum, maintain the level of priority at traffic signals provided to LRT operations since the inception of the Guadalupe LRT line. Traffic signal improvements should provide for "cascading greens" along North First Street to serve the LRT line.
F-4 Traffic Flow Improvements in Urban Areas	❖ The City has planned various improvements at CMP and non-CMP intersections within the North San Jose area as described in Chapters 2 and 3.
<b>Site Design Guidelines for New Development</b>	
G-1 HOV Parking Preference Program	❖ San Jose typically requires that assigned car pool and van pool parking be placed at the most desirable on-site locations. The City's Industrial Design Guidelines include the following standards: <ul style="list-style-type: none"> <li>▪ A minimum of 10 percent of parking spaces should be reserved and clearly marked for the exclusive use of carpool/vanpool vehicles.</li> <li>▪ Convenient access to building entrances from carpool/vanpool parking should be provided.</li> <li>▪ The most convenient parking spaces should be prioritized for handicapped persons, visitors, carpool/vanpools and motorcycles.</li> </ul>

CMP Action Item	CMP Action Items Implemented in Deficiency Plan
G-2 Bike Facilities at Development Projects	<ul style="list-style-type: none"> <li>▪ For projects with 50 or more employees, a carpool/vanpool waiting area should be provided. This waiting area should provide visibility for arriving carpool/vanpool vehicles. It should be covered, well lit and located within 50 feet of carpool/vanpool vehicles.</li> <li>❖ The City of San Jose Zoning Ordinance requires that all new residential, commercial and industrial development provide bicycle parking spaces at rates depending upon the specific proposed use.</li> <li>❖ The City of San Jose Zoning Ordinance requires that all new general industrial or office and research and development projects of 30,000 feet or greater incorporate showers for use by employees to encourage bicycle use by employees.</li> <li>❖ Through the North San Jose Area Development Policy, all new employment generating development within North San Jose will be required to include the following facilities that encourage the use of bicycles:</li> </ul>
	<ul style="list-style-type: none"> <li>▪ On-site bicycle racks and secure lockers</li> <li>▪ Physical improvements, such as sidewalk improvements, landscaping and bicycle parking that will act as incentives for pedestrian and bicycle modes of travel.</li> <li>▪ On-site improvements to support connection from the site to regional bikeway/pedestrian trail system.</li> <li>▪ Secure and conveniently located bicycle parking and storage for workers.</li> </ul>
	<ul style="list-style-type: none"> <li>❖ All new residential development within North San Jose will be required to implement similar measures for bicyclists including: <ul style="list-style-type: none"> <li>▪ Bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas.</li> <li>▪ Satellite telecommute center within or near the development (where appropriate).</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>❖ The San Jose General Plan contains numerous policies that promote new development within transit corridors to encourage alternate modes of transportation through building placement and site design. These policies are implemented through the City's Residential, Industrial and Commercial Design Guidelines. Specific Policies within the General Plan include: <ul style="list-style-type: none"> <li>▪ High density residential and mixed residential/commercial development located along transit corridors should be designed to maximize transit useage and allow residents to conduct routine</li> </ul> </li> </ul>
G-3 Building Orientation/ Placement at Employment Sites	

CMP Action Item	CMP Action Items Implemented in Deficiency Plan
G-4 Pedestrian Circulation System	errands close to their residence.
	<ul style="list-style-type: none"> <li>▪ New commercial development should be located near existing centers of employment or population or in close proximity to transit facilities and should be designed to encourage pedestrian and bicycle access through techniques such as minimizing building separation from the street, providing safe, accessible, convenient and pleasant pedestrian connections, secure bike storage, etc.</li> </ul>
	<ul style="list-style-type: none"> <li>❖ The North San Jose Area Development Policy establishes the following design guidelines:               <ul style="list-style-type: none"> <li>▪ New buildings to be located along street edges with active uses and building entrances oriented toward the street.</li> <li>▪ Establishing pedestrian connections to the nearest transit station should be given priority in site design for all new commercial, industrial or residential development located within 2000 feet of an existing or planned transit station.</li> <li>▪ Within the Corporate Center Core Area, new development should be concentrated along the North First Street corridor. Parking structures should not be placed along North First Street. Use of surface parking lots should be minimized and any surface parking lots should be placed behind buildings.</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>❖ The San Jose General Plan contains numerous policies that promote the development of high quality, safe pedestrian facilities throughout the City. These policies are implemented through the City's Residential, Industrial and Commercial Design Guidelines. Specific Policies within the General Plan include:               <ul style="list-style-type: none"> <li>▪ New industrial and residential development should create a pedestrian friendly environment by connecting the features of the development with safe, convenient, accessible and pleasant pedestrian facilities. Such connections should also be made between the new development and adjacent public streets.</li> <li>▪ For new residential development, pedestrian connections should also be made between the new development, the adjoining neighborhood, transit access points, and nearby commercial areas.</li> <li>▪ High density residential and mixed residential/commercial development located along transit corridors should be designed to create a pleasant walking environment to encourage pedestrian activity, particularly to the nearest transit stop.</li> <li>▪ In order to provide pedestrian comfort and safety, all pedestrian pathways and public sidewalks should provide buffers between moving vehicles and pedestrians where feasible.</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>❖ City of San Jose Municipal Code (Section 19.36.030) requires</li> </ul>

CMP Action Item	CMP Action Items Implemented in Deficiency Plan
	construction of sidewalks as part of new industrial development.
G-5 Bike Storage at Residential Development Projects	<ul style="list-style-type: none"> <li>❖ The City of San Jose Zoning Ordinance requires that new multi-family residential development provide bicycle parking spaces or bicycle storage at a ratio of one space per four units. A minimum of three spaces must be provided. Bicycle parking facilities must be located in a convenient, highly visible and well lighted area to minimize theft and vandalism, generally within fifty feet of a building entrance and within view of pedestrian traffic.</li> </ul>
G-6 Shuttle Service (New Development)	<ul style="list-style-type: none"> <li>❖ The City of San Jose works with the developers of new, large employment generating uses to provide shuttle services as a traffic mitigation measure as part of the development review process. Several such shuttles are currently under private operation.</li> <li>❖ The City of San Jose cooperates with the VTA, the California Department of Transportation and other transportation agencies to maximize access to transit facilities for all segments of the City's population.</li> </ul>
G-7 Transit Stop Improvements	<ul style="list-style-type: none"> <li>❖ The City of San Jose requires that new development install indented curbs and bulb-outs if appropriate for bus pullouts, bus shelters and other transit-related public improvements where appropriate through the entitlement process for new development projects. This action is currently implemented through the City's Residential, Industrial and Commercial Design Guidelines.</li> </ul>
G-8 Multi-Tenant Complex TDM Program	<ul style="list-style-type: none"> <li>❖ All new development within North San Jose will be required to incorporate transportation demand management (TDM) elements into facility design. Improvements may include, but are not limited to: <ul style="list-style-type: none"> <li>▪ Assigned car pool and van pool parking at the most desirable on-site locations</li> <li>▪ Make available transportation during the day for emergency use by employees who commute on alternate transportation. (This service may be provided by access to company vehicles for private errands during the workday and/or combined with contractual or pre-paid use of taxicabs, shuttles, or other privately provided transportation.);</li> <li>▪ Provide shuttle access to CalTrain stations;</li> <li>▪ Provide or contract for on-site or nearby child care services;</li> <li>▪ Provide Eco-passes (or equivalent broad spectrum transit passes) to all on-site employees;</li> <li>▪ Encourage use of telecommuting and flexible work schedules;</li> <li>▪ Incorporate on-site support services (food service, ATM, dry</li> </ul> </li> </ul>

CMP Action Item	CMP Action Items Implemented in Deficiency Plan
	<p>cleaner, gymnasium, etc.);</p> <ul style="list-style-type: none"> <li>▪ Designate an on-site TDM coordinator;</li> <li>▪ Provide or contract for on-site or nearby child care services;</li> <li>▪ Provide vans for van pools;</li> <li>▪ Provide on-site showers and lockers.</li> </ul>
<b>Land-Use Program</b>	
H-1 Mixed-Use Development	<ul style="list-style-type: none"> <li>❖ The City of San Jose General Plan identifies Transit-Oriented Development corridors as a suitable location for mixed-use development and provides specific land use designations and strategies for the implementation of mixed-use projects.</li> <li>❖ The North San Jose Area Development Policy includes provisions to support mixed-use development within the North San Jose area through the adoption of two new General Plan Land Use Designations. The Industrial Core Area designation allows for supporting commercial and residential uses to be combined with industrial park uses within a 600-acre along the North First Street light rail corridor. The Transit/Employment Residential District Overlay designation allows for supporting commercial uses to be combined with residential development on various sites totaling 400 acres in area.</li> <li>❖ Mixed-use development will continue to be allowed or encouraged on properties within the North San Jose area with a Transit Corridor Residential designation</li> </ul>
H-2 Childcare Facilities near Transit and Worksites	<ul style="list-style-type: none"> <li>❖ The City of San Jose promotes the location of childcare facilities and other services where appropriate near light rail transit stations, major transportation hubs and major employment centers.</li> </ul>
H-3 Affordable Housing near Worksites	<ul style="list-style-type: none"> <li>❖ The North San Jose Area Development Policy allows for the conversion of up to 285 acres of existing industrial land to residential use. A minimum density of 55 DU/AC will be required for 200 of those acres and a minimum density of 90 DU/AC will be required for the remaining 85 acres, yielding a minimum of 18,700 new residential units. Residential development in the form of mixed-use industrial office and residential projects will be allowed within a 590 acre Corporate Industrial Core Area. Up to 6,000 new residential units are anticipated to occur through this provision. In combination with existing lands planned for residential, up to 32,000 new residential units are anticipated throughout the Policy area.</li> <li>❖ All new residential development within North San Jose is subject to the affordability policy for Redevelopment areas requiring 15% or 20% of new units to be marketed at affordable rates.</li> </ul>
H-4 High Density	<ul style="list-style-type: none"> <li>❖ The General Plan includes several policies that encourage the</li> </ul>

CMP Action Item	CMP Action Items Implemented in Deficiency Plan
Development near Transit	<p>development of high-density projects near existing or planned transit facilities.</p> <ul style="list-style-type: none"> <li>❖ The North San Jose Area Development Policy establishes a Corporate Industrial Core Area along the North First Street light rail corridor encouraging the intensification of employment uses in proximity to transit. The height limit for new development within the Core Area is 250 feet.</li> <li>❖ The North San Jose Area Development Policy establishes potential new residential areas with a minimum density of 55 DU/AC on approximately 200 acres in close proximity to transit. The height limit for new development within 2000 feet of a light rail station is 150 feet.</li> </ul>
H-5 Establish Telecommuting Centers	<ul style="list-style-type: none"> <li>❖ This program is an optional traffic mitigation measure included among the TDM measures in the project CEQA document.</li> </ul>
H-6 Auto-Free/Transit Only Zone	<ul style="list-style-type: none"> <li>❖ It is not the policy of the City of San Jose to pursue these types of transit enhancements on city streets, although such improvements could be proposed by large development as part of a TDM program.</li> </ul>

Source: Requirements for Deficiency Plans, VTA CMP, November 1992; City of San Jose

## 4. Action Plan

---

The purpose of this chapter is to describe how deficiency plan action items will be implemented, identify the responsible agency for implementing each action, and identify the funding source for each action.

### Development Review Process

Proposals for individual development projects within the North San Jose Development Area will be required to provide operational analyses and improvements plans as necessary, to ensure that specific design, on-site circulation, driveway locations, and infrastructure (including right-of-way) improvements are consistent with the overall plans for the area and meet appropriate design criteria. All proposals will go through the City review process including review and comments by VTA and other agencies. The City of San Jose has endorsed VTA's Community Design and Transportation (CDT) Program and will incorporate guidelines and recommendations of the VTA, CMP, and CDT Program when appropriate and applicable.

### Summary of Improvement Costs

The City of San Jose has identified approximately \$519 million in needed roadway/intersection and transit/pedestrian/bicycle facility improvements in North San Jose as well as other parts of the city where it is expected that traffic associated with North San Jose development would have adverse effects. The identified improvements will be funded largely by the City of San Jose's new traffic impact fee for North San Jose, but a portion of these costs are planned to be funded by the City of San Jose and other funding sources totaling approximately \$59 million. Table 6 itemizes the transportation improvement projects identified by the City of San Jose and associated costs.

**Table 6**  
**Transportation Improvement Cost Summary**

<b>Location (Type)</b>	<b>Cost</b>
<b>NSJ CMP Intersection Improvements</b>	
North First Street & SR237 (South)	\$7,000,000
North First Street & Montague Expressway	\$18,000,000(a)
Zanker Road & Montague Expressway	\$49,000,000(b)
Trimble Boulevard & Montague Expressway	\$30,000,000
McCarthy Boulevard & Montague Expressway	\$68,000,000
Old Oakland Road & Montague Expressway	\$500,000
North First Street & Trimble Road	\$1,000,000
Zanker Road & Trimble Road	See Note c
Zanker Road & Brokaw Road	See Note c
Old Oakland Road & Brokaw Road	See Note d
Trade Zone Boulevard & Montague Expressway	\$2,175,000
Subtotal CMP Intersection Improvements	<b>\$175,675,000</b>
<b>Offsetting Improvements to NSJ Non-CMP Intersections</b>	
North San Jose Grid Street System	\$55,000,000
Zanker Road Widening	See Note c
Zanker Road/Skyport Drive Connection	\$64,000,000
US 101/Trimble Road Interchange	\$27,000,000
Charcot Avenue Extension	\$32,000,000
Mabury Road Interchange	\$43,000,000
Zanker Road & Tasman Drive	\$2,000,000
North First Street and Charcot Avenue	\$2,000,000
North First Street and Metro Drive	\$250,000
Zanker Road and Charcot Avenue	\$2,000,000
Junction Avenue and Charcot Avenue	\$1,000,000
Bering Drive and Brokaw Road	\$1,000,000
Subtotal NSJ Non-CMP Intersection Improvements	<b>\$229,250,000</b>
<b>Other Intersection Improvements Outside of NSJ</b>	<b>51,775,000</b>
<b>Offsetting Action from VTA CMP Immediate Implementation Action List</b>	
<b>Transit, Bicycle, Pedestrian, and TDM Actions</b>	<b>\$62,300,000</b>
<b>Total</b>	<b>\$519,000,000</b>

Notes:

a – Cost associated with the widening of Montague Expressway

b – Cost associated with the widening of Zanker Road

c – Included as part of the Zanker Road Widening cost listed at Zanker Rd./Montague Expwy.

d – Improvement funding of \$1,000,000 is already in place.



## Summary of San Jose Traffic Impact Fees

The North San Jose Deficiency Plan Policy traffic impact fee is funding approximately \$460 million in improvements. The fee is based on PM peak-hour trip-making characteristics of the particular land use proposed for development in North San Jose. The PM peak hour is used because it is the PM peak hour during which traffic conditions are the worst. The total increase in PM peak hour vehicle trips with the anticipated development was estimated to be 41,300. The traffic impact fee is determined by calculating the cost per vehicle trip for the anticipated growth by dividing the total cost of improvements (\$519 million minus \$59 million (the amount funded by other sources) = \$460 million) by the increase in peak hour vehicle trips (41,300) to come up with \$11,138 per trip. The cost is then distributed upon each of the land uses based on their trip generating characteristics determined based on the following rates:

Single-Family Residential	0.6279 trips per unit
Multi-Family Residential	0.5024 trips per unit
Industrial Uses	0.9371 trips per 1,000 s.f.

Multiplying the cost per trip figure times each of the rates determines the applicable fee for each land use. Traffic impact fees by land use type are presented in Tables 7 and 8.

**Table 7**  
**North San Jose Trip Estimates**

Land Use	Size	Trip Rate
SF Detached	3,530 units	.6279 per unit
MF Attached	28,470 units	.5024 per unit
Industrial	26.7 m.s.f	.9371 per 1,000 s.f.

**Table 8**  
**North San Jose Land Use Impact Fees**

Land Use	Fee	Unit of Measure
SF Detached	\$6,994.00	Per dwelling unit
MF Attached	\$5,596.00	Per dwelling unit
Industrial	\$10.44	Per sq. ft.

## 5. Deficiency Plan Monitoring

---

The purpose of this chapter is to describe how the City of San Jose will monitor and evaluate the implementation of the Action Plan set forth in this Deficiency Plan. The timing and implementation of each of the identified improvements in the previous chapter are described in this chapter. As development within North San Jose progresses, the construction of each of the identified improvements will be necessary. Table 9 sets forth a schedule for implementation of the Action Plan.

Evaluation of CMP levels of service will be accomplished through periodic updates to the City's traffic model and impact fee system. Deficiency plans must be monitored as part of the CMP annual monitoring program and updated as needed. The City of San Jose will monitor implementation of the deficiency action plan by preparing a Deficiency Plan Implementation Status Report. This report will be submitted to VTA and will be based upon the implementation schedule included in the deficiency plan. The City of San Jose will also be required to include in their status reports a financial element that includes a description of and status of funds collected and expenditures made in implementing deficiency plan actions. The status report will include a review of possible additions from the Deferred Implementation Action List.

### Development Phasing

The implementation of each of the identified improvements will be established as the development levels planned for North San Jose proceed. Since the development planned for North San Jose will not occur immediately, it is not necessary to construct all improvements at the initiation of development. Rather the improvements will be constructed concurrently with development as deemed necessary. The deficiency plan actions identified in this report will be implemented as part of the North San Jose Development Policy by each applicable jurisdiction in which they are located. With provided funds, each jurisdiction (City of San Jose, County of Santa Clara, VTA) will be responsible for implementing each action.

Generally, the implementation of each of the intersection improvements was determined based on level of service calculations with incremental phases of development. The planned development was divided into 25% increments to develop the following four phases of development:

Phase 1	6.675 msf of Industrial Space 425 ksf of Commercial Space 8,000 Residential Units	Phase 3	20.025 msf of Industrial Space 1.275 msf of Commercial Space 24,000 Residential Units
Phase 2	13.35 msf of Industrial Space 850 ksf of Commercial Space 16,000 Residential Units	Phase 4	26.7 msf of Industrial Space 1.7 msf of Commercial Space 32,000 Residential Unit

### ***North San Jose Development Policy***

According to the North San Jose Development Policy, development will not be able to proceed to the next phase until the improvements associated with each phase are completed. For example, development of industrial/office space beyond 6.675 msf will require that the following improvements be completed:

Montague Expressway Widening  
US 101/Trimble Road Interchange  
Montague Expressway/Trimble Road  
Various intersection improvements  
Various transit, bicycle, and pedestrian improvements

The transit, bicycle, and pedestrian improvements will be more specifically detailed in subsequent analyses and review of specific site development projects.

### **Improvement Phasing**

The need for specific intersection improvements during each phase of development was determined based on current level of service calculations. Each intersection was evaluated to determine during which phase the addition of project traffic would cause the intersection to fall below CMP standards. A few exceptions to the level of service criteria include intersections for which the proposed improvements are minor and can be completed within the first phase of development. The phase at which each of the identified improvements will be implemented is outlined below.

The phasing of the major roadway improvements was determined based on judgement of necessity of the improvements and level of service calculations. The phase at which the major roadway improvements were needed was determined based on their need to serve the North San Jose area as a whole. The major roadway improvements serve as gateways and/or major arterials to and within North San Jose, and therefore are needed to serve each of the development phases. The phase at which each of the major roadway improvements will be implemented is outlined below.

**Table 9**  
**Action Plan Implementation Schedule**

Location (Type)	Schedule for Improvement
<b>NSJ CMP Intersection Improvements</b>	
North First Street & SR237 (South)	Phase 3
North First Street & Montague Expressway	Phase 1
Zanker Road & Montague Expressway	Phase 2
Trimble Boulevard & Montague Expressway	Phase 1
McCarthy Boulevard & Montague Expressway	Phase 3
Old Oakland Road & Montague Expressway	Phase 1
North First Street & Trimble Road	Phase 1
Zanker Road & Trimble Road	Phase 2
Zanker Road & Brokaw Road	Phase 2
Trade Zone Boulevard & Montague Expressway	Phase 1
<b>Offsetting Improvements to NSJ Non-CMP Facilities</b>	
North San Jose Grid Street System	All Phases
Zanker Road Widening	Phase 2
Zanker Road/Skyport Drive Connection	Phase 4
US 101/Trimble Road Interchange	Phase 1
Charcot Avenue Extension	Phase 2
Mabury Road Interchange	Phase 4
Zanker Road & Tasman Drive	Phase 3
North First Street and Charcot Avenue	Phase 1
North First Street and Metro Drive	Phase 1
Zanker Road and Charcot Avenue	Phase 3
Junction Avenue and Charcot Avenue	Phase 3
Bering Drive and Brokaw Road	Phase 1
<b>Other Intersection Improvements Outside of NSJ</b>	
All Phases	
<b>Offsetting Action from VTACMP Immediate Implementation Action List</b>	
Bicycle, Pedestrian Actions, TDM and Transit Actions	All Phases

## 6. Environmental Documentation

---

The purpose of this chapter is to describe the reconciliation of CEQA with actions included in the deficiency plan. Per Public Resources Code § 21080 (b)(13), congestion management programs are exempt by statute from the provisions of the California Environmental Quality Act (CEQA). As established in Government Code §§ 65089 et seq., a deficiency plan is a required part of a congestion management program when certain conditions are met. As such and within certain parameters, a deficiency plan enjoys the same statutory exemption as the CMP.

The purpose of the deficiency plan is to identify and implement measures that will improve traffic conditions in a locality, and as such implementation of the plan will lead to improved environmental conditions. Furthermore, items identified from the VTA CMP's Immediate Implementation Action List have also been identified by the Bay Area Air Quality Management District as actions that when implemented will have a positive impact on air quality in the region. To the degree that individual projects identified in the North San Jose Deficiency Plan have the potential for creating ancillary (i.e., localized) impacts to the environment, such impacts will be evaluated as individual projects come forward for design and construction.

**Appendix A**  
**Valley Transportation Authority**  
**Immediate Implementation Action list**

**VTA Action Item Summary**

**A. Bicycle and Pedestrian Actions**

A-2 Bike Lockers, Racks, and Facilities at Transit Centers

A-3 Improve Roadside Bicycle Facilities

A-4 Improve Pedestrian Facilities

**B. Public Transit**

B-3 Shuttle Service (Existing Employment Centers)

B-8 Bus Stop Improvements

**C. Carpooling, Bus Pooling, Van Pooling, Taxi Pooling**

(All actions on deferred list.)

**D High Occupancy Vehicle (HOV) Facilities**

(All actions on deferred list.)

**E. Transportation Demand Management (TDM) Programs**

E-2 Public Information Programs

**F. Traffic Flow Improvements**

F-2 Peak-Hour Parking and Delivery Restrictions

F-3 Traffic Signal Timing and Synchronization Program

F-4 Traffic Flow Improvements in Urban Areas

**G Site Design Guidelines for New Development**

G-1 HOV Parking Preference Program

G-2 Bike Facilities at Development Projects

G-3 Building Orientation Placement at Employment Sites

G-4 Pedestrian Circulation System

G-5 Bike Storage at Residential Development Projects

G-6 Shuttle Service (New Development)

G-7 Transit Stop Improvements

G-8 Multi-Tenant Complex TDM Program

**H Land-Use Program**

(All actions on deferred list.)

## A. BICYCLE AND PEDESTRIAN ACTIONS

### A-2: Bicycle Storage Facilities at Transit Centers -- IMMEDIATE ACTION

**Description:** This action consists of adding bicycle storage facilities at designated transit centers including:

- ❖ Park-and-ride lots
- ❖ Rail transit stations
- ❖ Major transit transfer stations

The SCCTD will work with Member Agencies in designating transit centers appropriate for adding bicycle storage facilities within the Deficiency Plan area. In some cases, bicycle storage facilities might more appropriately be added at existing transit stations outside the deficiency plan area to better achieve the deficiency plan goals. For example: if the deficiency plan area contained all employment centers with few transit centers, it would be appropriate to include storage facilities at transit centers in existing residential areas, where workers live, as part of the deficiency plan.

Bicycle storage facilities shall include bicycle lockers, bike racks, and equipment storage lockers for bicyclists.

**Intent:** To facilitate the use of bicycles for commute and other trips.

#### **Standards<sup>1</sup>:**

1. A minimum of 10 bicycle lockers shall be provided at all designated transit centers within the deficiency plan area, and at identified transit centers outside the deficiency plan area.
2. Secure and protected bicycle racks shall be provided at transit centers where necessary and feasible. Bicycle racks shall allow use of U-type locks.
3. Storage lockers for bicyclists shall be provided at transit centers when possible.

**Timing:** The deficiency plan must include a list of all transit centers that will be improved as part of the deficiency plan and an implementation plan (including funding sources and schedule) for installing the bike storage facilities.

**Approval Criteria:** The CMP will require that these actions be implemented at all appropriate transit centers as quickly as possible. The plan should include installing equipment at all transit centers in the deficiency plan within 1-to-2 years.

---

<sup>1</sup> The CMP will work with the SCCTD, other Member Agencies, and representatives of bicycle advocacy organizations to develop common equipment standards for bike lockers, racks and storage lockers. In the interim, Member Agencies are urged to work with SCCTD, Caltrans, and local bicycle advocacy groups to obtain appropriate equipment for bike facilities.

### A-3: Improved Roadside Bicycle Facilities-- IMMEDIATE ACTION

**Description:** This action consists of improving roadside bicycle facilities throughout the deficiency plan area as well as connections to bicycle routes outside the deficiency plan area.

**Intent:** To facilitate the use of bicycles for all types of trips. **Standards:**

1. The deficiency plan must include a Bicycle Facilities Improvement Element. This element must include all bicycle improvements on an official city (or county) bicycle plan within the deficiency plan area including:
  - ❖ Widening roadway shoulders for bicycle facilities (or adding bicycle lanes);
  - ❖ Installing and marking bike detection loops at traffic signals; and
  - ❖ Implementing the city's bicycle circulation plan.
2. The initial deficiency plan must include a schedule for constructing all bicycle facilities in the Bicycle Facilities Improvement Element. If there is no official bike plan for the deficiency plan area, a Bicycle Facility Improvement Element for the deficiency plan area must be developed as part of the initial deficiency plan.
3. All cities must develop an implementation program for their Citywide Bicycle Circulation Plan. (Cities that do not have a Citywide Bicycle Circulation Plan must develop a Citywide Bicycle Circulation Plan.<sup>2</sup>)

**Timing:** The Deficiency Plan must include a bicycle facilities improvement element. This element must:

- ❖ List all locations where facilities will be improved;
- ❖ Outline the type of improvements that will be implemented; and
- ❖ Present an implementation plan that describes the funding sources and the schedule for the improvements.

**Approval Criteria:** The CMP will require that Member Agencies implement a program to strongly encourage bicycle use. Therefore, the City of San Jose should include an aggressive implementation program for bicycle facility improvements.

For cities without Citywide Bicycle Circulation plans, the CMP will also require that these plans be completed within one year of deficiency plan approval.

---

<sup>2</sup> Note that all cities must have Citywide Bicycle Circulation Plan to receive funds from the State's Transit Development Act (TDA).



#### A-4: **Improve Pedestrian Circulation -- IMMEDIATE ACTION**

**Description:** This action consists of improving public sidewalks and pathways within existing commercial, employment and mixed-use centers located in the Deficiency Plan area. Improvements may include: constructing new sidewalks and pathways, providing lighting, improving landscaping, and adding signage.

**Intent:** To encourage walking between neighboring land uses and to support the use of alternative transportation by providing an integrated and functional pedestrian circulation system in major commercial, employment and mixed use centers.

#### **Standards:**

1. The deficiency plan must include a Pedestrian Facility Improvement Element for existing commercial, employment and mixed use centers in the Deficiency Plan area. The element may include:
  - ❖ Constructing new sidewalks between adjoining uses;
  - ❖ Constructing new sidewalks to transit stops in existing industrial areas;
  - ❖ Providing lighting for existing sidewalks and paths,
  - ❖ Improving landscaping;
  - ❖ Adding pedestrian phases/actuation for traffic signals;
  - ❖ Adding signage.
2. This Pedestrian Facility Improvement Element must include an implementation plan describing how and when the improvements will be made.

**Timing:** The Deficiency Plan must include a pedestrian facility improvement element. This element must:

- ❖ List all locations where facilities will be improved;
- ❖ Outline the type of improvements that will be implemented; and
- ❖ Present an implementation plan that describes the funding sources and the schedule for the improvements.

**Approval Criteria:** The CMP will require that pedestrian facilities in all existing activity centers within the deficiency plan area be upgraded.

The pedestrian circulation improvements in the Deficiency Plan's Pedestrian Facility Improvement Element should include as many improvements as possible and must be implemented consistent with the implementation plan.

## B. TRANSIT

### B-3: Shuttle Service to Rail Transit Stations -- IMMEDIATE ACTION

**Description:** This action consists of providing shuttle transit service to rail transit stations and other locations or assisting in the financing of existing shuttle services.

**Intent:** To encourage transit use.

**Standards:**

1. The city must perform an initial rail station shuttle feasibility study as part of the deficiency plan. This study must include:
  - ❖ A list of all major employment centers in the deficiency plan area (defined as having over 750 employees or 300,000 gross square feet of building area) located over 2,500 feet from a rail transit station.
  - ❖ A description of all existing public or private shuttle services in the deficiency plan area.
  - ❖ A basic analysis for implementing new shuttle services from a rail station to each employment center. In the initial deficiency plan this analysis may be a relatively simple analysis evaluating the cost of providing shuttle service to each employment center, identifying the shuttle route, identifying the distance from the rail station to the employment center, identifying opportunities for serving multiple employment centers with the same shuttle route (including those with less than 750 employees), and estimating the number of potential shuttle passengers along the route. This basic analysis must also consider the feasibility of extending any existing shuttle services in the area to the employment center.
2. The city must develop a prioritized list of potential shuttle routes based upon the initial feasibility study. During the first year, the city must complete a more detailed feasibility study on the three highest priority shuttle routes. The feasibility study shall examine potential strategies for implementing and sustaining the operation of shuttle services. This feasibility study should include an implementation plan for any routes that are found to be cost effective. This detailed feasibility study must be submitted to the CMP with the city's monitoring report.
3. In future years, the city must perform detailed feasibility studies on the other routes identified on the priority list. These studies must be included in future monitoring reports.
4. The city must encourage implementation of the shuttle services found to be most effective in the feasibility study.

**Timing:** The City of San Jose must include the initial rail station shuttle feasibility study as part the of list of employment centers and the feasibility study the original deficiency plan.

The city must include the more detailed shuttle feasibility studies in the future year deficiency plan monitoring reports.

The city must make a clear effort to develop innovative schemes to implement private shuttle service from existing employment centers during the next several years.

**Approval Criteria:** The CMP will require that cities include the list and initial feasibility study with their original deficiency plan. The city must include the more detailed shuttle feasibility studies, as well

as a brief report documenting its progress at implementing and sustaining shuttle service in the future year deficiency plan monitoring reports.

## **B-8: Transit Stop Improvements -- IMMEDIATE ACTION**

**Description:** This action consists of improving transit stops to encourage transit use as well as improving adjoining roadways to improve traffic flow and/or reduce delays to transit vehicles entering the traffic flow.

**Intent:** To improve traffic LOS and increase the efficiency and the safety of the public transit system.

### **Standards:**

Member Agencies must work with SCCTD to prepare a transit stop improvement element for transit stops in the deficiency plan area. This element must include the following:

1. A list of all transit stops in the deficiency plan area
2. An evaluation of each transit stop on the list in terms of its need for:
  - ❖ Relocation;
  - ❖ Elimination;
  - ❖ Traffic flow improvements (to assist the transit vehicle in entering the stream of traffic);
  - ❖ Passenger amenities including: shelter, seating, lighting, maps, schedules, pay telephone, and landscaping.
3. A program for implementing the improvements identified in the element.

**Timing:** The original Deficiency Plan must include the Transit Stop Improvement Element. Within one year after CMP approval of the Deficiency Plan, the City of San Jose must begin implementation of the Transit Stop Improvement Element.

**Approval Criteria:** The CMP will require that all transit stops in the Deficiency Plan area be upgraded to include all feasible passenger amenities and traffic flow improvements. This program must be implemented according to the schedule included in the Deficiency Plan.

**C. CARPOOLING, BUSPOOLING, VANPOOLING, AND TAXIPOOLING** (All actions on Deferred List)

**D. HIGH OCCUPANCY VEHICLE (HOV) FACILITIES** (All actions on Deferred List)

**E. TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAMS**

**E-2: Public Information Programs - IMMEDIATE ACTION**

**Description:** This action consists of providing public information on availability and benefits of transportation alternatives to the single occupant automobile as well as the air and water quality impacts of transportation decisions.

**Intent:** To encourage using alternatives to the single occupant automobile by including agencies such as municipal libraries and public schools, as well as employers, in the distribution of this type of information.

**Standards:**

1. The deficiency plan must include a plan for increasing the distribution of alternative transportation information developed by the SCCTD, the Commuter Network, MTC, Santa Clara Valley Non-point Source Program and the Air District—beyond employers included in the Air District's Trip Reduction Ordinance—within the county. Information could include:
  - ❖ Health effects of air pollution and traffic congestion;
  - ❖ Air pollution effects of older vehicles and poorly tuned vehicles;
  - ❖ Benefits of trip linking;
  - ❖ Benefits of compact/mixed-use development, especially near transit;
  - ❖ Educational materials designed for use in schools.
2. The Commuter Network and the Santa Clara Valley Non-point Source Program will assist their member cities in this effort.

**Timing:** The original deficiency plan must include a description of the City of San Jose's plan for implementing this action. The City of San Jose must begin implementation upon CMP approval of the Deficiency Plan.

**Approval Criteria:** The CMP will require that a comprehensive implementation program be developed by each City of San Jose for this action. The CMP will require that this action be implemented immediately.

## F. TRAFFIC FLOW IMPROVEMENTS

### F-2: Peak-period Parking and Delivery Restrictions -- IMMEDIATE ACTION

**Description:** This action consists of restricting curbside parking and deliveries during peak periods to improve traffic flow.

**Intent:** To improve traffic flow thereby reducing vehicle emissions.

**Standards:**

1. City of San Jose must evaluate the feasibility of this action on all CMP Roadway System arterials within the Deficiency Plan area (whether or not the City of San Jose is responsible for operating the arterial). Member Agencies may extend this plan to non-CMP arterials within the Deficiency Plan area.
2. In locations where it is feasible to restrict curbside parking and deliveries during peak periods, the Member Agencies must evaluate whether implementing this action will improve traffic flow. For locations where traffic flow can be improved by implementation of parking and delivery restrictions (and the restrictions are feasible) the City of San Jose must include an implementation plan describing how and when the restrictions will be made.
3. City of San Jose must implement feasible and effective parking restrictions.

**Timing:** The original Deficiency Plan must include a study of the feasibility and effectiveness of these parking and delivery restrictions. If the restrictions are found to be effective, the Deficiency Plan must also indicate when feasible projects will be implemented.

The City of San Jose must implement the parking and delivery restrictions identified in the Deficiency Plan according to the schedule set forth in the Deficiency Plan.

**Approval Criteria:** The CMP will require that parking and delivery restrictions during the peak hour are implemented at all feasible locations where a traffic evaluation shows that they will be effective at improving traffic flow and reducing vehicle emissions.

### **F-3: Traffic Signal Timing and Synchronization Program -- IMMEDIATE ACTION**

**Description:** This action consists of optimizing the timing of traffic signals to reduce vehicle delay and vehicle emissions at intersections.

**Intent:** To reduce vehicle idling and traffic delay at intersections.

**Standards:**

City of San Jose must develop a program for optimizing traffic signal timing at all CMP Roadway System intersections within the Deficiency Plan area (whether or not the City of San Jose is responsible for operating the traffic signal). Member Agencies may extend this plan to non-CMP arterial intersections within the Deficiency Plan area.

The program must include an implementation plan describing how and when the improvements will be made. Improvements could include: synchronizing sets of traffic signals on an arterial through an interconnection program, simply improving individual traffic signal timing, or other similar improvements.

**Timing:** The Deficiency Plan must include a Traffic Signal Timing Optimization Program. This program must:

- ❖ List all locations where traffic signal timing will be improved;
- ❖ Outline the type of improvements to be implemented (e.g. timing changes, interconnection projects, or synchronization); and
- ❖ Present an implementation plan that describes the funding sources and the schedule for the improvements.

**Approval Criteria:** The CMP will require that traffic signal timing at all traffic signals on CMP Roadway System facilities within the deficiency plan area be improved.

The Traffic Signal Timing Optimization Program must be implemented consistent with the schedule included in the Deficiency Plan.

**Note:** In general, traffic signals should be re-timed on a regular basis to ensure optimum operation. The deficiency plan should recognize this need and require a regular analysis of traffic signal timing in the deficiency plan area. (This analysis could be done by the city traffic engineering staff in conjunction with the annual CMP Traffic LOS Monitoring program.)

#### F-4: Urban Area Traffic Flow Improvements -- IMMEDIATE ACTION

**Description:** This action consists of making traffic flow improvements within congested urbanized areas to control traffic flows rather than to add capacity. These improvements may include items such as the following:

- ❖ Additional Turn lanes at intersections;
- ❖ HOV lanes;
- ❖ Turning two-way streets into one-way streets;
- ❖ Computerized traffic & transit control and management on arterials;
- ❖ Turn restrictions at intersections (peak period and all day);
- ❖ Designating reversible lanes to serve peak direction traffic flows.

**Intent:** The intent of these improvements is to improve traffic flows and reduce emissions in urbanized areas. These traffic flow improvements should be used to encourage infill development in urbanized areas.

**Standards:** The City of San Jose must evaluate the benefit of these types of traffic flow improvements in the Deficiency Plan area.

**Timing:** Cities will be responsible for planning and financing these traffic flow improvements. New development projects located within the Deficiency Plan area or impacting deficient facilities may be required to help fund the improvements. The improvements should be implemented concurrent with development. Member Agencies are encouraged to evaluate the potential for these actions at improving traffic flow when they complete transportation analyses for Specific Plan areas and General Plan revisions. The original deficiency Plan must include an Urban Area Traffic Flow Improvement Plan. This plan must:

- ❖ List all locations where facilities will be improved;
- ❖ Outline the type of improvements that will be implemented; and
- ❖ Present an implementation plan that describes the funding sources and the schedule for the improvements.

**Approval Criteria:** The CMP will require that all feasible and desirable traffic flow improvements consistent with this action be made to the deficiency plan area's CMP Roadway System.

The original Deficiency Plan must include an implementation plan for all urban area traffic flow improvements included in the Deficiency Plan.



**G. SITE DESIGN GUIDELINES for NEW DEVELOPMENT and ADDITIONS** The Deficiency Plan actions included in the Site Design Guidelines category are intended to be implemented by all new development that takes place within the City of San Jose's jurisdiction. Implementation will be required by Member Agencies as a condition of project approval.

Many Deficiency Plan Site Design Guideline actions are currently required by CMP Member Agencies; the intent of placing these actions within the Deficiency Plan is to ensure that these actions be applied to all new development project in Santa Clara County. Finally, it should be noted that these standards are minimums; Member Agencies may require additional actions as part of their own development regulations.

The Deficiency Plan Site Design Guideline actions apply to all new development projects with the following minimum gross square footages<sup>3</sup>:

• Office	30,000 gross square feet
• R&D	30,000 gross square feet
• Industrial	40,000 gross square feet
• Warehouse	85,000 gross square feet
• Residential	100 PM peak hour trips
• Retail Centers <sup>4</sup>	50,000 gross square feet

Site Design Guideline actions will also apply to major additions to existing development. Major additions are defined as either (1) additions of at least 10,000 gross square feet which, when added to the existing building area that will bring the facility up to the square footage threshold defined above; or (2) as additions of at least 10,000 gross square feet to facilities that already meet the applicable square footage threshold.

---

<sup>3</sup> Unless local occupancy standards vary significantly, these square footages for employment purposes house approximately 100 employees.

<sup>4</sup> Only action items F-4, F-7, F-8, and F-2 (storage only) will apply to retail centers

### **G-1: Parking Preference for HOVs -- IMMEDIATE ACTION**

**Description:** This action consists of providing preferential parking for high occupancy vehicles (HOVs) at employment and activity centers.

**Intent:** To encourage ridesharing.

**Standards:**

1. All new development projects subject to the Deficiency Plan must designate at least 10% of their parking spaces closest to the employee building entrances for exclusive use of employees who are ridesharing.
2. All new buildings subject to the Deficiency Plan must provide drop-off areas convenient to main employee building entrances in order to encourage ridesharing. Drop-off areas should have direct access to the street.

**Timing:** The City of San Jose must begin implementing these actions in all appropriate development immediately.

These actions must be applied to all new development projects subject to the Deficiency Plan under the jurisdiction of the City of San Jose within one year after CMP approval of the Deficiency Plan.

**Approval Criteria:** The CMP will require that these actions be implemented immediately on all projects requiring discretionary review. Consistency with this requirement must be indicated in a development project's TIA Report.

Member Agencies must also include a schedule in the original Deficiency Plan for changing its development regulations to require these actions to apply to all development projects subject to the Deficiency Plan.

## **G-2: Bicycle Facilities at Development Projects -- IMMEDIATE ACTION**

**Description:** This action consists of requiring bicycle storage facilities and showers / changing areas for all new employment centers that have 100 or more employees. This action also must be implemented for additions for facilities when the total number of employees is over 100.

**Intent:** To facilitate the use of bicycles for commute trips.

### **Standards:**

1. Bicycle Storage: All bicycle storage shall be secure and sheltered.

First 900 Employees .....	1 bike space for every 20 auto spaces
Over 900 Employees .....	1 bike space for every 40 auto spaces
Minimum .....	5 bike spaces
Retail Centers.....	1 bike space for every 20 auto spaces

2. Showers & Changing Rooms: Showers and changing rooms must be accessible for all employees working at the site.

100 to 150 Employees .....	1 shower
151-to-225 Employees .....	2 showers
226-to-300 Employees	3 showers, -one additional shower shall be provided for every 200 employees.

Note: This requirement is not applicable to retail centers.

**Timing:** The City of San Jose must begin implementing these actions in all appropriate development immediately.

These actions must be applied to all new development projects subject to the Deficiency Plan under the jurisdiction of the City of San Jose within one year after CMP approval of the Deficiency Plan.

**Approval Criteria:** The CMP will require that these actions be implemented immediately on all projects requiring discretionary review. Consistency with this requirement must be indicated in a development project's TIA Report.

Member Agencies must also include a schedule in the original Deficiency Plan for changing its development regulations to require these actions to apply to all development projects subject to the Deficiency Plan.

### **G-3: Building Placement on Site -- IMMEDIATE ACTION**

**Description:** This action consists of placing new buildings on their sites in a manner designed to encourage alternative forms of transportation.

**Intent:** To encourage transit use, ridesharing, bicycling, and walking by placing buildings on their sites to make it convenient and attractive to use these alternatives to the automobile.

**Standards:**

1. All new development projects must include an analysis of the building orientation with respect to transportation as part of the project's Transportation Impact Analysis.<sup>5</sup>
2. All new buildings must have entrances oriented to adjoining transit stop(s) and/or sidewalks. They must also have direct pedestrian routes from the building entrance to the street or transit stop (see Action F-4).
3. All new buildings located within 2,000 feet of an existing or proposed rail transit station must be located within 150 feet of the street curb. Parking for these buildings should be limited in the area between the street and new buildings. Instead, parking should be provided at the sides and backs of new buildings. Member Agencies may modify this requirement for selected buildings in campus developments.

**Timing:** The City of San Jose must begin implementing these actions in all appropriate development immediately.

These actions must be applied to all new development projects subject to the Deficiency Plan under the jurisdiction of the City of San Jose within one year after CMP approval of the Deficiency Plan.

**Approval Criteria:** The CMP will require that these actions be implemented immediately on all projects requiring discretionary review. Consistency with this requirement must be indicated in a development project's TIA Report.

Member Agencies must also include a schedule in the original Deficiency Plan for changing its development regulations to require these actions to apply to all development projects subject to the Deficiency Plan.

---

<sup>5</sup> This requirement is included as Section 2.17 of the CMP's Transportation Impact Analysis Methodology (1991 CMP - Exhibit C).

#### **G-4: Pedestrian Circulation System: New Development -- IMMEDIATE ACTION**

**Description:** This action consists of building safe, attractive, and useful public sidewalks and pathways in all new development projects.

**Intent:** To encourage walking between neighboring land uses and to support the use of alternative transportation by providing an integrated and functional pedestrian circulation system.

**Standards:**

1. All new development projects must include a pedestrian circulation system that provides direct access from building entrances to transit stops, adjoining public sidewalks, neighboring land uses, nearby commercial areas, and to important locations within the project site.
2. All pedestrian paths and sidewalks must be designed with adequate lighting, landscaping, and signage for convenience and security. Where paths or sidewalks cross internal streets or parking lots, the pedestrian way shall be designated using special paving or other indication that it is a pedestrian way. Pedestrian paths through parking must provide adequate buffer between sidewalks and parked cars. All pedestrian paths must be fully accessible to the disabled.

**Timing:** The City of San Jose must begin implementing these actions in all appropriate development immediately.

These actions must be applied to all new development projects subject to the Deficiency Plan under the jurisdiction of the City of San Jose within one year after CMP approval of the Deficiency Plan.

**Approval Criteria:** The CMP will require that these actions be implemented immediately on all projects requiring discretionary review. Consistency with this requirement must be indicated in a development project's TIA Report.

Member Agencies must also include a schedule in the original Deficiency Plan for changing its development regulations to require these actions to apply to all development projects subject to the Deficiency Plan.

**G-5: Bicycle Facilities at New Residential Development -- IMMEDIATE ACTION**

**Description:** This action consists of requiring secure bicycle storage facilities at all new residential development projects that do not have private garages.

**Intent:** To facilitate bicycle use by occupants of new multi-family structures for all types of trips.

**Standards:**

1. All new residential development projects that do not provide separate garages for each unit shall provide secure and sheltered parking for bicycles. Projects must provide at least 1/2 space per dwelling unit.

**Timing:** The City of San Jose must begin implementing this action in all appropriate development immediately.

This action must be applied to all new development projects subject to the Deficiency Plan under the jurisdiction of the City of San Jose within one year after CMP approval of the Deficiency Plan.

**Approval Criteria:** The CMP will require that this action be implemented immediately on all projects requiring discretionary review. Consistency with this requirement must be indicated in a development project's TIA Report.

Member Agencies must also include a schedule in the original Deficiency Plan for changing its development regulations to require this action to apply to all development projects subject to the Deficiency Plan.

## **G-6: Shuttle Service -- IMMEDIATE ACTION**

**Description:** This action consists of providing shuttle transit service to rail transit stations and other locations.

**Intent:** To encourage transit use.

**Standards:**

1. All new employment center development projects with either a minimum of 750 employees or 300,000 gross square feet must provide shuttle service to and from a rail transit station, unless the city has performed a feasibility study and determined that this action is infeasible for a particular development project. The shuttle service operating plan must be described in the development project's Transportation Impact Analysis Report and should be reviewed with SCCTD staff. The employment center may contribute to an existing shuttle service in the area or extend an existing shuttle into the area if such a service exists.
2. New employment center development projects with a size from 100-to-750 employees may be required to contribute to existing shuttle services (if they exist) in the deficiency plan area on a pro-rata basis.
3. New employment centers located within 2,500 feet of an existing transit station may construct safe, convenient, and attractive pedestrian walkways from their site to the transit station in-lieu of providing the shuttle service. (If there is an existing pedestrian way, the City of San Jose may require the project to make improvements to the facility to make it safer and more attractive.)

**Timing:** The City of San Jose must require shuttle transit service in all appropriate development upon building occupancy.

The shuttle service must be provided until such time as it is no longer required. The CMP must approve discontinuing any shuttle service included in an approved Deficiency Plan. An acceptable reason for discontinuing shuttle service is that a transit station is constructed within 2,500 feet of the development project.

**Approval Criteria:** The CMP will require that these actions be implemented immediately on all projects requiring discretionary review. Consistency with this requirement must be indicated in a development project's TIA Report.

Member Agencies must also include a schedule in the original Deficiency Plan for changing its development regulations to require these actions to apply to all development projects subject to the Deficiency Plan.

## **G-7: Transit Stop Improvements -- IMMEDIATE ACTION**

**Description:** This action consists of improving transit stops to encourage transit use as well as improving adjoining roadways to improve traffic flow and/or reduce delays to transit vehicle entering the traffic flow.

**Intent:** To improve traffic LOS and increase the efficiency and the safety of the public transit system.

### **Standards:**

1. Member Agencies must work with SCCTD to require new development projects to assist in provision of roadway improvements (including bus turnouts and bus bulbs) at bus stops affected by the development project. (Bus-bulbs are extensions of the sidewalk into the traffic lane; bus bulbs reduce the difficulty buses have in re-entering the stream of traffic thereby reducing delays to transit passengers.)
2. Member Agencies must work with the SCCTD to require new development projects to assist in provision of transit station amenities (such as shelters, signs, maps, schedules, public telephones, and lighting) at transit stops affected by the development project.

**Timing:** The City of San Jose must begin implementing these actions in all appropriate development immediately.

These actions must be applied to all new development projects subject to the Deficiency Plan under the jurisdiction of the City of San Jose within one year after CMP approval of the Deficiency Plan.

**Approval Criteria:** The CMP will require that these actions be implemented immediately on all projects requiring discretionary review. Consistency with this requirement must be indicated in a development project's TIA Report.

Member Agencies must also include a schedule in the original Deficiency Plan for changing its development regulations to require these actions to apply to all development projects subject to the Deficiency Plan.



## **G-8: Multi-tenant Complex TDM Program -- IMMEDIATE ACTION**

**Description:** This action consists of requiring all businesses in new employment complexes with over 500 employees to participate in the Commuter Network's Transportation Demand Management (TDM) program (even those businesses not currently covered by the Air District's Trip Reduction Rule or Commuter Network TDM ordinance).

**Intent:** To encourage using alternatives to the single occupant automobile for travel to and from work.

### **Standards:**

1. Member Agencies must ensure that all new multi-employer complexes with over 500 total employees in the deficiency plan area participate in the TDM program.
2. The Commuter Network will assist its member cities in the planning and implementation of this action.

**Timing:** The City of San Jose must begin implementing these actions in all appropriate development immediately.

These actions must be applied to all, new development projects subject to the Deficiency Plan under the jurisdiction of the City of San Jose within one year after CMP approval of the Deficiency Plan.

**Approval Criteria:** The CMP will require that these actions be implemented immediately on all projects requiring discretionary review. Consistency with this requirement must be indicated in a development project's TIA Report.

Member Agencies must also include a schedule in the original Deficiency Plan for changing its development regulations to require these actions to apply to all development projects subject to the Deficiency Plan.

## **C. CARPOOLING, BUS POOLING, VARPOOLING, AND TAXIPOOLING**

### **C-1: Enhanced Trip Reduction Program -- DEFERRED ACTION**

**Description:** This action consists of implementing an enhanced trip reduction program.

**Intent:** To improve the effectiveness of the trip reduction programs required under the Air Quality Management District's Trip Reduction Rule.

**Standards:**

Member Agencies should work with CMP staff to develop an enhanced trip reduction program for the deficiency plan area. Implementation of this program should be coordinated with the Air District's Trip Reduction Rule.

**Timing:** The original deficiency plan must include a program for developing an enhanced trip reduction program for the deficiency plan area.

**Approval Criteria:** The CMP will require that all feasible enhancements be made to the deficiency plan area's trip reduction program. This program must be implemented according to the schedule included in the Deficiency Plan. This schedule should be coordinated with implementation of the Air District's Trip Reduction Rule.

**D. HIGH OCCUPANCY VEHICLE (HOV) FACILITIES**

**D-1: Arterial HOV/Transit Lanes -- DEFERRED ACTION**

**D-2: Implement MTC 2005 HOV Plan -- DEFERRED ACTION**

**D-3: Construct HOV Support Facilities -- DEFERRED ACTION**

**D-4: Construct HOV to HOV Connections and Ramps - DEFERRED ACTION**

**D-5: Construct HOV Bypass Facilities -- DEFERRED ACTION**

**Description:** These actions are major capital improvements for the regional HOV system.

**Intent:** These actions are intended to encourage the use of transit and ridesharing.

**Standards:** To be developed.

**Timing:** Deferred Action -- Sub-regional Deficiency Plan Element.

**Approval Criteria:** To be developed.

**Reason for Deferral:** Most of these actions consist of implementation of major transportation improvements. The CMP, working with Member Agencies must develop a comprehensive program for implementing individual actions in a coordinated and equitable fashion.

## G. NEW DEVELOPMENT SITE DESIGN GUIDELINES

All New Development Site Design Guidelines Actions are on the immediate implementation list.

## H. LAND USE ACTIONS -- DEFERRED ACTIONS -- (See Note)

The following actions all address land use planning and for purposes of Deficiency Plans are categorized as deferred. The CMP is developing a land-use planning study that will discuss specific implementation techniques for these actions. Until these techniques are approved, the CMP recommends that these actions be implemented by Member Agencies when they revise their General Plan or develop an areawide plan using commonly accepted transportation planning practice.

H-1: Mixed Use Development

H-2: Childcare Facilities near Transit & Employment Centers

H-3: Development of Affordable Housing Near Worksites

H-4: High Density Housing near Rail Transit

H-5: Establish Telecommuting Centers

H-6: Auto Free / Transit Only Zone

**Description:** These actions are land use measures designed to increase transit ridership, reduce vehicle miles traveled, improve overall air quality, and improve traffic LOS on the overall CMP roadway system. Where feasible and consistent with other community goals the City of San Jose will implement these actions.

**Intent:** The intent of these actions is to improve overall CMP System transportation conditions.

**Standards:** Specific standards will be developed as part of the CMP's Land Use Element.

**Timing:** Deferred Action.

**Note:** These actions should be implemented by Member Agencies when they revise their General Plan or develop a Specific Plan. Member Agencies should use commonly accepted transportation and land-use planning practice in these situations.

**Approval Criteria:** To be developed.

**Reason for Deferral:** The CMP, working with Member Agencies, must develop specific implementation standards for land use actions.



# North San José Multimodal Improvement Plan Update

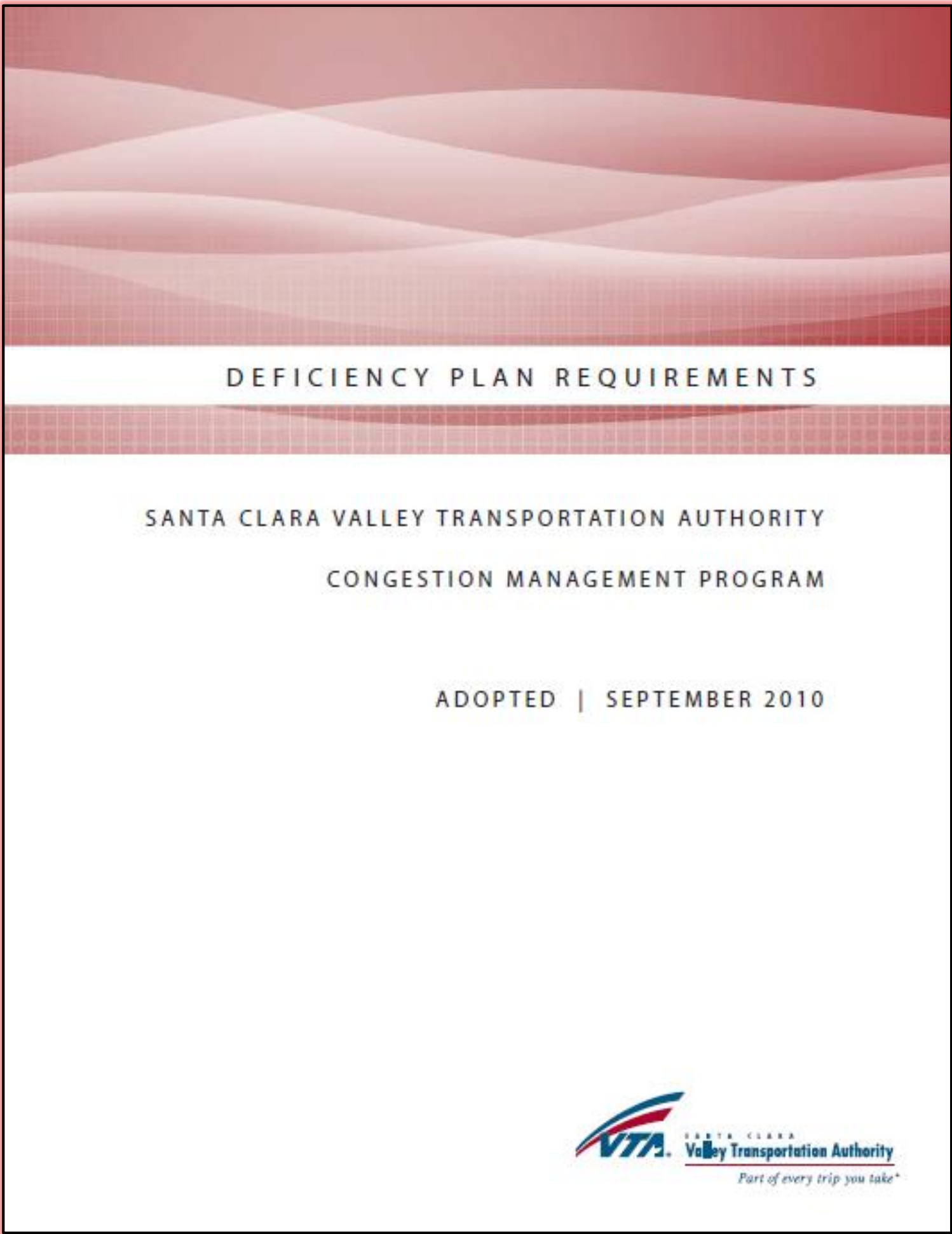
VTA Advisory Committees  
November 2018

# Multimodal Improvement Plan (MIP) Background

- VTA Authority: VTA oversees Congestion Management Program (CMP) and MIP process
- Trigger: State law requires MIPs from Member Agencies when the acceptable Level of Service (LOS) standard for CMP facilities is exceeded
- Objective: MIPs “trade off” physical capacity improvements with offsetting measures to improve system-wide performance and air quality



# MIP Required Elements



MIP Required Elements
Introduction
Deficiency Analysis/Cause
Mitigation Measures Considered
Action List
Action Plan
Monitoring Program (incl. phasing)
Environmental Documentation
Multijurisdictional Participation & Coordination

# North San José Deficiency Plan Background

- ✓ **1994: Deficiency Plan Adopted**
- ✓ **2001: North San José Policy Updated**
- ✓ **2005: Deficiency Plan Update Adopted**



# ADP and Deficiency/MIP Plan Structure

## Development

- 32,000 Housing units (6,400 affordable)
- 26.7 million SF Industrial
- At least 300,000 SF Commercial

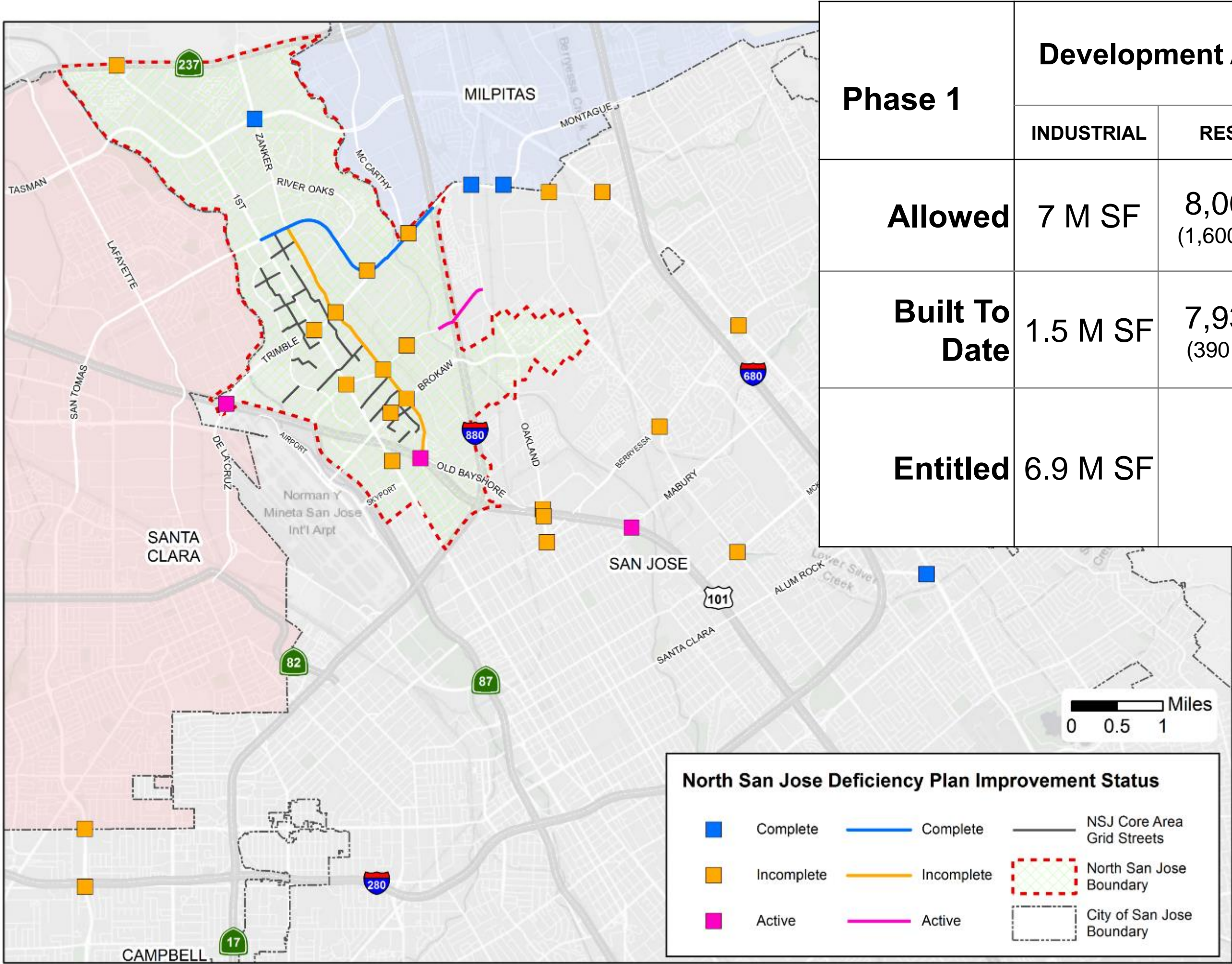
## Transportation

- 23 Intersection Improvements
- 9 Major Roadway Improvements
- Pedestrian, bicycle and transit improvements

## Implementation

- 4 phases
- Balanced Industrial, residential and transportation changes

# Progress to Date



Phase 1	Development Allowed		Multimodal Improvements
	INDUSTRIAL	RESIDENTIAL	
Allowed	7 M SF	8,000 units (1,600 affordable)	6 of 32 complete
Built To Date	1.5 M SF	7,937 units (390 affordable)	4 of 32 active
Entitled	6.9 M SF	-	Plus ped, bike, transit and misc. projects



# City of San Jose's Proposed Approach – Goals

**1**

**Accelerate housing opportunities**

**2**

**Balanced growth including housing and jobs near transit**

**3**

**Work within the existing Policy and Environmental Clearance**

**4**

**Accelerate and focus investment in the area's transportation network**

# City of San Jose's Proposed Approach – Proposed Plan Update

**1** Reflect observed and planned development

**2** Align with available funding

**3** No change to projects on the list

**4** Consider project readiness



# City of San Jose's Proposed Approach - Phasing

Current Phasing			Proposed Phasing
Development Allowed			
	INDUSTRIAL	RESIDENTIAL	
Phase 1	7 M SF	8,000 units (1,600 affordable)	Phase A
Phase 2	7 M SF	8,000 units (1,600 affordable)	
Phase 3	7 M SF	8,000 units (1,600 affordable)	Phase B
Phase 4	5.7 M SF	8,000 units (1,600 affordable)	

# MIP Required Elements & North San Jose Potential Changes

MIP Required Elements	Potential Changes/ Requested Actions
Introduction	Minor changes
Deficiency Analysis/Cause	
Mitigation Measures Considered	
Action List	
Action Plan	
Monitoring Program (incl. phasing)	Update phasing
Environmental Documentation	Remain consistent with North San Jose FEIR
Multijurisdictional Participation & Coordination	Coordinate with Cities of Milpitas, Santa Clara, County of Santa Clara

# Next Steps

Milestone	Status
Deficiency Plan Approval (Update)	2005
2018 Update Process Kickoff	June 2018
Coordination with VTA, County, City of Santa Clara, Milpitas, and stakeholders	August 2018, ongoing
<b>MIP Approach at VTA Committees</b>	<b>November 2018</b>
Complete CEQA Analysis	Early 2019
Updates <ul style="list-style-type: none"> <li>• Phasing, Cost, Funding</li> <li>• Monitoring/Administration</li> </ul>	
ADP Council Action -Adoption	
VTA Committees/Board Action-Adoption	



## PAC WORK PLAN

### November 2018 - April 2019

Doc ID	Origin	Short Title	PAC 11/8	BOD 12/6	PAC 12/13	BOD 1/10	PAC 1/17	BOD 2/7	PAC 2/14	BOD 3/7	PAC 3/14	BOD 4/4
6565	Dept - Real Estate / Ron Golem	BSVII Adoption of Relocation Plan	A	A								
6748	Dept - Real Estate / Ron Golem	VTa Transit-Oriented Development Parking Policy	A	A								
6563	Dept - Transportation Planning / Jim Unites	Station Access Policy	A	A								
6685	Dept - Transportation Planning / Chris Augenstein	VTa Land Use and Development Review Policy	A	A								
6697	Board of Directors / Tracene Crenshaw	2019 AC Leadership Election Process - Nom. Subcommittee	A									
6683	Dept - Transportation Planning / Chris Augenstein	North San Jose Deficiency Plan Update	I	I								
6551	Dept - Transportation Planning / Jim Unites	2018-2027 Short Range Transit Plan			A	A						
6694	Dept - Programming and Grants Management / Marcella Rensi	Vehicle Registration Fee (VRF) Annual Report			I	I						
6695	Dept - Programming and Grants Management / Marcella Rensi	2018 TFCA Project Status Report			I	I						
6699	Board of Directors / Tracene Crenshaw	2019 PAC Leadership Election Process - Nom. Subcommittee Report			I							