

2016 Measure B Citizens' Oversight Committee

Annual Report FY 2017 - FY 2019



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2016 MBCOC Finding

It is the conclusion of the 2016 Measure B Citizens' Oversight Committee that for Fiscal Years 2017-2019, 2016 Measure B funds were spent in accordance with the intent of the measure.

Overview

In November 2016, Santa Clara County voters approved 2016 Measure B, a 30-year, half-cent countywide sales tax devoted to enhancing transit, highways, expressways, and active transportation (bicycles, pedestrian, and complete streets) within Santa Clara County. The ballot states that: (A) VTA would be the administrator of the tax; and (B) 2016 Measure B revenues would fund nine defined program categories of transportation projects. The VTA Board of Directors is responsible for 2016 Measure B policy decisions.

By passing the Measure, voters entrusted the 2016 Measure B Citizens' Oversight Committee (2016 MBCOC), comprised of community members, with oversight to ensure that 2016 Measure B funds are being spent consistent with the ballot language and to inform voters on Program compliance as described in 2016 Measure B. The ballot also lists the specific duties and responsibilities of the 2016 MBCOC (click [here](#) for 2016 MBCOC bylaws).

Although 2016 Measure B sales tax collection began April 1, 2017, the process to deliver the projects and programs defined did not begin until late January 2019, having been delayed by an unsuccessful court challenge to the measure.

Given this, the 2016 MBCOC determined it prudent, because of the limited activity during 2017-2019, to combine the first three fiscal years: FY 2017 (04/01/17 – 06/30/17), FY 2018 (07/01/17 – 06/30/18), and FY 2019 (07/01/18 – 06/30/19) for both the first audit and Annual Report.

This report, which is a snapshot in time, contains the 2016 MBCOC's finding on whether 2016 Measure B funds during the period were spent consistent with the intent of the ballot. It also summarizes significant 2016 Measure B accomplishments. Additionally, the report includes for the period VTA's 2016 Measure B Program Annual Report (Section B) and the independent auditor's report commissioned by the 2016 MBCOC (Section C).

2016 Measure B Accomplishments During FYs 2017-2019

- VTA Board of Directors approved:
 - FY 2018 and FY 2019 Biennial Budget that included 2016 Measure B allocations
 - 2016 Measure B Complete Streets reporting requirements
 - Formation, committee bylaws, and appointments to the 2016 MBCOC
 - Establishment of the 2016 Measure B Program and the Program Guidelines
 - 2016 Measure B funding proposals as part of FY 2020 and FY 2021 Biennial Budget
- VTA began providing distributions to Member Agencies to fund certain 2016 Measure B projects/programs (Click [here](#) to view *2016 Measure B Annual Report on FY 2017 – FY 2019*.)



Before



After

These photos (left) show before and after the road improvements completed on Essex Way in San Jose.

About the 2016 MBCOC

- Voter-entrusted responsibilities to ensure 2016 Measure B funds are being spent consistent with the ballot and to inform voters on compliance with the Program as described in 2016 Measure B.
- Comprised of eight membership positions from the community, each competitively appointed from defined areas of expertise and with required experience.
- Members must be registered voters of Santa Clara County, cannot hold elected or appointed office, and cannot be staff of VTA or its Member Agencies (the 15 cities/towns in the county and the County of Santa Clara).

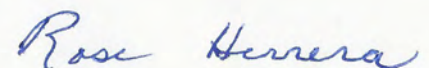
2016 MBCOC Accomplishments Supporting FYs 2017-2019

- Held three 2016 MBCOC meetings to provide opportunity for community input.
- Conducted hearing on 07/28/21 to gather input from public; click [here](#) for summary of input received.
- Completed competitive procurement and approved contract award for independent performance auditing services to Moss Adams LLP.
- Commissioned and evaluated results of audits of FYs 2017-2019.
- Reviewed and provided feedback on 2016 Measure B Transparency website (click [here](#) to view).
- Provided input on several 2016 Measure B work processes and reports.
- Provided recommendations on ways to enhance transparency.
- Developed and broadly communicated availability of inaugural 2016 MBCOC Annual Report on FYs 2017-2019.
- Requested inclusion of audit recommendation resolution log in future audit reports.

2016 MBCOC Members

- **Jason Baker**, *Member* (Regional Business Organization)
- **Rose Herrera**, *Chairperson* (Municipal/Public Finance)
- **Bonnie Packer**, *Member* (Community Organization)
- **Christine Pfendt**, *Vice Chairperson* (Financial Policy Administration)
- **Martin Schulter**, *Member* (Educational Administration)
- **Ed Tewes**, *Member* (Construction Project Management)
- **Ed Von Runnen**, *Member* (Organized Labor)

Respectfully submitted,



Rose Herrera, *Chairperson*
2016 Measure B Citizens'
Oversight Committee



Annual Report

FY 2017-
FY 2019



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1. Executive Summary

True to VTA's mission, *"Solutions that move you"*, the **2016 Measure B Program** provides funding opportunities for transportation planning, infrastructure, and education and outreach activities throughout Santa Clara County. With nine different categories, 2016 Measure B works with cities and the County of Santa Clara to create solutions for diverse local transportation concerns – from walking and biking to innovative transit connectivity. The 2016 Measure B Program aids in the delivery of voter-supported projects and initiatives through both competitive and non-competitive funding pools.

This annual report details the progress of the 2016 Measure B Program from April 1, 2017 – when the sales tax was first collected, to June 30, 2019 – the end of the fiscal year 2019, detailing the measure's inception, developed programs, and funding allocations and expenditures. Additionally, it highlights Program achievements – such as the creation and adoption of the Program Category Guidelines and explains certain technical processes – such as the allocation to payment process.

VTA looks forward to continued collaboration with the community and our partners to deliver 2016 Measure B eligible programs and projects throughout Santa Clara County.

2. Introduction: What is 2016 Measure B?

Santa Clara County voters approved **2016 Measure B**, a 30-year, half-cent countywide sales tax to enhance transit, highways, expressways, and active transportation (bicycles, pedestrians, and Complete Streets) in November 2016. The measure passed by nearly 72%, the highest level of support for any Santa Clara County transportation sales tax. 2016 Measure B Program funds are available to Member Agencies – local jurisdictions that are signatories of the Congestion Management Agency (VTA)'s Joint Powers Agreement. This includes all cities within the county, Santa Clara County, and the Santa Clara Valley Transportation Authority. Program funds are divided into nine different Program Categories, as introduced to voters in the ballot language. These nine Program Categories are:

- Local Streets & Roads
- BART Phase II
- Bicycle & Pedestrian
- Caltrain Grade Separation
- Caltrain Corridor Capacity Improvements
- Highway Interchanges
- County Expressways
- SR 85 Corridor
- Transit Operations

Member Agencies may access 2016 Measure B Program funds for projects that fit within the Program Category guidelines – which are detailed in Section 5.1 of this report.

At the time of 2016 Measure B's passage, it was anticipated to generate \$6.3 billion in 2017 dollars over the next 30 years. The actual revenues to be received over the 30-year life of the tax will be affected by various economic factors, such as inflation and economic growth or decline. Collection of the tax began on April 1, 2017.

2.1 History

- **Poll Results**

After the VTA Board of Directors adopted a resolution to place the measure on the ballots on June 24, 2016, it was successfully placed on the November 8, 2016 General Election ballot. The measure garnered 487,539 "YES" votes out of a total of 679,596 votes – resulting in a 72% approval rate (see Appendix 10.1 for ballot language).

- **Lawsuit**

Following the election, an individual challenged the validity of the 2016 Measure B Sales Tax – a hurdle that would last nearly two years, causing delays in implementation and distribution of funds. On October 18, 2018, the California 6th District Court of Appeal decided to throw out the lawsuit. The decision was appealed to the State Supreme Court, where the appeal was rejected on January 23, 2019.

2.2 Citizens' Oversight Committee

The 2016 Measure B ballot measure language specified that the revenues and expenditures of the Program would be reviewed by an independent citizens' oversight committee appointed by the VTA. The purpose of the committee is to ensure that the funds are being expended consistent with the approved Program. The 2016 Measure B Citizens' Oversight Committee (2016 MBCOC) is comprised of eight members appointed from defined areas of expertise and that possess required experience – the VTA Board of Directors' approved the appointment process for the 2016 MBCOC at the March 2, 2017 meeting.

The ballot requires the committee to have annually have an audit conducted by an independent auditor that reviews the receipt of revenue and expenditure of funds. In May 2020, the 2016 MBCOC approved awarding a contract to Moss Adams LLP to provide compliance/performance auditor services to the committee.

Due to substantial delay in program implementation resulting from the court challenges, at its July 2020 meeting the 2016 MBCOC approved the recommendation that the first audit be a combined process covering the first three fiscal years: FY 2017 (April 1 - June 30, 2017), FY 2018 (July 1, 2017 - June 30, 2018), and FY 2019 (July 1, 2018 - June 30, 2019). The 2016 MBCOC accepted the FY 2017 – FY 2019 Performance Audit Report at their March 24, 2021 meeting. The FY 2017 – 2019 Performance Audit Report may be accessed [here](#) on vta.org. More details regarding the 2016 MBCOC can be found in Appendix 10.3. In addition to the audit, the MBCOC is responsible for holding an annual public hearing to inform residents on how Program funds are being spent, as well as issue their own annual report. The MBCOC's annual report may be accessed at vta.org under the ["Citizens Oversight Committee" section](#) or on the 2016 Measure B Transparency Website, under ["Administration"](#).

3. Program Tax Revenues

Tax revenues received for the 30-year life of the tax, including any interest or other earnings thereon, less any funds necessary for satisfaction of debt service and/or cost of borrowing and costs of program administration and oversight, such as costs of grant administration and financial management, are referred to as **Program Tax Revenues**.

Using the dollar amounts identified for each Program Category in the ballot, ratios for each Program Category were calculated – which are then used to calculate future allocations and to determine the appropriate distribution of 2016 Measure B funds to each Program Category over the life of the measure.

The nine Program Categories ratios are calculated by dividing the identified amount of the Program Category on the measure with the total projected 2016 Measure B Program Tax Revenues.

Program Category ratio = Program Category amount ÷ Total projected 2016 Measure B Program Tax Revenue amount

Example:

1. Total projected 2016 Measure B Program Tax Revenue: \$6.3 Billion in 2017 dollars
2. Local Streets & Roads (LSR) Program Category amount: \$1.2 Billion in 2017 dollars
3. LSR ratio = \$1.2 Billion ÷ \$6.3 Billion
4. LSR percentage share of total 2016 Measure B Program Tax Revenues = 19.05%

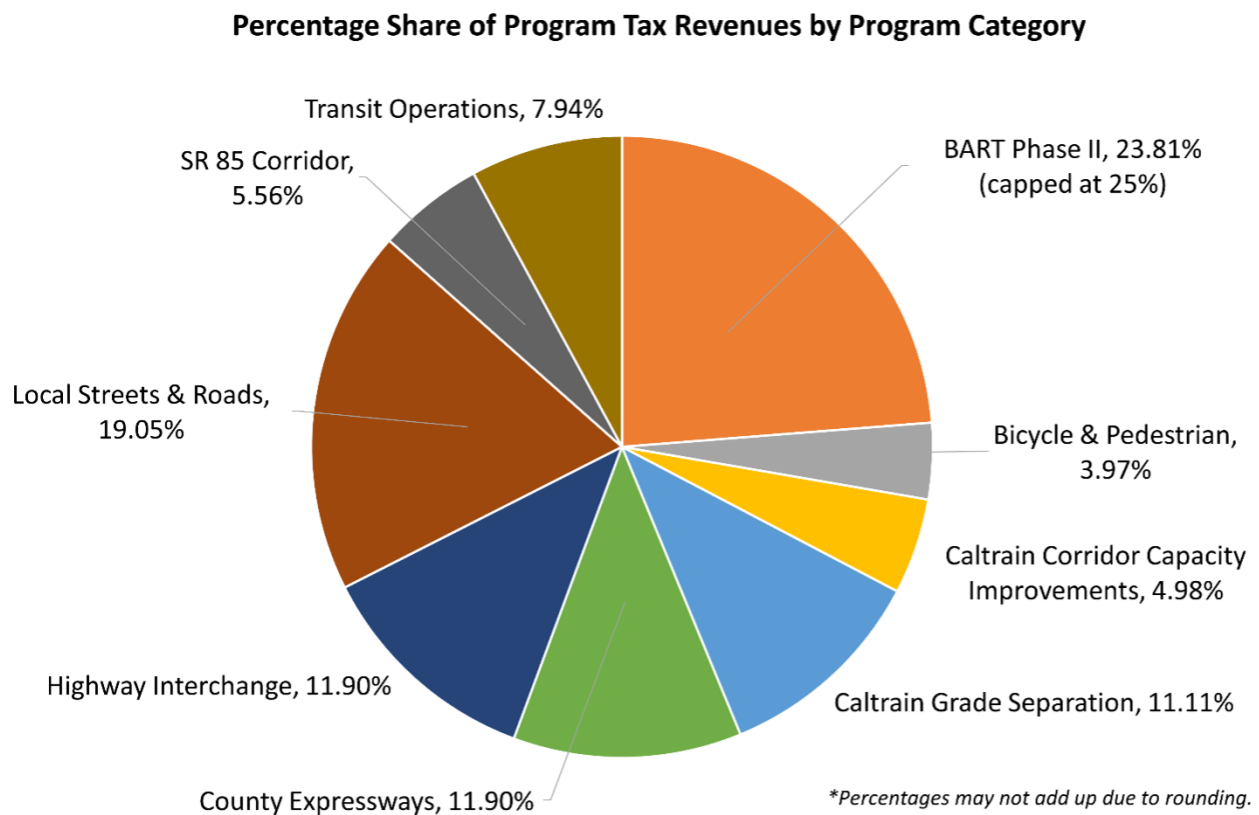


Figure 3.1 – Figure shows a breakdown of Program Tax Revenues by Program Category.

4. Program Revenues Received through FY 2020

2016 Measure B revenues include net receipts from sales in Santa Clara County collected by the California Department of Tax and Fee Administration (CDTFA) and any income earned on the receipts.

Sales tax revenue collection for 2016 Measure B started on April 1, 2017, and the measure will continue collecting revenue through March 31, 2047. VTA's fiscal year (FY) begins on July 1 and ends on June 30 of the following calendar year, and is referred to by the year the period ends (for example, FY 2019 is July 1, 2018 to June 30, 2019).

4.1 Total Receipts through June 30, 2019

2016 Measure B Sales Tax Revenues by Fiscal Year	
Fiscal Year	Net Receipts
FY 2017*	\$50,126,395
FY 2018	\$205,963,666
FY 2019	\$236,663,888
Total	\$492,753,949

*April 1, 2017 to June 30, 2017 only.

4.2 Total Income Earned through June 30, 2019

2016 Measure B Sales Tax Revenues by Fiscal Year	
Fiscal Year	Net Receipts
FY 2017*	\$0
FY 2018	\$0
FY 2019	\$4,970,762
Total	\$4,970,762

Income earned is "interest income, unrealized gains/losses, and trading gains/losses...[and] derived from three primary sources: short, mid, and long-term investment portfolios." (VTA CAFR 2019).

4.3 Program Tax Revenues through FY 2019

Program Tax Revenues through FY 2020				
	FY 2017	FY 2018	FY 2019	Total
Revenue Earned	\$50,126,395	\$205,963,666	\$236,663,888	\$492,753,949
Income Earned	\$0	\$0	\$4,970,762	\$4,970,762
Sub-total	\$50,126,395	\$205,963,666	\$241,634,650	\$497,724,711
Administration Expenditures	-\$0	-\$1,663,020	-\$744,124	-\$2,407,144
Program Tax Revenue Total	\$50,126,395	\$204,300,646	\$240,890,526	\$495,317,567

The table on the following page highlights the Program Category allocations as their ballot-established ratio of the Program Tax Revenues and as a percentage of Program Tax Revenues

through the end of the fiscal year. It is important to note that the ballot-established ratios are based on the 30-year life of the Measure, and the Program Category allocation ratios shown at the end of a fiscal year are a snapshot in time. Program Category allocations will fluctuate over the 30 years, and this will be reflected in the ratios that are shown at the end of a fiscal year.

Program Category Allocations as Percentage Share of Program Tax Revenues			
Program Category	Allocation through FY2019	% of Program Tax Revenues through FY 2019*	% of Program Tax Revenues (Ballot Measure Language)**
Local Streets & Roads	\$90,000,000	18.17%	19.05%
BART Phase II	\$0	0%	23.81%
Bicycle & Pedestrian	\$16,600,000	3.36%	3.97%
Caltrain Grade Separation	\$7,000,000	1.41%	11.11%
Caltrain Corridor Capacity Improvements	\$6,300,000	1.27%	4.98%
Highway Interchanges	\$87,000,000	17.56%	11.9%
County Expressways	\$50,000,000	10.09%	11.9%
SR 85 Corridor	\$12,000,000	2.42%	5.56%
Transit Operations	\$33,300,000	6.72%	7.94%

* Calculated by taking the total allocation through FY 2019 and dividing it by the total Program Tax Revenue through FY 2019.

** Note: The 2016 Measure B ballot measure language identifies Program Tax Revenue ratios for the life of the measure, not by fiscal year. See Section 3 for details.

5. Program Categories

There are nine Program Categories within the 2016 Measure B Program – three of which include subcategories. Figure 5.1 presents an overall summary of 2016 Measure B Program Categories, differentiated by allocation types. Allocation types are formula-based and need/capacity-based, which are differentiated below. Three of the Program Categories – Local Streets & Roads, Bicycle & Pedestrian, and Transit Operations – have sub-categories whose funds are distributed either through a formula process, competitive application process, or a need/capacity-based selection process.

VTA's budget encompasses two fiscal years. The Biennial Budget for FY 2018 and FY 2019 was adopted by the Board of Directors in June 2017. The Board of Directors approved a \$4.3 million increase in the Caltrain Corridor Capacity Improvement program category budget for FY 2018 and FY 2019 at their June 2018 meeting. The approved budget for fiscal years 2018 and 2019 is shown below – some Program Categories and sub-categories have budgets that span the two fiscal years while others have budgets per fiscal year. These budgets are available at the beginning of the first

fiscal year in the biennial budget. Similar to a capital budget, appropriation for the program will not expire at the end of the fiscal year and will be carried forward until the 2016 Measure B Program is completed.

		FY2018	FY 2019
Administrative Costs		\$3.30M	\$3.30M
Program Category			
Formula-Based	Local Streets & Roads	\$50.00M	\$40.00M
	Transit Operations		
	Enhance Core Network	\$12.00M	\$12.00M
	Innovative Transit Models	\$3.00M	
	Expand Mobility & Affordable Fares	\$2.50M	
	Improve Amenities	\$1.30M	
	Bicycle & Pedestrian		
	Education/Encouragement	\$2.50M	
	Capital Projects	\$13.33M	
	Planning Studies	\$0.83M	
Need/Capacity-Based	BART Phase II	\$0.00M	
	Caltrain Grade Separation	\$7.00M	
	Caltrain Corridor Capacity Improvements	\$6.30M	
	SR 85 Corridor	\$12.00M	
	County Expressways	\$50.00M	
	Highway Interchanges	\$87.00M	
Total:		\$308.86M	

5.1 Program Category Guidelines

In order to administer each of the nine Program Categories, VTA established guidelines that outline the distribution (or allocation) of funds for each Program Category (and its subsequent sub-categories if applicable), implementation steps, and project and program criteria and requirements. The VTA Board of Directors adopted the nine Program Categories in fall 2017 and can modify the Program Category Guidelines as needed.

The Program Category Guidelines establish two types of distribution of 2016 Measure B funds: formula-based and need/capacity-based. Formula-based distribution means funds are distributed each fiscal year, as best as possible, by multiplying the program category's ballot-established ratio and the projected Program Tax Revenue of that fiscal year. Need/capacity-based distribution means the projects are allocated funding based on 2016 Measure B funding capacity, project readiness, and timing of project funding need.

2016 Measure B Program Categories

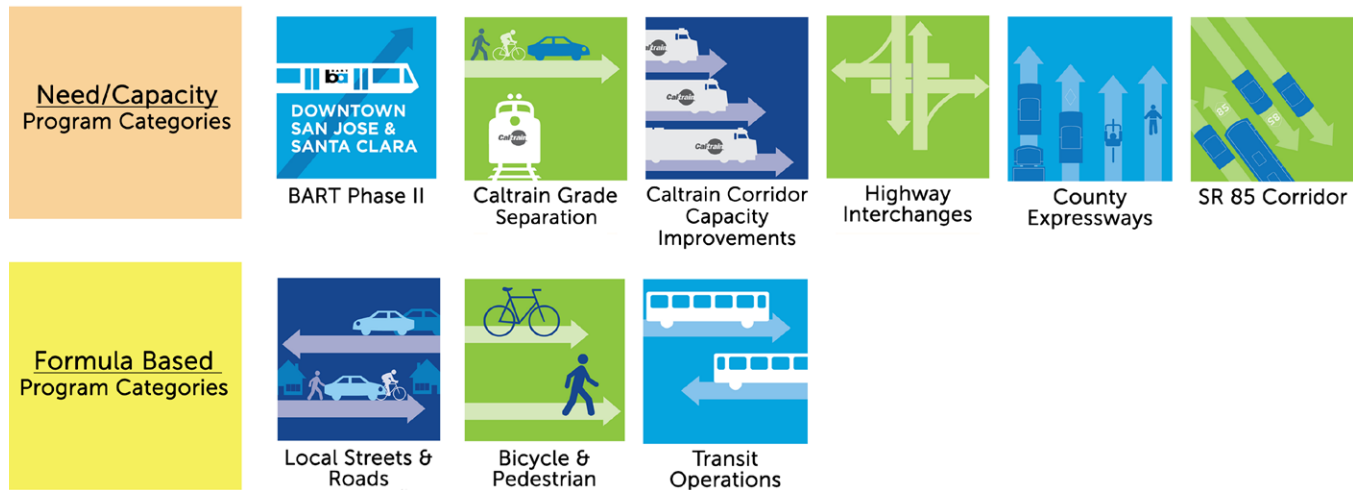


Figure 5.1 – 2016 Measure B Program Categories.

See Appendix 10.2 for Program Category Guidelines for details such as project eligibility.

The nine Program Categories eligible for 2016 Measure B funds and their ratios of the Program Tax Revenues are:



Local Streets and Roads: 19.05%

This category distributes funds according to a population-based formula and Santa Clara County's road and expressway lane mileage. This category dedicates funds to be used for repair and maintenance of street systems; it also requires agencies to apply Complete Streets best practices – therefore improving bicycle and pedestrian elements of their street system. Individual cities and the County may use their share of funds for either pavement rehabilitation or congestion relief if they have a Pavement Condition Index of 70 or higher.



BART Silicon Valley Phase II: 23.81%*

This category dedicates funding to the planning, engineering, construction, and delivery costs of BART Phase II, which will create a new regional rail connection by extending BART from the Berryessa Station in San Jose to Santa Clara with stations at Alum Rock/28th Street, downtown San Jose, San Jose Diridon Station, and Santa Clara.

*capped at a maximum of 25% of Program Tax Revenues



Bicycle and Pedestrian: 3.97%

This category helps to fund priority bicycle and pedestrian projects of countywide significance, as identified by the cities, County, and VTA. The funds will prioritize projects that: connect to schools, transit, and employment centers; fill gaps in the existing bike and pedestrian networks; safely cross barriers to mobility; and make walking or biking a safer and more convenient means of transportation for all county residents and visitors. This also includes educational programs such as Safe Routes to Schools. Eligible projects are identified in Attachment A of 2016 Measure B. (See Appendix 10.1)

- *Sub-category Grant Program: Education and Encouragement*
 - o This program allows member agencies to fund projects and programs that will encourage the use of bicycling and walking and/or provide education regarding these modes. These include, but are not limited to, Safe Routes to School, walk audits, open streets events, and bicycle/pedestrian safety campaigns. Funds for this program are distributed to each Member Agency via a population-based formula.
- *Sub-category Grant Program: Capital Projects*
 - o This competitive grant program will provide funds to awarded applicants for activities leading to/including: Environmental Clearance; Design; Right of Way; and Construction for bicycle and pedestrian projects currently identified in 2016 Measure B.
- *Sub-category Grant Program: Planning Studies*
 - o This competitive grant program will allow the cities, County and VTA to apply for funds that allows them to advance planning studies that support capital project development for bicycle and pedestrian projects of countywide significance.



Caltrain Grade Separation: 11.11%

This category will help to fund grade separation projects along the Caltrain corridor in the cities of Sunnyvale, Mountain View, and Palo Alto, separating the Caltrain tracks from roadways to provide increased safety benefits for drivers, bicyclists, and pedestrians and also reduce congestion at the intersections.



Caltrain Corridor Capacity Improvements: 4.98%

This category will help to fund Caltrain corridor capacity improvements and increase service in Santa Clara County in order to ease highway congestion, including: increase service to Morgan Hill and Gilroy, station improvements, level boarding, extended platforms and service enhancements.



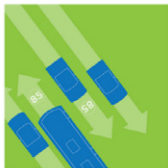
Highway Interchanges: 11.90%

This category will help to fund highway projects across Santa Clara County to provide: congestion relief, improve highway operations and freeway access, noise abatement, roadway connection overcrossings, and to deploy advanced technology through Intelligent Transportation Systems (ITS). Eligible projects are identified in Attachment B of 2016 Measure B. (See Appendix 10.1)



County Expressways: 11.90%

This category will help to fund Tier 1 improvement projects in the County's Expressway Plan to relieve congestion, improve safety and increase the effectiveness of the expressway system in the county. Eligible projects are identified in Attachment C of 2016 Measure B. (See Appendix 10.1)



State Route 85 Corridor: 5.56%

This category will fund new transit and congestion relief projects on SR 85, including a new transit lane from SR 87 in San Jose to U.S. 101 in Mountain View. It will also fund noise abatement along SR 85 and provide funding to study transportation alternatives that include, but are not limited to, Bus Rapid Transit with infrastructure such as stations and access ramps, Light Rail Transit, and other future transportation technologies.



Transit Operations: 7.94%

The goals of this category are to increase ridership, improve efficiency, enhance mobility services for seniors and individuals with disabilities, and improve affordability for the underserved and vulnerable populations in the County. Funds may be used to maintain and expand core bus route service frequencies, extend hours of operations to early mornings, evenings, and weekends to improve mobility, safe access, and affordability to residents that rely on bus service for critical transportation mobility needs – specifically for vulnerable, underserved, and transit dependent populations throughout the county. Sub-categories for eligible Transit Operations efforts are identified in Attachment D of 2016 Measure B. (See Appendix 10.1)

- *Sub-category Grant Program: Frequent Core Bus Network*
 - This sub-category will directly fund VTA's core bus network of services increasing core bus route service frequencies, and expanding or adding evening, late night, and weekend service.
- *Sub-category Grant Program: Innovative Transit Service Models*
 - This competitive grant program seeks to support affordable new innovative transit service models to address first/last mile connections including FLEX type services, dynamic on-demand subscription shuttles and partnerships with other demand responsive services providers serving vulnerable, underserved and transit-dependent populations.

- *Sub-category Grant Program: Expand Mobility & Affordable Fares*
 - Funds to expand mobility services and affordable fare programs for seniors, disabled, students, and low-income riders.
- *Sub-category Grant Program: Improve Amenities*
 - Funds to improve amenities at VTA bus stops to increase safety, security and access, as well as on-going maintenance.

Figure 5.2 below details the sub-categories of the Local Streets & Roads, Bicycle & Pedestrian, and Transit Operations categories.

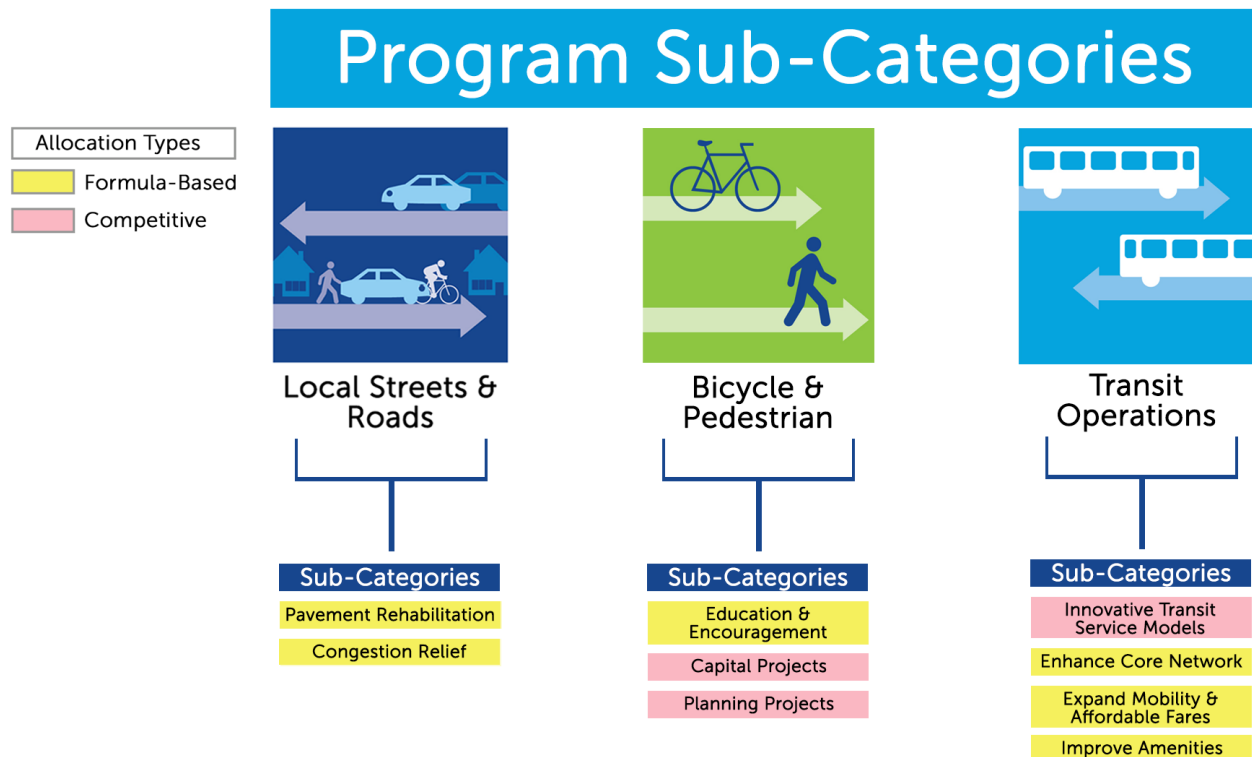


Figure 5.2 – 2016 Measure B Program sub-categories and allocation types.

6. Allocations and Expenditures through FY 2019

An allocation is the VTA Board-approved amount of 2016 Measure B funds available for a specified project or program. The 2016 Measure B Program budget and allocations are approved by the VTA Board of Directors every two years in conjunction with the approval of the VTA biennial budget. Program Category allocations do not expire at the end of a fiscal year. The unspent amount rolls over and is available for use in future fiscal years.

An expenditure is VTA's reimbursement of 2016 Measure B funds to a grantee (e.g. a city, the County, or Caltrain).

6.1 Allocation to Expenditure Process



Figure 6.1 – 2016 Measure B allocation to expenditure process.

Figure 6.1 illustrates the general three-step distribution process of 2016 Measure B funds, from allocation to expenditure. The process begins with the VTA Board of Directors' approval of the Program Category allocations – this part of the process is done on a biennial basis, or every two years, in conjunction with VTA's budget cycle. Formula-based programs such as Local Streets and Roads and Bicycle & Pedestrian Education Encouragement, will have allocations that are further broken down to the 15 cities and the County. For example, the Local Streets and Road Program Category allocation is disbursed to each city using a population-based formula and to the County based on the County's road and expressway lane mileage.

Following the allocation(s) of 2016 Measure B funds, funding agreements must be executed for grantees to access the funds. Grantees are agencies that receive 2016 Measure B funds for projects. They include 15 cities, Santa Clara County, Caltrain and VTA. After the successful execution of the agreements, Grantees may begin invoicing VTA for work completed on 2016 Measure B projects – VTA will then reimburse the Grantee for eligible costs, resulting in an expenditure.

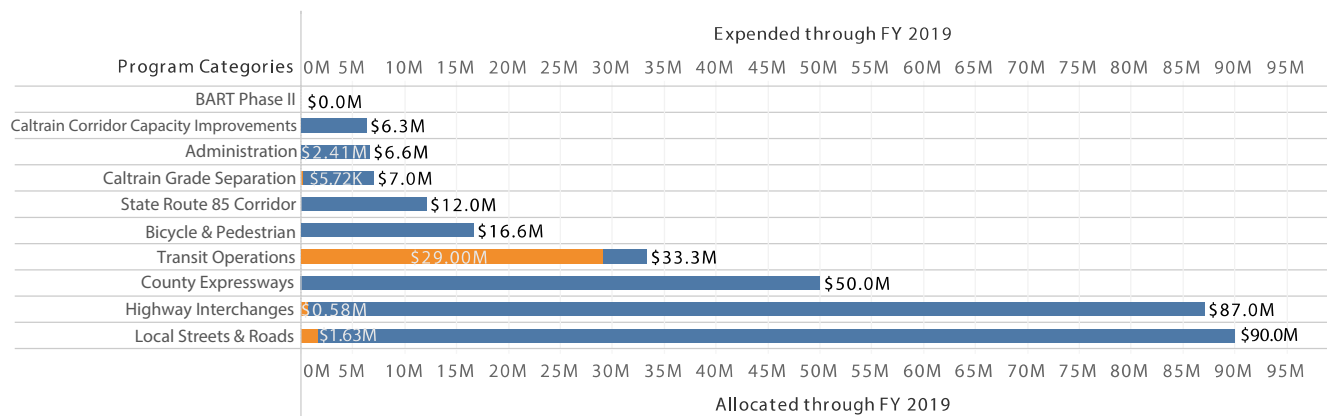
6.2 Allocation and Expenditure by Program Category

FY 2018 & FY 2019 Total Program allocation*	\$308.86M
Total Program Expenditure through FY 2019	-\$33.63M
Remaining	\$275.23M

*Total Program allocation includes the allocation to administration.

Figure 6.2 below shows the allocation and expenditure through FY 2019 for each of nine Program Categories and administration.

2016 Measure B Allocation and Expenditure through FY 2019 by Program Category



This chart shows Allocation and Expenditure through FY 2019 for each Program Category.

Legend

- Allocated through FY 2019
- Expended through FY 2019

Figure 6.2 – 2016 Measure B allocation and expenditures through FY 2019 by Program Category.

7. Program Oversight Procedures

As the 2016 Measure B Program is new, formal program oversight procedures needed to be developed to establish VTA’s role and responsibilities over projects and programs within the 2016 Measure B Program. Figure 7.1 displays how VTA determines the level of oversight needed for a specific project as well as the tasks to be carried out by VTA to ensure proper project delivery and compliance.

Oversight duties by VTA typically include review and approval of required annual documentation such as Complete Streets checklists, program of projects, and progress reports. Invoices submitted by project sponsors are also thoroughly reviewed. The Program office also presents and publishes monthly 2016 Measure B Program updates to VTA committees – giving an opportunity to VTA staff to answer any questions regarding the Program and its progress.

Figure 7.1, on the next page, shows the general project type and requirements for each oversight level.

2016 Measure B Program Oversight Requirements

Project Cost or Complexity	HIGH	MEDIUM	LOW	Programmatic Categories
Project Type	<ul style="list-style-type: none"> Projects costing more than \$100M and with \$10M or more in 2016 Measure B funding; or Projects with significant complexity, as determined by VTA staff. 	<ul style="list-style-type: none"> Projects costing between \$10M and \$100M; and/or Projects with \$10M or more in 2016 Measure B funding; and/or Projects with medium complexity, as determined by VTA staff. 	<ul style="list-style-type: none"> Projects costing less than \$10M; or Projects with less than \$10M in 2016 Measure B funding. 	<ul style="list-style-type: none"> Local Streets & Roads Pavement program Bicycle & Pedestrian Education & Encouragement program
Executed Agreement*	Required per phase	Required per phase	Required per phase	Only Master Funding Agreement required
Complete Streets Checklist	Required per phase	Required per phase	Required per phase	Required annually
Project Management Plan	Must be developed with VTA and include: Staffing Plan, Schedule, Contracting Plan, and Risk Assessments	Must include: Staffing Plan, Schedule, Contracting Plan, and Risk Assessments	Must include: Staffing Plan, Schedule, Contracting Plan, and Risk Assessments	N/A
Funding Plan	Required	Required	Required	N/A
Project Team Meetings	Monthly	Quarterly, at minimum	Semi-annually, at minimum	Semi-annually, at minimum
Written Progress Reports	Quarterly	Quarterly	Quarterly	Annually
Invoice Submittals	Monthly	Quarterly, at minimum	Semi-annually, at minimum	Annually, at minimum
Annual Program of Projects	N/A	N/A	N/A	Required
Present at VTA Committees as Needs	Yes	Yes	Yes	N/A

*As required, VTA-led projects do not need to have executed agreements but must meet requirements for funds to be released.
Exceptions from MEDIUM and HIGH categories include but are not limited to:
 • BART Phase II, which already has an independent oversight program with FTA; Projects that are currently at the final design or construction stages; and large pavement management/road rehabilitation programs.

Figure 7.1 – 2016 Measure B Proposed Program Oversight Requirement Chart.

8. Program Category Highlights

Though distribution of funds was delayed by the lawsuit, development of the 2016 Measure B Program and Program Category processes continued as best as possible. The highlights below in Figure 8.1 capture Program activities from July 1, 2017 to June 31, 2019.

Overall 2016 Measure B Program



- June 1, 2017**
 The Board of Directors approved the FY 2018 and FY 2019 Biennial Budget and the 2016 Measure B Complete Streets reporting requirements.
- September 7, 2017**
 2016 Measure B Citizens' Oversight Committee was formed, and memberships were approved.
- October 5, 2017**
 VTA Board of Directors adopted a resolution to establish the 2016 Measure B Program and adopted the Program Category Guidelines.
- June 6, 2019**
 The Board of Directors approved FY 2020 and FY 2021 Program Funding Proposals on April 4, 2019, then adopted them alongside the FY 2020 and FY 2021 Biennial Budget in June.

Program Categories

Local Streets & Roads



- Authorized Board of Directors to execute Master Agreements with Member Agencies for formula funds on May 3, 2018.

Bicycle & Pedestrian



- Authorized Board of Directors to execute Master Agreements with Member Agencies for formula funds on May 3, 2018.
- Began development for competitive grant criteria for Capital and Planning Projects.

Caltrain Corridor Capacity Improvements



- FY 2018 and FY 2019 budget increased by \$4.3M, approved by the Board of Directors on June 7, 2018 to repurpose six MP-36 Caltrain locomotives to "like new" condition.
- Funding for San Jose Diridon Station Plan and South County Rail Study.

County Expressways



- County began developing an implementation plan and prioritization of projects.
- Funding agreements began development.

Transit Operations



- A draft framework for the Innovative Transit Service Modes competitive grant program was approved by the Board of Directors on March 7, 2019.

BART Phase II



- No 2016 Measure B activities.

Caltrain Grade Separation



- Work on Implementation Plan began.
- Funds to advance project activities.
- Regular meetings with stakeholder staff.

Highway Interchanges



- Began development on the Noise Abatement Program.
- Most projects in early development stages.

SR 85 Corridor



- 2016 Measure B SR 85 Corridor Program Category Guidelines were adopted by the Board of Directors on November 2, 2017.
- Completion of the Transit Guideway Study.
- Initial planning and feasibility analysis for results of Transit Guideway Study.

Figure 8.1 – 2016 Measure B Program highlights.

9. Glossary

Below are terms frequently used in this report and related 2016 Measure B documentation.

An **allocation** is the VTA Board-approved amount of 2016 Measure B funds available for a specified project or program.

An **award** shows that VTA and a grantee have executed an agreement to fund an eligible project.

An **expenditure** is VTA's reimbursement of 2016 Measure B funds to a grantee (e.g. a city, the County, or Caltrain).

Fiscal Year refers to the 12-month accounting period that starts on July 1 and ends on June 30. Fiscal year is often abbreviated FY, and the year referenced is the end of that period. For example, FY 2020 covers from July 1, 2019 to June 30, 2020.

Grantees are agencies that receive 2016 Measure B funds for projects. They include 15 cities within the county, Santa Clara County, Caltrain and VTA.

A **Member Agency** is a local jurisdiction that is a signatory of the Santa Clara County Congestion Management Agency's Joint Powers Agreement. This includes all cities within the county, Santa Clara County, and the Santa Clara Valley Transportation Authority.

The 2016 Measure B ballot language specified nine **Program Categories**, with allocations specified for each: Local Streets & Roads, BART Silicon Valley Phase II, Bicycle and Pedestrian, Caltrain Grade Separation, Caltrain Capacity Improvements, Highway Interchanges, County Expressways, State Route 85 Corridor, and Transit Operations.

Program Tax Revenues are tax revenues received for the 30-year life of the tax, including any interest or other earnings thereon, less any funds necessary for satisfaction of debt service and/or cost of borrowing and costs of program administration and oversight, such as costs of grant administration and financial management.

Revenue collected is the net receipt of 2016 Measure B sales tax revenue, excluding interests earned.

10. Appendix

2016 Measure B FY 2017 – FY 2019 Annual Report

Appendix

Appendix 10.1 –2016 Measure B Ballot Language

MEASURE B	COMPLETE TEXT OF MEASURE B
COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE B	
<p>California law permits the Santa Clara Valley Transportation Authority (VTA) to impose a retail transactions and use tax (commonly called a "sales tax") in the territory of the VTA, which includes both the unincorporated territory and all the cities within Santa Clara County. Such a tax must first be approved by two-thirds of the voters voting in an election.</p> <p>Measure B was placed on the Ballot by the VTA Board of Directors (Board). Measure B proposes enactment of a .5% (one-half cent) sales tax. The Board anticipates that the sales tax would be operative on April 1, 2017. The authority to levy the sales tax will expire thirty years later.</p> <p>Under California law, all local governments within each county cannot enact a total sales tax rate of more than 2% in any territory. Approval of this Measure would result in the territory within the cities of Campbell and San Jose reaching that 2% cap during 2017 and until the expiration of an existing tax. The State also imposes a sales tax, some of which is distributed to local governments. The State sales tax rate is scheduled to be 7.25% as of January 1, 2017. Approval of this Measure is anticipated to result in a total 9.25% sales tax in the cities of Campbell and San Jose, and a 9.0% sales tax elsewhere in Santa Clara County, as of the date the sales tax is anticipated to begin. Because existing sales taxes may expire, or other sales taxes may be enacted, overall tax rates may vary during the thirty-year period of this tax.</p> <p>State law requires the VTA to state the specific purposes for which the sales tax proceeds will be used, and the VTA must spend the proceeds of the tax only for these purposes. The stated purposes of the proposed sales tax are to: repair potholes and fix local streets; finish the BART extension through downtown San Jose and to Santa Clara; improve bicycle and pedestrian safety; increase Caltrain capacity, in order to ease highway congestion, and improve safety at crossings; relieve traffic on the expressways and key highway interchanges; and enhance transit for seniors, students, low-income, and disabled individuals. The Measure states that the VTA will establish a program and develop program guidelines to administer tax revenues received from the measure.</p> <p>Measure B provides for the establishment of an independent citizens' oversight committee for ensuring that proceeds of the tax are expended consistent with the program established by the VTA. The committee would hold public hearings, issue reports on at least an annual basis, and arrange for an annual independent audit of expenditures.</p> <p>A "yes" vote is a vote to authorize a special sales tax of one-half cent (.5%) operative for 30 years, expected to expire on March 31, 2047.</p> <p>A "no" vote is a vote not to authorize the special sales tax.</p> <p>James R. Williams Acting County Counsel</p> <p>By: /s/ Danielle L. Goldstein Deputy County Counsel</p>	<p>To repair potholes and fix local streets; finish the BART extension through downtown San Jose and to Santa Clara; improve bicycle and pedestrian safety; increase Caltrain capacity, in order to ease highway congestion, and improve safety at crossings; relieve traffic on the expressways and key highway interchanges; and enhance transit for seniors, students, low-income, and disabled, shall the Board of Directors of the Santa Clara Valley Transportation Authority (VTA) enact a retail transactions and use tax ordinance, Ordinance No. 2016.01, imposing (a) a tax for the privilege of selling tangible personal property at retail upon every retailer in Santa Clara County, the territory of VTA, such tax to be at the rate of one-half of one percent of the gross receipts of the retailer from the sale of tangible personal property sold by him/her at retail in the territory of VTA; and (b) a complementary tax upon the storage, use, or other consumption in Santa Clara County, the territory of VTA, such tax to be at the rate of one-half of one percent of the sales price of the property whose storage, use, or other consumption is subject to the tax; collection of such tax to be limited to thirty years?</p> <p>VTA shall be the administrator of the tax, shall establish a program and develop program guidelines to administer the tax revenues received from the enactment of this measure (the "Program"). Tax revenues received for the 30-year life of the tax, including any interest or other earnings thereon, less any funds necessary for satisfaction of debt service and/or cost of borrowing and costs of program administration and oversight, such as costs of grant administration and financial management, shall be referred to herein as "Program Tax Revenues."</p> <p>VTA shall allocate the Program Tax Revenues to the following categories of transportation projects: Local Streets and Roads; BART Phase II; Bicycle and Pedestrian; Caltrain Grade Separation; Caltrain Capacity Improvements; Highway Interchanges; County Expressways; SR 85 Corridor; and Transit Operations.</p> <p>The present value (i.e., present day purchasing power) of the Program Tax Revenues, as of April 2017, is forecasted to be approximately \$6.3 Billion. The actual revenues to be received over the 30-year life of the tax will be affected by various economic factors, such as inflation and economic growth or decline. The estimated amounts for each category reflect the allocation of approximately \$6.3 Billion. The estimated amounts for each category, divided by \$6.3 Billion, establishes ratios for the allocation among the categories. The VTA Board of Directors may modify those allocation amounts following the program amendment process outlined in this resolution.</p> <ul style="list-style-type: none"> • <u>Local Streets and Roads–Estimated at \$1.2 Billion of the Program Tax Revenues in 2017 dollars.</u> <p>To be returned to cities and the County on a formula basis to be used to repair and maintain the street system. The allocation would be based on the population of the cities and the County of Santa Clara's road and expressway lane mileage. Cities and the County will be required to demonstrate that these funds would be used to enhance and not replace their current investments for road system maintenance and repair. The program would also require that cities and the County apply Complete Streets best practices in order to improve bicycle and pedestrian elements of the street system. If a city or the County has a Pavement Condition Index score of at least 70, it may use the funds for other congestion relief projects.</p>

COMPLETE TEXT OF MEASURE B-Continued

- **BART Phase II—Estimated at \$1.5 Billion of Program Tax Revenues in 2017 dollars (capped at a maximum of 25% of Program Tax Revenues).**

To fund the planning, engineering, construction, and delivery costs of BART Phase II, which will create a new regional rail connection by extending BART from the Berryessa Station in San Jose to Santa Clara with stations at Alum Rock/28th Street, downtown San Jose, San Jose Diridon Station, and Santa Clara.

- **Bicycle/Pedestrian—Estimated at \$250 Million of Program Tax Revenues in 2017 dollars.**

To fund bicycle and pedestrian projects of countywide significance identified by the cities, County, and VTA. The program will give priority to those projects that connect to schools, transit, and employment centers; fill gaps in the existing bike and pedestrian network; safely cross barriers to mobility; and make walking or biking a safer and more convenient means of transportation for all county residents and visitors. Bicycle and pedestrian educational programs, such as Safe Routes to Schools, will be eligible for funding. Candidate Projects are set forth in Attachment A.

- **Caltrain Grade Separation—Estimated at \$700 Million of Program Tax Revenues in 2017 dollars.**

To fund grade separation projects along the Caltrain corridor in the cities of Sunnyvale, Mountain View, and Palo Alto, separating the Caltrain tracks from roadways to provide increased safety benefits for drivers, bicyclists, and pedestrians and also reduce congestion at the intersections.

- **Caltrain Corridor Capacity Improvements—Estimated at \$314 Million of Program Tax Revenues in 2017 dollars.**

To fund Caltrain corridor capacity improvements and increased service in Santa Clara County in order to ease highway congestion, including: increased service to Morgan Hill and Gilroy, station improvements, level boarding, extended platforms, and service enhancements.

- **Highway Interchanges—Estimated at \$750 Million of Program Tax Revenues in 2017 dollars.**

To fund highway projects throughout the valley that will provide congestion relief, improved highway operations and freeway access, noise abatement, roadway connection overcrossings, and deploy advanced technology through Intelligent Transportation Systems (ITS). Candidate Projects are set forth in Attachment B.

- **County Expressways—Estimated at \$750 Million of Program Tax Revenues in 2017 dollars.**

To fund Tier 1 improvement projects in the County's Expressway Plan in order to relieve congestion, improve safety and increase the effectiveness of the expressway system in the county. Candidate Projects are set forth in Attachment C.

- **State Route 85 Corridor—Estimated at \$350 Million of Program Tax Revenues in 2017 dollars.**

To fund new transit and congestion relief projects on SR 85, including a new transit lane from SR 87 in San Jose to U.S. 101 in Mountain View. Additionally this category will fund noise abatement along SR 85 and will provide funding to study transportation alternatives that include, but are not limited to, Bus Rapid Transit with infrastructure

COMPLETE TEXT OF MEASURE B-Continued

such as stations and access ramps, Light Rail Transit, and future transportation technologies that may be applicable.

- **Transit Operations—Estimated at \$500 Million of Program Tax Revenues in 2017 dollars.**

The revenue from this program category will provide additional funds specifically for bus operations to serve vulnerable, underserved, and transit dependent populations throughout the county. The goals of the program category are to increase ridership, improve efficiency, enhance mobility services for seniors and disabled, and improve affordability for the underserved and vulnerable constituencies in the county. As VTA considers modifications to bus operations and routes to improve ridership and efficiencies, these funds may also be utilized to maintain and expand service to the most underserved and vulnerable populations. The funds may be used to increase core bus route service frequencies, extending hours of operations to early mornings, evenings and weekends to improve mobility, safe access and affordability to residents that rely on bus service for critical transportation mobility needs. Attachment D describes the list of Candidate Projects and Programs.

The Program Categories will be administered in accordance with program guidelines and policies to be developed and approved by the VTA Board of Directors.

An independent citizen's oversight committee shall be appointed to ensure that the funds are being expended consistent with the approved Program. Annually, the committee shall have an audit conducted by an independent auditor. The audit shall review the receipt of revenue and expenditure of funds. The committee shall hold public hearings, and issue a report annually to inform the Santa Clara County residents how the funds are being spent. The hearings will be public meetings subject to the Brown Act.

To support and advance the delivery of projects in the Program, VTA may issue or enter into financial obligations secured by the tax revenues received from the State Board of Equalization (SBOE), including but not limited to, bonds, notes, commercial paper, leases, loans and other financial obligations and agreements (collectively, "Financing Obligations"), and may engage in any other transactions allowed by law. Notwithstanding anything to the contrary, to obtain the strongest credit ratings and lowest financing costs, VTA may pledge up to the full amount of tax revenues received from the SBOE as security for any Financing Obligations of the Program and may contract with the SBOE to have pledged amounts transferred directly to a fiduciary, such as a bond trustee, to secure Financing Obligations to fund any project in the Program. Any Financing Obligation shall be fully paid prior to the expiration of this tax measure.

If approved by a 3/4 majority of the VTA Board of Directors, and only after a noticed public meeting in which the County of Santa Clara Board of Supervisors, and the city council of each city in Santa Clara County have been notified at least 30 days prior to the meeting, VTA may modify the Program for any prudent purpose, including to account for the results of any environmental review required under the California Environmental Quality Act of the individual specific projects in the Program; to account for increases or decreases in federal, state, and local funds, including revenues received from this tax measure; to account for unexpected increase or decrease in revenues; to add or delete a project from the Program in order to carry out the overall purpose of the Program; to maintain consistency with the Santa Clara Valley Transportation Plan; to

COMPLETE TEXT OF MEASURE B-Continued

shift funding between project categories; or to take into consideration new innovations or unforeseen circumstances.

**ATTACHMENT A
ENVISION SILICON VALLEY BICYCLE AND PEDESTRIAN
CANDIDATE LIST**

Project

- Implementation of Santa Clara Countywide Bicycle Plan*
- Trails in Expressway Rights-of-Way
- Alum Rock Trail
- Coyote Creek Trail Completion
- Lions Creek Trail
- Lower Silver Creek Trail
- Miramonte Avenue Bikeways
- Fremont Road Pathway
- Los Gatos Creek Trail Connector to SR 9
- Berryessa Creek Trail
- West Llagas Creek Trail
- Guadalupe River Trail-Extension to Almaden
- Three Creeks Trail East from Guadalupe River to Coyote Creek Trail
- Five Wounds Trail from William Street to Mabury Road/Berryessa
- Hwy. 237 Bicycle Trail: Great America Parkway to Zanker (Class I, II, and IV)
- Lower Guadalupe River Access Ramps
- Los Gatos Creek Trail Gap Closure
- Calabazas Creek Trail
- San Tomas Aquino Trail Extension to South & Campbell Portion
- Union Pacific Railroad Trail
- Stevens Creek Trail Extension
- Hamilton Avenue/Highway 17 Bicycle Overcrossing
- Pedestrian/Bicycle Bridge over SR 17 from Railway/Sunnyside to Campbell Technology Parkway
- Mary Avenue Complete Streets Conversion
- UPRR Bicycle/Pedestrian Bridge Crossing: Stevens Creek Boulevard to Snyder Hammond House/Rancho San Antonio Park
- Montague Expressway Bicycle/Pedestrian Overcrossing at Milpitas BART Station
- Shoreline/101 Bicycle/Pedestrian Bridge
- Mayfield Tunnel Pedestrian/Bicycle under Central Expressway connecting to San Antonio Caltrain Station
- South Palo Alto Caltrain Bicycle/Pedestrian Crossing
- Matadero Creek Trail Undercrossing
- Caltrain Capitol Undercrossing
- Phelan Avenue Pedestrian/Bicycle Bridge over Coyote Creek
- Newhall Street Bicycle/Pedestrian Overcrossing over Caltrain Tracks
- Kiely Bicycle/Pedestrian Overcrossing
- Winchester Bicycle/Pedestrian Overcrossing
- Bernardo Caltrain Undercrossing
- San Tomas Aquino Creek Trail Underpass at 49er Stadium
- Latimer Avenue Bicycle/Pedestrian Overcrossing

COMPLETE TEXT OF MEASURE B-Continued

- Bicycle/Pedestrian safety education at approximately 200 schools
- Implementation of Pedestrian Access to Transit Plan (VTA)*
- Bike amenities at transit stops and on transit vehicles
- Countywide Vision Zero Program (VTA)*
- Highway 9 Pedestrian Safety Improvements

*These plans are currently being developed/updated and projects are being identified.

**ATTACHMENT B
ENVISION HIGHWAY PROGRAM CANDIDATE LIST**

Project

- US 101 Improvements in the cities of Palo Alto and Mountain View to address regional connectivity and circulation between San Antonio Road and Charleston Road at the US 101/San Antonio Road, US 101/Rengstorff/Charleston Road and US 101/Shoreline Boulevard interchanges.
- SR 85/SR 237 Area Improvements in Mountain View to address mainline congestion and regional connectivity through the SR 85/SR 237 connector, SR 85/El Camino Real interchange, and the SR 237/El Camino/Grant Road interchange.
- SR 237/US 101/Mathilda Avenue Area Improvements in Sunnyvale to address local roadway congestion.
- SR 237 Corridor Improvements in the cities of San Jose, Santa Clara and Milpitas to address mainline congestion and regional connectivity by addition of SR 237 westbound/eastbound auxiliary lanes between Zanker Road and North First Street, improvements at the SR 237/Great America Parkway westbound off-ramp, and replacement/widening of the Calaveras Boulevard structures over the UPRR tracks.
- West County Improvements along I-280 in Cupertino, Los Altos, Los Altos Hills and Sunnyvale to address mainline congestion with mainline and interchange improvements from Magdalena Avenue to the San Mateo County line.
- SR 85/I-280 Area Improvements in Cupertino, Los Altos, and Sunnyvale to address regional connectivity through a northbound I-280 braided ramp between SR 85 and Foothill Boulevard and improvements at the northbound I-280 off-ramp to Foothill Boulevard.
- US 101/Trimble Road/De La Cruz Boulevard to Zanker Road Area Improvements to address local roadway connectivity and mainline congestion in San Jose and Santa Clara with US 101/Trimble Road/De La Cruz Boulevard interchange improvements, southbound US 101/SB 87 connector improvements, and a new US 101/Zanker Road interchange.
- US 101/Old Oakland Road Improvements in San Jose to address local roadway congestion, access and connectivity.
- A new interchange at US 101/Mabury Road in San Jose to address regional access.
- I-680 Corridor Improvements in San Jose to address mainline congestion and regional connectivity by improving the I-680/Alum Rock Avenue and I-680/McKee Road interchanges.
- I-280/Lawrence Expressway/Stevens Creek Boulevard Interchange Improvements to address mainline and local roadway congestion.

COMPLETE TEXT OF MEASURE B-Continued

I-280/Saratoga Avenue Interchange Improvements to address local circulation and mainline congestion.

I-280/Winchester Boulevard Area Improvements in Santa Clara and San Jose to address regional connectivity and local circulation.

SR 87 Corridor Technology-based Improvements in San Jose to address mainline congestion and system reliability through the implementation of technology-based operational improvements to the freeway.

Highway 17 Corridor Congestion Relief: Upgrade Highway 17/9 interchange to improve pedestrian and bicycle safety, mobility, and roadway operations; deploy advanced transportation technology to reduce freeway cut through traffic in Los Gatos, including traffic signal control system upgrades in Los Gatos, Traveler Information System, advanced ramp metering systems; support Multi-Modal Congestion Relief Solutions, including enhanced Highway 17 Express Bus service, implementing local bus system improvements that reduce auto trips to schools, work, and commercial areas in Los Gatos; and develop park and ride lots to serve as transit hubs for express bus, shuttles, local bus system connections.

SR 17 Southbound/Hamilton Avenue Off-ramp Widening Improvements in Campbell to address mainline congestion and local circulation.

SR 17/San Tomas Expressway Improvements in Campbell to address mainline congestion and local circulation.

US 101/Blossom Hill Boulevard Improvements in San Jose to address local roadway congestion and connectivity, including for bicyclists and pedestrians.

US 101 Improvements in Gilroy to address mainline congestion and regional connectivity with a new US 101/Buena Vista Avenue interchange and US 101/SR 152 10th Street ramp and intersection improvements.

SR 152 Corridor Improvements in Gilroy including US 101/SR 25 interchange improvements to address regional connectivity and goods movement network improvements.

I-280/Wolfe Road Interchange Improvements in Cupertino to address mainline congestion and improve local traffic circulation.

I-880/Charcot Avenue Overcrossing in San Jose to address local relief circulation and adjacent I-880 interchanges congestion relief.

Noise Abatement Projects in Santa Clara County to implement treatments to address existing freeway noise levels throughout the county.

Intelligent Transportation Systems (ITS) Projects in Santa Clara County such as integrated corridor management systems, traffic operations systems, ramp metering, managed lanes, and local traffic signal control systems to address freeway mainline congestion and local roadway congestion caused by cut-through traffic.

COMPLETE TEXT OF MEASURE B-Continued

**ATTACHMENT C
SANTA CLARA COUNTY EXPRESSWAY IMPROVEMENTS
(TIER 1)**

Project

- Almaden Expressway at SR-85-Interim Improvements
- Almaden Expressway at Branham Lane Intersection Improvements
- Almaden Expressway at Camden Ave Intersection Improvements
- Capitol Expressway Widening and Interchange Modifications between I-680 and Capitol Avenue
- Central Expressway at Thompson Intersection Improvements
- Foothill Expressway Auxiliary Lanes between El Monte and San Antonio
- Lawrence Expressway at Homestead Road Interim Improvements
- Lawrence Expressway at Homestead Road Grade Separation
- Lawrence Expressway from Reed/Monroe to Arques Grade Separation
- Montague Expressway Complete 8-lane Widening including HOV lanes and Auxiliary Lanes between Great Mall and McCarthy/O'Toole
- Oregon-Page Mill Widening (possible HOV lanes) and Trail between I-280 and Foothill Expressway
- Oregon-Page Mill Intersection Improvements between Porter and Hansen
- Oregon-Page Mill/El Camino Real Intersection Improvements
- San Tomas Expressway Widening and Trail between Homestead and Stevens Creek
- Santa Teresa-Hale Corridor Road and Trail between Dewitt and Main
- Santa Teresa-Hale Corridor Widening and Trail between Long Meadow and Fitzgerald
- SR 17/San Tomas Expressway Interim Improvements
- I-280/Foothill Expressway Interchange Modifications and Auxiliary Lane to Homestead
- I-280/Oregon-Page Mill Road Interchange Reconfiguration
- Expressway ITS/Signal System Countywide

**ATTACHMENT D
TRANSIT OPERATIONS CANDIDATE PROJECTS AND
PROGRAMS LIST**

- Expand mobility services and affordable fare programs for seniors, disabled, students and low-income riders.

This project would provide funds to develop and expand senior and disabled transportation mobility programs and services. The proposed program would provide mobility options such as coordinated eligibility services and enhanced mobility options provided in a secure and safe manner for the most vulnerable and underserved residents in the County, such as seniors and persons with disabilities. It would support mobility options including maintaining the paratransit service coverage area and service expansion by extending hours of operation and weekend service. The funds would also establish permanent and augment discount fare programs to increase transit access for low-income, underserved and vulnerable populations unable to afford standard fares.

COMPLETE TEXT OF MEASURE B-Continued

- Enhance Frequent Core Bus Network.

The project would upgrade service frequency on VTA's top core network routes to 15-minutes or faster. Some specific examples include expanding the number of high frequency core routes and expanding the schedule of existing services. This may also include enhancing frequency of services during early mornings, evenings and weekends in order to improve convenience, reliability, connectivity, ridership, farebox recovery and support local land use plans. The upgrade would improve the quality of service for vulnerable, underserved and transit dependent populations as well as existing riders and attract new riders which would decrease vehicle miles traveled, traffic congestion and pollution.

- Improve amenities at bus stops to increase safety, security and access.

The project would provide funds for system wide improvements to bus stops, transit centers and stations including new and replacement shelters, lighting, access improvements including safe sidewalk connections, passenger information signs and security.

- Support new innovative transit service models to address first/last mile connections.

The project would support affordable new innovative transit service models to address first/last mile connections including FLEX type services, dynamic on-demand subscription shuttles and partnerships with other demand responsive service providers serving vulnerable, underserved and transit dependent populations.

ARGUMENT IN FAVOR OF MEASURE B

Uncommon allies united for a common goal: Relieve Traffic; Repair our Roads. That's why the League of Women Voters, San Jose Silicon Valley Chamber of Commerce, League of Conservation Voters, former U.S. Transportation Secretary Norman Mineta and Senator Dianne Feinstein are championing Measure B to provide vital local funding to fill potholes, maintain roads and reduce traffic throughout Santa Clara County.

We are fortunate to enjoy a special quality of life here. Unfortunately, many of Santa Clara County's roads are in dire need of repair and we're spending too much time trapped in traffic. We need meaningful countywide congestion relief.

Measure B will:

- Finish the BART extension to downtown San Jose and Santa Clara
- Relieve traffic congestion on all 10 Expressways (Almaden, Capitol, Central, Foothill, Lawrence, Montague, Page Mill, San Tomas, Santa Teresa, Hale) and key highway interchanges
- Protect and enhance transit options for seniors, the disabled, students and the poor
- Repair roads and fix potholes in all 15 cities
- Improve bicycle and pedestrian safety, especially near schools
- Increase Caltrain capacity, easing highway congestion and improving safety at grade crossings
- Connect BART/Caltrain in downtown San Jose and Santa Clara, with platform-to-platform connections, to finally provide rapid rail around the entire Bay Area

Voting YES on Measure B provides Santa Clara County with a source of locally controlled funding to repair and maintain our roads and improve safety. Measure B helps Santa Clara County secure state and federal matching funds, otherwise lost to other regions.

The state or federal government cannot take away Measure B funds. We need to act now; the longer we wait, the more expensive these improvements become.

Measure B mandates strong taxpayer safeguards, including independent financial audits with citizen oversight. Elected leaders will be held accountable to spend funds as promised.

Measure B repairs our roads and contributes to a better quality of life throughout Santa Clara County. Join us in supporting Measure B.

ARGUMENT IN FAVOR OF MEASURE B-Continued

www.YesMeasureB.com

/s/ Roberta Hollimon
Chair, Council of the Leagues of Women Voters of Santa Clara County

/s/ Matthew Mahood
President & CEO, San Jose Silicon Valley Chamber of Commerce

/s/ Rod Diridon, Sr.
Chair Emeritus, League of Conservation Voters of Santa Clara County

/s/ Michael E. Engh
President, Santa Clara University

/s/ Darryl Von Raesfeld
Fire Chief, City of San Jose (Retired)

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE B

Has your commute improved since Measure A in 2000? One thing is abundantly clear: If VTA actually could deliver "meaningful countywide congestion relief" they would have done it by now. This is a promise they can't deliver on.

Measure B would add a big increase to an already hefty transportation sales tax. What confidence do you have that you will ever benefit from it?

Look at the performance of Measure A from 2000. VTA's Capital Program Dashboard shows that no Measure A projects have been completed. The most expensive project, BART to Santa Clara, was cut in half. Why trust that Measure B will be any different? Voters deserve to see projects delivered before being asked to pay more taxes!

We've seen all this before: traffic keeps getting worse. The billions spent from existing taxes are not making our lives better. Clearly, the strategy doesn't work. Doing more of the same will continue to produce unacceptable results.

Measure B is a recipe for failure. We need a new direction. For example, voters need to consider whether major employers should pay more to reduce the congestion impacts of their employees' commutes.

Voting NO on Measure B sends a strong message: Find a new direction for our county--one that is good for the environment, good for the economy, and good for our health.

Please vote NO on Measure B. After the "bait and switch" of 2000's Measure A, let's not give VTA a \$6.3 billion blank check.

/s/ Michael J. Ferreira
Executive Committee Chair, Loma Prieta Chapter, Sierra Club

/s/ Mark W.A. Hinkle
President of the Silicon Valley Taxpayers Association

/s/ John M. Inks
Mountain View City Councilmember

/s/ Elizabeth C. Brierly
Santa Clara County Homeowner and Lifelong Resident

ARGUMENT AGAINST MEASURE B

Each year you are stuck in worse congestion. The 1% sales tax you've paid for the past thirty years to "relieve traffic" hasn't worked. Will raising the tax by 44% really "relieve traffic"?

Santa Clara County has tremendously congested roadways and one of the very worst performing light rail systems in the nation. Bus service is unusable and scheduled to get worse.

Population has increased since 2001, while transit ridership has declined 23 percent. If allowed to continue, the whole county will end up in gridlock.

Let's not put even more money into a failed strategy!

Here is the actual list of projects promised by Measure A in 2000, and what happened since then:

- Connect BART to Milpitas, San Jose, Santa Clara (project was cut in half and is still not complete)
- Build rail connection from San Jose Airport to BART, Caltrain, light rail (project canceled)
- New vehicles for disabled access, senior safety, clean air buses (completed)
- New light rail throughout Santa Clara County (one corridor changed into a bus lane project; other corridors canceled)
- Expand, electrify Caltrain (project is delayed more than 15 years)
- Increase rail, bus service (2015 service was 13% below 2001 levels)

The County Civil Grand Jury determined in 2004 that "The VTA Board has proceeded with a transit capital improvement plan that cannot accomplish all that was promised in Measure A." That certainly turned out to be the case.

Why vote for another bait-and-switch?

This election will be close. Your vote can help defeat this tax increase and send a message that new thinking is needed. Air quality and climate change demand new solutions.

For short and long-term traffic relief, please vote No.

Demand a new direction!

ARGUMENT AGAINST MEASURE B-Continued

For more information: www.No2VTAMeasureB.org
Twitter: #No2VTAMeasureB
Phone: 408-604-0932

/s/ Gladwyn d' Souza
Regional Chair, Loma Prieta Chapter, Sierra Club

/s/ Mark W.A. Hinkle
President: Silicon Valley Taxpayers Association

/s/ John M. Inks
Mountain View City Councilmember

/s/ Andy Chow
President, BayRail Alliance

/s/ Elizabeth C. Brierly
San Jose Homeowner & Lifelong Santa Clara County Resident

REBUTTAL TO ARGUMENT AGAINST MEASURE B

When reading the argument against Measure B, please consider the sources and review the facts for yourself. The opponents offer no solutions to the traffic congestion we face every day.

Some of the organizations signing the argument against Measure B have histories of opposing absolutely everything, including measures to support our schools, parks and public safety.

The text of their argument is even less credible.

Here are the facts:

*The first segment of the BART extension is running \$75 million under budget and a year ahead of schedule, with passenger service beginning in fall 2017.

*Thanks to major investments, electrification of Caltrain will begin in 2020, which helps nearly double ridership capacity from 65,000 daily trips to 110,000.

Why is Measure B important? Please review the official ballot question for yourself. Measure B will accomplish the following while also mandating annual audits by an independent citizens watchdog committee to ensure accountability:

- Repair streets and fix potholes in all 15 cities & towns
- Finish the BART extension to downtown San Jose and Santa Clara
- Improve bicycle/pedestrian safety, especially near schools
- Increase Caltrain capacity, ease highway congestion and improve safety at crossings
- Relieve traffic on all 10 expressways and key highway interchanges
- Enhance transit for seniors, students, low-income citizens and the disabled

All of us are Santa Clara County taxpayers and residents (the signers of the argument against cannot say the same thing). Please join community leaders and organizations

from across Santa Clara County in supporting Measure B for better commutes and better roads.

REBUTTAL TO ARGUMENT AGAINST MEASURE B-Continued

www.YesMeasureB.com

/s/ Yoriko Kishimoto
Friends of Caltrain Chair and Board President of the Midpeninsula Regional Open Space District

/s/ Glenn M. Grigg
Traffic Engineer, City of Cupertino (Ret.)

/s/ Mark Turner
President/CEO, Gilroy Chamber of Commerce

/s/ Tony Siress
President/CEO Mountain View Chamber of Commerce

/s/ Teresa Alvarado
San Jose Director, SPUR

Appendix 10.2 – 2016 Measure B Program Category Guidelines

Approval by the Board of Directors

The VTA Board of Directors approved the 2016 Measure B Program Category Guidelines for all nine programs at the October 5, 2017 meeting – the process of development starting back in January 2017. At their November 2, 2017 meeting, the Board of Directors approved a revised version of the SR 85 Program Category Guidelines.

Program Category Types and Sub-Category Allocations

These guidelines also define the type of program for each of the nine programs (formula-based, project-based or competitive) and set forth the guidelines and distributions for Program sub-categories for the Board of Directors' approval. For example, for the Bicycle & Pedestrian Program Category, the sub-categories are described along with a funding distribution – Education & Encouragement is maximum 15%, Planning Projects is maximum 5%, and Capital Projects is minimum 80%.

(see next page for 2016 Measure B Program Category Guidelines document)

Local Streets & Roads Program Guidelines

Definition from Resolution No. 2016.06.17

To be returned to the cities and the County on a formula basis to be used to repair and maintain the street system. The allocation would be based on the population of the cities and the County of Santa Clara's road and expressway lane mileage. Cities and the County will be required to demonstrate that these funds would be used to enhance and not replace their current investments for road system maintenance and repair. The program would also require that cities and the County apply Compete Streets best practices in order to improve bicycle and pedestrian elements of the street system. If a city or the County has a Pavement Condition Index score of at least 70, it may use the funds for other congestion relief projects

Total Funding

- \$1.2 billion in 2017 dollars.

Distribution

- Formula-based distribution to Cities and County (agencies) as contained in 2016 Measure B.
- Agencies will be informed of allocation amount for a two-year period.
- VTA anticipates that allocations will be programmed based upon the total allocation for Local Streets & Roads contained in 2016 Measure B divided by the number of years in the measure.
- Future allocations will vary depending on the amount of sales tax revenue collected.
- After a one-time advance, no sooner than October 1, 2017, funds will be available on a reimbursement basis.

Implementation

- VTA and individual agencies will enter into funding agreements.
- Agencies are required to submit an annual program of projects. For agencies with a Pavement Condition Index (PCI) of 70 or higher, the program of projects may also include congestion relief projects and programs. For agencies with a PCI of 69 or lower, the program of projects is limited to projects that repair and maintain the street system.
- VTA will review the program of projects to ensure that all projects are eligible for funding.
- If an agency with a PCI of 70 or higher should have their PCI fall below 70, the agency must redirect all funding to repair and maintenance of the street system in the following cycle.
- A one-time advance, no sooner than October 1, 2017, equivalent to the percentage of the local agency's allocation of the Local Streets and Roads Program Area's percentage share of Program Tax Revenues collections from April 2017 to June 2017 will be distributed to individual agencies upon:

- Execution of the Master Funding Agreement between VTA and the Agency
- Submittal of annual program of projects
- Maintenance of Effort certification
- Complete Streets Checklist reporting requirements
- Remaining funds will be available on a reimbursable basis.
- Agencies may submit invoices to VTA on a monthly, quarterly or annual basis. Invoices must be submitted within one year of the date posted on the contractor's invoice.

Requirements

- Individual agencies must certify and submit on an annual basis, a Maintenance of Effort report to maintain a level of expenditures on 2016 Measure B Local Streets & Roads eligible activities equivalent to the average expenditures on roadway and related maintenance activities from the agency's general fund during FY10 to FY12. This certification will be submitted with their Annual Program of Projects.
- All projects must comply with VTA's Complete Streets Reporting Requirements.
- All collateral material will be required to display a 2016 Measure B logo.
- Agencies will submit project updates to VTA on a regular basis. The information will be placed on the 2016 Measure B website to keep the public informed on 2016 Measure B spending.
- Agencies may also be requested to present updates to the 2016 Measure B Citizen's Oversight Committee.

BART Phase II Guidelines

Definition from Resolution No. 2016.06.17

To fund the planning, engineering, construction and delivery costs of BART Phase II, which will create a new regional rail connection by extending BART from the Berryessa Station in San Jose to Santa Clara with stations at Alum Rock/28th Street, downtown San Jose, San Jose Diridon Station and Santa Clara.

Total Funding

- \$1.5 billion in 2017 dollars – capped at a maximum of 25% of Program Tax Revenues.

Distribution

- VTA will program funding to complete project.
- Debt financing costs (if any) will be covered by tax revenues as described in the 2016 Measure B Resolution.

Requirements

- All collateral material will be required to display a 2016 Measure B logo.
- Project must comply with VTA's Complete Streets Reporting Requirements.
- Project requires a 10% non-2016 Measure B contribution.

Bicycle & Pedestrian Program Guidelines

Definition from Resolution No. 2016.06.17

To fund bicycle and pedestrian projects of countywide significance identified by the cities, County and VTA. The program will give priority to those projects that connect to schools, transit and employment centers; fill gaps in the existing bike and pedestrian network; safely cross barriers to mobility; and make walking or biking a safer and more convenient means of transportation for all county residents and visitors. Bicycle and pedestrian educational programs such as Safe Routes to Schools, will be eligible for funding.

Total Funding

- \$250 million in 2017 dollars.

Distribution

- Board of Directors will allocate funding schedule and amount for program through the budget cycle.
- VTA anticipates that allocations will be programmed based upon the total allocation for the Bicycle & Pedestrian Program contained in 2016 Measure B divided by the number of years in the measure.
- Future allocations will vary depending on the amount of sales tax revenue collected.
- Funds will be distributed on a 2-year cycle. The program will consist of three categories: education & encouragement programs, planning studies, and capital projects.
- A total of 15% of available program area funds will be set aside for the education & encouragement category. The funds will be allocated as follows:
 - \$250,000 for countywide (including targeting unincorporated areas) education & encouragement programs
 - Remaining funds allocated by city population formula with a \$10,000 annual minimum allocation per city
- A maximum of 5% of available program area funds will be allocated to planning studies grants category.
- If the planning studies grants category is not fully awarded, the remaining funds will roll into the capital category.
- If a cycle's funds are not fully awarded, the balance will roll into the next cycle's budget.
- Example of breakdown of grant program funding: If Bicycle/Pedestrian Program Area is programmed at \$8.3 million/year:
 - Capital - \$6.6 million (minimum)
 - Planning - \$415,000 (maximum)
 - Education & Encouragement - \$1.25 million (maximum)

Implementation

Education & Encouragement (Formula Distribution)

- VTA and individual agencies will enter into a Master Agreement for Education & Encouragement funds.
- VTA will notify agency of estimated allocation for two-year cycle.
- Agency will submit annual education & encouragement work program.
- Funds will be available on a reimbursable basis. Agencies may submit invoices to VTA on a monthly, quarterly or annual basis. Invoices must be submitted within one year of the date posted on the contractor's invoice.
- Education & Encouragement funds may be banked for a maximum of three years with explanation of banking purposes.
- VTA will conduct an assessment regarding the effectiveness of the program.

Grant Program (Competitive)

- Only a public agency can serve as a project sponsor. Other entities must partner with a public agency to apply for a grant.
- The grant program will contain two categories:
 - Capital projects
 - Activities leading to/including:
 - Environmental Clearance
 - Design
 - Right of Way
 - Construction
 - Construction grant requests must include cost estimates supported by 30% to 35% design.
 - Planning studies
 - Includes planning studies to support capital project development for those projects currently listed on Attachment A of 2016 Measure B. It does not include general/master planning efforts.
- The minimum grant award is \$50,000.
- The maximum grant award per sponsoring agency can be no more than 50% of the total available funds per call for projects per cycle, unless the cycle is undersubscribed.
- Project criteria will be developed in conjunction with the VTA Technical Advisory Committee (TAC) Capital Improvement Program Working Group, and brought to the TAC and Bicycle & Pedestrian Advisory Committee (BPAC) for input.
- Scoring committee for the grant program will be comprised of three BPAC members, three Member Agency staff, and one VTA staff person.

Criteria

- Only projects currently listed on Attachment A of 2016 Measure B are eligible.
- Capital Projects will be scored on criteria that supports the language in 2016 Measure B.
 - Countywide significance
 - Connection to/serves schools, transit, or employment centers
 - Fills gaps in bicycle/pedestrian network
 - Provides safer crossings of barriers
 - Makes walking or biking safer
 - Makes walking or biking more convenient
 - Other criteria to consider:
 - Safety benefits
 - Increase in bicycle and pedestrian usage
 - Community support
 - Project readiness
 - Projects serve Communities of Concern

Requirements

- Competitive grant projects require a 10% non-2016 Measure B contribution.
- Reporting requirements will be detailed in agreements executed with VTA for project funding.
- All applications must include a delivery schedule.
- Funds will be available on a reimbursement basis.
- VTA Complete Streets reporting requirements will be required for Planning and Capital projects.
- All collateral material will be required to display a 2016 Measure B logo.

Caltrain Grade Separation Program Guidelines

Definition from Resolution No. 2016.06.17

To fund grade separation projects along the Caltrain corridor in the cities of Sunnyvale, Mountain View and Palo Alto, separating the Caltrain tracks from roadways to provide increased safety benefits for drivers, bicyclists and pedestrians and also reduce congestion at the intersections.

Total Funding

- \$700 million in 2017 dollars.

Distribution

- As candidate projects move forward in readiness (ability to expend Measure funds), the project sponsor will submit request for funding.
- Funds will be allocated to projects that most cost-effectively utilize 2016 Measure B funding.
- Funds will be distributed on a reimbursement basis.

Implementation

- VTA will work with the cities and other partners to develop an implementation plan for delivering the eight grade separation projects eligible for 2016 Measure B funds.
- There will be two program categories for funds:
 - Planning
 - Capital projects

Criteria

- All project sponsors must apply to the State §190 Grade Separation Program.

Requirements

- Reporting requirements regarding project progress will be detailed in agreements executed with VTA for project funding.
- Each project will require a 10% non-2016 Measure B contribution.
- All projects must be in compliance with VTA's Complete Streets Reporting Requirements.
- All collateral material will be required to display a 2016 Measure B logo.

Caltrain Corridor Capacity Improvements Program Guidelines

Definition from Resolution No. 2016.06.17

To fund Caltrain corridor capacity improvements and increased service in Santa Clara County in order to ease highway congestion, including: increased service to Morgan Hill and Gilroy, station improvements, level boarding, extended platforms and service enhancements.

Total Funding

- \$314 million in 2017 dollars.

Distribution

- Funds for increased service to Morgan Hill and Gilroy will be distributed on a regular basis.
- Funds for Caltrain Modernization 2.0 will be distributed to Caltrain as Santa Clara County's contribution for costs associated with station improvements, level boarding, extended platforms and service enhancements.

Implementation

- VTA and Caltrain staff will determine operating and capital costs associated with increased service to Morgan Hill and Gilroy.
- Improvement projects will be identified by VTA and Caltrain staff after completion of Peninsula Corridor Electrification Project (PCEP) and CA High Speed Rail blended service operations and maintenance needs/issues have been identified and remedies finalized.
- Should projects (including station improvements) arise prior to the completion of the PCEP that VTA believes should move forward, VTA will work with Caltrain to develop and recommend an early implementation schedule to the VTA Board of Directors.

Criteria

- Current service schedule to Morgan Hill and Gilroy will be reevaluated prior to addition of increased service.

Requirements

- Partner JPB contributions for station improvements, level boarding, extended platforms and service enhancements for Caltrain Modernization 2.0 must be secured prior to allocation of Santa Clara County's contribution.
- VTA Compete Streets reporting requirements will be required for capital projects.
- All collateral material will be required to display a 2016 Measure B logo.

Highway Interchanges Program Guidelines

Definition from Resolution No. 2016.06.17

To fund highway projects throughout the valley that will provide congestion relief, improved highway operations and freeway access, noise abatement, roadway connection overcrossings, and deploy advanced technology through Intelligent Transportation Systems (ITS). Candidate Projects are set forth in Attachment B.

Total Funding

- \$750 million in 2017 dollars.

Distribution

- VTA Board of Directors will allocate funding on a 2-year cycle.
- Funds will be distributed through two programs: capital projects and noise abatement.
- Funds will be available on a reimbursement basis.

Implementation

- VTA staff will work with local agency staff to identify and prioritize projects in the Highway Interchange Program Candidate List on 2016 Measure B Attachment B. The following criteria will be considered:
 - Project Readiness
 - Level of local contribution
 - Geographic consideration
- VTA staff will work with member agency staff to advance projects.
- Noise Abatement projects will be a separate category within the Highway Interchange Program.
 - Projects identified in the 2011 VTA Soundwall Study will receive higher consideration during Call for Projects.
- Funds will be available on a reimbursable basis. Agencies may submit invoices to VTA on a monthly, quarterly or annual basis. Invoices must be submitted within one year of the date posted on the contractor's invoice.
- The cost of each phase of a proposed Highway Interchanges project will be finalized with execution of agreements with VTA for project funding.

Criteria

- Only VTA, Caltrans and Member Agencies can serve as an implementing agency.
- Only projects and programs currently listed on 2016 Measure B Attachment B are eligible.

Requirements

- Projects require a minimum 10% non-2016 Measure B contribution.
- Reporting requirements will be detailed in agreements executed with VTA for project

funding.

- All applications must include a delivery schedule.
- All projects must comply with VTA's Complete Streets Reporting Requirements.
- All collateral material will be required to display a 2016 Measure B logo.

County Expressways Program Guidelines

Definition from Resolution No. 2016.06.17

To fund Tier 1 improvement projects in the County's Expressway Plan in order to relieve congestion, improve safety and increase the effectiveness of the expressway system in the county. Candidate Projects are set forth in Attachment C.

Total Funding

- \$750 million in 2017 dollars.

Distribution

- VTA Board of Directors will allocate funding on a 2-year cycle.
- As candidate projects move forward in readiness (ability to expend Measure funds), the County of Santa Clara will submit request for funding.
- Funds will be available on a reimbursement basis.

Implementation

- VTA and the County of Santa Clara will execute a Master Agreement for the administration of the 2016 Measure B County Expressways Program.
- VTA staff will work with the County of Santa Clara to advance projects and maintain an implementation plan.
- County Expressway Policy Advisory Board (PAB) will recommend the prioritization of projects.
- Projects will be distributed into three categories:
 - Conventional – Up to \$10M
 - Major – \$10-\$50M
 - Lawrence Grade Separations
- Funds will be available on a reimbursable basis. Agencies may submit invoices to VTA on a monthly, quarterly or annual basis.

Criteria

- Only projects and programs currently listed on 2016 Measure B Attachment C are eligible.
- Project timelines will be developed based on the County Expressway PAB adopted criteria, which includes the following:
 - Project readiness
 - Complexity
 - Geographic balance and public impact
 - Timing of other funding sources
 - Additional factors
 - Safety
 - Public support

- Gap closures

Requirements

- Program requires a 10% non-2016 Measure B contribution.
- Reporting requirements will be detailed in agreements executed with VTA.
- All projects must comply with VTA's Complete Streets Reporting Requirements.
- All collateral material will be required to display a 2016 Measure B logo.

State Route 85 Corridor Program Guidelines

Definition from Resolution No. 2016.06.17

To fund new transit and congestion relief projects on SR 85, including a new transit lane from SR 87 in San Jose to U.S. 101 in Mountain View. Additionally this category will fund noise abatement along SR 85 and will provide funding to study transportation alternatives that include, but are not limited to, Bus Rapid Transit with infrastructure such as stations and access ramps. Light Rail Transit, and future transportation technologies that may be applicable.

Total Funding

- \$350 million in 2017 dollars.

Distribution

- Revenues will be programmed on a 2-year cycle towards projects identified in SR 85 Corridor-related studies.

Implementation

- VTA staff is launching the SR 85 Transit Guideway Study (TG Study) to identify the most effective transit and congestion relief projects on SR 85.
- Projects identified by the TG Study will be candidates for funding.
- The five pilot projects as identified in the SR 85 Noise Abatement Study will be funded in FY18/FY19 assuming 2016 Measure B funding is available by that time. Additional projects may be funded prior to the completion of the TG Study.
- Upon completion of the TG Study, an implementation plan for SR 85 Corridor projects will be developed in consultation with the VTA Technical Advisory Committee.
- SR 85 Policy Advisory Board will forward recommended projects to the VTA Board of Directors to be funded in the 2-year budget process.
- VTA will serve as implementing agency for all program projects.
- Any activity on the portion of SR 85 that would preclude the implementation of a lane for transit purposes shall be suspended until the TG Study has been received by the VTA Board of Directors.

Requirements

- Capital projects require a 10% non-2016 Measure B contribution.
- VTA's Complete Streets reporting requirements will be required for all capital projects.
- All collateral material will be required to display a 2016 Measure B logo.

Transit Operations Program Guidelines

Definition from Resolution No. 2016.06.17

The revenue from this program category will provide additional funds specifically for bus operations to serve vulnerable, underserved, and transit dependent populations throughout the county. The goals of the program category are to increase ridership, improve efficiency, enhance mobility services for seniors and disabled, and improve affordability for the underserved and vulnerable constituencies in the county. As VTA considers modifications to bus operations and routes to improve ridership and efficiencies, these funds may also be utilized to maintain and expand service to the most underserved and vulnerable populations. The funds may be used to increase core bus route service frequencies, extending hours of operations to early morning, evenings and weekends to improve mobility, safe access and affordability to residents that rely on bus service for critical transportation mobility needs. Attachment D describes the list of Candidate Projects and Programs.

Total Funding

- \$500 million in 2017 dollars.

Distribution

- VTA anticipates that allocations will be programmed based upon the total allocation for the Transit Operations Program contained in 2016 Measure B divided by the number of years in the measure.
- Future allocations will vary depending upon the amount of sales tax revenue collected.
- The Transit Operations Program Area funding will be allocated for the following four programs identified in 2016 Measure B Attachment D:
 - Enhance Frequent Core Bus Network by increasing core bus route service frequencies, and expanding or adding additional evening, late night and weekend service.
 - Expand mobility services and affordable fare programs for seniors, disabled, students and low-income riders.
 - Support new/innovative transit service models to address first/last mile connections and transit services for the transit dependent, vulnerable populations and paratransit users that is safe and accountable.
 - Improve amenities at bus stops to increase safety, security and access with lighting and access improvements.

The proposed allocations for the four categories are as follows:

2016 Measure B Transit Operations Program Area	
Area	Funding Allocation (Proposed)
Frequent Core Bus Network	73%
Innovative Mobility Models & Programs	8%
Fare Programs	15%
Bus Stop Amenities	4%

Implementation

For FY18 & FY19 Budget Allocation:

- The Enhanced Frequent Core Bus Network will directly fund VTA’s core bus network of services increasing core bus route service frequencies, and expanding or adding evening, late night and weekend service.
- The Fare Programs will fund the Transit Assistance Program (TAP) and reduced fares for youth.
- The Innovative Transit Models Program will support goals to address first/last mile connections. Strategies may include competitive grant programs to help fund services operated by local jurisdictions, utilize excess paratransit capacity, and other programs that encourage investments in local service.
- The Bus Stop Amenities Program will directly fund improvements at VTA’s bus stops. The bus stop improvements will be prioritized based on VTA’s Transit Passenger Environment Plan and ongoing maintenance needs.

Six to 12 months into the implementation of the Next Network, staff will have ridership data available to evaluate potential increases to the ridership hours where we see higher demand for service. To meet our commitment as expressed in 2016 Measure B and in collaboration with the public, VTA will make increased investments in service hours in the system focusing on those areas where we see the greatest demand by transit dependent populations.

VTA will consider the potential for further reducing the fares for seniors and youth with a requested goal of free rides.

Criteria

- Only projects and programs currently listed on 2016 Measure B Attachment D are eligible.

Requirements

- For potential competitive grants for the Innovative Transit Models Program:
 - Reporting requirements will be detailed in agreements executed with VTA for project funding.

- All applications must include a delivery schedule.
 - Funds will be available on a reimbursement basis.
- VTA Complete Streets reporting requirements will be required for all capital improvements projects.
- All collateral material will be required to display a 2016 Measure B logo.

Appendix 10.3 – 2016 Measure B Citizens’ Oversight Committee

The 2016 Measure B Citizens’ Oversight Committee is defined as an “independent body that derives authority from the ballot measure”. The mission of the committee is to validate and report on whether 2016 Measure B funds are being expended in ways that are consistent with the ballot. The Committee’s duration will reflect the term of the sales tax (April 2017 – March 2047). At its September 2017 meeting, the VTA Board of Directors appointed seven individuals to serve on the 2016 Measure B Citizens’ Oversight Committee. Memberships, meetings/schedule, and more information can be found [here](#). The following document shows the VTA Board’s approval for the appointment process for the 2016 Measure B Citizens’ Oversight Committee.



Date: February 23, 2017
Current Meeting: March 2, 2017
Board Meeting: March 2, 2017

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Director of Government & Public Relations, Jim Lawson

SUBJECT: Appointment Process for the 2016 Measure B Citizens' Oversight Committee

APPROVED ACCEPTED ADOPTED AMENDED DEFERRED REVIEWED
Santa Clara Valley Transportation Authority
Board of Directors
Elaine F. Baltao, Board Secretary

BY: [Signature]
DATE: 3/2/17

Policy-Related Action: No

Government Code Section 84308 Applies: No

ACTION ITEM

RECOMMENDATION:

Approve the process for appointments to the 2016 Measure B Citizens' Oversight Committee.

BACKGROUND:

On November 8, 2016 the voters of Santa Clara County overwhelmingly approved Measure B that enacted a thirty year ½ cent sales tax for transit and transportation improvements. Nine categories of projects and programs were proposed as part of the measure:

- Local Streets & Roads Repair
- BART Phase II
- Bicycle & Pedestrian Projects
- Caltrain Grade Separations
- Caltrain Capacity Improvements
- Highway Interchanges
- County Expressways
- SR 85 Corridor
- Transit Operations

The ballot measure specified that the revenues and expenditures would be reviewed by an independent citizens' oversight committee appointed by the Santa Clara Valley Transportation Authority (VTA):

* See Page 3X of 3X for motion approved by the VTA Board of Directors at the March 2, 2017, Regular Meeting.

“An independent citizens’ oversight committee shall be appointed to ensure that the funds are being expended consistent with the approved Program. Annually, the committee shall have an audit conducted by an independent auditor. The audit shall review the receipt of revenue and expenditure of funds. The committee shall hold public hearings, and issue a report annually to inform the Santa Clara County residents how the funds are being spent. The hearings will be public meetings subject to the Brown Act.”

DISCUSSION:

With the passage of the ballot measure, it is necessary to appoint a Citizens’ Oversight Committee. Staff reviewed the appointment process of several California jurisdictions having similar ballot measures with some form of oversight. The current VTA experience with our 2000 Measure A Citizens Watchdog Committee also helped form the recommendations.

The recommendation is the formation of an independent committee consisting of seven (7) members who are registered voters in Santa Clara County. There will be an open application process with the intent to allow qualified citizens the opportunity to participate.

In the application process we will actively seek individuals who bring important relevant experience to the committee. Staff recommends that the committee should consist of persons who fulfill the following criteria:

- A retired federal or state judge or administrative law judge or an individual with experience as a mediator or arbitrator.
- A professional from the field of municipal/public finance with a minimum of four years relevant experience.
- A professional with a minimum of four years of experience in management and administration of financial policies, performance measurement and reviews.
- A professional with demonstrated experience of four years or more in the management of large scale construction projects.
- A regional community or business organization representative with at least one year of decision making experience.
- A professional with four years of experience in organized labor.
- A professional with a minimum of four years of experience in educational administration at the high school or college level.

The intent is to have one member representing each of the specified areas of expertise. If after a good faith effort, this is not achieved then no more than two members from one of the other areas of expertise may be selected.

This should provide a range of expertise to assist the committee in its task of evaluating the revenues and project expenditures as we begin implementing the commitments to the voters in 2016 Measure B.

The committee will be staffed by the Auditor General to assure the relevant level of expertise and professional advice.

To assure independence, no elected officials, employees of VTA or appointees to VTA committees are eligible while they hold those positions or appointments. Further, employees of the County of Santa Clara or the cities within Santa Clara will also be ineligible. Since 2016 Measure B was structured to assist the County and the cities in the delivery of their projects, their appointment would not be in keeping with the spirit of independence that the measure calls for.

The members of the committee will be subject to VTA’s Conflict of Interest policies. Members are prohibited from acting in any commercial activity directly or indirectly involving VTA, such as being a consultant to VTA or to any party with pending legal actions against VTA during their tenure. Members shall not have direct commercial interest or employment with any public or private entity which receives sales tax funds authorized by this Measure.

Each committee member shall serve for a term of four years except initial appointments will be staggered to assure continuity. Members will be limited to two consecutive terms.

Attachment A describes the committee role and responsibilities along with the appointment process and the high level approach to the projected meetings.

ALTERNATIVES:

In order to meet the intention of 2016 Measure B an oversight committee must be appointed. The Board may direct a different method for selecting the committee or change any of the requirements or restrictions the Board desires.

FISCAL IMPACT:

There is no fiscal impact with approving this appointment process.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Governance & Audit Committee considered this item at its February 2, 2017 meeting as part of its Regular Agenda.

Committee members expressed strong support for the staff proposal, commenting that it was well thought out. Committee members requested the inclusion of the following items in the appointment or committee administration processes: 1) an aspirational goal of balancing, where feasible, appointments to balance the geographic regions of the county; and 2) offer committee members training on bond oversight and other relevant topics.

The committee unanimously recommended Board approval of the staff recommendation with inclusion of the minor additions indicated and that this item be placed on the Board’s Consent Agenda.

Prepared by: Jim Lawson, Director of Public Affairs & Executive Policy Advisor
Memo No. 5992

ATTACHMENTS:

- A--2016 Measure B COC Appointment Process Overview (PDF)

6.2. Appointment Process for the 2016 Measure B Citizens' Oversight Committee

M/S/C (Chavez/Liccardo) to approve, as amended the process for appointments to the 2016 Measure B Citizens' Oversight Committee. Further: 1) add the aspirational goal of geographic representation across Santa Clara County; 2) split the regional community and business organization categories, making the total number of committee membership to eight (8); and 3) provide bond oversight and other relevant training to members.

Citizens Oversight Committee

Role: To fulfill the commitment of 2016 Measure B to have an independent oversight committee audit and report on the performance of VTA and the various project sponsors to ensure the funds are being expended consistent with the approved programs.

Membership: Seven citizens of Santa Clara County who are eligible voters.

- A retired federal or state judge or administrative law judge or an individual with experience as a mediator or arbitrator.
- A professional from the field of municipal/public finance with a minimum of four years relevant experience.
- A professional with a minimum of four years of experience in management and administration of financial policies, performance measurement and reviews.
- A professional with demonstrated experience of four years or more in the management of large scale construction projects.
- A regional community or business organization representative with at least one year of decision making experience.
- A professional with four years of experience in organized labor.
- A professional with a minimum of four years of experience in educational administration at the high school or college level.

Application: Application period will be posted and applicants will apply on line.

Terms: 4 years. First appointees to be randomly selected (or volunteer) for either two or four year terms (three [3] for two years and four [4] for four years). Membership will be limited to two consecutive terms only.

Appointment: The application period will be posted. Applications will be submitted on line at a dedicated site. Applications will be forwarded to an Evaluation Subcommittee of the Board of Directors appointed by the Chair. The Subcommittee will submit eligible candidates to the Governance & Audit Committee. G&A will recommend finalist candidates to the Chair for appointment with ratification by the full Board of Directors.

Responsibilities: Provide independent verification that the tax revenue collected under 2016 Measure B is expended appropriately to deliver the projects and programs described in the ballot measure.

Establish the scope and work plan for the independent audit. Hire a qualified, independent professional audit firm to conduct an audit of the revenues and expenditures on an annual basis.

Conduct a Public Hearing to inform the general public that based upon the independent audit that the public's money is expended for the purposes as described in the ballot measure or adjusted as circumstances warrant through the required approval process.

Publish a report indicating the results of the Independent Audit, Public Hearing and any additional findings the Committee may have.

Citizens Oversight Committee

Request from time to time a report and/or presentation from project sponsors charged with delivering the various projects under this measure on their progress and expenditures.

Meetings: Meetings will be held on a quarterly basis. All meeting will be publicly noticed and conducted under the requirements of the Brown Act. The first meeting is targeted to 2nd Quarter FY2018.

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Appendix 10.4 – 2016 Measure B Program Allocations by Program Category

Local Streets and Roads - \$90M total

Member Agency	One-time Advance	FY 2017 Allocation	FY 2018 Allocation	FY 2019 Allocation	Total Allocation thru FY 2019	
Campbell	\$189,906	\$0	\$796,707	\$796,707	\$1,783,320	
Cupertino	\$271,115		\$1,137,397	\$1,137,397	\$2,545,909	
Gilroy	\$240,462		\$1,008,804	\$1,008,804	\$2,258,070	
Los Altos	\$136,274		\$571,706	\$571,706	\$1,279,686	
Los Altos Hills	\$37,843		\$158,763	\$158,763	\$355,369	
Los Gatos	\$138,402		\$580,633	\$580,633	\$1,299,668	
Milpitas	\$329,415		\$1,381,985	\$1,381,985	\$3,093,385	
Monte Sereno	\$15,657		\$65,686	\$65,686	\$147,029	
Morgan Hill	\$189,552		\$795,223	\$795,223	\$1,779,998	
Mountain View	\$353,498		\$1,483,017	\$1,483,017	\$3,319,532	
Palo Alto	\$303,672		\$1,273,986	\$1,273,986	\$2,851,644	
San Jose	\$4,611,793		\$19,347,691	\$19,347,691	\$43,307,175	
Santa Clara	\$548,858		\$2,302,604	\$2,302,604	\$5,154,066	
Saratoga	\$139,736		\$586,229	\$586,229	\$1,312,194	
Sunnyvale	\$671,607		\$2,817,569	\$2,817,569	\$6,306,745	
Santa Clara County	\$1,356,768		\$5,692,000	\$5,692,000	\$12,740,768	
Total	\$9,534,558			\$40,000,000	\$40,000,000	\$89,534,558

BART Phase II - \$0 total

No funds were allocated for the BART Phase II Program Category through FY 2019.

Bicycle and Pedestrian - \$16.6M total

Education and Encouragement Sub-category

Member Agency	FY 2017 Allocation	FY 2018 Allocation	FY 2019 Allocation	Total Allocation thru FY 2019
Campbell	\$0	\$29,797	\$29,797	\$59,594
Cupertino		\$37,049	\$37,049	\$74,098
Gilroy		\$35,648	\$35,648	\$71,296
Los Altos		\$24,576	\$24,576	\$49,152
Los Altos Hills		\$10,000	\$10,000	\$20,000
Los Gatos		\$24,576	\$24,576	\$49,152
Milpitas		\$45,109	\$45,109	\$90,218
Monte Sereno		\$10,000	\$10,000	\$20,000
Morgan Hill		\$30,290	\$30,290	\$60,580
Mountain View		\$46,226	\$46,226	\$92,452
Palo Alto		\$41,709	\$41,709	\$83,418
San Jose		\$494,456	\$494,456	\$988,912
Santa Clara		\$67,531	\$67,531	\$135,062
Saratoga		\$24,048	\$24,048	\$48,096
Sunnyvale		\$78,976	\$78,976	\$157,952
Countywide/VTA		\$250,000	\$250,000	\$500,000
Total			\$1,250,000	\$1,250,000

Capital Projects Sub-category

Total	\$13.33M
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Planning Studies Sub-category

Total	\$830,000
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Caltrain Grade Separation - \$7M total

Total	\$7M
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Caltrain Corridor Capacity Improvements- \$6.3M total

Total	\$6.3M
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Highway Interchanges- \$87M total

Project	Total Allocation thru FY 2019
SR 17 Southbound/Hamilton Ave. Off-Ramp Widening	\$1M
SR 17/San Tomas Expressway Interim Improvements	\$1M
Hwy. Transportation Operations System/Freeway Performance Initiative Phase 1 & 2	\$1M
Noise Abatement Program (Countywide)	\$4M
I-280/Wolfe Rd. Interchange Improvements	\$6M
I-280 Northbound: Second Exit Lane to Foothill Expressway	\$3.5M
US 101/SR 25 Interchange (ENV/PS&E)	\$2M
US 101/Buena Vista Ave. Interchange Improvements	\$1M
Calaveras Boulevard Widening - Near-term Improvements	\$1M
US 101 Interchanges Improvements: San Antonio Rd. to Charleston Rd./Rengstorff Ave.	\$1M
US 101 Southbound/Trimble Rd./De La Cruz Blvd./Central Expwy. Interchange Improvements	\$4M
Double Lane Southbound US 101 off-ramp to Southbound SR 87	\$1.5M
US 101/Mabury Rd./Taylor St. Interchange Construction	\$2M
I-280/Winchester Blvd. Interchange Improvements	\$3M
SR 87 Technology-based Corridor Improvements - (SR 87 Charcot On-ramp HOV Bypass)	\$1M
US 101/Zanker Rd./Skyport Dr./Fourth St. Interchange Improvements	\$3M
US 101/Old Oakland Rd. Interchange Improvements	\$1M
US 101/Blossom Hill Rd. Interchange Improvements	\$4M
Charcot Overcrossing	\$12M
SR 237/Mathilda Ave. and US 101/Mathilda Ave. Interchange Improvement + follow-up Landscaping	\$34M
Total	\$87M

County Expressways - \$50M total

Total thru FY 2019	\$50M
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SR 85 Corridor - \$12M total

	Total Allocation thru FY 2019
SR85 Noise Reduction Pilot Project Phase II	\$10.6
SR85 Transit Guideway Study	\$1.4
Total	\$12M

Transit Operations - \$33.3M total

Sub-Category	FY 2018 Allocation	FY 2019 Allocation	Total Allocation thru FY 2019
Enhance Core Network	\$12M	\$12M	\$24M
Expand Mobility & Affordable Fares	\$2.5M	\$2.5M	\$5M
Innovative Transit	\$1.5M	\$1.5M	\$3M
Improve Amenities	\$0	\$1.3M	\$1.3M
Total	\$16M	\$17.3M	\$33.3M

Administration - \$6.6M total

FY 2018 Allocation	\$3.3M
FY 2019 Allocation	\$3.3M
Total	\$6.6M



FINAL REPORT

Santa Clara Valley Transportation Authority
2016 MEASURE B PERFORMANCE AUDIT
FOR FISCAL YEARS 2017-2019

March 10, 2021

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March 10, 2021

2016 Measure B Citizens' Oversight Committee
Santa Clara Valley Transportation Authority
3331 North First Street
San Jose, CA 95134

Subject: 2016 Measure B Sales Tax Performance Audit Report for Fiscal Years 2017–2019

Dear Members of the Committee:

Thank you for the opportunity to perform the performance audit relating to the Santa Clara Valley Transportation Authority (VTA) 2016 Measure B Sales Tax Program (the Program), as required by the ballot language mandating that annual audits be conducted by an independent auditor. Requirements specify that proceeds are to be expended consistent with the approved Program, and that program categories will be administered in accordance with program guidelines and policies to be developed and approved by the VTA Board of Directors. This report summarizes the results of our review.

Moss Adams conducted this performance audit in accordance with Generally Accepted Government Auditing Standards (GAGAS), as outlined in our agreement. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and audit results based on our audit objectives. The scope of this engagement is outlined in the body of our report. This report was developed based on information from our review of 2016 Measure B records.

We appreciate the opportunity to help you monitor and continuously improve your oversight of program performance. Please do not hesitate to contact me if you have any questions or need further assistance regarding this important matter.

We would like to express our appreciation to the Committee and all members of VTA's staff for their cooperation throughout this performance audit.

Very truly yours,

Moss Adams LLP

Moss Adams LLP
Campbell, CA

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I. EXECUTIVE SUMMARY

Moss Adams LLP (Moss Adams) conducted this Program Performance Audit in accordance with the Generally Accepted Government Auditing Standards (GAGAS) issued by the Controller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. The performance audit objectives, scope, methodology, and conclusions, along with a summary of the views of responsible Santa Clara Valley Transportation Authority (VTA) Officials, are included in this report.

The performance audit procedures applied provided reasonable assurance, in accordance with GAGAS and 2016 Measure B documents, that for fiscal years (FYs) 2017–2019 (April 1, 2017 through June 30, 2019), Program Tax Revenues were expended only on costs identified in the voter-approved 2016 Measure B ballot (the Program) for the VTA. A potential exception is the VTA not having a defined process to isolate actual costs of expanded services to vulnerable, underserved, and transit-dependent populations to expenditures for the Transit Operations program category (see Observation No. 1a in the report body for further information).

Below we report the summary-level 2016 Measure B revenue earned, income earned, expenditures by program category, and administrative costs for FYs 2017–2019:

Revenue, Income, and Expenditures Category ^[1]	FYs 2017–2019 Amount (\$)
Revenue Earned	\$492,753,949
Income Earned ^[2]	\$4,970,762
Expenditure by Program Category:	
Caltrain Corridor Capacity Improvements	\$5,715
Highway Interchanges	\$584,741
Local Streets and Roads	\$1,633,184
Transit Operations	\$29,000,000
Administrative Cost	\$2,407,144
Total Expenditures for FYs 2017–2019	\$33,630,784

[1] There were no debt service costs for the current audit period. Program-approved allocations by budget cycle can be reviewed in Observation No. 2 in the report body.

[2] Income earned includes both interest and investment earnings.

Based on our performance audit, we identified several commendable practices over the course of the audit:

- Expenditure and proceeds issuance documentation was effectively sourced, maintained, and managed.
- Public meetings of the 2016 Measure B Citizens' Oversight Committee (MBCOC) were held to update the community on the status of projects.
- Meeting minutes were posted on the MBCOC website.
- 2016 Measure B policies and procedures that define approval authority for invoices, contracts, and change orders to ensure appropriate review and controls were in place.
- Dashboards showing year-to-date Program spending by program category are on the VTA website.
- Strong collaboration amongst 2016 Measure B personnel and accounting was observed.

In addition, we evaluated the effectiveness and efficiency of internal controls based on our objectives to provide an analysis of the Program, so that those charged with governance and oversight can use the information to improve program performance and operations. We identified the following two expenditure management and control observations related to compliance with Program requirements, policies and procedures, effectiveness, and efficiency of operations:

- **Transit Operations Actual Costs Isolation Methodology:** VTA had not yet documented or established a methodology to isolate and report on the actual expenditures of Transit Operations Program funds in support of bus operations to serve, underserved, and transit-dependent populations in the County.
- **Administration Expenditure Guidelines:** VTA lacked expenditure guidelines for program administration that define the allowability of specific administration costs such as investment fees and associated allocations, personnel charges and indirect rate application, Board of Equalization fees, and election costs, as required by the 2016 Measure B ballot language (see Observation No. 1b in the report body for further information).

We also noted the following opportunities for VTA and MBCOC to consider additional actions:

- Perform procedures that focus on master planning policies and program category budget allocation reporting, for VTA and grantees, to support alignment with 2016 Measure B and transparency with stakeholders.
- Conduct procurement review procedures on contracts within 2016 Measure B, including both VTA and grantees, to ensure competitive processes and procedures that support overall budget and cost management.
- Conduct construction compliance reviews on Guaranteed Maximum Price (GMP) contract types, to support cost compliance and overall program cost management.

Management remains responsible for proper implementation and operation of an adequate internal control system. Due to inherent limitations in any internal control structure, errors or irregularities may occur and not be detected. Projections of any evaluation of the internal control structure to future periods are also subject to the risk that this structure may become inadequate because of changes in conditions, or that the degree of compliance with policies or procedures may deteriorate.

II. BACKGROUND INFORMATION

A. VTA'S 2016 MEASURE B PROGRAM

In 2016, voters approved 2016 Measure B (the Program) for Santa Clara Valley Transportation Authority (VTA) “to repair potholes and fix local streets; finish the BART extension through downtown San Jose and to Santa Clara; improve bicycle and pedestrian safety; increase Caltrain capacity, in order to ease highway congestion, and improve safety at crossings; relieve traffic on the expressways and key highway interchanges; and enhance transit for seniors, students, low-income, and disabled” by imposing a \$0.005 (one-half of one-cent) retail transactions and use tax upon every retailer in Santa Clara County that will be in effect for 30 years. As of April 2017, the present value of the Program Tax Revenues was forecasted to be approximately \$6.3 billion.

According to 2016 Measure B language, VTA administers the tax by establishing a program and developing guidelines to allocate Program Tax Revenues to the following categories of transportation projects:

1. VTA's BART Silicon Valley Phase II
2. Bicycle and Pedestrian Program
3. Caltrain Corridor Capacity Improvements
4. Caltrain Grade Separations
5. County Expressways
6. Highway Interchanges
7. Local Streets and Roads
8. State Route 85 Corridor
9. Transit Operations

The VTA Board of Directors adopted guidelines for overall program administration for each of these nine program categories at the October 2017 and November 2017 meetings. These guidelines are intended to direct the implementation of each program category and propose how the program category funds should be allocated.

Although collection of the 2016 Measure B sales tax began on April 1, 2017, a lawsuit challenging the validity of the Measure prevented funds from being disbursed; instead, funds were kept in an escrow account until the suit was resolved. In late January 2019, the State of California Court of Appeals issued a decision that upheld the validity of the measure.

Due to the lawsuit and the resulting delay in disbursing funds collected under the measure, revenue was collected but no disbursements made during the covered portion of Fiscal Year 2017 (April 1 - June 30, 2017) and all of FY 2018 (July 1, 2017 - June 30, 2018). During FY 2019 (July 1, 2018 - June 30, 2019), 2016 Measure B sales tax revenue was collected for the full year but disbursements did not begin until the latter half of the fiscal year following resolution of the lawsuit. VTA accounting records for FYs 2017–2019 showed 2016 Measure B tax expenditures of \$33,630,784.71.

B. ACCOUNTABILITY REQUIREMENTS

2016 Measure B ballot language requires VTA to appoint an independent citizen's oversight committee. The 2016 Measure B Citizens' Oversight Committee (MBCOC) is responsible for ensuring that funds are being expended consistent with the approved Program and associated expenditure guidelines. On an annual basis, the MBCOC provides for an independent audit that reviews the receipt of revenue and expenditure of funds. The MBCOC also holds public hearings and issues an annual report to inform Santa Clara County residents how the funds are being spent.

III. OBJECTIVES, SCOPE, AND METHODOLOGY

The primary objective of this performance audit was to verify VTA compliance with 2016 Measure B, which requires that Program Tax Revenues be allocated and used for the nine approved program categories, as defined in ballot language.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Because GAGAS performance audit procedures require reasonable assurance and do not require detailed examination of all transactions and activities, there is a risk that compliance errors, fraud, or illegal acts may exist that we did not detect. Based on the performance audit procedures performed and the results obtained, we have met our audit objective.

Management remains responsible for proper implementation and operation of an adequate internal control system. Due to the inherent limitations of any internal control structure, errors or irregularities may occur and not be detected. Also, projections of any evaluation of the internal control structure to future periods are subject to the risk that the internal control structure may become inadequate because of changes in conditions, or that the degree of compliance with procedures may deteriorate.

This performance audit did not constitute an audit of financial statements in accordance with Government Auditing Standards. Moss Adams was not engaged to and did not render an opinion on VTA's internal controls over financial reporting or financial management systems.

Performance audit procedures covered the period of April 1, 2017 through June 30, 2019.

The full list of performance audit objectives (as specified by VTA and agreed upon for this performance audit) and the methodology applied included the following.

A. OBJECTIVES

Objective No. 1: Conduct an Annual Compliance Performance Audit

We conducted an annual compliance performance audit of program revenues and expenditures to render our opinion on whether expenditures during the subject period were spent in conformance with 2016 Measure B requirements. The audit adhered to GAGAS standards. We reviewed the Program's financial records and expenditures for FYs 2017–19 to verify that funds were used for approved Program purposes, as set forth in the ballot language and Board-approved expenditure guidelines. We reviewed the Program's financial records and expenditures by obtaining the Comprehensive Annual Financial Report (CAFR) and comparing the balances to VTA's detailed accounting records. We analyzed control processes, tested the Program expenditure cycle, and sampled supporting documentation to validate internal controls. Testing procedures included the use of Audit Command Language (ACL) to select a statistical, monetary unit sample to provide confidence that expenditure transactions from the Program were compliant with Program and legal requirements. We tested 61 expenditures totaling \$33,015,031.69, or 98% of the total expenditures (\$33,015,031.69 / \$33,630,784.00). These transactions were comprised of payments to Partner Agencies (including

local cities, County of Santa Clara, and other regional transportation agencies such as Caltrain), vendors, and journal entries of inter-fund transfers. Our testing procedures were performed to verify that:

- Expenditures aligned with a program category, as outlined in the 2016 Measure B ballot language; and,
- Expenditures were allowable according to applicable expenditure guidelines approved by the VTA Board of Directors.

We interviewed VTA and program administration personnel, and analyzed key documentation to assess the design of controls over program expenditures. This included the review, authorization, and oversight of expenditures, contracts executed with other regional stakeholders including VTA Member Agencies, accounting for sales and use tax proceeds issued, and payments made and recorded for FYs 2017–19. The documents we analyzed to assess program risk and controls design included:

- 2016 Measure B ballot language
- 2016 Measure B expenditure guidelines
- VTA Board-approved budget memos
- MBCOC meeting agendas and minutes
- Applicable Partner Agency contract documentation (e.g., local cities, County of Santa Clara, BART, Caltrain)
- Accounting for program proceeds and supporting documentation for expenditures taken from VTA's books and records
- Review of Project Expenditures (for FYs 2017–19) and voter-approved ballot language

Objective No. 2: Report 2016 Measure B Revenue Received, Income Earned, Expenditures by Program Category, Administrative Cost, and Debt Service and/or Costs of Borrowing

We reported the following for 2016 Measure B: Revenue earned, income earned, expenditures by program category, and debt service and/or costs of borrowing. We made note of any changes to program categories and/or the maximum approved allocations therein based on the Program's financial records.

B. SCOPE AND METHODOLOGY

Moss Adams conducted the audit for the first three initial years of the Program (FYs 2017–2019) as a combined effort due to limited activities in response to the active lawsuit challenging the Measure's validity. This approach was recommended as an efficient way to bring the audit requirements current and was unanimously approved by the MBCOC. Moss Adams attended the MBCOC meeting on July 29, 2020, presented the proposed audit plan and deliverables schedule, and addressed MBCOC member questions and concerns. We coordinated with VTA on the specific schedule for conducting audit fieldwork. We conducted an exit meeting with VTA staff (February 11, 2021) and the MBCOC (March 3, 2021) to review preliminary issues and obtain further information as necessary.

Moss Adams prepared a draft audit report based on our findings and auditor opinions and provided it to VTA management on February 10, 2021 and the MBCOC on February 25, 2021. Following exit meetings, Moss Adams incorporated changes as appropriate to the draft report, and the draft report

was finalized and electronically submitted to VTA on March 10, 2021 for presentation of the final audit report to MBCOC on March 24, 2021 virtually due to the COVID-19 pandemic. A final draft was provided in PDF format for inclusion on VTA's website. We were prepared to evaluate and report on specific areas or items or to provide specific metrics requested by MBCOC, if applicable; however, no specific areas or items were requested. A log of open observations and recommendations for this audit report is included in Appendix A.

We also interviewed key personnel responsible for administering the Program, including senior management and staff from the VTA, including all MBCOC members. The individuals interviewed are listed in Appendix B. We provided interviewees with an opportunity to provide feedback on whether or not fraud, waste, and/or other misconduct may be occurring and to provide insight on areas of improvement for the Program.

IV. AUDIT RESULTS

A. OBJECTIVE NO. 1: CONDUCT AN ANNUAL COMPLIANCE PERFORMANCE AUDIT

Expenditure Management and Controls

Moss Adams conducted the audit in accordance with the Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States. We reviewed the 2016 Measure B financial records and expenditures for FYs 2017–19 to verify that funds were used as set forth in the 2016 Measure B ballot language. We identified the following three observations and recommendations over the course of our audit.

Observation 1A: Transit Operations Actual Costs Isolation Methodology

VTA has not yet documented or established a methodology to isolate and report on the actual expenditures of Transit Operations Program funds in support of bus operations to serve underserved and transit-dependent populations in the County. The Transit Operations program category intends to increase ridership, improve efficiency, enhance mobility services, and improve the affordability of bus transportation. According to the Transit Operations expenditure guidelines, funding should be allocated for the following purposes:

- Enhance the Frequent Core Bus Network by increasing core bus route service frequencies and expanding or adding additional evening, late-night, and weekend service (73% of program category funding)
- Expand mobility services and affordable fare programs for seniors, disabled, students, and low-income riders (8% of program category funding)
- Support new/innovative transit service models to address first/last-mile connections and transit services for the transit dependent, vulnerable populations, and paratransit users that are safe and accountable (15% of program category funding)
- Improve amenities at bus stops to increase safety, security, and access with lighting and access improvements (4% of program category funding)

The Transit Operations program category is administered by VTA as the service provider of bus operations; therefore, there is a regularly scheduled interfund transfer from 2016 Measure B funds to the Transit Operations account. According to VTA management, new/innovative transit service model sub-program is competitive grant program and bus stop amenity improvements charges are tracked as a separate project, and therefore both programs operate on a reimbursement basis; no expenditures for these sub-categories were incurred during the audit period. However, VTA advances funds for the first two sub-programs (enhance Core Bus Network and expand mobility services) and has not yet established or documented a methodology to validate that 2016 Measure B funds. Therefore, the amount of actual expenditures for these sub-categories could not be specifically isolated and validated. However, since the Transit Operations Division bus operations budgets are over \$200 million annually, it is unlikely that 2016 Measure B expenditures exceeded operating costs for any particular purpose within the applicable Transit Operations program sub-categories. Nevertheless, VTA should demonstrate that program category funding was used in accordance with expenditure guidelines.

We identified eight items in our sample, totaling \$29,000,000, that were an interfund transfer from 2016 Measure B to VTA's operating account, as noted in the table below.

TABLE 1: TRANSIT OPERATIONS TESTING RESULTS

Document Number	Posting Date	Amount
101566246	3/31/2019	\$21,021,021.00
101566246	3/31/2019	\$4,379,379.00
101578375	4/30/2019	\$1,001,001.00
101591399	5/31/2019	\$1,001,001.00
101609596	6/30/2019	\$976,977.00
101578375	4/30/2019	\$208,542.00
101591399	5/31/2019	\$208,542.00
101609596	6/30/2019	\$203,537.00
Total		\$29,000,000.00

VTA should establish and document a methodology to conduct an analysis that substantiates the use of 2016 Measure B funds to support applicable Transit Operations sub-categories. This methodology should isolate and define allowable and unallowable transit operations-related expenses for each sub-program. Over the course of the audit, VTA program management initiated work to develop this methodology and perform the substantiate for the fiscal years under audit. Once the methodology is finalized, it should be documented and submitted to the appropriate authority for approval.

Recommendation: To continue to ensure compliance with ballot language, VTA should establish and document a methodology to substantiate Transit Operations allocations with actual costs to validate and document the use of 2016 Measure B funds on a regular basis. In addition to substantiating overall program category expenditures, the methodology should also substantiate specific sub-program allocations.

Observation 1B: Administration Expenditure Guidelines

VTA lacked expenditure guidelines for program administration that define the allowability of specific administration costs such as investment fees and associated allocations, personnel charges and indirect rate application, Board of Equalization fees, and election costs, as required by the 2016 Measure B ballot language. While sampled expenditures appeared to be reasonable and consistent with the Program objectives, the 2016 Measure B ballot language specifically states that “the Program Categories will be administered in accordance with program guidelines and policies to be developed and approved by the VTA Board of Directors.” Areas within our sample such as investment fees and allocation of fees (\$162,459.51), personnel charges and indirect rate application (\$30,390.91), Board of Equalization fees (\$6,609.37), and election costs (\$1,652,411.00) that require program administration expenditure guidelines clarification include the following:

- **Investment Fees and Associated Allocations:** Within our sample, we identified five expenditures totaling \$162,459.51 to Payden & Rygel for investment fees, as shown in the following table. Based on a review of investment statements, it appears that VTA allocates investment fees based on the percentage of total funds invested; however, the basis of allocation was not documented in policy or expenditure guidelines for 2016 Measure B. Over the course of the audit period, \$165,382.97 in investment fees were paid using 2016 Measure B funds.

TABLE 2: INVESTMENT FEE TESTING RESULTS

Document Number	Posting Date	Amount
101610554	6/28/2019	80,453.48
1900112908	5/9/2019	44,874.04
1900112909	5/9/2019	24,733.25
1900112906	5/9/2019	10,846.19
101603868	6/28/2019	1,552.55
Total		\$162,459.51

- **Board of Equalization Fees:** We identified one expenditure equaling \$6,609.37 that was billed by the California State Board of Equalization (BOE) for work associated with the 2016 Measure B tax implementation. Per the contract, VTA agreed to pay BOE for the costs of preparatory work, including “costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing forms, developing instructions for the Board’s staff and for taxpayers, and other appropriate and necessary preparatory costs to administration a transactions and use tax ordinance.”
- **Election Costs:** We identified one expenditure equaling \$1,652,411 that was paid to the County of Santa Clara Registrar of Voters to pay the overall costs of the 2016 Measure B election. Election costs included a base charge, absentee votes fee, shared printing costs, Measure pages in Sample Ballot Pamphlets, and notice of election and polling places in the newspapers.
- **Personnel Charges and Indirect Rate Application:** Within our sample, we identified 37 labor charges totaling \$30,390.91 for nine employees holding the following positions:
 - Director of Planning and Programming
 - Capital Program Manager
 - 2016 Measure B Program Manager
 - Senior Transportation Planner
 - Senior Transportation Planner; Bicycle and Pedestrian Program Manager
 - Deputy Director, Grants and Allocation; Programming and Grants Manager
 - Deputy Director, Transit Planning and Capital Development
 - Chief Engineering and Program Delivery Officer
 - Transportation Planner III

Based on the Labor Charging to Projects Policy dated May 12, 2009, “It is VTA's policy to charge labor to projects in a manner that provides for accurate and timely cost control accounting. This policy shall be supported with the following practices:

- Labor charged directly to projects must be supported by timecard entries.
- Appropriate project budget must be requested by the respective project manager.
- Project reimbursements must be actively monitored by the cost center manager.
- Exceptions to this policy must be authorized in advance by the Chief Financial Officer.”

However, this labor policy appeared to relate to project personnel specifically, and not to administrative personnel for programs such as 2016 Measure B. VTA provided a list of administrative positions that were paid using 2016 Measure B funds and an explanation of how each position contributed to the Program. Each of the positions listed above were included on this listing, and the personnel charged to the Program based on actual time incurred. However, no project budgets by personnel were available for the administrative personnel, and while employees charging time to 2016 Measure B do report actual time worked, there is currently no available record of the work activities conducted that relate directly to administration of 2016 Measure B. For example, the Senior Transportation Planner and Bicycle and Pedestrian Program Manager were both designated as allowable under administrative charges, although their work related to administration, rather than a specific program, was not documented. Due to the absence of itemized timekeeping detail narratives, we are unable to determine the exact nature of work performed for the time incurred. If employees do not record the activities they work on for projects funded through 2016 Measure B, it presents a potential risk that VTA operations could be subsidized through Program revenues, which is not an allowable purpose according to ballot measure language.

Additionally, we found that VTA charges fully burdened rates approved by the Federal Transit Administration for each labor charge. Currently, there is no information in the expenditure or labor guidelines that speak to the allowability of fully burdened employee rates for administrative or project-specific personnel for the Program. The following indirect cost rates were applied to employees over the course of the audit period:

TABLE 3: INDIRECT COST RATES APPLIED TO LABOR IN AUDIT PERIOD

Fiscal Year	Indirect Cost Rate (Projects)
FY 2018	210.65%
FY 2019	238.53%

VTA established expenditure guidelines for each program category and has general policies and procedures related to contract management, grants, and accounting in place. However, there was no internal documentation explaining how Program funds dedicated to administration are managed and monitored, and defining what costs are allowable or unallowable.

Recommendation: As required by the ballot language, VTA should develop and implement administration expenditure program guidelines, or a procedural document, to address what elements of administration (e.g., investment fees and associated allocations, election costs, specific personnel, and fully burdened labor rates) are allowable or unallowable, and obtain appropriate approval. Additionally, these expenditure guidelines should address how costs are allocated based on actual costs incurred. These guidelines will support transparency, accountability, and alignment with the Program and voter-approved ballot language.

Additionally, as a best practice VTA should review timekeeping system capabilities to determine whether detailed information recording what duties pertaining to 2016 Measure B were performed could be entered into the system for all employees charging time to the Program. Ultimately, a time tracking system (or equivalent) should ensure that all costs incurred are identifiable and have a beneficial and defensible relationship to the Program and to expenditure guidelines.

B. OBJECTIVE NO. 2: REPORT 2016 MEASURE B REVENUE EARNED, INCOME EARNED, EXPENDITURES BY PROGRAM CATEGORY, AND DEBT SERVICE AND/OR COSTS OF BORROWING (NO EXCEPTION)

Observation 2

As a component of this performance audit, Moss Adams reported the 2016 Measure B revenue earned, income earned, expenditures by Program Category results for each fiscal year, and debt service and/or cost of borrowing.

Figures were provided by VTA and validated through the review of Board-approved budget memos and VTA’s audited financial statements. There were no debt service costs for the current audit period.

The table below reports annual revenues for each fiscal year in our audit period, including revenue earned through sales and use tax receipts as well as income generated through investments.

TABLE 4: PROGRAM REVENUE AND INCOME FOR FYS 2017–19

	FY 2016–2017	FY 2017–2018	FY 2018–2019	Inception to FY 2019 (4/1/2017–6/30/2019)
Revenue Earned	\$50,126,394.80	\$205,963,665.91	\$236,663,888.25	\$492,753,948.96
Income Earned ^[1]	-	-	\$4,970,762.24	\$4,970,762.24
Program Revenue and Income Earned	\$50,126,394.80	\$205,963,665.91	\$241,634,650.49	\$497,724,711.20

[1] Income earned includes both interest and investment earnings.

VTA allocates 2016 Measure B budgets and monitors expenditures on an annual or biennial basis, depending on the program category and associated expenditure guidelines. Budget allocations for 2016 Measure B do not expire and can be rolled into future fiscal years. Expenditures are reimbursed rather than provided in advance. Three program categories (Local Streets and Roads, Transit Operations, and Administration) are allocated budgets on an annual basis. The following table summarizes the budget allocation and expenditure information for each fiscal year in our audit period.

TABLE 5: ALLOCATIONS AND EXPENDITURES FOR PROGRAM CATEGORIES WITH ANNUAL BUDGETING

Program Category	FY 2016–2017		FY 2017–2018		FY 2018–2019		Inception to FY 2019 (4/1/2017–6/30/2019)	
	Allocation	Expenditures	Allocation	Expenditures	Allocation	Expenditures	Allocation	Expenditures
Local Streets and Roads	-	-	\$50,000,000	-	\$40,000,000	\$1,633,184	\$90,000,000	\$1,633,184
Transit Operations	-	-	\$16,650,000	-	\$16,650,000	\$29,000,000	\$33,300,000	\$29,000,000
Administration	-	-	\$3,300,000	\$1,663,020	\$3,300,000	\$744,124	\$6,600,000	\$2,407,144
Subtotal Annual Budget Cycle Expenditures	-	-	\$69,950,000	\$1,663,020	\$59,950,000	\$31,377,308	\$129,900,000	\$33,040,328

The following table outlines the allocation and expenditures for the remaining the program categories in FYs 2017–19, including both FY 2017–18 and FY 2018–19. These expenditures are allocated on a biennial basis in alignment with VTA’s budget cycle. There were no budget allocations or expenditures for any of these Program Categories in FY 2016–17.

TABLE 6: ALLOCATIONS AND EXPENDITURES FOR PROGRAM CATEGORIES WITH BIENNIAL BUDGETING

Program Category	FY 2017–2019	
	Allocations	Expenditures
VTA’s BART Silicon Valley Phase II	-	-
Bicycle and Pedestrian Program	\$16,660,000	-
Caltrain Corridor Capacity Improvements	\$6,300,000	\$5,715
Caltrain Grade Separations	\$7,000,000	-
County Expressways	\$50,000,000	-

Program Category	FY 2017–2019	
	Allocations	Expenditures
Highway Interchanges	\$87,000,000	\$584,741
State Route 85 Corridor	\$12,000,000	-
Subtotal Biennial Budget Cycle Expenditures	\$590,456	\$590,456
Total Program Expenditures for FYs 2017–2019	\$308,860,000.00	\$33,630,784.71

According to these records, all program categories are currently operating within their respective budget allocations. 2016 Measure B expended \$33,630,784.71 in FYs 2017–2019, including \$31,223,640 for program categories and \$2,407,144 for administrative costs. Since the Program was recently implemented, expenditures are likely to increase over the next several years as Partner Agencies implement allowable projects.

APPENDIX A – AUDIT RESOLUTION LOG

The following table summarizes the expenditure management and control recommendations included in this report for future reporting.

Source	Recommendation	Management Response	Status of Resolution	Planned Resolution Date
Observation 1A: Transit Operations Actual Costs Isolation Methodology	To continue to ensure compliance with ballot language, VTA should establish and document a methodology to substantiate Transit Operations allocations with actual costs to validate and document the use of 2016 Measure B funds on a regular basis. In addition to substantiating overall program category expenditures, the methodology should also substantiate specific sub-program allocations.	<p>Management Response: Agree</p> <p>Program staff will work with the appropriate Finance departments to develop and finalize methodology to validate allocations with actuals for the following two Transit Operations sub-categories:</p> <ul style="list-style-type: none"> ● Expand mobility and affordable fares ● Enhance core frequent network <p>The two processes are targeted to be in place beginning FY2022 (July 1, 2021).</p> <p>The remaining two sub-categories, Innovative Transit Service Models and Improve Bus Stop Amenities, are a competitive grant program and project specific, respectively. Actuals are based on reimbursement of actual charges, so development of a methodology to validate allocations with actuals is not applicable.</p>	Open	July 1, 2021
Observation 1B: Administration Expenditure Guidelines	As required by the ballot language, VTA should develop and implement administration expenditure program guidelines, or a procedural document, to address what elements of administration (e.g., investment fees and associated allocations, election costs, specific personnel, and fully burdened labor rates) are allowable or unallowable, and obtain appropriate	<p>Management Response: Agree</p> <p>The Program office will develop guidelines and procedures that identify the allowable elements of administration costs as known to us at this time. The guideline will be implemented beginning FY 2022 (July 1, 2021).</p>	Open	July 1, 2021

Source	Recommendation	Management Response	Status of Resolution	Planned Resolution Date
	<p>approval. Additionally, these expenditure guidelines should address how costs are allocated based on actual costs incurred. These guidelines will support transparency, accountability, and alignment with the Program and voter-approved ballot language. Additionally, as a best practice VTA should review timekeeping system capabilities to determine whether detailed information recording the duties performed pertaining to 2016 Measure B could be entered into the system for all employees charging time to the Program. Ultimately, a time tracking system (or equivalent) should ensure that all costs incurred are identifiable and have a beneficial and defensible relationship to the Program and to expenditure guidelines.</p>	<p>Although we agree with the best practice of reviewing timekeeping system capabilities, VTA's timekeeping system capabilities may not have the capability to record at a detailed level the specific activities by employees charging to the Program. However, staff will check with appropriate subject matter experts by June 30, 2021 to determine whether VTA's timekeeping system can record activities at a detailed task level.</p>		

APPENDIX B – INTERVIEWS

The following key VTA personnel were interviewed:

- Deputy Director, Grants & Allocations, Santa Clara Valley Transportation Authority
- Senior Policy Analyst
- Assistant Controller
- Measure B Program Manager
- Deputy Director of Finance, Budget and Program Management at VTA
- MBCOC Committee Members (six)

MEASURE B

COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE B

California law permits the Santa Clara Valley Transportation Authority (VTA) to impose a retail transactions and use tax (commonly called a "sales tax") in the territory of the VTA, which includes both the unincorporated territory and all the cities within Santa Clara County. Such a tax must first be approved by two-thirds of the voters voting in an election.

Measure B was placed on the Ballot by the VTA Board of Directors (Board). Measure B proposes enactment of a .5% (one-half cent) sales tax. The Board anticipates that the sales tax would be operative on April 1, 2017. The authority to levy the sales tax will expire thirty years later.

Under California law, all local governments within each county cannot enact a total sales tax rate of more than 2% in any territory. Approval of this Measure would result in the territory within the cities of Campbell and San Jose reaching that 2% cap during 2017 and until the expiration of an existing tax. The State also imposes a sales tax, some of which is distributed to local governments. The State sales tax rate is scheduled to be 7.25% as of January 1, 2017. Approval of this Measure is anticipated to result in a total 9.25% sales tax in the cities of Campbell and San Jose, and a 9.0% sales tax elsewhere in Santa Clara County, as of the date the sales tax is anticipated to begin. Because existing sales taxes may expire, or other sales taxes may be enacted, overall tax rates may vary during the thirty-year period of this tax.

State law requires the VTA to state the specific purposes for which the sales tax proceeds will be used, and the VTA must spend the proceeds of the tax only for these purposes. The stated purposes of the proposed sales tax are to: repair potholes and fix local streets; finish the BART extension through downtown San Jose and to Santa Clara; improve bicycle and pedestrian safety; increase Caltrain capacity, in order to ease highway congestion, and improve safety at crossings; relieve traffic on the expressways and key highway interchanges; and enhance transit for seniors, students, low-income, and disabled individuals. The Measure states that the VTA will establish a program and develop program guidelines to administer tax revenues received from the measure.

Measure B provides for the establishment of an independent citizens' oversight committee for ensuring that proceeds of the tax are expended consistent with the program established by the VTA. The committee would hold public hearings, issue reports on at least an annual basis, and arrange for an annual independent audit of expenditures.

A "yes" vote is a vote to authorize a special sales tax of one-half cent (.5%) operative for 30 years, expected to expire on March 31, 2047.

A "no" vote is a vote not to authorize the special sales tax.

James R. Williams
Acting County Counsel

By: /s/ Danielle L. Goldstein
Deputy County Counsel

COMPLETE TEXT OF MEASURE B

To repair potholes and fix local streets; finish the BART extension through downtown San Jose and to Santa Clara; improve bicycle and pedestrian safety; increase Caltrain capacity, in order to ease highway congestion, and improve safety at crossings; relieve traffic on the expressways and key highway interchanges; and enhance transit for seniors, students, low-income, and disabled, shall the Board of Directors of the Santa Clara Valley Transportation Authority (VTA) enact a retail transactions and use tax ordinance, Ordinance No. 2016.01, imposing (a) a tax for the privilege of selling tangible personal property at retail upon every retailer in Santa Clara County, the territory of VTA, such tax to be at the rate of one-half of one percent of the gross receipts of the retailer from the sale of tangible personal property sold by him/her at retail in the territory of VTA; and (b) a complementary tax upon the storage, use, or other consumption in Santa Clara County, the territory of VTA, such tax to be at the rate of one-half of one percent of the sales price of the property whose storage, use, or other consumption is subject to the tax; collection of such tax to be limited to thirty years?

VTA shall be the administrator of the tax, shall establish a program and develop program guidelines to administer the tax revenues received from the enactment of this measure (the "Program"). Tax revenues received for the 30-year life of the tax, including any interest or other earnings thereon, less any funds necessary for satisfaction of debt service and/or cost of borrowing and costs of program administration and oversight, such as costs of grant administration and financial management, shall be referred to herein as "Program Tax Revenues."

VTA shall allocate the Program Tax Revenues to the following categories of transportation projects: Local Streets and Roads; BART Phase II; Bicycle and Pedestrian; Caltrain Grade Separation; Caltrain Capacity Improvements; Highway Interchanges; County Expressways; SR 85 Corridor; and Transit Operations.

The present value (i.e., present day purchasing power) of the Program Tax Revenues, as of April 2017, is forecasted to be approximately \$6.3 Billion. The actual revenues to be received over the 30-year life of the tax will be affected by various economic factors, such as inflation and economic growth or decline. The estimated amounts for each category reflect the allocation of approximately \$6.3 Billion. The estimated amounts for each category, divided by \$6.3 Billion, establishes ratios for the allocation among the categories. The VTA Board of Directors may modify those allocation amounts following the program amendment process outlined in this resolution.

• **Local Streets and Roads—Estimated at \$1.2 Billion of the Program Tax Revenues in 2017 dollars.**

To be returned to cities and the County on a formula basis to be used to repair and maintain the street system. The allocation would be based on the population of the cities and the County of Santa Clara's road and expressway lane mileage. Cities and the County will be required to demonstrate that these funds would be used to enhance and not replace their current investments for road system maintenance and repair. The program would also require that cities and the County apply Complete Streets best practices in order to improve bicycle and pedestrian elements of the street system. If a city or the County has a Pavement Condition Index score of at least 70, it may use the funds for other congestion relief projects.

COMPLETE TEXT OF MEASURE B-Continued

- **BART Phase II—Estimated at \$1.5 Billion of Program Tax Revenues in 2017 dollars (capped at a maximum of 25% of Program Tax Revenues).**

To fund the planning, engineering, construction, and delivery costs of BART Phase II, which will create a new regional rail connection by extending BART from the Berryessa Station in San Jose to Santa Clara with stations at Alum Rock/28th Street, downtown San Jose, San Jose Diridon Station, and Santa Clara.

- **Bicycle/Pedestrian—Estimated at \$250 Million of Program Tax Revenues in 2017 dollars.**

To fund bicycle and pedestrian projects of countywide significance identified by the cities, County, and VTA. The program will give priority to those projects that connect to schools, transit, and employment centers; fill gaps in the existing bike and pedestrian network; safely cross barriers to mobility; and make walking or biking a safer and more convenient means of transportation for all county residents and visitors. Bicycle and pedestrian educational programs, such as Safe Routes to Schools, will be eligible for funding. Candidate Projects are set forth in Attachment A.

- **Caltrain Grade Separation—Estimated at \$700 Million of Program Tax Revenues in 2017 dollars.**

To fund grade separation projects along the Caltrain corridor in the cities of Sunnyvale, Mountain View, and Palo Alto, separating the Caltrain tracks from roadways to provide increased safety benefits for drivers, bicyclists, and pedestrians and also reduce congestion at the intersections.

- **Caltrain Corridor Capacity Improvements—Estimated at \$314 Million of Program Tax Revenues in 2017 dollars.**

To fund Caltrain corridor capacity improvements and increased service in Santa Clara County in order to ease highway congestion, including: increased service to Morgan Hill and Gilroy, station improvements, level boarding, extended platforms, and service enhancements.

- **Highway Interchanges—Estimated at \$750 Million of Program Tax Revenues in 2017 dollars.**

To fund highway projects throughout the valley that will provide congestion relief, improved highway operations and freeway access, noise abatement, roadway connection overcrossings, and deploy advanced technology through Intelligent Transportation Systems (ITS). Candidate Projects are set forth in Attachment B.

- **County Expressways—Estimated at \$750 Million of Program Tax Revenues in 2017 dollars.**

To fund Tier 1 improvement projects in the County's Expressway Plan in order to relieve congestion, improve safety and increase the effectiveness of the expressway system in the county. Candidate Projects are set forth in Attachment C.

- **State Route 85 Corridor—Estimated at \$350 Million of Program Tax Revenues in 2017 dollars.**

To fund new transit and congestion relief projects on SR 85, including a new transit lane from SR 87 in San Jose to U.S. 101 in Mountain View. Additionally this category will fund noise abatement along SR 85 and will provide funding to study transportation alternatives that include, but are not limited to, Bus Rapid Transit with infrastructure

COMPLETE TEXT OF MEASURE B-Continued

such as stations and access ramps, Light Rail Transit, and future transportation technologies that may be applicable.

- **Transit Operations—Estimated at \$500 Million of Program Tax Revenues in 2017 dollars.**

The revenue from this program category will provide additional funds specifically for bus operations to serve vulnerable, underserved, and transit dependent populations throughout the county. The goals of the program category are to increase ridership, improve efficiency, enhance mobility services for seniors and disabled, and improve affordability for the underserved and vulnerable constituencies in the county. As VTA considers modifications to bus operations and routes to improve ridership and efficiencies, these funds may also be utilized to maintain and expand service to the most underserved and vulnerable populations. The funds may be used to increase core bus route service frequencies, extending hours of operations to early mornings, evenings and weekends to improve mobility, safe access and affordability to residents that rely on bus service for critical transportation mobility needs. Attachment D describes the list of Candidate Projects and Programs.

The Program Categories will be administered in accordance with program guidelines and policies to be developed and approved by the VTA Board of Directors.

An independent citizen's oversight committee shall be appointed to ensure that the funds are being expended consistent with the approved Program. Annually, the committee shall have an audit conducted by an independent auditor. The audit shall review the receipt of revenue and expenditure of funds. The committee shall hold public hearings, and issue a report annually to inform the Santa Clara County residents how the funds are being spent. The hearings will be public meetings subject to the Brown Act.

To support and advance the delivery of projects in the Program, VTA may issue or enter into financial obligations secured by the tax revenues received from the State Board of Equalization (SBOE), including but not limited to, bonds, notes, commercial paper, leases, loans and other financial obligations and agreements (collectively, "Financing Obligations"), and may engage in any other transactions allowed by law. Notwithstanding anything to the contrary, to obtain the strongest credit ratings and lowest financing costs, VTA may pledge up to the full amount of tax revenues received from the SBOE as security for any Financing Obligations of the Program and may contract with the SBOE to have pledged amounts transferred directly to a fiduciary, such as a bond trustee, to secure Financing Obligations to fund any project in the Program. Any Financing Obligation shall be fully paid prior to the expiration of this tax measure.

If approved by a 3/4 majority of the VTA Board of Directors, and only after a noticed public meeting in which the County of Santa Clara Board of Supervisors, and the city council of each city in Santa Clara County have been notified at least 30 days prior to the meeting, VTA may modify the Program for any prudent purpose, including to account for the results of any environmental review required under the California Environmental Quality Act of the individual specific projects in the Program; to account for increases or decreases in federal, state, and local funds, including revenues received from this tax measure; to account for unexpected increase or decrease in revenues; to add or delete a project from the Program in order to carry out the overall purpose of the Program; to maintain consistency with the Santa Clara Valley Transportation Plan; to

COMPLETE TEXT OF MEASURE B-Continued

shift funding between project categories; or to take into consideration new innovations or unforeseen circumstances.

ATTACHMENT A ENVISION SILICON VALLEY BICYCLE AND PEDESTRIAN CANDIDATE LIST

Project

Implementation of Santa Clara Countywide Bicycle Plan*
Trails in Expressway Rights-of-Way
Alum Rock Trail
Coyote Creek Trail Completion
Lions Creek Trail
Lower Silver Creek Trail
Miramonte Avenue Bikeways
Fremont Road Pathway
Los Gatos Creek Trail Connector to SR 9
Berryessa Creek Trail
West Llagas Creek Trail
Guadalupe River Trail-Extension to Almaden
Three Creeks Trail East from Guadalupe River to Coyote Creek Trail
Five Wounds Trail from William Street to Mabury Road/Berryessa
Hwy. 237 Bicycle Trail: Great America Parkway to Zanker (Class I, II, and IV)
Lower Guadalupe River Access Ramps
Los Gatos Creek Trail Gap Closure
Calabazas Creek Trail
San Tomas Aquino Trail Extension to South & Campbell Portion
Union Pacific Railroad Trail
Stevens Creek Trail Extension
Hamilton Avenue/Highway 17 Bicycle Overcrossing
Pedestrian/Bicycle Bridge over SR 17 from Railway/Sunnyside to Campbell Technology Parkway
Mary Avenue Complete Streets Conversion
UPRR Bicycle/Pedestrian Bridge Crossing: Stevens Creek Boulevard to Snyder Hammond House/Rancho San Antonio Park
Montague Expressway Bicycle/Pedestrian Overcrossing at Milpitas BART Station
Shoreline/101 Bicycle/Pedestrian Bridge
Mayfield Tunnel Pedestrian/Bicycle under Central Expressway connecting to San Antonio Caltrain Station
South Palo Alto Caltrain Bicycle/Pedestrian Crossing
Matadero Creek Trail Undercrossing
Caltrain Capitol Undercrossing
Phelan Avenue Pedestrian/Bicycle Bridge over Coyote Creek
Newhall Street Bicycle/Pedestrian Overcrossing over Caltrain Tracks
Kiely Bicycle/Pedestrian Overcrossing
Winchester Bicycle/Pedestrian Overcrossing
Bernardo Caltrain Undercrossing
San Tomas Aquino Creek Trail Underpass at 49er Stadium
Latimer Avenue Bicycle/Pedestrian Overcrossing

COMPLETE TEXT OF MEASURE B-Continued

Bicycle/Pedestrian safety education at approximately 200 schools
Implementation of Pedestrian Access to Transit Plan (VTA)*
Bike amenities at transit stops and on transit vehicles
Countywide Vision Zero Program (VTA)*
Highway 9 Pedestrian Safety Improvements

*These plans are currently being developed/updated and projects are being identified.

ATTACHMENT B ENVISION HIGHWAY PROGRAM CANDIDATE LIST

Project

US 101 Improvements in the cities of Palo Alto and Mountain View to address regional connectivity and circulation between San Antonio Road and Charleston Road at the US 101/San Antonio Road, US 101/Rengstorff/Charleston Road and US 101/Shoreline Boulevard interchanges.

SR 85/SR 237 Area Improvements in Mountain View to address mainline congestion and regional connectivity through the SR 85/SR 237 connector, SR 85/EI Camino Real interchange, and the SR 237/EI Camino/Grant Road interchange.

SR 237/US 101/Mathilda Avenue Area Improvements in Sunnyvale to address local roadway congestion.

SR 237 Corridor Improvements in the cities of San Jose, Santa Clara and Milpitas to address mainline congestion and regional connectivity by addition of SR 237 westbound/eastbound auxiliary lanes between Zanker Road and North First Street, improvements at the SR 237/Great America Parkway westbound off-ramp, and replacement/widening of the Calaveras Boulevard structures over the UPRR tracks.

West County Improvements along I-280 in Cupertino, Los Altos, Los Altos Hills and Sunnyvale to address mainline congestion with mainline and interchange improvements from Magdalena Avenue to the San Mateo County line.

SR 85/I-280 Area Improvements in Cupertino, Los Altos, and Sunnyvale to address regional connectivity through a northbound I-280 braided ramp between SR 85 and Foothill Boulevard and improvements at the northbound I-280 off-ramp to Foothill Boulevard.

US 101/Trimble Road/De La Cruz Boulevard to Zanker Road Area Improvements to address local roadway connectivity and mainline congestion in San Jose and Santa Clara with US 101/Trimble Road/De La Cruz Boulevard interchange improvements, southbound US 101/SB 87 connector improvements, and a new US 101/Zanker Road interchange.

US 101/Old Oakland Road Improvements in San Jose to address local roadway congestion, access and connectivity.

A new interchange at US 101/Mabury Road in San Jose to address regional access.

I-680 Corridor Improvements in San Jose to address mainline congestion and regional connectivity by improving the I-680/Alum Rock Avenue and I-680/McKee Road interchanges.

I-280/Lawrence Expressway/Stevens Creek Boulevard Interchange Improvements to address mainline and local roadway congestion.

COMPLETE TEXT OF MEASURE B-Continued

I-280/Saratoga Avenue Interchange Improvements to address local circulation and mainline congestion.

I-280/Winchester Boulevard Area Improvements in Santa Clara and San Jose to address regional connectivity and local circulation.

SR 87 Corridor Technology-based Improvements in San Jose to address mainline congestion and system reliability through the implementation of technology-based operational improvements to the freeway.

Highway 17 Corridor Congestion Relief: Upgrade Highway 17/9 interchange to improve pedestrian and bicycle safety, mobility, and roadway operations; deploy advanced transportation technology to reduce freeway cut through traffic in Los Gatos, including traffic signal control system upgrades in Los Gatos, Traveler Information System, advanced ramp metering systems; support Multi-Modal Congestion Relief Solutions, including enhanced Highway 17 Express Bus service, implementing local bus system improvements that reduce auto trips to schools, work, and commercial areas in Los Gatos; and develop park and ride lots to serve as transit hubs for express bus, shuttles, local bus system connections.

SR 17 Southbound/Hamilton Avenue Off-ramp Widening Improvements in Campbell to address mainline congestion and local circulation.

SR 17/San Tomas Expressway Improvements in Campbell to address mainline congestion and local circulation.

US 101/Blossom Hill Boulevard Improvements in San Jose to address local roadway congestion and connectivity, including for bicyclists and pedestrians.

US 101 Improvements in Gilroy to address mainline congestion and regional connectivity with a new US 101/Buena Vista Avenue interchange and US 101/SR 152 10th Street ramp and intersection improvements.

SR 152 Corridor Improvements in Gilroy including US 101/SR 25 interchange improvements to address regional connectivity and goods movement network improvements.

I-280/Wolfe Road Interchange Improvements in Cupertino to address mainline congestion and improve local traffic circulation.

I-880/Charcot Avenue Overcrossing in San Jose to address local relief circulation and adjacent I-880 interchanges congestion relief.

Noise Abatement Projects in Santa Clara County to implement treatments to address existing freeway noise levels throughout the county.

Intelligent Transportation Systems (ITS) Projects in Santa Clara County such as integrated corridor management systems, traffic operations systems, ramp metering, managed lanes, and local traffic signal control systems to address freeway mainline congestion and local roadway congestion caused by cut-through traffic.

COMPLETE TEXT OF MEASURE B-Continued

**ATTACHMENT C
SANTA CLARA COUNTY EXPRESSWAY IMPROVEMENTS
(TIER 1)**

Project

- Almaden Expressway at SR-85-Interim Improvements
- Almaden Expressway at Branham Lane Intersection Improvements
- Almaden Expressway at Camden Ave Intersection Improvements
- Capitol Expressway Widening and Interchange Modifications between I-680 and Capitol Avenue
- Central Expressway at Thompson Intersection Improvements
- Foothill Expressway Auxiliary Lanes between El Monte and San Antonio
- Lawrence Expressway at Homestead Road Interim Improvements
- Lawrence Expressway at Homestead Road Grade Separation
- Lawrence Expressway from Reed/Monroe to Arques Grade Separation
- Montague Expressway Complete 8-lane Widening including HOV lanes and Auxiliary Lanes between Great Mall and McCarthy/O'Toole
- Oregon-Page Mill Widening (possible HOV lanes) and Trail between I-280 and Foothill Expressway
- Oregon-Page Mill Intersection Improvements between Porter and Hansen
- Oregon-Page Mill/El Camino Real Intersection Improvements
- San Tomas Expressway Widening and Trail between Homestead and Stevens Creek
- Santa Teresa-Hale Corridor Road and Trail between Dewitt and Main
- Santa Teresa-Hale Corridor Widening and Trail between Long Meadow and Fitzgerald
- SR 17/San Tomas Expressway Interim Improvements
- I-280/Foothill Expressway Interchange Modifications and Auxiliary Lane to Homestead
- I-280/Oregon-Page Mill Road Interchange Reconfiguration
- Expressway ITS/Signal System Countywide

**ATTACHMENT D
TRANSIT OPERATIONS CANDIDATE PROJECTS AND
PROGRAMS LIST**

- Expand mobility services and affordable fare programs for seniors, disabled, students and low-income riders.
- This project would provide funds to develop and expand senior and disabled transportation mobility programs and services. The proposed program would provide mobility options such as coordinated eligibility services and enhanced mobility options provided in a secure and safe manner for the most vulnerable and underserved residents in the County, such as seniors and persons with disabilities. It would support mobility options including maintaining the paratransit service coverage area and service expansion by extending hours of operation and weekend service. The funds would also establish permanent and augment discount fare programs to increase transit access for low-income, underserved and vulnerable populations unable to afford standard fares.

COMPLETE TEXT OF MEASURE B-Continued

- Enhance Frequent Core Bus Network.

The project would upgrade service frequency on VTA's top core network routes to 15-minutes or faster. Some specific examples include expanding the number of high frequency core routes and expanding the schedule of existing services. This may also include enhancing frequency of services during early mornings, evenings and weekends in order to improve convenience, reliability, connectivity, ridership, farebox recovery and support local land use plans. The upgrade would improve the quality of service for vulnerable, underserved and transit dependent populations as well as existing riders and attract new riders which would decrease vehicle miles traveled, traffic congestion and pollution.

- Improve amenities at bus stops to increase safety, security and access.

The project would provide funds for system wide improvements to bus stops, transit centers and stations including new and replacement shelters, lighting, access improvements including safe sidewalk connections, passenger information signs and security.

- Support new innovative transit service models to address first/last mile connections.

The project would support affordable new innovative transit service models to address first/last mile connections including FLEX type services, dynamic on-demand subscription shuttles and partnerships with other demand responsive service providers serving vulnerable, underserved and transit dependent populations.

ARGUMENT IN FAVOR OF MEASURE B

Uncommon allies united for a common goal: Relieve Traffic; Repair our Roads. That's why the League of Women Voters, San Jose Silicon Valley Chamber of Commerce, League of Conservation Voters, former U.S. Transportation Secretary Norman Mineta and Senator Dianne Feinstein are championing Measure B to provide vital local funding to fill potholes, maintain roads and reduce traffic throughout Santa Clara County.

We are fortunate to enjoy a special quality of life here. Unfortunately, many of Santa Clara County's roads are in dire need of repair and we're spending too much time trapped in traffic. We need meaningful countywide congestion relief.

Measure B will:

- Finish the BART extension to downtown San Jose and Santa Clara
- Relieve traffic congestion on all 10 Expressways (Almaden, Capitol, Central, Foothill, Lawrence, Montague, Page Mill, San Tomas, Santa Teresa, Hale) and key highway interchanges
- Protect and enhance transit options for seniors, the disabled, students and the poor
- Repair roads and fix potholes in all 15 cities
- Improve bicycle and pedestrian safety, especially near schools
- Increase Caltrain capacity, easing highway congestion and improving safety at grade crossings
- Connect BART/Caltrain in downtown San Jose and Santa Clara, with platform-to-platform connections, to finally provide rapid rail around the entire Bay Area

Voting YES on Measure B provides Santa Clara County with a source of locally controlled funding to repair and maintain our roads and improve safety. Measure B helps Santa Clara County secure state and federal matching funds, otherwise lost to other regions.

The state or federal government cannot take away Measure B funds. We need to act now; the longer we wait, the more expensive these improvements become.

Measure B mandates strong taxpayer safeguards, including independent financial audits with citizen oversight. Elected leaders will be held accountable to spend funds as promised.

Measure B repairs our roads and contributes to a better quality of life throughout Santa Clara County. Join us in supporting Measure B.

ARGUMENT IN FAVOR OF MEASURE B-Continued

www.YesMeasureB.com

/s/ Roberta Hollimon

Chair, Council of the Leagues of Women Voters of Santa Clara County

/s/ Matthew Mahood

President & CEO, San Jose Silicon Valley Chamber of Commerce

/s/ Rod Diridon, Sr.

Chair Emeritus, League of Conservation Voters of Santa Clara County

/s/ Michael E. Engh

President, Santa Clara University

/s/ Darryl Von Raesfeld

Fire Chief, City of San Jose (Retired)

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE B

Has your commute improved since Measure A in 2000? One thing is abundantly clear: If VTA actually could deliver "meaningful countywide congestion relief" they would have done it by now. This is a promise they can't deliver on.

Measure B would add a big increase to an already hefty transportation sales tax. What confidence do you have that you will ever benefit from it?

Look at the performance of Measure A from 2000. VTA's Capital Program Dashboard shows that no Measure A projects have been completed. The most expensive project, BART to Santa Clara, was cut in half. Why trust that Measure B will be any different? Voters deserve to see projects delivered before being asked to pay more taxes!

We've seen all this before: traffic keeps getting worse. The billions spent from existing taxes are not making our lives better. Clearly, the strategy doesn't work. Doing more of the same will continue to produce unacceptable results.

Measure B is a recipe for failure. We need a new direction. For example, voters need to consider whether major employers should pay more to reduce the congestion impacts of their employees' commutes.

Voting NO on Measure B sends a strong message: Find a new direction for our county--one that is good for the environment, good for the economy, and good for our health.

Please vote NO on Measure B. After the "bait and switch" of 2000's Measure A, let's not give VTA a \$6.3 billion blank check.

/s/ Michael J. Ferreira

Executive Committee Chair, Loma Prieta Chapter, Sierra Club

/s/ Mark W.A. Hinkle

President of the Silicon Valley Taxpayers Association

/s/ John M. Inks

Mountain View City Councilmember

/s/ Elizabeth C. Brierly

Santa Clara County Homeowner and Lifelong Resident

ARGUMENT AGAINST MEASURE B

Each year you are stuck in worse congestion. The 1% sales tax you've paid for the past thirty years to "relieve traffic" hasn't worked. Will raising the tax by 44% really "relieve traffic"?

Santa Clara County has tremendously congested roadways and one of the very worst performing light rail systems in the nation. Bus service is unusable and scheduled to get worse.

Population has increased since 2001, while transit ridership has declined 23 percent. If allowed to continue, the whole county will end up in gridlock.

Let's not put even more money into a failed strategy!

Here is the actual list of projects promised by Measure A in 2000, and what happened since then:

- Connect BART to Milpitas, San Jose, Santa Clara (project was cut in half and is still not complete)
- Build rail connection from San Jose Airport to BART, Caltrain, light rail (project canceled)
- New vehicles for disabled access, senior safety, clean air buses (completed)
- New light rail throughout Santa Clara County (one corridor changed into a bus lane project; other corridors canceled)
- Expand, electrify Caltrain (project is delayed more than 15 years)
- Increase rail, bus service (2015 service was 13% below 2001 levels)

The County Civil Grand Jury determined in 2004 that "The VTA Board has proceeded with a transit capital improvement plan that cannot accomplish all that was promised in Measure A." That certainly turned out to be the case.

Why vote for another bait-and-switch?

This election will be close. Your vote can help defeat this tax increase and send a message that new thinking is needed. Air quality and climate change demand new solutions.

For short and long-term traffic relief, please vote No.

Demand a new direction!

ARGUMENT AGAINST MEASURE B-Continued

For more information: www.No2VTAmMeasureB.org
Twitter: #No2VTAmMeasureB
Phone: 408-604-0932

/s/ Gladwyn d' Souza
Regional Chair, Loma Prieta Chapter, Sierra Club

/s/ Mark W.A. Hinkle
President: Silicon Valley Taxpayers Association

/s/ John M. Inks
Mountain View City Councilmember

/s/ Andy Chow
President, BayRail Alliance

/s/ Elizabeth C. Brierty
San Jose Homeowner & Lifelong Santa Clara County Resident

REBUTTAL TO ARGUMENT AGAINST MEASURE B

When reading the argument against Measure B, please consider the sources and review the facts for yourself. The opponents offer no solutions to the traffic congestion we face every day.

Some of the organizations signing the argument against Measure B have histories of opposing absolutely everything, including measures to support our schools, parks and public safety.

The text of their argument is even less credible.

Here are the facts:

*The first segment of the BART extension is running \$75 million under budget and a year ahead of schedule, with passenger service beginning in fall 2017.

*Thanks to major investments, electrification of Caltrain will begin in 2020, which helps nearly double ridership capacity from 65,000 daily trips to 110,000.

Why is Measure B important? Please review the official ballot question for yourself. Measure B will accomplish the following while also mandating annual audits by an independent citizens watchdog committee to ensure accountability:

- Repair streets and fix potholes in all 15 cities & towns
- Finish the BART extension to downtown San Jose and Santa Clara
- Improve bicycle/pedestrian safety, especially near schools
- Increase Caltrain capacity, ease highway congestion and improve safety at crossings
- Relieve traffic on all 10 expressways and key highway interchanges
- Enhance transit for seniors, students, low-income citizens and the disabled

All of us are Santa Clara County taxpayers and residents (the signers of the argument against cannot say the same thing). Please join community leaders and organizations

from across Santa Clara County in supporting Measure B for better commutes and better roads.

REBUTTAL TO ARGUMENT AGAINST MEASURE B-Continued

www.YesMeasureB.com

/s/ Yoriko Kishimoto
Friends of Caltrain Chair and Board President of the Midpeninsula Regional Open Space District

/s/ Glenn M. Grigg
Traffic Engineer, City of Cupertino (Ret.)

/s/ Mark Turner
President/CEO, Gilroy Chamber of Commerce

/s/ Tony Siress
President/CEO Mountain View Chamber of Commerce

/s/ Teresa Alvarado
San Jose Director, SPUR