

From: VTA Board Secretary

Sent: Wednesday, October 5, 2022 4:04 PM

To: VTA Board of Directors

Subject: VTA Information: October 6, 2022, Board of Directors Meeting 1st Update to Agenda Packet

Board of Directors:

The VTA Board of Directors Agenda packet for the **Thursday, October 6, 2022, Meeting** has been updated to include additional information (materials, presentations and/or public comment) for the following items:

- **Agenda Item #2.1.** -Resolution of Appreciation for Brandi Childress (resolution)
- **Agenda Item #4.1.** -Resolutions of Necessity for BART Silicon Valley Phase II Project: Property IDs B3014, B3015, B3319, B3320, B4002, B4005 (presentation)
- **Agenda Item #5.1.C.** -Standing Committee Chairpersons' Report (A&F and CMPP written reports)
- **Agenda Item #5.2.** -General Manager Report (safety/security, ridership)
- **Agenda Item #5.2.A** -Government Affairs Report (written report)
- **Agenda Item #6.2.** -Approval of Competitive Negotiation Process – Bus Procurement (resolution)
- **Agenda Item #6.13.** -Workshop Meeting Minutes of September 16, 2022 (minutes)
- **Agenda Item #7.1.** -2023 Transit Service Plan (updated presentation)
- **Agenda Item #7.2.** -VTA Access Paratransit Service Scope of Work (presentation)
- **Agenda Item #7.4.** -Fiscal Year 2023 Budget Augmentation (presentation)
- **Agenda Item #7.5.** - Silicon Valley Rapid Transit (SVRT) Program Update (presentation)

You may access the updated outline/packet on our [agenda portal](#).

Thank you,

Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 North First Street, Building B
San Jose, CA 95134-1927
Phone [408-321-5680](tel:408-321-5680)



From: VTA Board Secretary
Sent: Wednesday, October 5, 2022 5:07 PM
To: VTA Board of Directors
Cc: VTA Board Secretary
Subject: VTA Correspondence

VTA Board of Directors:

We are forwarding to you the following correspondence:

From	Topic
David Dearborn	BART Phase II
LaVon Gray	Public Comment
Paul Sanftner	Save Amtrak Train 527 Campaign

Thank you.

Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 North First Street, Building B
San Jose, CA 95134-1927
Phone [408-321-5680](tel:408-321-5680)



Conserve paper. Think before you print.

From: David D

Sent: Monday, September 26, 2022 8:02 AM

To: VTA Board Secretary <Board.Secretary@vta.org>

Cc: BART Board <BoardofDirectors@bart.gov>; Carl Holmes <CHolmes@bart.gov>; Montgomery, Jena C <Jena.Montgomery@atkinglobal.com>; DOTCFO@dot.gov; ppic@epa.gov; Itolkoff@spur.org; jbaker@svlg.org; rjeffris@bayareacouncil.org; Zenk, Jessica <jessica.zenk@sanjoseca.gov>; eliyahu Kamisher <ekamisher@bayareanewsgroup.com>

Subject: [EXTERNAL] Executive Order EO 13990

CAUTION: This Message originated from outside VTA. Do not click links or open attachments unless you recognize the sender and know the content is safe!

VTA Board Chair and Directors,

Attached find the case for FTA amending its agreement for further funding of the BART Phase II project beyond the \$235M for design improvements.

Pursuant to Presidential Executive Order EO 13990, signed January 20, 2021 and as part of the BART Phase II design improvement process, VTA could easily modify its current TOD friendly single bore design to a twin bore design that includes mined stations, access ways and crossovers, thus reducing construction related GHG emissions compliant with President Biden's Executive Order.

Please see attached.

Respectfully,

David Dearborn

To: VTA Board Chair and Directors,

Subj: Presidential Documents, Executive Order 13990 of January 20, 2021

Re: Protecting Public Health and the Environment, Restoring Science To Tackle the Climate Crisis

Re: BART Phase II design and funding

January 20, 2021 Biden signed Executive Order 13990 Protecting Public Health and the Environment Restoring Science to Tackle the Climate Crisis, stating Federal Government must be guided by the best science to reduce greenhouse gas emissions GHG.

In it he directs all executive departments and agencies to immediately review and take action to and commence work to confront the climate crisis.

Given this EO, the Federal Transportation Authority FTA should amend terms of further funding of the BART Phase II project (beyond the \$235M for design improvements) to condition funding on a design that generates the least reasonable construction related GHG emissions based on current proven science and processes.

Should the VTA approve the original 2007 approved 65% design complete and EIR Certified twin bore design with mined stations, access ways and crossovers replacing the cut-&-cover stations, it would save 60,000 to 90,000 tons of construction related GHG over the current 53-ft diameter single bore design, and it would not shutter downtown.

Note: This first chart shows the current 53.2 ft diameter single bore design would remove 2.9 times the soil and muck of the 2007 twin bore design with mined stations, access ways and crossovers.

	OD feet	ID feet	Wall feet	Dist feet	# of bore	soil/muck M cuft	
Twin Bore	22	20	1.5	5280 x 5	2	20.0	
First Single Bore	48.5	43	2.75	5280 x 5	1	48.8	2.4x
New Single Bore	53.2	48	2.58	5280 x 5	1	58.7	2.9x

Note: This second chart shows the current 53.2 ft diameter single bore design would require 2.44 times the reinforced concrete of the 2007 twin bore design if stations, access ways and crossovers were mined.

	OD feet	ID feet	Wall feet	Dist feet	# bore ea	wall M cuft	trk suprt M cuft	total M cuft	
Twin Bore	22	19	1.5	5280 x 5	2	5.2	0.05	5.7	
First Single Bore	48.5	43	2.75	5280 x 5	1	9.6	3.1	12.7	2.23x
New Single Bore	53.2	48	2.58	5280 x 5	1	11.1	2.8	13.9	2.44x

Note: 400 lbs of CO2 are generated to make 1 cubic yard of concrete.
3,700 lbs of CO2 are generated to make 1 ton of steel.

Note: During the 2007 twin bore design and two single bore designs, construction related GHG was NOT quantified or reported in the EIR, NEPA or environmental documentation.

Note: Example of proven twin bore design in soft wet soils can be found attached in a previous email dated 09/22/2022.

Thank you in advance for giving this your time and consideration.

David Dearborn,
1408 Hotspur Ct.
San Jose, CA 95125
cell /text 408.981.6599

cc:

ltolkoff@spur.org

jbaker@svlg.org

rjeffris@bayareacouncil.org

BoardofDirectors@bart.gov

"Carl Holmes" CHolmes@bart.gov

"Zenk, Jessica" <jessica.zenk@sanjoseca.gov>

"PMOC" Jena.Montgomery@atkinsglobal.com

DOTCFO@dot.gov

ppic@epa.gov

ekamisher@bayareanewsgroup.com

TO: VTA Board of Directors
FROM: David Dearborn
SUBJECT: Independent Study Twin vs Single-bore

September 22, 2022

Summary Comment

From the memorandum to the Board from Chair Jones, Directors Liccardo and Perales, the current independent study appears to be an updated peer review of the latest design within constraints that limit by design a twin bore with mined stations and access.

The following presents a path forward that would comply with FTA best practices, offer the Project Management Oversight Committee PMOC and the public a boost in confidence regarding this project.

FTA Best Practices

The 2001 revised FTA Best Practices Procurement Manual, 1.3.3.9 Transit Oriented Joint Development Projects, speaks to designs and properties that favor TOD development and transit revenue.

People are asking for a fair, open and transparent evaluation of a twin bore design that would allow for mined stations, access ways and crossovers that meet the service and safety needs of BART from Berryessa to Santa Clara, complete with easy, intuitive access to TOD development on both sides of Santa Clara Street, Diridon, and 28th Street stations. TOD transit design is not conditional on a single bore design.

An Honest Look

To be completely fair, open and compliant with Federal and State polices and best practices for contracting and procurement, information for both single-bore and twin bore designs should include but not be limited to the following:

- estimated time to complete the design-build process,
- number of TBM(S), sources and lead-time to delivery,
- rough phased schedule for tunneling, track, access and underground station work,
- roughly quantify cu yds of total soil removed, concrete, and tons of steel for above,
- tons of construction related greenhouse gases GHG produced by materials and work,
- brief description/discussion of design flexibility offered by each concept,
- briefly describe street, sidewalk and building frontage area disrupted by station and sidewalk access construction; provide examples in similar environs,
- rough cost of tunneling; track and track support structure; station and access construction.

Not Complicated

From the public information and various designs developed to date, invitations for best twin bore concept could be limited to no more than 25 pages; and be submitted within 90 days.

Requesting proposals for twin bore designs and construction supervision would remove Federal, State and public concerns that VTA has restricted competition for best value for BART, transit riders, funding agencies and most importantly, the environment.

Run Concurrently

This process could run concurrently with VTA staff and design-build team as they continue to explore design improvements for service and cost reduction. Effectively this could be part of the \$235M used to develop best and lowest practical cost design.

No EIR Required

If a twin bore solution &/or proposal were to warrant design modifications within the Board and FTA approved alignment, VTA could submit a simple FTA form stating "Finding Of No Significant Impacts", or FONSI and continue to advance the project with twin bore and mined stations, crossovers and access. (note: FONSI, Impact refers to environmental impact)

Benefits

- Twin bore and TOD can proceed with mined access ways to mix use high rise , existing residential, City Hall, SJU and south side development.
- It would offer wider, safer center platform area with shorter intuitive street level access to sidewalk or off-street in building ticketing;
- provide full BART operating, safety and maintenance compatibility;
- offer greater degrees of freedom for Diridon Station intermodal access and TOD development as well as Little Portugal Station design flexibility;
- deliver the project in less time saving 29,000 tons of GHG /yr when in service;
- save 60,000 tons of GHG in construction related GHG emissions over single-bore;
- and assuage various concerns expressed by community and stakeholders.

Conclusion

SPUR, SVLG, Bay Area Council, BART Directors, City of San Jose DOT, environmental advocates and others would be encouraged by an open, fair and competitive search for best twin bore design that would service TOD, BART compatibility and Downtown for the next 100 years.

Thank you for giving this your full and serious consideration,

Respectfully,

David Dearborn

cc:

ltolkoff@spur.org

jbaker@svlg.org

rjeffris@bayareacouncil.org

BoardofDirectors@bart.gov

"Carl Holmes" CHolmes@bart.gov

"Zenk, Jessica" <jessica.zenk@sanjoseca.gov>

"PMOC" Jena.Montgomery@atkinsglobal.com

DOTCFO@dot.gov

ppic@epa.gov

ekamisher@bayareanewsgroup.com

-----Original Message-----

From: David D

Sent: Thursday, September 22, 2022 2:36 PM

To: VTA Board Secretary <Board.Secretary@vta.org>

Subject: [EXTERNAL] Independent Study of Single vs Twin Bore

CAUTION: This Message originated from outside VTA. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Chair and Directors,

Following up on various thoughts and comments about the independent study of twin bore vs single bore, find attached comments below.

David Dearborn

TO: VTA Board of Directors
FROM: David Dearborn
SUBJECT: Independent Study Twin vs Single-bore

September 22, 2022

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Respectfully,

David Dearborn

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"PMOC" Jena.Montgomery@atkinsglobal.com

DOTCFO@dot.gov

ppic@epa.gov

ekamisher@bayareanewsgroup.com

From: Gray, Lavon
Sent: Wednesday, September 7, 2022 3:11 PM
To: VTA Board Secretary <Board.Secretary@vta.org>
Subject: Public Comment for September 7, 2022 meeting

Dear VTA Board Members,

Yesterday, September 6, 2022, was an extremely challenging day for VTA service. Due to the severe heat coaches and personnel were unable to provide the service level expected as in other days. It is not unusual for service delays due to heat but in my twenty-seven years of service this was excessive. The other challenge came when Light Rail needed a bus bridge.

Just as OCC was in the middle of trying to recover service for last schedules or service that had a headway of over an hour, OCC was informed that Cindy Chavez had called requesting a transport for a person in a wheelchair and her attendant from a cooling center to a homeless shelter.

There are several problems with this request. One, VTA was in the middle of trying to recover service for numerous missing schedules. Two, for Cindy Chavez to use her position to make this request should be stopped. These two people were not any more important than other passengers waiting for over an hour for a bus. Finally, no VTA board member should be allowed to make special request for service.

Sincerely,
LaVon Gray

From: Paul Sanftner

Sent: Sunday, September 25, 2022 12:05 AM

To: mason.fong@gov.ca.gov; Assemblymember.Kiley@assembly.ca.gov; Senator.Nielsen@senate.ca.gov; Senator.dahle@senate.ca.gov; Assemblymember.dahle@assembly.ca.gov; assemblymember.bigelow@assembly.ca.gov; senator@feinstein.senate.gov; senator@padilla.senate.gov; CA01scheduling@mail.house.gov; ca04scheduling@mail.house.gov; info@auburnchamber.net; info@rocklinchamber.com; robin@rocklinchamber.com; tiffany@rocklinchamber.com; info@rosevillechamber.com; rana@rosevilleareachamber.com; communications@rosevilleareachamber.com; TPM@rosevilleareachamber.com; advocacy@rosevilleareachamber.com; Joe Aiello, National Field Coordinator <jaiello@narprail.org>

Cc: RobP@CapitolCorridor.org; leos@capitolcorridor.org; JimA@capitolcorridor.org; marquesc@capitolcorridor.org; michaelh@capitolcorridor.org; Priscillak@capitolcorridor.org; mimik@capitolcorridor.org; Shirleyq@capitolcorridor.org; ccjpaboard@capitolcorridor.org; JHolmes@placer.ca.gov; bhoudesheldt@roseville.ca.us; Don.Saylor@yolocounty.org; jmcpartland@bart.gov; CatherineR@capitolcorridor.org; district3@sanjoseca.gov; VTA Board Secretary <Board.Secretary@vta.org>

Subject: [EXTERNAL] #SaveAmtrakTrain527 Campaign - Bay Area-Bound Commuters Organizing in Placer County - New Capitol Corridor Amtrak Schedule Negatively Affects Super Commuters

CAUTION: This Message originated from outside VTA. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Some elected officials' e-mail addresses are Bcc'd to prevent Brown Act violations.

Honorable Elected Officials (Federal, State, County, City Councils), Community Partners, and Bay Area/Sacramento-Area Media Representatives:

I hope you're well. Please review the Save Train 527 petition and spread the word about this commuter-led grassroots effort to restore Amtrak Train 527 *departing* from Auburn, Placer County. Below are the petition and digital assets.

Save Train 527 Change.org Petition

<https://www.change.org/oct3capitolcorridorservicechange>

Save Train 527 Digital Outreach

YouTube Video - <https://youtu.be/q-6wAKvyKTo>

Nextdoor.com - https://nextdoor.com/p/hKhs-rs8gCJb?utm_source=share&extras=MjgxMTg3Mg%3D%3D

Facebook - <https://www.facebook.com/784618695/videos/491866506120194/>

Twitter - <https://twitter.com/paulsanftner/status/1573922046911709184?s=20&t=CtvRO3TBJRY7SJ9k1cIDVw>

(***In-Person flyer distribution will occur at the three Placer County stations during the week of September 26th. A sample flyer is attached to this e-mail***)

Save Train 527 Request - 9.25.22

Chair Saylor, Vice Chair Peralez. and Capitol Corridor Joint Powers Authority Board of Directors:

The new train schedule was publicly released on September 23rd, less than two weeks before the October 3rd implementation. The Save Train 527 Coalition respectfully requests you direct CC JPA Managing Director Rob Padgette to conduct a survey among Train 527 riders that board at the Auburn, Rocklin, and Roseville stations before the October 3rd elimination of Train 527 from Auburn. A recent rider survey was NOT conducted by the CC JPA staff when they decided to eliminate Train 527 from Auburn.

SAVE TRAIN 527

New Capitol Corridor Amtrak Service
(starting Oct. 3rd) for Train 527 will
negatively affect Placer County Morning
Commuters to the Bay Area



Sign the petition and join the
commuter-led effort to request Capitol
Corridor Joint Powers Authority to
restore Train 527 from Auburn

www.change.org/oct3capitolcorridorservicechange

--

Thank you,

paul

Paul Sanftner

SAVE TRAIN 527

New Capitol Corridor Amtrak Service
(starting Oct. 3rd) for Train 527 will
negatively affect Placer County Morning
Commuters to the Bay Area



Sign the petition and join the
commuter-led effort to request Capitol
Corridor Joint Powers Authority to
restore Train 527 from Auburn

www.change.org/oct3capitolcorridorservicechange

From: VTA Board Secretary

Sent: Thursday, October 6, 2022 2:08 PM

To: VTA Board of Directors

Subject: VTA Information: October 6, 2022, Board of Directors Meeting 2nd Update to Agenda Packet

Board of Directors:

The VTA Board of Directors Agenda packet for the **Thursday, October 6, 2022, Meeting** has been updated to include additional information (materials, presentations and/or public comment) for the following items:

- **Agenda Item #5.2.** -General Manager Report (presentation)
- **Agenda Item #6.17.** -Unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions (Caltrain Report)

You may access the updated outline/packet on our [agenda portal](#).

Also, you can find attached time estimates for the meeting.

Thank you,

Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 North First Street, Building B
San Jose, CA 95134-1927
Phone [408-321-5680](tel:408-321-5680)



BOARD OF DIRECTORS MEETING

Thursday, October 6, 2022

5:30 PM

ESTIMATED TIMES:

5:30 PM – CALL TO ORDER

8:15– RECESS TO CLOSED SESSION

9:45 PM - ADJOURN

REVISED AGENDA

1. CALL TO ORDER AND ROLL CALL (5 mins, end @ 5:35)

1.1. ROLL CALL

1.2. Orders of the Day

Revised Agenda to amend Closed Session language

2. AWARDS AND COMMENDATION (5 mins end @ 5:40)

2.1. ACTION ITEM – Adopt a Resolution of Appreciation for VTA Chief of Staff, Brandi Childress.

3. PUBLIC COMMENT (10 mins end @ 5:50)

- This is for items NOT on the agenda.

- 1 minute per speaker

- Total time allotted is 30 minutes.

- After 30 minutes, those who were unable to address the Board on matters not on the agenda may address the board before adjournment.

4. PUBLIC HEARINGS (30 mins end @ 6:20)

4.1. HEARING - NOTICE OF INTENTION TO ADOPT RESOLUTIONS OF NECESSITY

ACTION ITEM - Close Hearing and adopt six (6) Resolutions of Necessity determining that the public interest and necessity require the acquisitions of real property interests on properties located in the City of San Jose owned respectively by (1) Main St Bagels, Inc., a California corporation; (2) Nguyen Trong Nguyen and Phuong Kim Thi Nguyen, as co-Trustees of The Nguyen Family Living Trust, U/A dated October 21, 2021; (3) William and Beatrice Jauch, Trustees of The Jauch Family Trust; (4) Allen Guggenheim and Karen Merle Guggenheim, Trustees of the Guggenheim Family Trust dated December 24, 1998, and Albert M. Sabes and Susan

L. Sabes, Trustees, or their successor(s), under The Sabes 1992 Revocable Trust dated November 6, 1992; (5) Bay Area/Diablo Petroleum Company, a California corporation, and (6) Central Concrete Supply Co. Inc., a California corporation for VTA's BART Silicon Valley Phase II Project.

Ron Golem will report. He will pause after each property to ask if there are property owners/representatives who would like to address the Board.

Note: Motion must be approved by at least 2/3 of the Board (8 members). Maker of Motion is requested to read the property ID #s

Property ID/Assessor's Parcel Number/Owner

B3014 (APN No.: 467-09-042) owned by Main St Bagels, Inc., a California corporation.

Property ID/Assessor's Parcel Number/Owner

B3015 (APN No.: 467-09-060) owned by Nguyen Trong Nguyen and Phuong Kim Thi Nguyen, as co-Trustees of The Nguyen Family Living Trust, U/A dated October 21, 2021.

Property ID/Assessor's Parcel Number/Owner

B3319 (APN No.: 261-04-004 and 261-04-005) owned by William E. Jauch and Beatrice A. Jauch, Trustees of The Jauch Family Trust.

Property ID/Assessor's Parcel Number/Owner

B3220 (APN No.: 261-04-039) owned by Allen Guggenheim and Karen Merle Guggenheim, Trustees of the Guggenheim Family Trust dated December 24, 1998, and Albert M. Sabes and Susan L. Sabes, Trustees, or their successor(s), under The Sabes 1992 Revocable Trust dated November 6, 1992.

Property ID/Assessor's Parcel Number/Owner

B4002 (APN No.: 230-41-003) owned by Bay Area/Diablo Petroleum Company, a California corporation.

Property ID/Assessor's Parcel Number/Owner

B4005 (APN No.: 261-11-003) owned by Central Concrete Supply Co. Inc., a California corporation.

5. REPORTS

(25 mins, end @ 6:45)

5.1. Committee Reports

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

Howard Miller, CAC Vice Chair, will provide the report.

- 5.1.B.** Policy Advisory Committee (PAC) Chairperson's Report. (Verbal Report)
(Moore)

Kitty Moore, PAC Chair, will provide the report.

- 5.1.C.** Standing Committee Chairpersons' Report. (Verbal Report)

Written reports are in the packet.

- 5.1.D.** Policy Advisory Board Chairpersons' Report. (No Report)

No Report.

- 5.2.** General Manager Report. (Verbal Report)

Slides are in the packet.

- 5.2.A.** INFORMATION ITEM - Receive Government Affairs Update.

Written report in the packet.

Ridership and Security stats are in the packet.

- 5.3.** Chairperson's Report. (Verbal Report)

6. CONSENT AGENDA **(10 mins, end @ 6:55)**

Consent Agenda includes items 6.1 through 6.17

6.2 and 6.3 requires 2/3 Vote or 8 affirmative votes

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

- 6.1.** ACTION ITEM - Review and accept the Fiscal Year 2022 Statement of Revenues and Expenses for the period ending June 30, 2022.
- 6.2.** ACTION ITEM - Adopt a Resolution upon a two-thirds vote of the Board of Directors finding that a competitive sealed bid process does not constitute a method of procurement adequate for VTA's needs and directing the use of Competitive Negotiation for the purchase of up to 35 low-floor zero emission electric buses, up to 43 foot in length, with an additional option to buy up to 35 Hybrid diesel-electric buses.

Note: Motion must be approved by at least 2/3 of the Board (8 members).

- 6.3.** ACTION ITEM - Authorize the General Manager/CEO to enter into agreements with the City of Mountain View to implement the Take Charge Initiative. Amend the FY 2022 and FY 2023 Transit Enterprise Capital budget to add the project and related budget appropriation.

Note: Motion must be approved by at least 2/3 of the Board (8 members).

- 6.4.** ACTION ITEM - Authorize the General Manager/CEO to execute Contract Amendment 10 with HNTB Corporation to extend the contract term to December 31, 2023 to complete Final Design Services for the Silicon Valley Express Lanes (SVEL) Program Phase 4 Project.
- 6.5.** ACTION ITEM - Authorize the General Manager/CEO to amend the interagency funding agreement with the County of Santa Clara to provide professional mental health services for those traumatized by the May 26, 2021 shooting in the amount of \$600,000 for a total of \$1,200,000.
- 6.6.** ACTION ITEM - Adopt an amended Regional Measure 3 (RM3) Implementing Agency Resolution of Project Compliance - Letter of No Prejudice (LONP) for planning and early property acquisition for the Diridon Intermodal Station Concept (DISC).
- 6.7.** INFORMATION ITEM - Receive a report summarizing the outcome of VTA's Fiscal Year 2023 Transit Operations Insurance program.
- 6.8.** INFORMATION ITEM - Receive a report on the independent assessment by Willis Towers Watson and the VTA Auditor General on the performance of TriStar in the administration of VTA's Workers' Compensation Program.

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

- 6.9.** ACTION ITEM - Adopt the Countywide Local Roads Safety Plan.
- 6.10.** ACTION ITEM - Approve One Bay Area Grant Cycle 3 prioritized list of projects and adopt a resolution for submission to the Metropolitan Transportation Commission.
- 6.11.** INFORMATION ITEM - Receive update on the Silicon Valley Express Lanes Fiscal Year 2022 Operations Report.

**SAFETY, SECURITY, AND TRANSIT PLANNING & OPERATIONS (SSTP&O)
COMMITTEE**

There were no items submitted for the Consent Agenda from the Safety, Security, and Transit Planning & Operations Committee.

GOVERNANCE AND AUDIT (G&A) COMMITTEE

There were no items submitted for the Consent Agenda from the Governance and Audit Committee.

BOARD OF DIRECTORS

- 6.12.** ACTION ITEM – Approve the Regular Meeting Minutes of September 1, 2022.
- 6.13.** ACTION ITEM – Approve the Workshop Meeting Minutes of September 16, 2022.
- 6.14.** ACTION ITEM - Authorize the General Manager/CEO to execute the necessary separate agreements and amendments with the Peninsula Corridor Joint Powers Board to deliver the Caltrain Corridor Wide Grade Separation Study and Diridon Station Preliminary Business Case Projects.
- 6.15.** ACTION ITEM - Authorize the General Manager to execute Amendment No. 7 to the Cooperative Parking Agreement (Parking Agreement) between San Jose Arena Management (SJAM), the Peninsula Corridor Joint Powers Board (Caltrain), and VTA, to allow SAP Arena event parking on the Caltrain and VTA Diridon parking lots.
- 6.16.** ACTION ITEM - Adopt a subsequent Resolution authorizing the Santa Clara Valley Transportation Authority (VTA) Board of Directors and all standing, advisory, policy, oversight, steering, and inter-agency committees and subcommittees of the Board to continue to meet by remote teleconference, subject to the requirements of Assembly Bill 361 (Rivas).
- 6.17.** INFORMATION ITEM - Receive unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions.

7. REGULAR AGENDA

(75 mins end @ 8:10)

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

There were no items submitted for the Regular Agenda from the Administration and Finance Committee.

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

There were no items submitted for the Regular Agenda from the Congestion Management Program and Planning Committee.

**SAFETY, SECURITY, AND TRANSIT PLANNING & OPERATIONS (SSTP&O)
COMMITTEE**

- 7.1. ACTION ITEM - Adopt the 2023 Transit Service Plan.

Janice Soriano-Ramos will present.

Staff Presentation: 7 minutes

GOVERNANCE AND AUDIT (G&A) COMMITTEE

- 7.2. DISCUSSION ITEM - Review and discuss the scope of work for VTA Access Paratransit Services. (Verbal Report)

Rachelle Tagud will present.

Staff Presentation: 10 minutes

BOARD OF DIRECTORS

- 7.3. ACTION ITEM - Adopt a resolution approving VTA's 2022 Title VI Program.

Jaye Bailey and Mark Greene will present.

Staff Presentation: 10 minutes

- 7.4. ACTION ITEM - Approve the augmentation and modification to the Fiscal Year 2023 Adopted Budget by \$27.23 million to incorporate the following:

- Augment the Transit Operating budget by \$12.90 million.
- Augment the Transit Capital Program budget by \$14.33 million, \$7.15 million of VTA Transit funds, and \$7.18 million from State of Good Repair, Federal Grant and 2016 Measure B Program funds.

Greg Richardson will present.

Staff Presentation: 7 minutes

Note: Motion must be approved by at least 2/3 of the Board (8 members).

- 7.5. INFORMATION ITEM – Receive Silicon Valley Rapid Transit (SVRT) Program Update. (Verbal Report)

Gary Griggs will present.

Staff Presentation: 10 minutes

- 7.6. INFORMATION ITEM - Receive SB 129 Joint Labor Management Committee Update. (Verbal Report)

Jaye Bailey and Mark Delong

Staff Presentation: 5 minutes

8. OTHER ITEMS

(5 mins end @ 8:15)

8.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

8.2. Announcements

8.3. Public Comment (Continued)

This portion of the meeting is reserved for persons who had requested but were not able to address the Board of Directors under Item #3 due to the time limit and for those individuals who would like to address the Board on agenda items under “Other Items.” **Speakers are limited to 1 minute.** The law does not permit Board action or extended discussion of any item not on the agenda except under special circumstances. If Board action is requested, the matter can be placed on a subsequent agenda. All statements that require a response will be referred to staff for reply in writing.

9. CLOSED SESSION

(90 mins end @ 9:45)

9.1. Recess to Closed Session

A. Threat to Public Services or Facilities
[Government Code Section 54957(a)]

Consultation with the following staff:
Scott Johnson, Auditor General
Rich Bertalan, Technology Deputy Director
Max Eagan, Sr. Cyber Security Analyst

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

Name of Case: Lane et al v. Universal Protection Service, LP et al
(Santa Clara County Superior Court Case No. 22CV398848)

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

Name of Case: Davallou et al v. Universal Protection Service, LP et al
(Santa Clara County Superior Court Case No. 22CV399418)

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

Name of Case: Fritch et al v. Universal Protection Service, LP et al
(Santa Clara County Superior Court Case No. 22CV399095)

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

Name of Case: Megia et al v. Universal Protection Service, LP et al
(Santa Clara County Superior Court Case No. 22CV399096)

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

Name of Case: Gil v. Universal Protection Service, LP et al
(Santa Clara County Superior Court Case No. 22CV400206)

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

Name of Case: Bertolet et al v. Universal Protection Service, LP et al
(Santa Clara County Superior Court Case No. 22CV400239)

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

Name of Case: Skanska-Shimmick-Herzog v. Santa Clara Valley Transportation
Authority
(San Mateo Superior Court Case No. 20-CIV-02854)

I. Conference with Legal Counsel - Anticipated Litigation
[Government Code Section 54956.9(d)(2)]

Significant Exposure to Litigation relating to personal injury claim by John Shea

No. of Case: 1

9.2. Reconvene to Open Session

9.3. Closed Session Report

10. ADJOURN @ 9:45
