

From: VTA Board Secretary

Sent: Monday, October 31, 2022 2:29 PM

To: VTA Board of Directors

Subject: VTA Information: 1st Update to the Nov. 3, 2022 Board of Directors Agenda Packet

Board of Directors:

The 1st Update to the Nov. 3, 2022 Board of Directors Agenda Packet has been posted on the [agenda packet](#) with an Addenda to include the following:

- **Item #5.1.D.X.** - Ad Hoc Grade Separation Committee Chairperson's Report (Verbal Report)
-
- **Item #5.2** - General Manager Report
 - INFORMATION ITEM -Receive a presentation on bus availability and the current trends of service loss and vehicle defects. (Verbal Report)

Also included on the updated packet:

- **Item 6.12.b** - Unapproved Technical Advisory Committee Regular Meeting Minutes of October 12, 2022

Thank you,

Office of the Board Secretary

3331 North First Street

San Jose, CA 95134-1927

Phone [408-321-5680](tel:408-321-5680)

From: VTA Board Secretary

Sent: Wednesday, November 2, 2022 11:52 AM

To: VTA Board of Directors

Cc: VTA Board Secretary

Subject: From VTA: Letters Addressed to the FTA Re: VTA's BART Silicon Valley Phase II Project

VTA Board of Directors:

Please see the attached following letters from General Manager/CEO Carolyn M. Gonot pertaining to VTA's BART Silicon Valley Phase II Project:

- 1) Letter addressed to Mr. Ray Tellis, FTA, re: Letter of No Prejudice Request
- 2) Letter addressed to Ms. Felicia James, FTA, re: Request to Re-enter New Starts Project Development

Thank you.

Office of the Board Secretary
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3331 North First Street, Building B
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Conserve paper. Think before you print.



October 18, 2022

Mr. Ray Tellis
Regional Administrator
Federal Transit Administration, Region 9 Office
San Francisco Federal Building
90 7th Street, Suite 15-300
San Francisco, CA 94103-6701

Re: VTA's BART Silicon Valley Phase II – Letter of No Prejudice Request

Dear Ray,

The Santa Clara Valley Transportation Authority (VTA) is requesting the Federal Transit Administration (FTA) to issue a Letter of No Prejudice (LONP) that encompasses a) retroactive activities to allow VTA to incur project costs of approximately \$500 million from the period of time FTA accepted VTA's BART Silicon Valley Extension Project (BSVII) into New Starts Project Development (March 2016) through BSVII's migration to the Expedited Project Delivery (EPD) Pilot Program (activities accrued through October 2022); and b) projected costs of approximately \$1.1 billion for final design, enabling works, long lead procurement, and limited construction activities for a period of performance beginning in November 2022 with BSVII's return to New Starts Project Development through the targeted execution of a Full Funding Grant Agreement (FFGA). The combined retroactive and projected costs for the LONP would total approximately \$1.6 billion.

VTA understands that the costs incurred prior to and subsequent to the issuance of a LONP may be reimbursable as eligible expenses or eligible as credit toward the local matching share only if FTA awards a FFGA for BSVII at a later date. Furthermore, VTA fully understands that federal funding is not implied or guaranteed by receipt of a LONP.

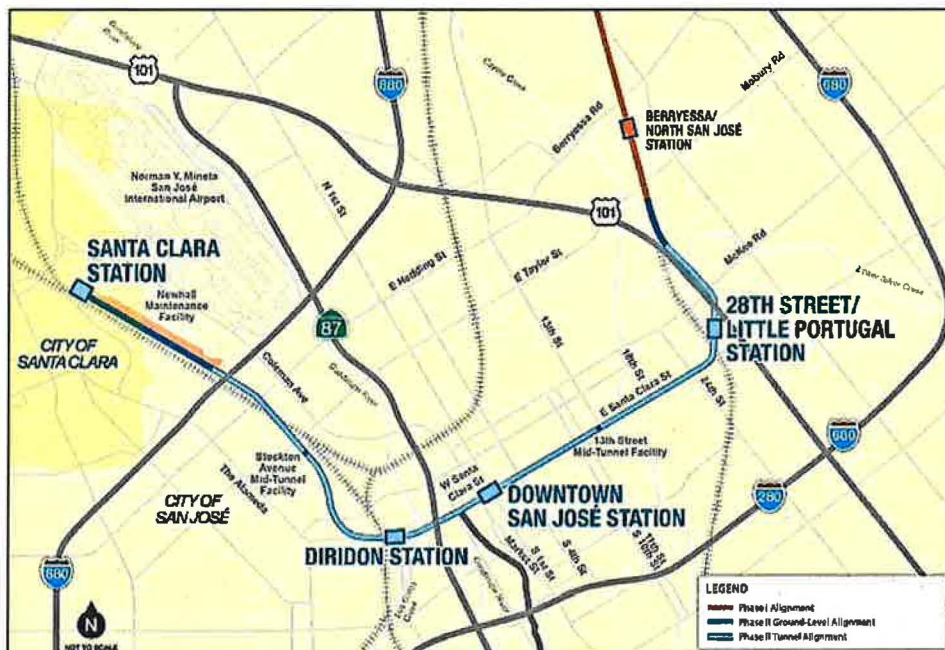
BACKGROUND

BSVII is a VTA-sponsored fixed guideway capital project extending BART service from the Berryessa/North San José BART Station through downtown San José to the City of Santa Clara near the existing Santa Clara Caltrain Station. BSVII is approximately six miles in length with four stations, five miles of subway tunnel, and 48 heavy rail vehicles. BSVII also includes two mid-tunnel ventilation/emergency egress facilities and a rail storage yard and maintenance facility (Newhall Yard and Shops Facility). The Newhall Yard and Shops Facility will be located north of the west tunnel portal at Newhall Street and comprises a large facility to be constructed on the site of the former Newhall Yard, once a classification yard for Southern Pacific Railroad. It is anticipated that the Newhall Yard and Shops Facility will be able to accommodate facilities for fixed plant maintenance staff and materials storage, vehicle heavy maintenance, daily service, inspection and maintenance activities, including train wash, and vehicle storage. In addition to

spare and heavy maintenance train car storage, the facility will also be used for train staging for start-of-day and special event services.

A unique feature of BSVII is the use of a single, large-diameter tunnel that VTA is utilizing for project delivery. This unique single-bore method – made possible by recent innovations in tunneling equipment and control technologies – minimizes disruption to vehicles, pedestrians, underground utilities, and businesses during construction, as compared to typical “cut-and-cover” methods. Although increasingly common around the world for both roadway (Madrid, Miami, Seattle) and transit (Barcelona, Groene Hart in the Netherlands) projects, this tunnel configuration will be the first application in the U.S. for a high-volume, heavy-rail transit subway.

BSVII is being implemented by VTA, who will design, construct, own the completed facilities, and pay for operations and maintenance, in partnership with San Francisco Bay Area Rapid Transit District (BART), who will operate and maintain the service. According to its 2018 Final Supplemental Environmental Impact Statement (SEIS) / Supplemental Environmental Impact Report (SEIR), the purpose of BSVII is to provide increased transit capacity and faster, convenient access to major Santa Clara County employment centers and throughout the Bay Area; enhance connectivity of regional transit services; provide a viable option to travel by automobile to promote economic development in Silicon Valley; improve mobility for transportation-disadvantaged populations; and to support local and regional land use plans.



BSVII alignment, and its relationship to the existing BSVI extension that opened for Revenue Service in June 2020.

RESOLUTION OF READINESS ISSUES THAT WOULD AFFECT THE PROJECT

As discussed in the next section, FTA and its Project Management Oversight Contractor (PMOC) completed a review of BSVII's Project Management Plan, including all required sub-

plans. The PMOC has not expressed significant concern with any management documents. Significant FTA actions which demonstrate the progress of BSVII include the following:

- FTA accepted BSVII into New Starts Project Development in March 2016
- FTA Issued a Record of Decision (ROD) on June 4, 2018
- FTA allocated \$125 million in EPD Pilot Program funding to BSVII in August 2019
- FTA allocated \$100 million in EPD Pilot Program funding in December 2020
- FTA deemed VTA's EPD Pilot Program application complete in May 2021
- FTA and its PMOC conducted a risk workshop in May 2021, and the PMOC's report on its Scope, Cost, Schedule, Risk and Contingency review of BSVII was finalized In July 2021
- VTA received a Project Selection Notification in September 2021 and a Letter of Intent (LOI) from FTA under the EPD Pilot Program in October 2021. The Project Selection Letter provides VTA with full pre-award authority for all project activities
- FTA recommended the allocation of \$200 million in funding for BSVII in its FY 2023 Capital Investment Grant and Expedited Project Delivery Pilot Program budget request to Congress (issued by FTA in March 2022).

ADEQUACY OF THE PROJECT MANAGEMENT PLAN (PMP)

The PMOC's review of the PMP indicates that all required components have been addressed in accordance with 49 United States Code (U.S.C.) Section 5327 (Project Management Oversight), FTA's Operating Procedure (OP) 20, and FTA's 2016 Project and Construction Management Guidelines. All VTA procedures and sub-plans that support the PMP have also been accepted by the PMOC for EPD including:

- Sponsor Management Capacity and Capability, Revision 0.E, dated April 16, 2021
- Project Implementation Plan, Revision C, dated September 30, 2020
- Project Delivery and Procurement Plan, Revision 0.F, dated April 16, 2021
- Third Party Management Plan, Revision 0.C, dated April 18, 2021
- Quality Management Plan, Revision 1., dated July 26, 2022
- Risk and Contingency Management Plan, Revision 0.C, dated April 16, 2021
- Real Estate Acquisition and Management Plan, Revision 0.B, dated September 30, 2020
- BART Rail Fleet Management Plan, Revision D, dated September 2019
- Safety and Security Management Plan, Revision 0.B, dated April 20, 2021
- Safety and Security Certification Plan, Revision B.1, dated July 8, 2020
- Construction Management Plan, Revision 0, dated January 22, 2020.

STATUS OF THE CONSTRUCTION PROCUREMENT PROCESS

BSVII is anticipated to be delivered through four major construction contract packages (CP): Systems (CP1); Tunnel and Trackwork (CP2); Newhall Yard and Maintenance Facility and Santa Clara Station (CP3); and Stations (CP4). A Request for Qualifications (RFQ) for CP1 was issued in February 2021, with a final Request for Proposals (RFP) anticipated in the first quarter of 2023. VTA issued the RFQ for CP2 in December 2020. The final RFP was issued in September 2021, with a progressive design build contract awarded to the Kiewit Shea Traylor

Joint Venture in May 2022. Following this contract award, a Limited Notice to Proceed for a 90-day innovations phase was issued on June 9, 2022; subsequently a Notice to Proceed 1 for Programming Services (design advancement, open-book cost estimating, construction planning, schedule development) was issued on September 7, 2022. The RFQ for CP3 was issued in September 2021, with a final RFP anticipated later this year. An initial RFQ for CP4 was released in June 2021 but subsequently cancelled on March 1, 2022 due to ongoing assessments of alternative delivery methods and finalization of scope elements. A new RFQ for CP4 is tentatively scheduled to be reissued in January 2023. Table 1 describes the status and progress of major construction procurements affected by this LONP.

TABLE 1 PROCUREMENT STATUS OF CONTRACTS

Major Construction Contracts	Delivery Method	Contract Status	
CP2 - Tunnel & Trackwork Contract	Progressive Design Build (PDB)	Status:	Awarded and executed Stage 1; Stage 1 activities include investigation of innovations, programming services, engineering design services, open book cost estimating, and schedule development
		Total Contract Value	\$254,000,000 (Stage 1 only)
		Current Authorization	\$254,000,000
		Amount Incurred	\$10,607,550 as of July 31, 2022
CP1 - Systems	Design Build (DB)	Final RFP under development and anticipated to be issued Q1 2023	
CP3 - Newhall Yard and Shop and Santa Clara Station	DB	Final RFP under development and anticipated to be issued Q4 2022	
CP4 - Stations	DB	Final RFP anticipated to be issued Q3 2023	
Other Construction Contracts	Delivery Method	Contract Status	
Diridon Replacement Parking	Design Bid Build (DBB)	Final Procurement anticipated to be issued Q4 2022	

PRE-AWARD AUTHORITY

On March 3, 2016, FTA accepted BSVII into the Project Development (PD) phase of FTA's Capital Investment Grant (CIG) process. The National Environmental Policy Act (NEPA) process was completed on June 4, 2018 with the issuance of a ROD. In May 2021, BSVII received acceptance from FTA to enter the EPD Pilot Program and in October 2021, VTA received a Letter of Intent from FTA under the program.

With approval of this LONP, it is understood that BSVII would return to the PD phase of the CIG process. Coupled with its 2018 ROD, BSVII would maintain automatic pre-award authority for the following activities *without* the LONP:

- Preliminary Engineering including development of procurement documents
- Support of procurement process
- Acquisition of real property and real property rights
- Utility relocations

Approval of this LONP would extend pre-award authority to the activities described below.

ACTIVITIES TO BE COVERED BY THE LONP

VTA is requesting this LONP be issued for costs associated with final design, long lead procurement, and limited construction activities identified in the Master Project Schedule (MPS) for CP2 - the Tunnel & Trackwork Progressive Design Build Contract - prior to the targeted award of the FFGA. The CP2 contract was executed in May 2022 with a Limited Notice to Proceed issued in June 2022 and a Notice to Proceed issued in September 2022 for programming services. Activities performed under the Limited Notice to Proceed and Notice to Proceed are included in BSVII's full pre-award authority awarded under EPD. This LONP would allow for the activities listed above to continue with uninterrupted pre-award authority. Construction activities will be monitored with the contractor's monthly pay requests and will be reviewed against the accomplished schedule of milestones so that the authorized LONP activities and funding limits are appropriately managed. Table 2 provides a summary of future activities that are included in this LONP request.

TABLE 2 SUMMARY OF LONP ACTIVITIES

Contract	Activity Description
CP2 - Tunnel & Trackwork	<ul style="list-style-type: none"> • Initial early work construction activities are anticipated at various locations along the BSVII alignment including development and construction of the west portal structure to facilitate Tunnel Boring Machine (TBM) launch. Early work is also anticipated at Downtown San Jose Station, Diridon Station, 28th Street/Little Portugal Station, mid-tunnel facilities, and the east portal. This work may include demolition of buildings and other existing structures on site, hazardous material remediation and archeological testing as required, utility relocations, and site preparation. • Procurement of TBM and associated support equipment and facilities; initial segmental lining • Pre-construction surveys along the alignment and installation of instrumentation and monitoring equipment • Final design
CP1 - Systems	<ul style="list-style-type: none"> • Final design

CP3 - Newhall Yard and Shop and Santa Clara Station	<ul style="list-style-type: none"> • Final design • Procurement of long lead items for maintenance facility
CP4 - Stations	<ul style="list-style-type: none"> • Final design
Other Items	Activity Description
Third Parties (Utilities)	<ul style="list-style-type: none"> • Procurement of long lead items including circuit breakers, switches, structural steel, and other materials to facilitate TBM power • Construction of temporary power facility for TBM operation (by Utility Owner)
Diridon Replacement Parking	<ul style="list-style-type: none"> • Retrofit of existing building to provide temporary parking for transit riders at the Diridon station during BSVII construction

JUSTIFICATION FOR ADVANCING LONP ACTIVITIES

VTA has conducted an exhaustive analysis of the MPS and Baseline Budget to assess the specific need for this LONP request. The LONP workbook (Attachment A) provides supporting calculation for the \$1,137 million authorization requested under this LONP (\$1,638 million including costs expended to date) and further presents the major construction activities by contract in FTA Standard Cost Category (SCC) format.

VTA believes that the approval of this LONP is necessary to:

- Avoid Incurring delay costs from active DB contracts (e.g., inefficiency, escalation, extended overhead, direct costs and subcontractor costs)
- Optimize BSVII construction sequencing and minimize public impacts
- Optimize production efficiency of tunnel segment fabrication
- Provide efficient oversight staffing
- Avoid overall project schedule extension by maintaining early works construction efficiencies with currently underway CP2 contract
- Avoid negative impacts to the cost and schedule contingency levels
- Continue providing assurance to the Santa Clara County taxpayers and state and regional stakeholders that local revenue from Santa Clara County initiatives 2000 Measure A and 2016 Measure B; Regional Measure 3 funds; and State of California's Transit and Intercity Rail Capital Program (TIRCP) are being utilized to advance BSVII and create urgently needed jobs. Table 3 on the following page provides a summary of BSVII funding sources, amounts and commitments consistent with what was submitted to FTA on August 26, 2022 for the BSVII FY 2024 CIG budget request.

Authorization of a LONP is critical to avoid negative impacts to the project budget and contingency. Should the LONP request not be approved, the start of early works, long lead procurement – including the Tunnel Boring Machine (TBM) - and other limited construction activities would be delayed until after award of the FFGA. This creates a high likelihood of incurring delay costs to the active contract, which would reduce project cost contingencies significantly. Additionally, the delay of ordering the TBM would push the BSVII critical path schedule by approximately 18 months. As a result, the remaining three Contract Packages currently in procurement would be delayed by the same 18 months, which would result in

significant additional escalation costs. A LONP is necessary to continue forward progress on the active design-build contract and procurements to minimize impact to future construction activities and maintain the overall viability of the BSVII budget.

TABLE 3 SUMMARY OF BSVII FUNDING SOURCES

Project Funding Sources	Total Amount	Status
Federal Sources		
New Starts Grant*	\$4,602.9	Planned
Non-Federal Sources		
Local - 2000 Measure A	\$1,889.9	Committed
Local - 2016 Measure B	\$ 874.8	Committed
Regional - Regional Measure 3	\$ 375.0	Budgeted
State - TIRCP	\$ 750.0	Committed
State - Other	\$ 750.0	Planned
Private Funding	\$ 75.0	Committed
Subtotal Non-Federal Sources	\$4,714.7	
Total	\$9,317.6	

* VTA anticipates requesting \$4,602.9 million (YOES) in FTA Section 5309 New Starts funding to implement BSVII, pending participation in FTA New Starts and receipt of a Full Funding Grant Agreement.

IMPACT TO THE SCHEDULE IF LONP IS NOT APPROVED

The project schedule assuming the targeted FFGA date is presented as Attachment B to this letter and includes the future activities that are summarized in Table 2. Not issuing a LONP would have major impacts on the BSVII schedule. Without a LONP in place, VTA has determined that the order for the TBM could not proceed as planned and would need to be deferred until after a FFGA is executed. The TBM order is currently targeted to be placed in November 2022. Since the TBM procurement and start of mining is on the critical path for the overall project, a delay would result in an approximate 18-month push to the Revenue Service Date (RSD), to approximately September 2034. The MPS associated with the BSVII FY 2024 CIG budget request indicates major construction is planned to commence in July 2024 (CP2 Stage 2 NTP & TBM launch) and be completed in November 2030. This is followed by integration testing and demonstration of operations of the complete system in order to achieve VTA's scheduled March 2033 RSD.

There is substantial value to the schedule in advancing the four contracts through the LONP. Most clearly, advancing the final design, long lead procurement, and limited early works construction activities would reduce or avoid the extension of the BSVII RSD and severe cost impacts due to a major critical path delay.

There are some construction activities that are scheduled to be performed prior to the TBM arriving at any given location, whether or not the TBM procurement is delayed. However, starting those activities as planned (with a delay in TBM procurement) would likely create the following negative impacts for BSVII:

- **Longer Construction Duration/Higher Indirect Costs**
 By starting and finishing activities much earlier than their required completion, the

overall duration of major construction would likely expand by a significant duration. This would result in additional indirect costs to BSVII due to the longer overall duration of construction work.

- **Negative Public Perception of Idle Sites**

If major support of excavation (SOE) work was started per the original schedule with TBM procurement delayed, then the three major underground station sites would end up sitting idle for several months, as only certain work can be performed at the site prior to TBM arrival/pass through. The remaining station underground work must wait until the TBM has passed the station location. Such a delay would result in a long period without work occurring at the underground stations. From the standpoint of public perception, this situation has a high probability of creating significant discord due to complaints about performing significant work early, only to have the sites sit idle for many months.

IMPACT TO BUDGET AND CONTINGENCY IF LONP IS NOT APPROVED

The consequences of the LONP not being approved will have serious impacts to the overall project budget. The primary effect would result from the aforementioned overall push of BSVII's critical path by approximately 18 months. VTA analysis indicates that the total delay impact would be approximately \$605 million if a LONP is not authorized. This estimated delay cost is comprised of approximately \$208 million for the additional costs related to currently planned activities within the LONP period and approximately \$397 million in costs associated with remaining activities outside the LONP scope/period exclusive of costs expended to date. Each month, the cost of delaying the start of the LONP activities averages approximately \$34 million.

The LONP workbook (Attachment A) provides supporting calculation for the \$1,137 million authorization requested under this LONP (\$1,638 million including costs expended to date) and further presents the major construction activities by contract and FTA Standard Cost Category (SCC) format.

The projected LONP costs are based on the BSVII schedule that considers the CP2 contractor's schedule for activities planned from November 2022 through April 2024. The basis of LONP costs, and the cost impacts of "no LONP" scenario, are described below:

- Costs associated with each SCC major activity were derived by using the estimated contract costs (design and construction) based on the SCC workbook submitted to FTA as part of the BSVII FY 2024 CIG budget request.

The following cost basis elements relate to assumptions/basis of the impact of a "no LONP" scenario:

- Cost impact assumes that CP2 construction activities are not awarded (including TBM procurement and other early works packages).
- Due to the TBM procurement and tunneling operation being on critical path, all construction activities across all CPs are pushed by 18 months in the "no LONP" scenario.
- CP1 and CP3 assumes no design cost impact for "no LONP" scenario (approximate escalation impacts due to later NTP date could be offset by reduced design duration).

BSVII's budget will be adversely affected further if the final design, long lead procurement, and limited early works construction activities contemplated by this LONP request do not start until after the targeted FFGA award date of April 2024. This is due to the additional time-based costs of extending the total project duration by approximately 18 months, as well as the additional projected escalation costs based on an 18-month push to the work associated with each of the four major contract packages. The \$605 million delay impact in the attached LONP workbook does not include any potential costs of demobilization and remobilization of the CP2 Contractor, should that be deemed necessary.

IMPACT TO PROJECT SCOPE IF LONP IS NOT APPROVED

Significant impacts to the BSVII budget and contingency may result in the need to redefine or reduce the Project's scope at some future time. Scope impacts would only be considered if the Project budget, including available contingency, were insufficient to meet the projected costs. Depending on the budget vs. estimate-at-completion variance, the type of scope reductions or changes could include significant elements of the currently defined project.

JOBS CREATION FOR THE LOCAL ECONOMY

It is important for VTA to continue to demonstrate to local and regional taxpayers that local revenue from Santa Clara County initiatives 2000 Measure A and 2016 Measure B; Regional Measure 3 funds; and State of California's Transit and Intercity Rail Capital Program (TIRCP) is being utilized to advance BSVII and create much needed jobs. According to a 2021 economic impact report published by WSP USA, as a result of the investment in building this transit infrastructure, BSVII is expected to support approximately 75,000 jobs - including almost 43,000 jobs directly related to BSVII and another 32,000 jobs tied indirectly or through the impacts of spending from the Project.

LONP COSTS

The cost of the work under this LONP request is based on actual contract activity values from the CP2, Tunnel & Trackwork Contract, and estimated costs for the CP1, Systems Installation; CP3, Newhall Yard and Shop and Santa Clara Station; and CP4, Stations contracts during the LONP period. Table 4 summarizes the cost of planned LONP activities by FTA's SCC during the request period. Table 5 summarizes the cost of planned LONP activities by FTA's SCC during the request period and those expended back to March 2016. Planned expenditures by contract package and SCC are detailed in the attached LONP Workbook, which is discussed in the Impact to Budget and Contingency component under Justification for Advancing LONP Activities.

TABLE 4 LONP ACTIVITIES BY SCC DURING REQUEST PERIOD

STANDARD COST CATEGORY (SCC)	LONP PLANNED EXPENDITURES
10 GUIDEWAY AND TRACK ELEMENTS	\$ 333,722,395
20 STATIONS, STOPS, TERMINALS	\$ 29,842,543
30 SUPPORT FACILITIES: YARD, SHOPS, AOMIN BLDGS	\$ 6,371,302
40 SITEWORK & SPECIAL CONDITIONS	\$ 94,628,735
50 SYSTEMS	\$ 918,268
Sub-Total SCC 10-50:	\$ 465,483,243
60 ROW, LAND, EXISTING IMPROVEMENTS	\$ 189,490,383
70 VEHICLES	\$ 0
80 PROFESSIONAL SERVICES (final design in CP PDB/DB contracts; CM/QA oversight)	\$ 415,762,310
90 CONTINGENCY	\$ 66,735,425
100 FINANCE CHARGES	\$ 0
Sub-Total SCC 60-100:	\$ 671,988,118
TOTAL LONP AUTHORIZATION REQUESTED:	\$1,137,471,361

TABLE 5 LONP ACTIVITIES BY SCC INCLUDING EXPENDED

STANDARD COST CATEGORY (SCC)	LONP PLANNED EXPENDITURES
10 GUIDEWAY AND TRACK ELEMENTS	\$ 333,722,395
20 STATIONS, STOPS, TERMINALS	\$ 29,842,543
30 SUPPORT FACILITIES: YARD, SHOPS, ADMIN BLDGS	\$ 6,371,302
40 SITEWORK & SPECIAL CONDITIONS	\$ 97,248,735
50 SYSTEMS	\$ 918,268
Sub-Total SCC 10-50:	\$ 468,103,243
60 ROW, LAND, EXISTING IMPROVEMENTS	\$ 271,128,189
70 VEHICLES	\$ 0
80 PROFESSIONAL SERVICES (preliminary design, final design in CP PDB/DB contracts; CM/QA oversight)	\$ 832,403,331
90 CONTINGENCY	\$ 66,735,425
100 FINANCE CHARGES	\$ 0
Sub-Total SCC 60-100:	\$1,170,266,945
TOTAL LONP AUTHORIZATION REQUESTED:	\$1,638,370,188

FINANCIAL CAPACITY TO SUPPORT LONP COSTS

VTA has evaluated the overall programmatic effect of the LONP in order to characterize and to fully understand ripple effects through other contracts. While the focus and intent of this LONP request is to advance final design, enabling works, long lead procurement, and limited construction activities for the four contract packages, VTA has considered existing and planned commitments in order to assess overall financial capacity to support the LONP work until receipt of the FFGA.

VTA has performed all analysis of the total project obligations and planned expenditures versus available cash balances and estimated revenues during the LONP period in advance of the FFGA. This includes:

- Planned commitments/expenditures on the four contract packages
- Pre-planned expenditures including real estate acquisition
- Commitments for previously awarded contracts for support services
- All administrative costs
- Contingency

The revenue projection for the LONP cash flow analysis is consistent with the financial plan submitted to FTA on August 26, 2022, as part of its request to be evaluated and rated for the FY 2024 CIG budget request to Congress.

VTA recognizes that there are variables that could affect the cash flow projections including actual expenditure rates. Given all the components of the cash flow analysis, VTA has analyzed and estimated that BSVII can maintain a positive cash balance through at least the end of April 2024. Based on this financial analysis, VTA will require an FFGA at or before that time in order to issue the second Notice to Proceed for CP2.

DURATION OF LONP

It is VTA's understanding that the duration for this LONP is limited to a five-year period or upon approval of a FFGA, whichever occurs first.

CONCLUSION

In conclusion, VTA believes there is adequate financial capacity to support the LONP activities and the Project obligations until its targeted date of receipt of an FFGA in April 2024. It is imperative for successful project management of the schedule and budget, as well as for risk and contingency management, to continue to move the BSVII contract packages forward. The limited construction activities authorized under the LONP will maintain BSVII's forward momentum and preserve community support.

Should you have any questions on this request or our request to re-enter New Starts Project Development submitted simultaneously to this request, please don't hesitate to contact me at carolyn.gonot@vta.org or (408) 321-5559; or Gary Griggs at gary.griggs@vta.org or (408) 307-9927. VTA looks forward to our continued partnership with FTA on this important transportation project for Santa Clara County.

Sincerely,



Carolyn M. Gonot
VTA General Manager/CEO
Santa Clara Valley Transportation Authority

Attachments:

Attachment A – BSVII LONP Workbook

Attachment B – BSVII LONP Activities During Target FFGA Period

Cc: Nuria Fernandez, FTA Administrator
Felicia James, FTA Associate Administrator for Planning and Environment
Mark Ferroni, FTA Deputy Associate Administrator for Planning and Environment
Elizabeth Day, FTA Office of Planning and Environment
Gary Griggs, VTA Chief BART Silicon Valley Program Officer
Greg Richardson, VTA Chief Financial Officer
Toby Hemphill, VTA BART Silicon Valley Program Administrator
Kevin Kurimoto, VTA BART Silicon Valley Senior Management Analyst

VTA BSVII LONP Workbook

Attachment A

Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L		
SCC Description/Contract/Major Activity	Construction Value	Total Duration (in months)	High level scope	Expended to Date (Actual - Mar/2016 to Jun/2021) (Accrued thru Oct/2021)	Target Duration to FICA (in months)	LONP Costs During Target FICA Period (18-month total includes 3 months schedule contingency)	Estimated costs of same LONP work if no LONP earned (18-month period)	Cost Impact of "no LONP" for activities not in LONP scope and/or beyond 18-month Target FICA period	Total Cost Impact of "no LONP" (B-F+H)	LONP Costs During Target FICA Period (in value of expended to date) (D+E)	Estimated costs of the same LONP work if no LONP earned (in value of expended to date) (D+G)	Total Cost Impact of "no LONP" (inclusive of expended to date) (D+H)	
CP-2 - Tunnel & Trackwork Contract													
CCC 10	\$1,649,839,161	34			18	\$133,733,010	\$133,578,610	\$67,897,168	\$67,791,598	\$133,727,319	\$131,576,625	\$87,791,598	
CCC 20	\$194,193,253	63			18	\$21,664,364	\$21,130,658	\$19,865,968	\$19,332,056	\$21,664,364	\$17,120,958	\$41,332,059	
CCC 40	\$102,000,000	72			18	\$4,555,881	\$5,140,233	\$5,140,233	\$5,140,233	\$4,555,881	\$5,140,233	\$8,418,418	
CCC 50	\$69,747,604	38			18	\$0	\$0	\$1,644,243	\$1,644,243	\$0	\$0	\$1,644,243	
CCC 80	\$31,888,000	41			18	\$18,380,000	\$18,000,000	\$0	\$0	\$18,380,000	\$18,000,000	\$15,010,000	
Total	\$2,047,668,018			\$18,000,000		\$157,773,255	\$157,719,501	\$84,687,612	\$84,687,612	\$157,773,255	\$150,716,823	\$178,336,383	
CP-1 - Systems Installation													
CCC 10	\$12,351,130	56			18	\$0	\$0	\$3,327,913	\$3,327,913	\$0	\$0	\$7,127,913	
CCC 20	\$69,477,813	65			18	\$0	\$0	\$1,941,323	\$1,941,323	\$0	\$0	\$1,941,323	
CCC 30	\$8,135,215	31			18	\$0	\$0	\$473,881	\$473,881	\$0	\$0	\$473,881	
CCC 50	\$590,404,200	55			18	\$0	\$0	\$3,970,039	\$3,970,039	\$0	\$0	\$7,970,039	
CCC 80	\$21,514,213	68			18	\$1,622,300	\$1,622,300	\$0	\$0	\$1,622,300	\$1,622,300	\$0	
Total	\$693,882,661					\$1,622,300	\$1,622,300	\$8,812,165	\$8,812,165	\$1,622,300	\$1,622,300	\$8,812,165	
CP-3 - Newhall Yard and Shop and Santa Clara Station													
CCC 10	\$7,225,191	50			18	\$0	\$0	\$386,157	\$386,157	\$0	\$0	\$386,157	
CCC 20	\$168,060,011	49			18	\$4,377,778	\$4,493,182	\$8,661,393	\$8,959,954	\$4,377,778	\$4,493,182	\$8,959,954	
CCC 30	\$307,103,260	71			18	\$6,979,902	\$6,828,094	\$18,341,118	\$16,794,915	\$6,979,902	\$6,828,094	\$16,794,915	
CCC 40	\$13,967,668	49			18	\$0	\$0	\$1,236,472	\$1,236,472	\$0	\$0	\$1,236,472	
CCC 50	\$24,518,763	71			18	\$938,284	\$943,915	\$1,141,828	\$1,130,231	\$938,284	\$943,915	\$1,130,231	
CCC 80	\$13,965,519	38			18	\$8,388,153	\$8,388,153	\$0	\$0	\$8,388,153	\$8,388,153	\$0	
Total	\$182,470,783					\$13,704,117	\$13,704,117	\$20,106,874	\$19,124,672	\$13,704,117	\$13,704,117	\$20,106,874	
CP-4 - Underground Stations & Support Facilities													
CCC 20	\$46,388,886	52			18	\$0	\$0	\$4,843,499	\$4,843,499	\$0	\$0	\$4,843,499	
CCC 40	\$40,907,733	41			18	\$0	\$0	\$2,000,101	\$2,000,101	\$0	\$0	\$2,000,101	
CCC 80	\$11,411,750	30			18	\$0	\$0	\$2,879,833	\$2,879,833	\$0	\$0	\$2,879,833	
Total	\$98,708,369					\$0	\$0	\$9,723,433	\$9,723,433	\$0	\$0	\$9,723,433	
Total	\$3,404,957,423			\$18,000,000		\$167,152,248	\$167,538,782	\$117,192,103	\$117,397,841	\$167,152,248	\$167,152,248	\$117,192,103	
CCC 80			VTA Costs	\$58,981,844	16	\$97,193,209	\$74,206,412	\$7,487,421	\$47,760,627	\$98,144,852	\$135,498,058	\$105,737,272	
CCC 80			PM/CM/ECM	\$18,186,020	10	\$9,727,829	\$7,447,714	\$6,116,831	\$99,858,474	\$79,104,678	\$479,816,548	\$185,246,236	
CCC 80			PM/ECM	\$71,160,400	18	\$12,174,818	\$79,019,648	\$1,809,770	\$14,497,201	\$30,897,818	\$42,155,254	\$11,617,602	
CCC 80			Third Parties/Agent/Other soft costs	\$18,063,158	10	\$30,828,908	\$60,953,916	\$1,232,139	\$32,449,154	\$48,068,116	\$78,116,071	\$10,212,110	
CCC 80			ICC 60 ROW Impacts (ROW and excludes risks)	\$41,637,609	16	\$18,490,218	\$32,132,735	\$1,228,644	\$1,128,644	\$27,118,148	\$29,707,844	\$85,785,606	
CCC 40			ICC 40 Utility Relocation Impacts (by Utility Owner)	\$1,610,000	16	\$16,000,000	\$39,235,211	\$1,222,258	\$4,947,000	\$48,680,807	\$41,888,338	\$7,187,920	
CCC 40			Divided Parting Replacement	\$0	10	\$4,000,000	\$4,100,000	\$0	\$100,000	\$4,000,000	\$4,100,000	\$100,000	
CCC 90			ICC 90 (for CPs)	\$0	10	\$46,715,421	\$69,235,978	\$140,137,447	\$142,858,000	\$46,715,421	\$69,235,978	\$142,858,000	
CCC 100			ICC 100	\$0		\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Total			Total	\$208,839,817		\$1,137,471,340	\$1,345,288,830	\$287,211,119	\$606,170,418	\$1,436,170,188	\$1,886,185,447	\$1,108,069,243	
								18 Month Delay Cost		\$207,815,109			
								TOTAL IMPACT W/O LONP - PER MONTH		\$31,655,802			

Assumptions:

- Costs in Column B are estimated contract costs (design and construction) based on the SCC workbook submitted to FTA as part of BSVII FY 24 Budget Request.
- Cost Impact assumes that CP2 construction activities are not awarded (including TBM procurement and other early work packages).
- Due to the TBM procurement and tunneling operation being on critical path, all construction activities across all CPs are pushed by 18 months.
- CP1 and CP3 projections assume no design cost impact (approx escalation impacts due to later NTP date could be offset by reduced design duration).
- For "no LONP", SCC 80 assumes additional 18 months of costs due to the 18 month delay.
- Expended to date includes all costs from March 2016 to October 2022.

10/18/2022



October 18, 2022

Ms. Felicia James
Associate Administrator for Planning and Environment
Federal Transit Administration
1200 New Jersey Avenue SE
Washington DC 20590

Re: VTA's BART Silicon Valley Phase II – Request to Re-enter New Starts Project Development

Dear Felicia,

This letter serves to formally request re-entry into New Starts Project Development for VTA's BART Silicon Valley Phase II Project (BSVII). As you are aware, FTA accepted BSVII into New Starts Project Development with transmittal of an acceptance letter dated March 3, 2016 which described Project Development pre-award authority and activities required to be completed, including the environmental review process which was subsequently completed in June 2018.

In 2018 VTA began to pursue federal funding under the FTA's Expedited Project Delivery (EPD) Pilot Program. FTA's correspondence with VTA indicated that BSVII's New Starts Project Development would be extended while VTA pursued funding through the EPD program; and that the extension allows for BSVII to return to New Starts Project Development without penalty should EPD be determined to no longer be a good fit once the pilot program is fully defined¹.

In May 2021, after determining the requirements of the EPD program had been met, FTA and the PMOC conducted a risk assessment of BSVII and recommended a total project cost of \$9.148 billion. VTA received a Letter of Intent from FTA on October 25, 2021.

Under Section 3005(b)(9) of the FAST Act, total Federal funding to any project receiving an EPD Pilot Program grant is limited to 25 percent of total project costs. VTA initially pursued EPD funding because a majority of the BSVII financial plan was constituted of local and state sources. Following the conclusion of a risk assessment by FTA, however, the resulting increased project cost estimate has led VTA to determine that a return to New Starts is seen as the most feasible option to maintain a complete funding plan, while maintaining BSVII's cost and schedule to the greatest extent possible.

FTA and its Project Management Oversight Contractor (PMOC) have determined that VTA has the technical capacity and capability to effectively manage BSVII. With approval of this request and VTA's Letter of No Prejudice request submitted simultaneously, it is VTA's desire for FTA to formally accept BSVII back into Project Development.

¹ Email dated April 26, 2018, between Director of Capital Project Development, FTA, and Chief SVRT Program Officer, VTA.

VTA has moved BSVII forward with the pre-award authority in the EPD Letter of Intent. It is critical that the re-entry of BSVII into New Starts be simultaneous with the Letter of No Prejudice request² to not have significant adverse impact on project schedule and cost.

If you have any questions on this request or our Letter of No Prejudice request, please don't hesitate to contact me at carolyn.gonot@vta.org or (408) 321-5559; or Gary Griggs at gary.griggs@vta.org or (408) 307-9927. VTA looks forward to our continued partnership with FTA on this important transportation project for Santa Clara County.

Sincerely,



Carolyn M. Gonot
VTA General Manager/CEO
Santa Clara Valley Transportation Authority

Cc: Nuria Fernandez, FTA Administrator
Mark Ferroni, FTA Deputy Associate Administrator for Planning and Environment
Elizabeth Day, FTA Office of Planning and Environment
Ray Tellis, FTA Region 9 Administrator
Gary Griggs, VTA Chief BART Silicon Valley Program Officer
Greg Richardson, VTA Chief Financial Officer
Toby Hemphill, VTA BART Silicon Valley Program Administrator
Kevin Kurimoto, VTA BART Silicon Valley Senior Management Analyst

² Letter dated October 18, 2022 from General Manager/CEO, VTA, to Region 9 Administrator, FTA, RE: VTA's BART Silicon Valley Phase II – Letter of No Prejudice Request.

From: VTA Board Secretary
Sent: Monday, October 31, 2022 2:53 PM
To: VTA Board of Directors
Subject: Correction: VTA Information: 1st Update to the Nov. 3, 2022 Board of Directors Agenda Packet

Apologies...

Correction -- The 1st Update to the Nov. 3, 2022 Board of Directors Agenda Packet has been posted on our [agenda portal](#).

Thank you,
Office of the Board Secretary
3331 North First Street
San Jose, CA 95134-1927
Phone [408-321-5680](tel:408-321-5680)

From: VTA Board Secretary
Sent: October 31, 2022 2:28 PM
To: VTA Board of Directors
Subject: VTA Information: 1st Update to the Nov. 3, 2022 Board of Directors Agenda Packet

Board of Directors:

The 1st Update to the Nov. 3, 2022 Board of Directors Agenda Packet has been posted on the [agenda packet](#) with an Addenda to include the following:

- **Item #5.1.D.X.** - Ad Hoc Grade Separation Committee Chairperson's Report (Verbal Report)
-
- **Item #5.2** - General Manager Report
 - INFORMATION ITEM -Receive a presentation on bus availability and the current trends of service loss and vehicle defects. (Verbal Report)

Also included on the updated packet:

- **Item 6.12.b** - Unapproved Technical Advisory Committee Regular Meeting Minutes of October 12, 2022

Thank you,
Office of the Board Secretary
3331 North First Street
San Jose, CA 95134-1927
Phone [408-321-5680](tel:408-321-5680)

From: VTA Board Secretary

Sent: Wednesday, November 2, 2022 6:04 PM

To: VTA Board of Directors

Subject: VTA Information: 2nd Update - 11/3/2022 BOD agenda packet

Board of Directors:

The 2nd update on the 11/3/2022 BOD agenda packet has been posted on our [agenda portal](#) to include the following:

- **Item #4.1** - Public Comments_4.1
- **Item #4.1** - Response to RON Objection re B3129 (HC Investments)

Thank you,

Office of the Board Secretary

3331 North First Street

San Jose, CA 95134-1927

Phone [408-321-5680](tel:408-321-5680)

From: VTA Board Secretary

Sent: Thursday, November 3, 2022 3:35 PM

To: VTA Board of Directors

Subject: VTA Information: 3rd Update to the 11/3/2022 Board of Directors Agenda Packet

Board of Directors:

The 3rd Update on 11/3/2022 Board of Directors agenda packet has been posted on our [agenda portal](#) to include the following:

- Item #4.1 VTA's Response to RON Objection re B3129 (HC Investments)
- Public Comments_4.1
- Item #5.1.C Standing Committees Chairperson Reports
- Item #5.1.d.x Ad Hoc Grade Separation Committee Chairperson Report
- Item #5.2 General Manager Report
- Item #5.2.A Safety & Security Update (PPT)
Ridership (PPT)
- Item #5.2.B Government Affairs Report
- Item # 6.9 Updated Hybrid Meetings Policy
- Item # 6.12 Unapproved October 20, 2022 SSTPO Regular Meeting Minutes

Caltrain JPB Meeting Summary
- Item #7.3 Public Comment_7.3
- Item #7.5 VTA's BART SVII Extension Project (PPT)
- APTA Peer Review (PPT)
Public Comment 7.5
- Item #7.6 SB 129 Work Plan

Also, please see attached Timed Agenda for 11/3 Board meeting.

Thank you,

Office of the Board Secretary

BOARD OF DIRECTORS MEETING

Thursday, November 3, 2022

5:30 PM

ESTIMATED TIMES:

5:30 PM – CALL TO ORDER

8:40 – RECESS TO CLOSED SESSION

10:00 PM - ADJOURN

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 add Ad Hoc Chairperson's Report and Bus Availability Report under the GM Report

Defer Items:

#6.2 - Conflict of Interest Code (to resolve comments received from the County on 11/3/22)

#7.4 – Future of Light Rail (due to time constraints)

Move to Consent: Agenda Item #7.2 – Updated criteria for the 2016 Measure B Bicycle & Pedestrian Planning Studies Competitive Grant.

Hear Agenda Items #7.5 Phase II Update and 7.5.A Peer Review Results together.

2. AWARDS AND COMMENDATION (0 mins end @ 5:35)

No awards and commendation

3. PUBLIC COMMENT (10 mins end @ 5:45)

- 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 @ 6:15)

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

ACTION ITEM - Close Hearing and adopt five (5) 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) Thanh N. Phung; (2) Emilio B de Sousa and Angela M. de Sousa, Trustees of the 1992 de Sousa Family Revocable Living Trust; (3) Ho Dai Truong; (4) HC Investment Associates, L.P., a California limited partnership; and (5) Henry Nguyen and Nancy Le for VTA's BART Silicon Valley Phase II Project.

Property ID/Assessor's Parcel Number/Owner

B3016 (APN No.:467-09-063) owned by Thanh N. Phung

Property ID/Assessor's Parcel Number/Owner

B3120 (APN No.:467-09-039) owned by Emilio B de Sousa and Angela M. de Sousa, Trustees of the 1992 de Sousa Family Revocable Living Trust

Property ID/Assessor's Parcel Number/Owner

B3127 (APN No.:467-10-012) owned by Ho Dai Truong

Property ID/Assessor's Parcel Number/Owner

B3129 (APN No.:467-09-076) owned by HC Investment Associates, L.P., a California limited partnership

Property ID/Assessor's Parcel Number/Owner

B4231 (APN No.:467-09-043) owned by Henry Nguyen and Nancy Le

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.

Correspondence from Property Owners and VTA response in the online packet

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 Owners/Representatives will have up to 5 minutes to speak. The rest will have 1 minute.

5. REPORTS

(30 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 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 .

- 5.1.D.X.** Ad Hoc Grade Separations Committee Chairperson's Report

Written report is in the packet.

5.2. General Manager Report. (Verbal Report)

Slides are in the packet.

Bus Availability

Lisa Vickery will provide a brief report. This is in response to the Board referral from last month. The information was also shared with the SSTPO two weeks ago.

- 5.2.A.** INFORMATION ITEM - Receive Safety and Security Update

Aston Greene will provide a brief report.

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

Jim Lawson will provide a brief report. A more detailed written report is in the packet.

Ridership info is in the packet.

5.3. Chairperson's Report. (Verbal Report)

6. CONSENT AGENDA

(10 mins, end @ 6:55)

Consent Agenda includes items 6.1, 6.3 through 6.12 and 7.2

6.2 was deferred to a future meeting.

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

- 6.1.** ACTION ITEM - Authorize the General Manager to execute a contract with the lowest responsive and responsible bidder, George Bianchi Construction, in the amount of \$3,346,057.19 for the construction of the 2021 Better Bus Stops Improvements (Contract #C21211F).

- 6.2.** **DEFERRED** ACTION ITEM - Adopt the amended Conflict of Interest Code for the Santa Clara Valley Transportation Authority (VTA) and its Appendix of Designated Positions and Disclosure Categories and to submit the revised Conflict of Interest Code and the list of designated positions to the Santa Clara County Board of Supervisors for approval.

- 6.3.** ACTION ITEM – Approve the following:
 - 1. Authorize the General Manager to proceed with the acquisition process and execute all documents required for VTA’s acquisition (or possession and use) of the requisite right-of-way for the US101/SR25 Interchange Improvement Project Phase I (“Project”) pursuant to Section 5-3 of the Administrative Code, and where:
 - (a) the purchase price equals or is greater than the statutory offer of just compensation established for the property and the purchase price exceeds the authority of the General Manager under Section 5-3 of the Administrative Code; or
 - (b) the purchase price exceeds the authority of the General Manager and is within 15% above the statutory offer of just compensation established for the property.

 - 2. Authorize the General Manager to execute all documents necessary to convey or assign easement rights or fee title, as applicable, to:
 - (a) utility providers for replacement rights, along with requisite access rights, related to utility relocations; and
 - (b) public agencies for the operation and maintenance of public infrastructure.

 - 3. Authorize the General Manager to enter into settlement agreements with businesses that have established entitlement to claim loss of business goodwill under California Eminent Domain Law and where the settlement for such loss of business goodwill is within 15% of the valuation opinion of VTA’s business appraiser.

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

- 6.4. INFORMATION ITEM - Receive the Valley Transportation Plan (VTP) Transportation Program Semi-Annual Report Ending June 30, 2022.
- 6.5. INFORMATION ITEM - Receive the 2000 Measure A Transit Improvement Program Semi-Annual Report Ending June 30, 2022.

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

- 6.6. ACTION ITEM - Adopt the Vanpool Subsidy Program as an ongoing VTA service.
- 6.7. INFORMATION ITEM - Receive a report on the Guaranteed Ride Home Pilot Program.

GOVERNANCE AND AUDIT (G&A) COMMITTEE

- 6.8. ACTION ITEM - Amend the FY 2022/FY 2023 Auditor General (AG) Work Plan to defer two projects due to VTA's revised project timelines, delete one project due to events that have occurred over the past two years at VTA, and replace with two projects that have a high priority.
- 6.9. ACTION ITEM - Approve the VTA Hybrid Board and Committee Meetings Policy, and authorize staff to incorporate any corresponding provisions into the adopted *VTA Chairperson Guidelines*.

BOARD OF DIRECTORS

- 6.10. ACTION ITEM - Approve the Regular Meeting Minutes of October 6, 2022.
- 6.11. 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).
- 6.12. INFORMATION ITEM - Receive unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions.
- 7.2. ACTION ITEM - Approve the updated criteria for the 2016 Measure B Bicycle & Pedestrian Planning Studies Competitive Grant Program.

7. REGULAR AGENDA

(1 hour 40 mins end @ 8:35)

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

- 7.1. ACTION ITEM - Authorize the General Manager, through VTA's insurance broker of record, Willis Towers Watson (WTW), to procure the Owner Controlled Insurance Program (OCIP) (General Liability and Workers' Compensation), Builders Risk and Environmental Premise/Contractor's Pollution Insurance for VTA's BART Silicon Valley Phase II Extension Project (BSVII) for Contract Package 2 (CP2), Progressive Design Build and Early Works Packages for a premium not to exceed \$22,770,800. CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

Judith Harteau will present. Demetri Lembesis, WTW, will be present to answer questions.

Staff Presentation: 7 minutes

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

- 7.2. **WILL BE APPROVED AS PART OF CONSENT.** ACTION ITEM – 2016 Measure B Bicycle & Pedestrian Planning Studies Program - Updated Criteria

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

- 7.3. INFORMATION ITEM - Downtown Light Rail Program Update

Jason Kim will present.

Staff Presentation: 7 minutes

- 7.4. **DEFERRED** INFORMATION ITEM - Receive an update on the Future of Light Rail Program.

BOARD OF DIRECTORS

- 7.5. INFORMATION ITEM - Receive an update on VTA's BART Silicon Valley Phase II Extension Project. (Verbal Report)

- 7.5.A. APTA Independent Peer Review Presentation

Gary Griggs will present and will introduce members of the Peer Review Panel

Staff Presentation: 25 minutes

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

Marc Delong and Tammy Dhanota will present

Staff Presentation: 5 minutes

- 7.7. INFORMATION ITEM - Review the proposed 2023 Board of Directors Meeting Schedule.

Chair Jones will note that the first meeting of 2023 is proposed to be held on the second Thursday, January 12, 2023.

8. OTHER ITEMS

(5 mins end @ 8:40)

- 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

(1 hour 20 mins end @ 10)

Order of Closed Session may change. Tentative Order: B, C, D, A, E-L.

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

Name of Case: Estrada v. Santa Clara Valley Transportation Authority, et al.
(Santa Clara County Superior Court Case No. 19-CV-342351)

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

Name of Case: Santa Clara Valley Transportation Authority v. Harduman and
Kulwant Sanghera "S&S Market"
(Santa Clara County Superior Court Case No. 21-CV-392664)

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

Name of Case: VTA v. Della Maggiore Tile, Inc., et al.
(Santa Clara County Superior Court Case No. 21CV388901)

D. 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)

E. 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)

F. 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)

G. 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)

H. 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)

I. 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)

J. 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)

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

Name of Case: Bertolet v. Santa Clara Valley Transportation Authority (Workers Compensation Appeals Board, ADJ15161138)

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

Significant Exposure to Litigation: One Case Relating to Potential Claim from Gill

9.2. Reconvene to Open Session

9.3. Closed Session Report

10. ADJOURN @ 10 PM

From: VTA Board Secretary
Sent: Friday, November 4, 2022 1:11 PM
To: VTA Board of Directors
Cc: VTA Board Secretary
Subject: VTA Information: Ridership for September 2022

VTA Board of Directors:

Attached is a memorandum from Lisa Vickery, Deputy Director, Transit Operations-Bus, regarding VTA ridership for September 2022.

Thank you.

Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 N. First Street
San Jose, CA 95134
408.321.5680
board.secretary@vta.org



BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: Carolyn Gonot, General Manager/CEO

FROM: Lisa Vickery, Deputy Director (Transit Operations-Bus)

SUBJECT: VTA Ridership - September 2022

Policy-Related Action: NA

Government Code Section 84308 Applies: No

INFORMATION ITEM

EXECUTIVE SUMMARY:

- To present the bus and light rail ridership performance of the Santa Clara Valley Transportation Authority.

STRATEGIC PLAN/GOALS:

The report is an information item only.

BACKGROUND:

This report is routinely produced after each month. This report is for the month of September 2022.

CLIMATE IMPACT:

The report is an information item and will have no impacts to climate change.

DISCUSSION:

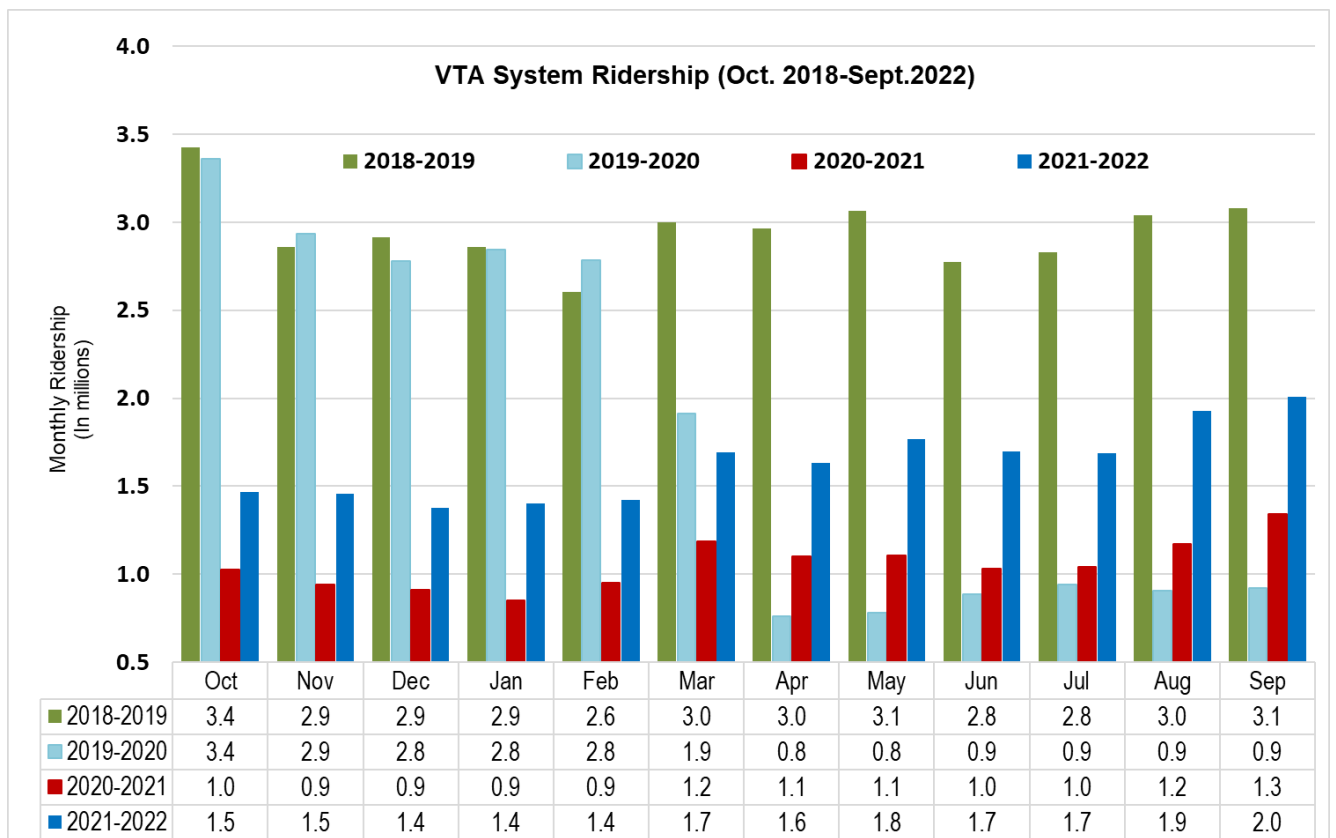
September 2022 total monthly system ridership was 2,008,415, an increase of 49.4% over September 2021. The total monthly bus ridership was 1,663,676, an increase of 38.7% over September 2021. The total monthly light rail ridership in September 2022 was 344,739, an increase of 137.2% over September 2021. September 2022 recorded an overall system ridership increase of 4.1% over August 2022.

The system ridership (Bus and light rail) in September 2022 is approximately 28% less compared to pre-pandemic levels. The calendar year-to-date system ridership (January-September) is 42% less than the same period in 2019 (pre-pandemic).

Levi's Events: There were two major events at the Levi's stadium in September 2022. The average ridership from the events was about 10,700 riders. The two events were the 49ers versus Seattle Seahawks and the Mexico versus Colombia – Soccer Game.

Ridership	Sep-22	Compared to:				CYTD				
		Sep-21	Percent change	Aug-22	Percent change	Current 2022	Prior 2021	Percent change	Pre-Pandemic 2019	Percent change
						Jan-Sep	Jan-Sep		Jan-Sep	
Bus	1,663,676	1,199,287	38.7%	1,572,742	5.8%	12,694,544	8,618,322	47.3%	19,986,439	-36.5%
Light Rail	344,739	145,322	137.2%	356,578	-3.3%	2,500,940	1,141,591	119.1%	6,219,621	-59.8%
System	2,008,415	1,344,609	49.4%	1,929,320	4.1%	15,195,484	9,759,913	55.7%	26,206,060	-42.0%

The system ridership (Bus and light rail) in millions from October 2018 through September 2022 that includes ridership at pre-pandemic levels is presented in the chart below:



The boardings per total hour and boardings per revenue hour for bus and rail for September are shown in the table below:

	Boardings per Total hour ¹			Boardings per Revenue hour ²		
	September 2022	September 2021	Percent Change	September 2022	September 2021	Percent Change
Bus	15.0	12.0	25.0%	16.0	12.9	24.0%
Light Rail	31.2	13.5	131.1%	33.3	14.5	129.7.0%

¹ Total hours – Includes revenue hours and deadhead hours (hours that a vehicle travels when out of revenue service).

² Revenue hours - Scheduled hours of service available to passengers for transport on the routes. Includes recovery/layover time.

From: VTA Board Secretary

Sent: Friday, November 4, 2022 4:52 PM

To: VTA Board of Directors; VTA Advisory Committee Members

Cc: VTA Board Secretary

Subject: From VTA: VTP 2050 and VTA Visionary Network Community Engagement Opportunities

VTA Board of Directors and Advisory Committee Members:

We would like to request you to help us spread the word about upcoming community engagement opportunities for VTP 2050 and VTA Visionary Network. Please feel free to include the information below in your newsletters, social media posts, or email to your constituents.

- 1) Valley Transportation Plan or VTP, is the planning and policy framework to develop and deliver future transportation projects for all modes of transportation. VTA is now in the process of developing VTP 2050 and there are several opportunities to provide feedback. The project website, www.vta.org/vtp2050, will be updated periodically to include pop up events at transit centers throughout Santa Clara County during the months of November and December.

VTP 2050 Community Meeting:

Wednesday, November 16, 2022

6:00 pm - 7:30 pm, online

[Please RSVP on Eventbrite](#)

Ask VTA: Online Office Hours:

Tuesday, November 29, 2022

2:00 pm - 3:00 pm

[Please RSVP on Eventbrite](#)

- 2) VTA will begin its Visionary Network process this winter. This exercise will define how transit service in Santa Clara County should look over the next 30 years. Please visit the project website, www.vta.org/visionarynetwork, to learn more and to find out dates/times/locations for pop-up events.

VTA Virtual Community Meetings

Ask VTA: VTP 2050 / Visionary Network Virtual Office Hours

Tuesday, November 29, 2022

2:00 p.m. – 3:00 p.m.

[RSVP on Eventbrite](#)

Community Meeting #1

Wednesday, November 30, 2022

6:00 p.m. – 8:00 p.m.

[RSVP on Eventbrite](#)

Community Meeting #2

Monday, December 12, 2022

11:00 a.m. – 1:00 p.m.

VTA Stakeholder Meetings

VTP 2050 / Visionary Network

Community Based Organizations (CBO) Roundtable

Friday, December 2, 2022

2:00 p.m. – 4:00 p.m.

Other Event for the project:

Downtown San Jose Farmers Market

Tuesday, November 16, 2022

Thank you.

VTA Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 North First Street, Building B-1
San Jose, CA 95134-1927
Phone: 408-321-5680

