

**From:** VTA Board Secretary

**Sent:** Tuesday, November 29, 2022 3:23 PM

**To:** VTA Board of Directors

**Subject:** VTA Information: December 1, 2022, Board of Directors Meeting Update to Agenda Packet

## **Board of Directors:**

The VTA Board of Directors Agenda packet for the **Thursday, December 1, 2022, Meeting** has been updated to include additional information (materials, presentations and/or public comment) for the following items:

- **Agenda Item #4.1.** Recommendation to Adopt Resolutions of Necessity for BART Silicon Valley Phase II Project (BSVII); Property owned by BSREP II Towers, LLC, a Delaware limited liability company (B3220); Property owned by Goldrock Holdings, LLC, a California limited liability company (B3213)
- **Agenda Item #6.7.** Committee for Transportation Mobility and Accessibility Appointment
- **Agenda Item #6.12.** Unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions
- **Agenda Item #7.3.** Sustainability Annual Report
- **Agenda Item #7.4.** Future of Light Rail update - October 2022
- **Agenda Item #7.6.** BSV Contract Package 2 Tunnel and Trackwork (Contract V20221) for Early Work Packages
- **Agenda Item #7.8.** Receive an update on VTA's BART Silicon Valley Phase II Extension Project

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, November 30, 2022 4:47 PM

**To:** VTA Board of Directors

**Subject:** VTA Information: December 1, 2022, Board of Directors Meeting 2nd Update to Agenda Packet

## **Board of Directors:**

The VTA Board of Directors Agenda packet for the **Thursday, December 1, 2022, Meeting** has been updated to include additional information (materials, presentations and/or public comment) for the following items:

- **Agenda Item #4.1.** Recommendation to Adopt Resolutions of Necessity for BART Silicon Valley Phase II Project (BSVII); Property owned by BSREP II Towers, LLC, a Delaware limited liability company (B3220); Property owned by Goldrock Holdings, LLC, a California limited liability company (B3213) (*revised presentation*)
- **Agenda Item #5.** General Manager Report
- **Agenda Item #7.5.** Annual Comprehensive Financial Report (ACFR) for the Santa Clara Valley Transportation Authority (VTA), and Financial Reports for Amalgamated Transit Union (ATU) Pension Plan, and Retirees' Other Post Employment Benefits (OPEB) for Fiscal Year 2022
- **Agenda Item #7.6.** BSV Contract Package 2 Tunnel and Trackwork (Contract V20221) for Early Work Packages (attachment b)

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:** Thursday, December 1, 2022 12:35 PM  
**To:** VTA Board of Directors  
**Cc:** VTA Board Secretary  
**Subject:** VTA Information: Ridership for October 2022

**VTA Board of Directors:**

Attached is a memorandum from Lisa Vickery, Deputy Director, Transit Operations-Bus, regarding VTA ridership for October 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](mailto:board.secretary@vta.org)



Date: November 30, 2022  
Current Meeting: NA  
Board Meeting: NA

## BOARD MEMORANDUM

**TO:** Santa Clara Valley Transportation Authority  
Board of Directors

**THROUGH:** Carolyn Gonot, General Manager/CEO

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

**SUBJECT:** VTA Ridership - October 2022

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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 October 2022.

### CLIMATE IMPACT:

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

### DISCUSSION:

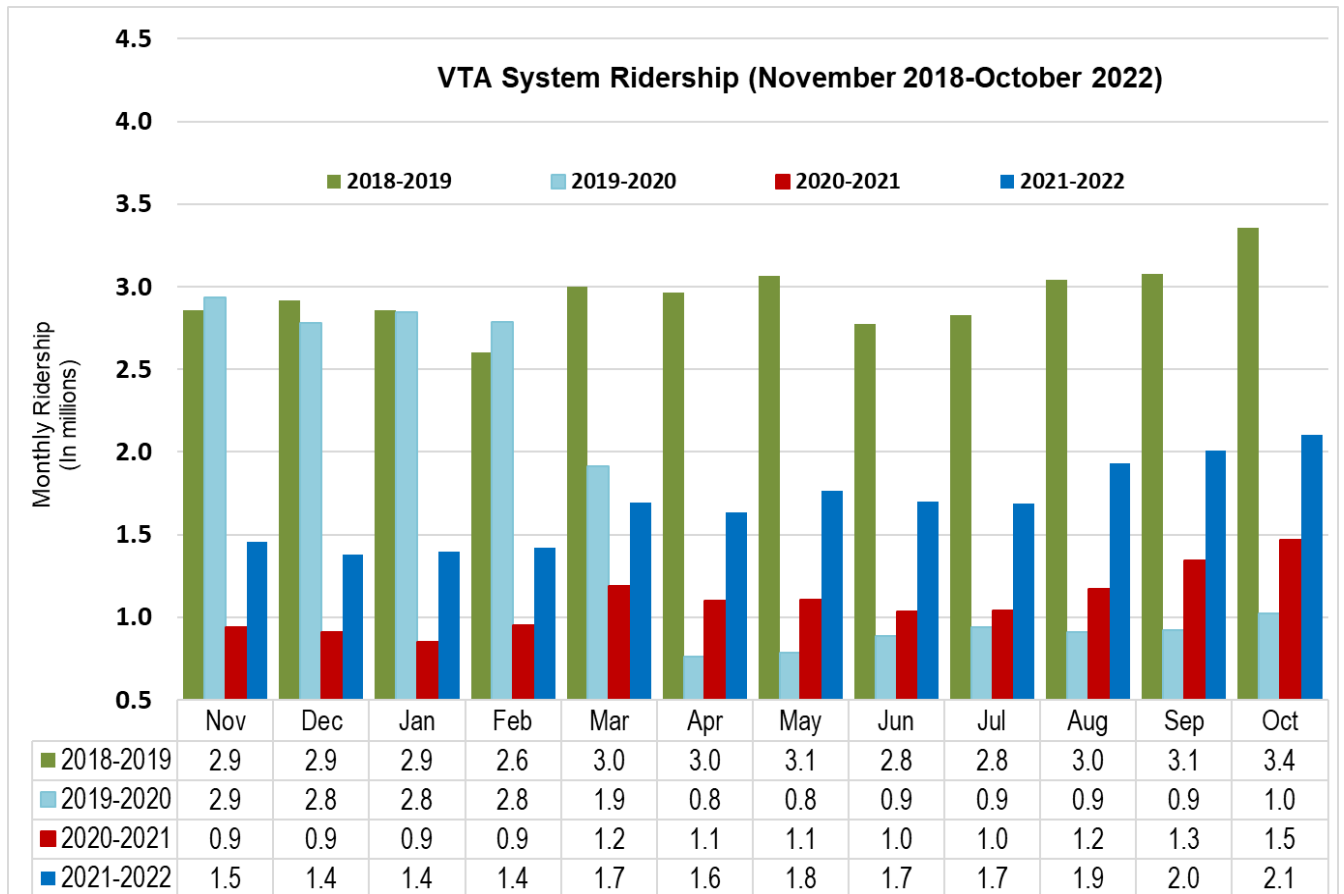
October 2022 total monthly system ridership was 2,103,758, an increase of 43.2% over October 2021. The total monthly bus ridership was 1,727,028, an increase of 38.0% over October 2021. The total monthly light rail ridership in October 2022 was 376,680, an increase of 72.6% over October 2021. October 2022 recorded an overall system ridership increase of 4.7% over September 2022.

The system ridership (Bus and light rail) in October 2022 is approximately 24% less compared to pre-pandemic levels. The calendar year-to-date system ridership (January-October) is 42% less than the same period in 2019 (pre-pandemic).

Levi's Events: There were three major events at the Levi's stadium in October 2022. The average ridership from the events was about 11,870 riders. The events included two 49ers' games and an Elton John Concert.

Ridership	Oct-22	Compared to:				CYTD				
		Oct-21	Percent change	Sep-22	Percent change	Current	Prior	Percent change	Pre-Pandemic	Percent change
						2022	2021		2019	
						Jan-Oct	Jan-Oct	Jan-Oct	Jan-Oct	
Bus	1,727,078	1,251,303	38.0%	1,663,676	3.8%	14,421,622	9,869,625	46.1%	22,574,546	-36.1%
Light Rail	376,680	218,209	72.6%	344,739	9.3%	2,877,620	1,359,800	111.6%	6,989,429	-58.8%
System	2,103,758	1,469,512	43.2%	2,008,415	4.7%	17,299,242	11,229,425	54.1%	29,563,975	-41.5%

The system ridership (Bus and light rail) in millions from November 2018 through October 2022 is presented in the chart below.



Note: Pre-pandemic data reflected in months November 2018 through February 2020.

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

	Boardings per Total hour <sup>1</sup>			Boardings per Revenue hour <sup>2</sup>		
	October 2022	October 2021	Percent Change	October 2022	October 2021	Percent Change
Bus	15.3	11.4	33.9%	16.3	12.1	33.9%
Light Rail	33.1	19.7	68.0%	35.3	21.1	67.3%

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

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

**From:** VTA Board Secretary

**Sent:** Thursday, December 1, 2022 1:26 PM

**To:** VTA Board of Directors

**Subject:** VTA Information: December 1, 2022, Board of Directors Meeting 3rd Update to Agenda Packet

### **Board of Directors:**

The VTA Board of Directors Agenda packet for the **Thursday, December 1, 2022, Meeting** has been updated for a third time to include additional information (materials, presentations and/or public comment) for the following items:

- **Agenda Item #4.1.** Recommendation to Adopt Resolutions of Necessity for BART Silicon Valley Phase II Project (BSVII); Property owned by BSREP II Towers, LLC, a Delaware limited liability company (B3220); Property owned by Goldrock Holdings, LLC, a California limited liability company (B3213) (*public comment and VTA's response*)
- **Agenda Item #5.1.** Committee Reports
- **Agenda Item #5.2.** General Manager Report
- **Agenda Item #6.9.** Amendments to the VTA Administrative Code
- **Agenda Item #6.12.** Unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions

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:** Thursday, December 1, 2022 3:47 PM

**To:** VTA Board Secretary

**Cc:** Gonot, Carolyn

**Subject:** From VTA: FTA approves moving the BART to Silicon Valley Extension Phase 2 Project into the Capital Investment Grant Program

**Importance:** High

**VTA Board of Directors:**

Please see attached memorandum from VTA General Manager/CEO Carolyn Gonot regarding FTA's approval to move the BART to Silicon Valley Extension Phase 2 Project into the Capital Investment Grant Program. For questions, please contact Ms. Gonot at 408.321.5559.

Thank you.

Santa Clara Valley Transportation Authority  
Office of the Board Secretary  
3331 North First Street, Building C  
San Jose, CA 95134-1927





## MEMORANDUM

**TO:** VTA Board of Directors

**FROM:** Carolyn M. Gonot, General Manager/CEO



**DATE:** December 1, 2022

**SUBJECT:** Federal Transit Administration approves moving the BART to Silicon Valley Extension Phase 2 Project into the Capital Investment Grant Program

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I am extremely pleased to report that we received approval today from the Federal Transit Administration (FTA) moving the BART to Silicon Valley Extension Phase 2 project into the Capital Investment Grant Program (CIG). Entry into the CIG program allows us to almost double the amount of federal funding available for the project and help protect local funds for local projects. VTA is currently seeking \$4.6 billion in federal funds for the BART Silicon Valley extension project.

In addition, the FTA approved a Letter of No Prejudice (LONP) for the project. This LONP allows us to issue contracts and purchase materials in advance of receiving the letter of grant award for the project. The LONP covers all previous work completed under the Expedited Project Delivery Pilot Program and all remaining work up to \$9.3 billion.

As the Board knows, this is welcome news allowing us to advance the BART to Silicon Valley Phase 2 project without costly delay.

Please join me in congratulating our BART Delivery Team for achieving this major milestone in the BART to Silicon Valley Phase 2 project!



U.S. Department  
of Transportation

**Federal Transit  
Administration**

Headquarters

1200 New Jersey Avenue, SE  
Washington, DC 20590

Ms. Carolyn M. Gonot  
General Manager/CEO  
Santa Clara Valley Transportation Authority  
3331 North First Street  
San Jose, CA 95134

**Re: Request to Re-enter the Project Development phase of the Capital Investment Grants Program and Receive a Letter of No Prejudice**

Dear Ms. Gonot:

The Federal Transit Administration (FTA) has completed its review of the letter dated October 18, 2022 from the Santa Clara Valley Transportation Authority (VTA) requesting the Bay Area Rapid Transit (BART) Silicon Valley Phase II project (Project) be allowed to re-enter the New Starts Project Development phase of the Capital Investment Grants (CIG) program and seeking a Letter of No Prejudice (LONP). FTA approves both requests.

With this approval, FTA agrees to move the project from the Expedited Project Delivery (EPD) Pilot Program back into the Project Development phase as a New Starts project. The letter also approves a Letter of No Prejudice covering expenses VTA incurred when it started in New Starts Project Development in March 2016, through the Project's migration to the EPD Pilot Program, as well as for all remaining work on the project, thereby matching the pre-award authority VTA had been given while it was in the EPD Pilot Program for the estimated total project cost of \$9.318 billion.

As with all pre-award authority, all Federal requirements must be met prior to incurring costs to retain eligibility of the costs for future FTA grant assistance. Of particular note, the Infrastructure Investment and Jobs Act includes the Build America, Buy America Act (Public Law 117-58, div. G §§ 70901–52), which requires that all manufacturing processes for construction materials used in federally assisted infrastructure projects occur in the United States. On May 19, 2022, the U.S. Department of Transportation issued a general waiver that delayed the effective date of this requirement for construction materials until November 10, 2022. That general waiver has now expired. VTA should look to the U.S. Office of Management and Budget's (OMB) Memorandum M-22-11, "Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure" (April 18, 2022), for an explanation of the standards FTA will apply to construction materials. Unless a project is covered by another waiver in effect at the time of grant obligation, the construction

materials requirement will apply to all projects funded by any award obligated on or after November 10, 2022. FTA is available to provide technical assistance regarding application of this requirement to the Project activities.

The authority to incur costs provided in this letter does not constitute an FTA commitment that future Federal dollars will be approved for the Project. This LONP expires five years from the date of this letter, or upon approval of a CIG construction grant agreement for the Project, whichever occurs first.

Please note that VTA undertakes the LONP work at its own risk, and that the Project must still complete further steps in the CIG program to be eligible for consideration to receive CIG funding.

FTA looks forward to working with VTA on the BART Silicon Valley Phase II project. Please feel free to contact me with any questions you may have at 202-366-2851 or Felicia.James@dot.gov.

Sincerely,

12/1/2022

X 

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Felicia L. James

Signed by: 523452  
Associate Administrator for Planning and Environment