



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Matt Cano  
John Ristow

**SUBJECT:** SEE BELOW

**DATE:** November 16, 2021

Approved

Date

11/19/21

**COUNCIL DISTRICT: 3, 4 & 6**

**SUBJECT: BART SILICON VALLEY PHASE II EXTENSION PROJECT UPDATE**

## RECOMMENDATION

Accept Santa Clara Valley Transportation Authority staff's update on the Bay Area Rapid Transit (BART) Silicon Valley Phase II Extension Project ("Project") and provide feedback to the Project team.

## OUTCOME

Santa Clara Valley Transportation Authority (VTA) staff's update on key activities and milestones for VTA's BART Silicon Valley (BSV) Phase II Extension Project will include: the Federal Transit Administration (FTA)'s intent to fund the project; an overview of planning, design, engineering and procurement work to advance the project; a summary of the ongoing coordination between the City of San José and the Project staff; and a summary of how the public has been and will continue to be engaged as part of Project delivery. Additionally, the staff update provides the framework for mitigating public impacts based on the draft Construction Transportation Management Plan (CTMP), site-specific requirements on access routes, construction work hours, signage, notifications, parking and the Business Assistance Program. Specific details on these areas will be forthcoming in 2022 once VTA selects specific contractors for the project and develops a contract specific CTMP. The acceptance of this project update will enable the City and VTA staff to continue to resolve key elements concerning design reviews, construction mitigation, and community outreach in support of project delivery with City Council expected to review a final contract specific CTMP in Quarter 2 of 2023.

## **BACKGROUND**

The VTA's BSV Extension is a planned sixteen-mile, six-station extension of the existing 104-mile BART system into San José and Silicon Valley. The project will bring an estimated 1.7 million travelers into San José and Silicon Valley with connections to numerous transit systems, including commuter rail, light rail and bus services that serve major employment districts, residential areas, and other City and regional destinations. Phase I of the BART Silicon Valley Extension was completed in 2020.

Phase II will extend from the Phase I terminus at the Berryessa/North San José station to the City of Santa Clara, adding a 5-mile-long subway tunnel through Downtown San José and four stations including: 28th Street/Little Portugal, Downtown San José, Diridon Station, and Santa Clara Station.

The VTA's current estimated cost of the Phase II project is approximately \$6.86-9.148 billion, and the funding plan includes a mix of local (2000 Measure A & 2016 Measure B), State (Regional Measure 3, Transit and Intercity Rail Capital Program, Traffic Congestion Relief Program), and Federal (FTA Expedited Project Delivery) funds.

## **ANALYSIS**

### **Funding & Procurement Update**

The Project's funding plan consists of local, regional, and state sources that make up 75% of the overall project cost. VTA is seeking the remaining 25% through the FTA's Expedited Project Delivery (EPD) Pilot Program. The Project is the first project to be accepted into FTA's EPD Pilot Program, which significantly shortens the process for receiving federal funding. Since August 2019, FTA allocated \$225 million of EPD funding toward the Project.

On October 25, 2021, VTA received a Letter of Intent from the FTA announcing that the Project was formally selected for funding through EPD. A Letter of Intent announces the federal government's intention and requirements to obligate federal funds for an eligible project. This step is the precursor to execution of a Full Funding Grant Agreement, which defines the terms and schedule for receipt of the federal funds. This project selection gives VTA the pre-award authority to incur costs for advancing engineering activities, utility relocation, real estate acquisition, construction, and other non-construction activities such as the procurement of vehicles. This milestone further reiterates the confidence the U.S. Department of Transportation has in VTA and their partners' technical capacities and capabilities to effectively manage and deliver the Project.

The Project will be delivered via four Contracting Packages (CPs): CP1 Systems, CP2 Tunnel & Trackwork, CP3 Santa Clara Station and the Newhall Yard Maintenance Facility, and CP4 Stations for the three underground stations in San José (Diridon, Downtown, and 28th

Street/Little Portugal). Requests for Qualifications for all four Contract Packages have been released and Requests for Proposals are at various stages of development. RFP for CP2 Tunnel & Trackwork was released in September 2021 and CP1 Systems was released in November 2021. The two remaining Contract Packages (CP3 & CP4) are slated to be released in Quarter 1 of 2022.

### VTA & City Coordination

The City of San José and the Project team have coordinated closely on various aspects of the project for years. In 2020, the City and VTA executed a Master Agreement that provides an overall framework for the City and VTA to work together on the Project.

Through 2021, City and Project staff continue to work together on many efforts. This coordination included technical tunnel and station workshops in Quarter 1, 2021. In June 2021, the City and VTA executed Cooperative Agreement #1 for the Project, which further defined requirements for work on City facilities, defined provisions for reimbursements to the City for pre-RFP activities, and affirmed construction impact mitigation through the Construction Outreach Management Program (COMP) for the Project, which is discussed in greater detail below. One component of the COMP is the CTMP, which focuses on coordinating circulation, access, and emergency access needs within and around the construction areas for all transportation options. The Project team coordinated and reviewed the draft CTMP with the City in 2021 before inclusion in RFP documents. In 2022 and 2023, the Project team will work with the City, contractors, the community, and other stakeholders (including the SAP Center) to prepare contract specific CTMPs for each of the Contract Packages described above. City staff expects to bring the CTMP back to City Council in 2022 once the selected contractors are on-board and further site-specific information is available. As construction proceeds and conditions change on the ground, each CTMP will enable City Council to review, modify, and re-approve the CTMP on annual basis to ensure a responsive CTMP, corresponding to VTA's annual work plan and the dynamics of the largest infrastructure project in the region.

Since June 2021, the Project team has hosted biweekly access and circulation coordination meetings with City of San José and VTA staff focused on design of City facility improvements, access and circulation features for each station, and processes for community and public review and feedback into major elements. The concepts developed in collaboration with City staff are documented in a Basis of City Facility Design (CFD) memo, which will be included as part of the Project contract package RFP documents. The CFD memo includes a basis of design intended to provide contractors with enough information to develop a bid. Project staff will continue to work with City and VTA staff to advance numerous planning efforts that will better inform the final design. Once on-board, the contractors are required to coordinate with the City and VTA to finalize design of access and circulation elements before their construction can begin.

Cooperative Agreement #2 between the City and VTA is currently under development and anticipated to be executed in early 2022. This Cooperative Agreement will further define

processes and cost reimbursements for the City's design review, construction inspections, and testing. It is also anticipated that the City and VTA will enter into another Cooperative Agreement in 2022 that will define work and funding for public art at the Stations.

### Public Outreach

The VTA Project team hosts community meetings, quarterly Community Working Groups (CWGs) meetings, provides publicly accessible channels with the VTA Board of Directors, and shares electronic communications (e.g., email blasts, electronic newsletters, and social media and blog posts) at major milestones. Where appropriate, the Project team also hosts other public outreach events and activities, such as tabling events and online surveys, including for the Design Review Committee (DRC) process that is discussed below. These will remain the go-to venues and channels for Project community engagement. As project delivery advances, the Small Business Task Force and COMP will become even more critical community engagement resources to successfully deliver the Project. Recent community meetings, the CWGs, Small Business Task Force, and COMP are described in greater detail below. Public outreach that the Project team conducted from June to September 2021 focused on 'look and feel' elements of the stations is also described below.

#### *Community Meetings in Four Languages*

The Project team hosted four online community meetings in October and November to provide an update on the Project to the public. These meetings were presented in English, Spanish, Vietnamese, and Portuguese. The meetings were recorded and posted on the project website at: <https://www.vta.org/projects/bart-sv/phase-ii>.

#### *Community Working Groups (CWGs)*

CWGs were initially created when VTA's BART Silicon Valley Program was a 16-mile extension into Santa Clara County. Beginning in 2015, CWGs resumed for the Santa Clara, 28th Street/Little Portugal, and Downtown-Diridon station areas. Each CWG member has been appointed to represent the unique constituencies that live, work, and play near the stations. The role of the CWGs is to disseminate information to the stakeholders near each station area and to give feedback to the Project team. CWGs typically meet quarterly. VTA will host a combined CWG meeting on November 17, 2021. This meeting will be virtual and can be accessed from the project website.

#### *Design Review Committees (DRCs) for 'Look and Feel' Elements of the Stations*

In June 2021, the Project team-initiated DRCs for each station comprising of leaders of local community organizations and staff from the cities of San José and Santa Clara. The purpose of the DRCs is to provide an opportunity for community and local government partners to provide input to the Project team regarding select visual elements for each of the four stations, including specific architectural finishes and locations of art.

Monthly DRC meetings were held from June to September 2021. Concepts that emerged from the DRC process were shared broadly with the public for their review and feedback in the first half of September via an online community feedback platform, presentations at CWG meetings, and pop-ups in the station areas. Over 2,500 people were engaged as part of this process. Updated concepts were developed based on feedback received as part of broad public engagement and discussed with DRC members during the fourth round of DRC meetings that occurred near the end of September. The Project team is currently incorporating findings from the DRC process into the RFPs for the Construction Packages for the stations that are described above.

#### *Small Business Task Force*

The Project team convened a Small Business Task Force to create a forum for regular and effective communication between the Project team and the business community. The Small Business Task Force has met four times since November 2019 and will be reconvened in early 2022 to review the proposed Small Business Resource Program.

#### *Construction Outreach Management Program (COMP)*

The guide for community engagement throughout Project delivery is the COMP, which was reviewed by City staff. The City will continue to be involved in further development of the various components that make up the COMP, including three primary components: the Construction Education and Outreach Plan (CEOP), the CTMP, and the Emergency Services Coordination Plan (ECSP), described in further detail below.

#### *Construction Education & Outreach Plan (CEOP)*

The CEOP focuses on communication during construction between the Project team, the cities of San José and Santa Clara, businesses near construction areas, and the public. The purpose of the CEOP is to guide engagement with local businesses and community organizations along the project alignment, as well as to understand how to minimize and reduce construction-related impacts.

Activities associated with the CEOP's are discussed below.

#### 1. General Outreach

Activities included under the CEOP's General Outreach category are designed to educate, engage, and inform general audiences and communities located along the six-mile Phase II Project alignment. An overarching goal for the general outreach activities is to raise the visibility of VTA and the City's shared commitment to deliver the Project.

#### 2. Stakeholder Engagement

Activities included under the CEOP's Stakeholder Engagement category are designed to identify and engage all stakeholders. Focused efforts are planned and implemented for Stakeholders that could be most impacted by Project construction activities. Early engagement has started for non-

construction activities, including the real estate acquisition process, stakeholder intake, and business resource planning. Stakeholder engagement activities are also designed to garner community support for the Project.

### 3. Business Resources

The purpose of the CEOP's Business Resources category is to outline specific tools and strategies to assist businesses affected by Project construction. Tools include, but are not limited to marketing and promotions, business education, raising business visibility, maintaining access, and providing up-to-date project information. Inputs for the CEOP's Business Resources originated from the Small Business Task Force and Small Business Resources Study. At this time, specific financial subsidies to businesses are not being planned or proposed by VTA as part of this program.

### 4. Placemaking & Activation

The CEOP's Placemaking and Activation category is designed primarily to provide exposure to affected businesses using signage and other promotional tools, as well as reduce the visual effects of active construction activities. Enhancing spaces along and around construction site boundaries helps maintain community identity, supports local businesses, and generates both project awareness and community goodwill. For construction areas adjacent to new station areas, placemaking and activation can also help build a sense of place and future opportunity. It is anticipated that placemaking and activation will require collaboration with City and private sector partners.

### 5. On the Radar

Due to the scope and scale of building the Project, there will be opportunities to work in tandem with other agencies, institutions, and organizations on projects that intersect or are adjacent to the Project. Potential opportunities include, but are not limited to, coordination with other large construction projects, along with transit-oriented development near the stations, parking and circulation, and wayfinding and signage policy.

The CEOP includes the following services:

- Promotion of access to businesses during construction
- A business-oriented marketing campaign
- A social media campaign that supports small businesses
- Continuation of the Small Business Task Force
- Construction activity coordination, including for wayfinding, messaging, street closures, and detours
- Installing and maintaining graphic panels along construction staging areas
- Advance construction notifications

- Construction parking monitoring
- Field offices
- A 24/7 hotline
- An outreach effort for the Stockton Avenue mid-tunnel facility
- Safe Routes to School engagement in the 28<sup>th</sup> Street/Little Portugal station area
- Hosting milestone events

#### *Community Outreach Project Implementation Plan (COPIP)*

The CEOP will be implemented through COPIPs managed internally by the Project team. There will be a COPIP for each project element, including the east and west portals, two mid-tunnel facilities, and four stations (including the Newhall Yard maintenance facility that will be co-located with the Santa Clara station). COPIPs will include outreach implementation strategies to ensure local stakeholders remain informed during all project phases. COPIPs will be developed using detailed construction information from contractors and include a description of the construction work and purpose, construction timeline, stakeholder list, key messages, appropriate communication tools and tactics, resources needed, and success metrics. COPIPs will be updated as needed when project changes occur.

#### *Construction Transportation Management Plan (CTMP)*

The CTMP focuses on coordinating circulation and access needs within and around the construction areas for all transportation options by coordinating construction sequencing, detours, truck staging, and truck haul routes. The CTMP also governs work hours, lane closure hours, on-site hours of operation, lunch hour, and holiday construction moratorium. Overarching processes associated with CTMP development are described above. Based on the guidance in each of the contract package specific CTMPs, Traffic Control Plans (TCPs) will be developed that include site-specific requirements for things like traffic control devices, lane closures, detour plans, alternate access routes, signage, closure notifications, and parking maps.

The Draft CTMP identified access and service needs through a series of stakeholder interviews and surveys that occurred in 2019 and 2020 and reached over 70 businesses, organizations, and institutions along the alignment near construction. As part of these interviews and surveys, questions were asked about things like modes used to access the developments, where patrons park, details on loading and special events, as well as anything else respondents thought the Project team should know about. As part of the Draft CTMP review process, the City and VTA staff continue to resolve key elements concerning design reviews, construction mitigation, and community outreach in support of project delivery with City Council expected to review a final contract specific CTMP in Quarter 2 of 2023 for CP2 Tunnel and Trackwork.

#### *Emergency Services Coordination Plan (ESCP)*

The ESCP focuses on coordination with local emergency services to minimize impact on emergency service routes and response times due to construction activities. It was created through close coordination with fire and police representatives.

## **CONCLUSION**

City of San José and VTA staff appreciate the partnership and coordination between our organizations thus far, and we look forward to continuing to work together to successfully deliver the Project, which will allow riders to enjoy a one seat ride between San José and destinations throughout the Bay Area through frequent and reliable transit service.

## **EVALUATION AND FOLLOW-UP**

The Master Agreement and subsequent cooperative agreements will be the basis to further establish details in mitigating project impacts on City residents and City facilities. The construction of the Project will have a formal outreach process managed by the VTA and coordinated with City staff. Progress reports on the BART project will be provided on a regular basis to the Transportation and Environmental Committee.

## **CLIMATE SMART SAN JOSE**

The recommendation in this memo aligns with one or more Climate Smart San José energy, water, or mobility goals.

## **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the December 7, 2021, Council Meeting. The City of San José has worked in close coordination with VTA as it conducted outreach on the BART Phase II extension. City staff participated in Community Working Groups for the 28<sup>th</sup> Street/Little Portugal and Downtown/Diridon stations over the past few years. These covered a wide range of project topics, including tunneling, construction approaches, and mitigation strategies. VTA will continue to conduct stakeholder outreach and outreach to the public on the proposed project as appropriate.

## **COORDINATION**

This item has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

## **COMMISSION RECOMMENDATION/INPUT**

No commission recommendation or input is associated with this action.



### **FISCAL/POLICY ALIGNMENT**

The BART project aligns with the City's Envision 2040 General Plan goals to facilitate increased travel by transit and the Transportation & Aviation Services CSA goals to provide transportation choices that support a strong economy.

### **COST SUMMARY/IMPLICATIONS**

The VTA's current estimated cost of the Phase II project is approximately \$6.86-\$9.148 billion, and the overall project will be managed by the VTA. City staff costs incurred for direct support of the project will be reimbursed by the VTA, and budget for the staff costs over the next five years of \$1.1 million is included in the Building and Structure Construction Tax Fund (\$645,000) and Construction Excise Tax Fund (\$500,000) in the 2022-2026 Adopted Traffic Capital Improvement Program. In addition to the BART infrastructure, the project will construct new and modified City infrastructure, such as sidewalks and above and below ground facilities, that will be turned over to the City for maintenance at the completion of the project. However, the addition and modifications to City infrastructure is not expected to have a significant cumulative effect on the City's ongoing maintenance and operations costs and will be evaluated as part of a future budget process.

### **CEQA**

Santa Clara Valley Transportation Authority's Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report.

/s/  
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/s/  
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