CC 07-15-2025

Oral Communications

Written Comments

From:	Kirsten Squarcia
To:	City Clerk
Subject:	FW: 2023 Reclamation Plan Amendment for the Lehigh Permanente Quarry
Date:	Monday, July 14, 2025 1:49:43 PM
Attachments:	To Robert Salisbury – Department of Planning and Development County of Santa Clara.docx Robert Salisbury – Project Manager – Santa Clara County.docx Lehigh Permanente Quarry Reclamation Plan Amendment CA Mine ID 91.docx

Please post with oral comms written comments

Kirsten Squarcia
Interim Deputy City Manager/City Clerk
City Manager's Office
KirstenS@cupertino.gov
(408) 777-3225

From: Cathy Helgerson <cathyhelger@gmail.com>
Sent: Sunday, July 13, 2025 5:54 AM
To: Salisbury, Robert <robert.salisbury@pln.sccgov.org>
Cc: BoardOperations <boardoperations@cob.sccgov.org>; Miller, Amy <miller.amy@epa.gov>; City Clerk <cityclerk@cupertino.org>
Subject: 2023 Reclamation Plan Amendment for the Lehigh Permanente Quarry

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Hello Robert,

I have not heard from you and still wish you to call me. I am sending you my comments on the 2023 Reclamation Plan Amendment for the Lehigh Permanente Quarry. I already sent you the Summary comments please add this to this paperwork. I have also attached them in this email message.

I would like all of my comments to be provided to the Santa Clara County Board members for their review. These comments should be eventually available to the public to review. I will be also commenting in the future on the Environment Impact Report (EIR) and understand that the Consultant will take some time to create this report. This process needs to be carried out with the utmost haste. There is no time to lose. Much time has been lost already and the public suffers from the pollution to the Air, Water and Soil.

Santa Clara County is hosting a meeting at the Quinlan Community Center at the end of

the month and I do hope the EPA Region 9 agency's representatives will be there. I have contacted the EPA Region 9, Amy Miller's office to see if she will be there or her representative will be there. It is very important that the EPA is included in this meeting.

I would also imagine the City of Cupertino's City Council members will be in attendance not just in the audience but on the panel so that people can ask them questions. This is necessary because the City of Cupertino will be highly impacted by the additional truck traffic on our roads due to this Reclamation. There are other reasons that they should be included and I am sure SCC knows what they are.

I am sending my comments to the EPA Region 9, Amy Miller's for her review. I have included the City of Cupertino's City Clerk.s office to make sure that the City Council gets my comments. This is very important. that they are also on the panel. If you have not added them then you should.

I have also attached my comments about the Consultant Agreement.& my 2023 Reclamation Plan Amendment Comments are also included in this e-mail.

The complete Lehigh 2023 Reclamation Plan Amendment is available through Robert Salisbury' office Santa Clara County Planning Department.

Anyone with questions please contact me by phone or e-mail message.

Thank you,
Cathy Helgerson - Environmental Advocate
408-253-0490

Lehigh Permanente Quarry Reclamation Plan Amendment CA Mine ID 91-43-0004 June 2023

Operator Lehigh Southwest Cement Company, Heidelberg Materials Volume I of IV: Reclamation Plan Amendment Text and Graphics. Under Requirements, Descriptions Reclamation Sections.

To: Lead Agency – Santa Clara County, Department of Planning and Development

From: Cathy Helgerson

1. Summary

1.1 Purpose 1 Production Amounts (Annual Gross)

Paragraph 1 – An average of 750,000 tons of construction aggregates annually a minimum of 7 MT of stockpiles construction aggregates contained within the Quarry, WMSA, and surge pile.

Cathy Helgerson – Comments- Who is monitoring closely the pollution that has contained selenium and other contaminants supposedly it is supposed to be the State Regional Water Quality Control Departments. The public is never given a report this should be provided to the public with information on how this pollution is controlled.

Paragraph 2 – Average of 500,000 cubic yards of imported excess soil from regional construction used for quarry backfill, cover of historic mine waste materials, and buttress for long-term stability of quarry highwalls development prior to current geotechnical requirements.

Cathy Helgerson – Comments- 50,000 cubic yards of imported soil who is monitoring the quality purity of this soil? The soils will be brought in from site locations of contractors who want to pay Lehigh to have this soil dumped into the quarry pit. Lehigh is making money from this to pay for the Reclamation. There will be many trucks going back and forth and a lot of this soil will be leaked on to public roads and freeways. Lehigh's use of the Stevens Creek Road that is coming down from Cement Plant and quarry is in poor shape from all the truck traffic and Santa Clara County and the City of Cupertino do nothing to repair the road. It seems that this Reclamation Plan will take 40 years to complete and the public will be subjected to this ongoing traffic and pollution problems. The Steven Creek Quarry is also using the Foothill Road and Steven Creek Road to deliver their products which also streams into the 280 Freeway. In the coming years the 280 Freeway will also be used for the traffic coming from the new Vallco apartments and commercial stores more people more traffic. The Apple Computer Company is using the roads in Cupertino also and the 280 Freeway will be congested with all kinds of traffic.

Just covering the mine waste at the WMSA & EMSA is not enough. This overall mine waste overburden should be trucked out from the Lehigh property and not used in the quarry at all due to the pollution. The mine waste has been full of selenium and other pollutants for years the public has been subjected to this pollution that has streamed down the Permanente Creek and the Steven Creek. The valleys water quality is seriously at stake here. There has been little if any information as to the water quality and the use or no use of the Lehigh Wastewater treatment plant. What levels qualify that the water will be treated at the plant no one has ever provided information to the public why are we to assume that all or none of the water needs to be treated. The water in the quarry is not just rain water there is water also

seeping in to the quarry from the aquifer below this has been happening for multiple decades and there is a seepage report that Santa Clara County has and the public is not provided this information. Lehigh water pollution from the whole property even in the ponds is polluted. The State Water Regional Control Division maybe monitoring this along with Santa Clara County but it seems that the public is not supposed to know exactly what the pollution levels are and how have they decided what is to be cleaned and what is not. This water coming down from the Steven Creek Reservoir is polluted from the Stevens Creek Quarry which is added to the Lehigh water pollution this all eventually goes down the Stevens Creek and the Permanente Creek. The whole SF Bay Area is subjected to pollution of our aquifers and it seem that nothing is being related to the public.

I am very concerned about the imported excess soil that Lehigh wished to import from constructions site projects how can we the public be sure that this soil is not contaminated with all kinds of pollution? At what level does the EPA and the State Regional Water Quality Control allow? The public again are not notified about any of this. What are the geotechnical requirements exactly? The contaminants levels are set high by the EPA and one has to wonder. What happens to the cumulativeness of all of the serious water pollution they are mixing and become even more of a health and a safety situation. It seems that these pollution levels are also set based on the companies that have to operate if the levels are set as to create a situation that would close the facilities down than the EPA needs to take that into account as well. If the pollution levels are so strong and it is so then the company emitting these pollution levels has to correct the problem. But if the levels are midpoint nothing is done about and the cumulative effect is not even looked at. I do hope that once the EIR is published that things like the cumulative effect of the pollutants will be seriously looked at. The driving force here should be to keep the public safe from these pollutants.

The agencies, SCC, valley cities, and especially the City of Cupertino need to come together and work to secure that Lehigh Hanson Permanente Heidelberg land is completely free from pollution. The cumulative consideration of pollutants and how they interact with a strong potency not ever considered.

End of Date Operations – December 31, 2065 (for reclamation planning purposes)

Cathy Helgerson – comments – 40 years from 2025 to complete the Lehigh Reclamation plan is to long a time. Lehigh will be allowed to import soil from construction sites and the companies will pay to have this soil/overburden possibly polluted soil dumped in the Lehigh Quarry pit. This soil mixed with WMSA soil and EMSA will contain Selenium and other pollutants. Who will monitor the soil content testing for contaminants and will it be cleaned through the Lehigh Water Treatment Plant? Lehigh is or contractors are trucking in the soil this makes way for contaminated soil to be dumped into the pit. We should not forget the cumulativeness of the pollution released into the air, spilled on the ground which eventually reaches our water ways. The Permanente Creek will undergo and be subject to a great deal of pollution as the overburden is moved from all sites at Lehigh. We have seen what the Lehigh pollution has done to the creek in the past and we the public are waiting for a full restoration of the creek to this day. Seems all we do is wait and wait for justice to prevail my question is why are the agencies not pushing for what is necessary to complete work on the Permanente Creek? The Lehigh Reclamation plan is holding up this work and I believe the Permanente Creek Restoration is held hostage question is how can the creek be

restored if Lehigh is in Reclamation? I have been told that the writing of the EIR by the SCC consultant and the review of the comments could take up to two years. This is unacceptable and everything possible should be done to speed this process up. The agencies need to be totally involved and working to move things along steadfastly.

Permit Number and End Date – No use permit on vested property 2.5 RPS

Cathy Helgerson -comments – I have always objected to the allowance of vested rights on the Lehigh properties and Santa Clara County should never have allowed it or continued this lack of a legitimate permit necessity. The public because of this has been subjected to Lehigh's pollution not only by the cement plant but from all of the areas on the Lehigh property. The Rock Plant is still in operation and Santa Clara County has allowed this to continue with its contamination. Why is Lehigh not held accountable for the harm they have done. There are also silos that are used to house product and these silos should also be shut down and destroyed. The Cement plant needs to be torn down de-assembled it is a fire hazard. Lehigh and or PG& E has only tapped off the gas line this is not enough. There was a fire at Lehigh at one time I was told. If there ever was a forest fire that actually spread to the Cement Plant the kiln furnace could explode this stands and is a great danger to the public and should be addressed by the agencies and Santa Clara County as a serious possibility.

End Use – Reclaimed to a stabilized condition as open space consistent with County's Hillside (HS) Zoning.

Cathy Helgerson – comments - I am not in favor of the land being used as open space. The question here is can this Lehigh property be used for housing? Open space may just quality the land with less requirements. Should the land not be suitable for residential, parks and or commercial use it is important that the land be cleaned from the pollution in order to make this possible. What levels are allowed is of course based on the EPA and agencies regulations and pollution limits. My feeling is that the land all of Lehigh's land should be suitable for these multiple uses and not just open space. There is a housing shortage and it is time that Santa Clara County looked at a possible purchase of the land. I had asked about this years ago and nothing was taken into account.

Property Acreage – 3,510 acres RPS 2.1

Cathy Helgerson – comments – It seems that the New Reclamation Plan will not cover a clean up of all of the Lehigh property. It is stated Purpose the Acreage is reduced from 1,274 acres to 921 acres and (nearly 30 percent), which will consist of only the acres needed for processing stock piled aggregate and reclamation and closure work. This is unacceptable all of the Lehigh property needs to be completely cleaned up in order to protect the public from further harm from the pollution and contamination at Lehigh. This is very serious why are the agencies and Santa Clara County allowing this to happen?

Permit Acreage – 2.1 – Operations under this plan occur on vested properties encompassing approximately 2,040 acres. The reclamation boundary encompasses 921 acres.

Cathy Helgerson – comments – This is also unacceptable Lehigh needs to clean up all of the land 3,510 acres that they have polluted. Santa Clara County should have information from the EPA's Super Fund Site investigation that was done years ago in order to really understand the importance of a major Super Fund site clean up or a full Reclamation clean up. The public cannot and will not accept anything less.

Reclamation Acreage (Surface Disturbance) Reclamation surfaces encompass approximately 670 acres RPS 1- 2

Cathy Helgerson – comments – What is the level in feet with regards to surface soil 2% does not indicate the level to which the Quarry surface will allow this should be stated in the Summary and table?

WMSA and EMSA- Graded information –

Cathy Helgerson – comments – How much contaminated soil will be taken out from both the storage areas to be dumped int the quarry pit? Will the soil be tested? There should be listed how far down will they dig to remove the soil and deliver it to the quarry in feet? The coverup will not protect the public.

Compaction – Skip

Cut slopes – Quarry upper regraded 2H:1V RPS 4.1.3 and appendix 1

Cathy Helgerson – comments – There should be a break down listed on what will be added to the Quarry pit besides soil brought in from outside. Will there be large rocks dumped into the Quarry pit that would plug up the water that has been seeping into the pit? This water in the quarry is not just rain water but water that is seeping into the pit from the aquifer below. This aquifer is the Silicon Vally's water. This has been allowed to happen and Santa Clara County has known about this and has a seepage report on file.

Erosion 4.1.3 and appendix – Best Management Practices

Cathy Helgerson – comments – Sedimentation basins who will monitor them and what are the pollution limits? There is also the Red Legged Frog to be protected will this protection continue and what will be done to make sure that they are continually protected? Should water from these ponds be treated and will they be treated by the Lehigh Waste Water Treatment Plant? What levels of pollution do these ponds retain? How will Santa Clara County and the agencies deal with continued pollution for the length of the Reclamation plan? Water from these ponds will be released into the Permanente Creek and eventually hit the San Francisco Bay how can we be sure that this water is clean?

Grading – 4.6.4 and Append 1 – After Reclamation is complete, most surface runoff from the Quarry, WMSA, EMSA and Permanente Creek area will return to Permanente Creek

Cathy Helgerson – comment – It seems that there is no mention about the treatment of the water by the Lehigh Waste Water Treatment Plant. This water may have selenium a pollutant along with other pollutants who will monitor this pollution from the plant and what reports will be generated for the public to view?

Ponds Capacity & Maintenance Design – Function – Settling Ponds for stormwater detention and sediment control. 4.6.1.462 and appendix I - Cont.

Cathy Helgerson – comment – I have to mention again that there is no mention of the Red Legged Frog what will happen with the frogs that have been relocated will they be brought back to the Lehigh land which was their original home? The water all of it from the Lehigh ponds and property need to be treated and I have been told that that it is not. Seems there are certain levels of pollution that determine the flow to the Lehigh Waste Water Treatment Plant. Other water that is allowed to flow without treatment is not mentioned. Is the RWQCB testing this water? This needs to be stated in this summary and needs to be in the New Reclamation Plan.

Stream and Wetland Protection Buffers (distance from channel Historic Operations Cont.

Cathy Helgeson – comment – The sedimentation in the creek is subjected to the pollution from the Lehigh Quarry and the whole of Lehigh land. The Permanente Creek has been unrestored for decades and still counting it is still pending restoration the question is why? The Lehigh lands and all of it is full of pollution and so it seems this proposed Reclamation has been holding up the process and will continue to do so. Is this water coming from the Lehigh land all of it going down the Permanente Creek treated at the Lehigh Waste Water Treatment Plant? I have heard talk for many years that there is a great deal of question as to whether it is or not treated why is that? There is no word on the testing of this water and what are the pollution levels that need to be treated the public should be provided with this information. What will happen to the Waste Water Treatment Plant will it be used for the 40 years that they say the Reclamation plan will take? Will it be torn down or will another plant be needed to take its place in order to keep cleaning the waste from the Lehigh land? In the past I tried to get the Cupertino Sanitation Department to put in a line from Lehigh that would flow down to the San Jose Sanitation Plant but they would not put one in. That is when they decided to build the Waste Water Treatment Plant which in my opinion was a waste of money. There is a great deal of information that the public is not getting about this matter and Santa Clara County should be answering many questions that have been left unanswered. City of Cupertino should be involved and hold meetings to educate the public.

Best Management Practices – Section related to materials imported for purpose of backfill or cover purposes.

Cathy Helgerson – comment – This imported soil used to cover the WMSA, EMSA, the quarry and any other area on the Lehigh Property needs to be tested to make sure that it is free from pollution before it is released. Sedimentation basins must also be tested for water quality especially for selenium and other contaminants. Will this water be treated at the Lehigh Waste Water Treatment Plant or just released without any treatment or testing? Levels of pollution are subject to the State Regionals Water Quality Divisions and the EPA – Environmental Protection Agencies rules and regulations pertaining to levels of pollution that are acceptable. My question has been how do we really know that the levels set are safe and that the public is really protected? I do not think that these levels are safe and I have to wonder again here about the cumulative effect from the combined pollution contaminants and what does this do to the Silicon Valley's water shed the aquifer has been polluted for decades.

Drainage – Basins cont. reading

Cathy Helgerson – comments – The basins that contain stormwater has the runoff from the WMSA, EMSA, Rock Plant, and quarry as a whole all of which runs into the Permanente Creek and finally ends up in the Steven Creek and San Francisco Bay waters. Much of this water also drains into the aquifer below the ground that is the Silicon Valley's drinking water shed. This water must be tested at the Lehigh Waste Water Treatment Plant before it is released. The Stevens Creek Quarry is also polluting the Steven Creek Reservoir, and the Stevens Creek this water commingles with the Permanente Creek and should be tested. The State Regional Water Quality Control is supposed to monitor this but it is and should be a question as to what levels of pollution are the public's water subjected to? How do we know our drinking water is safe and or has it been treated to make it safe? Let's not forget the cumulative effect of all of the pollution there is a list but I am not mentioning it here. I will continue to repeat myself on these serious matters.

Grading and Slopes – No Comment

Stockpiles – After materials suitable for construction cont. reading

Cathy Helgerson – comments – Where is the material for construction aggregates coming from? The Lehigh Rock plant maybe an area that is filled with this material that has not been processed and sold. There are also the piles of overburden that can be seen from the Steven Creek Blvd. piled up on the foothill this is also waste material that no one will talk about. I have asked about this directing my inquires to the Santa Clara County Staff who will not provide me with any information about this material my question is why not? I am not sure what this material is and what will it be used for this should be mentioned in the summary and also the Reclamation Plan. Just covering up the WMSA, EMSA and the quarry with construction aggregate or soil from construction sites is not enough. Just what is clean soil anyway? The Lehigh land all of it should be cleaned and made suitable for commercial and residential use. Putting up the land for Open Space will not qualify the Lehigh land use in the future decades to come. It should be noted here that the Lehigh land all of it should be subjected to an EPA Superfund Site cleanup. I requested an investigation many years ago and the EPA did an investigation of the Lehigh land and the Steven Creek Quarry land but failed to initiate a Superfund cleanup even thou it was necessary. This in my opinion was a crime in itself and there still needs to be such a clean up in order to protect the public from the ongoing pollution from the Lehigh Property and the Steven Creek Quarry property. How much longer is the public going to be subjected to this pollution no one really knows?

Sensitive Wildlife and Plant Protection – Species – cont. reading

Cathy Helgerson – comments - Let's remember the Green Legged Frog no mention here what will be done the Lehigh property has been their home. It has been noted that they were and are being moved when they are found on the property will they be allowed to return? They must be protected.

Protection Measures – Reclamatin Activities described in this Reclamation Plan are limited to existing areas of surface disturbances cont. reading

Cathy Helgerson – comments – The Lehigh property should be cleaned up in order to make sure that the public is not subjected to the continued pollution that has polluted the people of the Silicon Valley and the SF Bay area. Just covering up the WMSA, EMSA and filling in the quarry pit with material is not enough. These areas and all of the Lehigh property are and have been endangering the health and safety of the public. The Permanente Creek and the Stevens Creek waters and land need to be fully restored and the agencies and Santa Clara County are responsible for the full clean up. In order to ensure that there is the EPA Superfund Site Division should oversea the clean up or conduct their own. I preferably feel that without an EPA Superfund Site clean up that the land will not be cleaned in full in order to protect the wildlife, and the public. The local EPA Region 9 has left the Lehigh clean up to local agencies.

The Cement Plant is still standing and even thou it has been shut down and the kiln gas line was shut off it is still a grave danger to the public if there was even a fire in the valley it would be like a bomb going off property would be destroyed and people would be killed. I have brought this up before with the City of Cupertino and Santa Clara County and nothing has been done. The Cement Plant has never been de-assembled and we the public were told it would be. The Rock plant another pollution area is still in operation and it is polluting the air, water and soil again no one is shutting it down. There are silos on the site that are used to house product and sold these silos need to be closed and there should be no continued activity of any kind related to both the Rock plant and the silos. Santa Clara county and the agencies should be monitoring all of this and still they remain open.

Soil/Overburden Stockpile Management Topsoil Availability and Storage – Location – Limited on-site cont. Reading

Cathy Helgerson – comment – The surplus soil imported will be stored where will it be stored and how will the polluted runoff be curtailed? Who is going to test the soil to make sure it is clean soil? There needs to be attention given to what the quarry pit will be filled with and covered on top with. Who testes the soil and to what levels of pollution are allowed? I do not believe for a minute that the soil coming in to Lehigh will be completely free from pollution. Let's remember the seepage water coming in to the quarry pit. This water seeps in from the aquifer below and is tied into the valley's water shed that is used for our drinking water. Santa Clara County staff have seepage reports to this effect. There should be a seal at the bottom of the quarry pit maybe large rocks or some other form of containment so as to keep this water from seeping into the quarry pit. If the pit is not properly dealt with than the water will seep in and eventually come to the surface causing problems. The quarry pit should not be used for a pond or lake of any kind. Who will find out what is really happening in order to protect the public?

Slop Stability – Stockpiled cover and soils will have 2H:1V or flatter slopes.

Cathy Helgerson – comments – Who decides if this is enough? Depending on how porous the soil is in the past there have been crevices cracks in the soil itself and problems with the rainwater not being absorbed by the soil at the WMSA and the EMSA. Will the soil used to cover both sites be sufficient to allow the water to sink into the soil without it running off into the Permanente Creek. We have the pollution issue of selenium and other pollutants to be concerned about. Will these areas be at some time suitable for Residential and Commercial us? Just allowing this land to leave to open space is

probably not a permanent solution. The land should be use to provide a resource needed there is a housing shortage and no matter how anyone looks at the Lehigh land it should be available for the needs of the people. The open space use pollution requirements are different from the strict levels used to regulate land use for Residential and Commercial use. I would like to see that the strict levels are used at this time due to what the land can be used for in the future. My thoughts here is that with a Superfund Site Clean up we can hope to be rest assured that the land will be made ready for use. The standards will and should be abided by hopefully and in the long range plan the Lehigh land all of it will be fit for use and restored. This is a very serious matter and before any decisions are made completely investigated.

Skip down to Best Management Practices – Read on

Cathy Helgerson – comments – The Lehigh Quarry backfill must be tested to the proper use. We must mention here the selenium pollution and other contaminants are still a problem and we must not forget to promote the full cleanup nothing less. Lehigh's Waste Water Treatment Plant should be in full use. The water from all sites on the Lehigh property should be treated to its highest standards. As thing stand now the waste water is allowed to low without full testing to be conducted into the Permanente Creek.

Topsoil Application – Amendments, Depth - Read more

Cathy Helgerson – comments – Testing of the ground after removal of construction aggregates need to be tested. The soil that is imported needs to be tested fully. Just putting 6 inches of top on the WMSA and the EMSA is not enough. Assurances need to be in place that would make sure that the runoff from rainwater and groundwater will be regulated. This water eventually as I previous stated is going into the Permanente Creek, what requirements are out there regulating this topsoil that is supposed to be a clean soil just what does that involve exactly the public needs to know? Contractors just dumping their excess soil and paying Lehigh to take in the soil and fill the pit is not enough. Will this also include any broken- up rock from the builders site? Will there be any monitoring of this material and how is it done. Truck loads of material of any kind will be delivered to the Lehigh pit for fill over a period of 40 years and so the public streets will be subjected to dust and dirt flowing off of truck that are delivering this soil to the Lehigh site. If there is concrete added to the dumping of material/soil this concrete contains Mercury and other pollutants this needs to be carefully monitored and I wonder if it will be. I will mention here that the road up to the Lehigh property from the Stevens Creek Blvd. is in terrible shape because of the truck traffic and it will be getting worse once the Reclamation process begins. Cupertino is aware of this and the do nothing to repair the road. The road from the Lehigh property down to Foothill Blvd. and the Steven Creek Blvd. will suffer further damage not to mention the 280 Freeway from the truck traffic. In my opinion the WMSA, EMSA and any other areas at Lehigh should be subject to a full cleanup. The soil waste material and rock should to be taken away and trucked away not covered up with 6 inches of soil. The filling up of the Lehigh quarry and the Reclamation plan should reflect whatever is going to be used to fill and top off with soil. How can the public be sure of what is going to happen? Most of use will be dead and gone before the Reclamation process is over. There is also the Stevens Creek Quarry with its pollution processing concrete rock for profit. Their trucks will also be using the roads as they have been for decades damages are many. The Stevens Creek Reservoir is continually contaminated from the Steven Creek Quarry and I have mentioned this over and over again and nothing is done to shut them

down. Santa Clara County and the agencies are responsible for this pollution by not closing them down and by not regulating with higher standards.

Cathy Helgerson - ending comments

I have repeated myself on many occasions regarding each category to reiterate in order so that all concerned will see how serious the problems are. I have commented on the beginning of the Summary.

I am sorry to say that as things are I am very disappointed in the system and hope that others like myself will comment and voice their objections in order to help covey to the agencies, county and cities that what Lehigh proposes with its New Lehigh Reclamation Plan is not enough. There needs to be a complete Lehigh cleanup on all the property. Bring in the EPA Superfund Site Division if necessary and I think it is to do the cleanup. How many more years will the public be subjected to this ongoing pollution to our Air, Water and Soil? Does anyone remember Love Canal in Niagara Falls New York due to the dumping of toxic chemicals the area was cleaned up in a Superfund operation many people became sick and died. It took many years of a massive cleanup and still to this day no one is really sure that all of the land was cleaned up. Many people here in the Silicon Valley have had cancer myself and family included I have always wondered if the pollution here in the Valley from the Lehigh Cement Plant and Quarry and the Stevens Creek Quarry have not been responsible for the illnesses and there are many. This is up to the powers that be to find out and I am sad to say that unless something major is accomplished via the EIR that we the people here in the valley will continue to be subjected to ongoing pollution. How can we leave things up to the County who believe that it will take another 2 years to process the EIR and review the comments it has taken way to long already. Well for the meantime the pollution continues and is a serious threat to the public.

Let's not leave out the Stevens Creek Quarry this also needs to be addressed and the quarry should be shut down permanently and there should be no recycling of concrete. The City of Cupertino also has a compost area that needs to be shut down on the Stevens Creek land the overburden from the quarry is mixed with this compost and it is filled with pollution. I witnessed this process of sifting them together years ago and the City of Cupertino denied this and even threatened me. I tried to stop this from happening and no one at the would do anything to stop this process. To this day things are the same people are given this compost and they take it home and use it in their gardens. This should not be happening. The Stevens Creek Quarry also needs a massive clean up and Restoration now not later. They continue to pollute the creek surrounding the quarry and the Steven Creek Reservoir, Recharge Pond, Stevens Creek and the Permanente Creek. There are high levels of Mercury in the Stevens Creek Reservoir this water flows down eventually to our valley's aquifer one has to wonder if this water is safe for drinking. I think that the public has been and continues to be subjected to the threat of pollution to our air, water and soil and that the EPA Region 9, EPA Superfund Site Division and the other agencies need to shut down the polluters for good.

We the People are asking those all concerned to do your job and it really is up to you our representatives to make sure that we are protected once and for all.

Cathy Helgerson

To: Robert Salisbury – Project Manager – Santa Clara County and SCC Board Members.

From: Cathy Helgerson – Citizen of Cupertino – 20697 Dunbar Drive, Cupertino, Ca. 95014

Regarding: Santa Clara County and Lehigh Permanente Quarry Reclamation Plan Amendment Environmental Impact Report.

Contracted with Environmental Science Associates - Contact Name: Janna Scott

Project Agreement Environmental Consultants – This project Agreement is executed pursuant to ESA between the County of Santa Clara – Dated: July 1, 2020 and is subject to all of the Terms and Conditions and definitions of the PSA so stated. Contract Number C25P251, File Number: PLN23-100

Terms of the Agreement: Starting Date: 5/20/2025 Ending Date: 12/31/2026

Not to Exceed Amount -$683,505.00 dollars – Maximum Fee Not to Exceed Amount

A. Introduction – Scope of Services - Read on – It is stated that this Project will not include consistent with the State Supreme Court's guidance the SEIR will provide only the information necessary to make the 2012 EIR adequate for the project as revised, and will not reconsider in detail those aspects of the analysis in the 2012 EIR that would not be affected by the changes currently proposed.

Cathy Helgerson Comments – I requested this ESA Consulting Contract Agreement from Robert Salisbury and I was willing to do a FOIA Request but that it seems was not necessary and he supplied me with 35 pages of the agreement. It seems that the public is not required to receive or comment on this document. The public is not aware of the very expensive cost of this Consultant Agreement. It seems that the invoices are to be sent to Santa Clara County and that Robert Salisbury who will be handling the payments. It is not clear if Lehigh will be paying for this EIR but Robert stated he received a check from them. It maybe the first installment I am not sure. It states in Section A which provides an overview of our understanding (that is SCC's understanding) of the property, the project site, the Project based on the December 2024 Lehigh Reclamation Plan Amendment and application materials the County accepted as complete by letter dated January 27, 2025. Note: This has not been approved but is being used to provide the consultant with a plan to use it for the EIR. I will mention that this Consultant Agreement should be made public and the public should comment on it. The Notice of Preparation has been released but it does not provide information to the extent that the Consultant Agreement has and so the public cannot really get a complete picture of what is taking place. The Summary on the Reclamation Plan also does not provide the needed information that should be supplied to the public for review. I have already submitted my comments on the Reclamation Plan Summary. How can the public actually comment on any plan at this time without the information which is necessary to make a full decision as to the content of the EIR, Lehigh Reclamation Plans old or with a complete revised amended plan. It is hard to say exactly how a new complete Lehigh Reclamation Plan for the year 2025 will be handled and finished without reading the complete Consultant Agreement.

1. The Property – Lehigh owns approximately 3,510 acres in Santa Clara County – Read on –
2. The Reclamation Plan Boundary within the Property, the Project would remove the "Exploration Area" identified in the 2012 Reclamation Plan and thereby would reduce the existing approximately 1,238 .6 acres reclamation plan boundary to approximately 921 acres area that needed for processing stock piled aggregates and reclamation and closure work. The 2024 RPA separates the area within the reclamation plan boundary into six mapping units, which include: The Quarry, two overburden disposal areas (the West Material Storage Area, (WMSA) and the East Material Storage Area (EMSA), Shop and Office Area, Rock Plant and Haul Road, and the Permanente Creek Restoration area.

   Cathy Helgerson Comments – The 921 acres set by Lehigh and the plan change are not enough all of the Lehigh property needs to be cleaned up. There is also one area that faces the Stevens Creek Blvd. on the foothills that has been used for dumping of overburden waste which has not part of the Amended Reclamation Plan. I have asked about this area for years and Santa Clara County staff does not respond to my inquiry the question here is why are they avoiding a clean up here? This pollution from this area and other areas at Lehigh are polluting the air, water and soil in the Silicon Valley and the SF Bay area. The whole area needs to be cleaned up this overburden and the other areas on the Lehigh property all of it need to be cleaned up. Taking away this polluted soil is ensuring that the public is safe and the land can be used for open space, residential and commercial use.

   The Permanente Creek Restoration area is still waiting for restoration. All of the pollution from the Lehigh property is going down the Permanente Creek that streams down to the SF Bay. It is no wonder that the Permanente Creek can not be restored at this time and that it is determined by the Lehigh plan.

3. Project Boundary – The ESA Team – Environmental Science Associates Company – The understands that the 2024 Reclamation Plan Amendment primarily proposes to remove aggregate stockpiles, grade steep areas for stability, backfill the Lehigh Quarry with primarily imported materials, cover the WMSA, EMSA and Quarry with suitable closure material generated on-site and imported material; buttress Quarry walls with imported fill, and revegetation. Read on.

   Cathy Helgerson Comments – This 2012 EIR should contain all important details and information pertaining to the environmental impact that would be a serious health issue. The public needs to be informed and they need to also be protected from any further pollution at the Lehigh property site. We cannot leave out the Lehigh Permanente Cement Plant it is closed for now but I am very concerned that it could be opened up again. The public is against that and any further mining of a new quarry south of the existing quarry. My question is why did the Project Boundary leave out the discover issues and why are they omitting the environmental impacts. How was it actually left out of the 2012 Reclamation and the EIR's? The proposed reduction of the Reclamation Plan Boundary area by 317.6 acres by removing the "Exploration Area" identified in the 2012 Reclamation Plan area from 1,238.6 acres to 912 acres is a crime.

The “Exploration Area” is a critical part of the information that should be included in the EIR and the New Reclamation Plan as a whole and an Amendment to the existing Reclamation Plan is not enough. Note: The “Exploration Area’ is the area that was tested for its limestone content and this level of limestone is subject to the possibility that Lehigh will apply for the mining of a new Lehigh Quarry pit south of the existing Quarry in the future or possibly sooner. I am sure that this information is being left out for this reason and it should not be. Nothing should be overlooked or omitted.

Importation of approximately 42 million cubic yards of clean fill to back fill the quarry pit with so called clean fill.

Cathy Helgerson Comments – Known of the WMSA, EMSA and the overburden from any location on the Lehigh property should not be used to fill the quarry pit due to their high content of all kinds of pollution. There has been a high content of selenium and there is still a problem with containment of this pollution to this day. All of the pollution from the Lehigh lands needs to be evaluated and removed not covered up.

Proposing that 31.2 million cubic yards of off- site clean fill be used for backfilling of the quarry pit. Question – Just what is clean fill and who will make sure that it is acceptable? Lehigh is gaining revenue from this delivery of this so- called clean fill from outside which they are charging the building contractors for this dumping. This so- called clean fill is what is taken from housing project, commercial projects and all kinds of building sites. Lehigh needs this money to fund the Reclamation Plan which would take 40 years. The cleanup should not and cannot be allowed to be extended out to 40 years. The public suffers from this and continues to be polluted on all levels. Calling in the EPA Superfund Site Environmental Division would be the best way to make sure that the clean -up is done correctly and speedily. Who is going to monitor this deliver of fill over 40 years? I would think that if it were declared an EPA Superfund Site that there would be their own investigators visiting the Lehigh property to make sure that they are in compliance with the clean-up and more. This is the only way to protect the public from further pollution.

Reclamation of pre-SMARA slopes along Permanente Creek that was previously excluded from the 2012 Reclamation Plan. Read on –

Cathy Helgerson Comments – This must lead everyone to believe and understand the damage that Lehigh Cement Plant and Quarry has done to the Permanente Creek. They have destroyed the creek. The Lehigh Rock plant is still operating and it continued to pollute the air, water and soil this should be of great concern. I suppose that the question here is how can a restoration of the Permanente Creek be conducted while there is still pollution and destruction to the Permanente Creek?

Any changes proposed to the 2012 Reclamation Plan to enhance the long-term geotechnical stability of slopes within the reclamation plan boundary relative to the prior plan, and details of a proposed imported soils management plan. Read on

Cathy Helgerson Comments – It is very vague as to those changes may be and there needs to be more specifics mentioned in the Lehigh Permanente Amended Reclamation Plan. I the Lehigh Quarry to be used for a dumping ground of waste and questionable material? I think that the public and agencies will not be in favor of this.

There is also no mention of the buttress with regards to with regards to the stability of the slopes. Imported soil management needs to be more explicit it should state clearly with no room for confusion or doubt of the quality and free from pollution soil.

Geotechnical, biological, water quality and fill availability and specification data and related technical information that has been developed since the 2012 approval? Read on.

Cathy Helgerson Comments- What are the specifics related to the water quality especially and how does it all of the above become clear with the Lehigh Waste Water Treatment plant and the treatment of the groundwater at Lehigh? The water flows from the Steven Creek and the Stevens Creek Quarry and joins with the Permanente Creek water from the Lehigh land. The aquifer under the ground is subject to this pollution also. A great deal of the polluted water is not cleaned at the Lehigh Waste Water Treatment Plant and there is no mention in the Consultant Agreement about any of this. This water in the aquifer comes down from the creeks and ends up in the Stevens Creek Reservoir and is polluted by the not only Lehigh but the Steven Creek Quarry there is no mention of this. This is a very serious matter. The EPA Superfund Site Division needs to be called in. There was an investigation by them per my request and they did an extensive reports 2 binders full of valuable information. The Santa Clara County received copies of these binders and I am hoping they still have them. I have a copy and I can tell you we need the EPA to take over and conduct a Super Fund Site Cleanup not only of all of the Lehigh property but also the Steven Creek Quarry. The Lehigh Rock plant storage silos and the Stevens Creek Quarry need to be shut down and the land cleaned up to endure that the public is protected from the ongoing pollution. Note: there is no mention of the cumulative effect regarding the selenium and other pollution.
Skip down

4. Proposed Project Management and Technical Team – B. Work Plan - skip
   Task 1: Projected Initiation and Project Management – Read on

   Cathy Helgerson Comments – Will the public be notified and included in such meetings?

   Task 2: Technical Studie – Task 2.1: Independent Review of Project Studies and Materials

Cathy Helgerson Comments – there is no mention of the Green Legged Frog or any other animals, reptiles, amphibians, birds, or fish. The deer red squirrels, gray squirrels, rabbits, coyotes, snakes, raccoons, opossums and mice make the Lehigh property and the Steven Creek Quarry property and land their home. There are a great variety of birds, including wild turkeys, gulls, hawks, turkey vultures, quail, cardinals, sparrow, and songbirds. Why has this information been kept from the public? Pollution affects them to and the disruption of the Lehigh property all of it which includes the Cement Plant, Lehigh Quarry and any trucking or hauling of product in or out of Lehigh disrupts the natural environment of these creatures.

Response to Incomplete Letter -read on
The Lehigh Response to December 2023 Conty Incompleteness Letter – Dated: May 2024 particularly including attachments 1, 4, 6, 8 and 9 are not included here. The Consultant Agreement also does not contain the changes made to the Lehigh Permanente Amended Reclamation Plan. There should be notice of what remains in the plan and what has been taken out. How is the public supposed to review the plan without a clear picture. It also should be noted here that the public has not been told about the Consultant Agreement. Question here is are they or should they comment on this agreement? I believe that we the public should be able to request a copy and comment on it especially with the information regarding the high cost of this Consultant Agreement and who is paying for it and how.

Task 2.2: Preparation of Technical Studies – Read on

Cathy Helgerson Comments – It is extremely important and necessary that a new environmental analysis be conducted. The reasons behind the reduction of the Lehigh property are not rational. The Lehigh property proposed for cleanup are to low leaving out vital areas that need to be reclaimed and subject to a complete clean up. The project studied in a prior review is just not enough.

Transportation and therefore (For internal consistency in the SEIR, also for air quality/greenhouse gas emissions and noise must be considered and reviewed. Read on

Cathy Helgerson Comments – The EPA Superfund site investigation that was conducted in the past could be a great help with all of the Lehigh Permanente Reclamation Plan, EIR, and Consultant Agreement. I have 3 binders full of information I received from them because I was the one who asked for the investigation of Lehigh and the Steven Creek Quarry.

2.21 Air Quality and Greenhouse Gas Emissions Technical Report – Air Quality – Read on

Cathy Helgerson Comments – It should be mentioned that the Lehigh's Cement Plant is at this time not in operation due to the lack of limestone in the existing quarry. There is a possibility in the future that Lehigh may submit an application to mine a new quarry below the old existing quarry and that the public will be subjected to high levels of air pollution, water contamination

and that the soil from these mines will need to be removed from the Lehigh property. The public has a great fear of the possibility that the pollution would be even worse than what was emitted from the last Cement Plant and the processing of Cement.

As it is now Lehigh has an operating Rock Plant and also uses two silos to store their product in these two silos. They distribute this ground up processed rock to companies in the Silicon Valley and surrounding areas for a profit. The pollution from this Rock Plant continues to pollute the public and it should be closed down for good.

There are already to many truck trips from the Rock Plant, and the Stevens Creek Quarry the ongoing truck trips back and forth from Lehigh Quarry, Cement Plant and the Stevens Creek Quarry have worn out the roads. The air pollution that has been emitted from the Lehigh's Cement plant and now the Rock Plant continue to pollute the condos nearby, the homes in the surrounding area. For years the Lehigh Quarry has been emitting all kinds of pollution from the Cement Plant and the public has had to be subjected to all kinds of disease this needs to end.

The Bay Area Air Quality Management Division and the Air District has done nothing to stop the pollution to the Air from the Lehigh Cement Plant and Quarry. They also are doing nothing to stop the pollution from the Lehigh Rock Plant. The Stevens Creek Quarry continues to pollute the Stevens Creek Reservoir and the creeks flowing to the Reservoir. This water from the Lehigh land and the Stevens Creek Quarry are polluting the Permanente Creek. I do believe that the EIR and this Consultant Agreement should be evaluated by the EPA Superfund Site Division especially after they did an investigation of the Lehigh Cement Plant, the Quarry and the Stevens Creek Quarry.

Health Risk Assessment – Read on

Cathy Helgerson Comments – The project will be definitely subject to extremely heightened public scrutiny and it should be. The public can no longer be subjected to what has been taking place all these years. Humans and animals alike have become ill from the pollution to the air, water and soil and this must end. Leaving the determination of the air pollution levels up to the Bay Area Air Quality Control Division is and is a mistake it is time to have the EPA Superfund Site Division Enforcement Division to come in. It is extremely necessary to have the cleanup conducted as quickly as possible and I do not believe the subjecting the public to 40 years of the Lehigh Reclamation Plan cleanup will be acceptable and the land needs to be cleaned up with all means available.

Health Impacts Analysis – Read on

Cathy Helgerson Comments – The Lehigh Permanente Reclamation Amendment and the Consultant Contract Agreement should show and reflect the seriousness of the continued potential of the air quality pollution impacts from criteria air pollutants. These air pollutants

have been causing and have caused very serious health consequences with the public suffering and to the point of death.

It is stated here in the agreement that a quantitative health impact assessment for the project would be expected to show negligible health incidences above existing back round conditions and would not be considered meaningful and would include high uncertainty. This statement is completely wrong and damaging to the public that has had to endure the ongoing lack of real enforcement from the agencies that are supposed to be protecting us. At any moment Lehigh could apply for another permit to mine the vested and unvested Lehigh land south of the old existing quarry this is completely unacceptable to the public.

Cumulative Impacts – It is stated that the EIR will not contain the cumulative air quality impacts from the project – Lehigh's emissions will be evaluated based the BAAQMD CEQA Guidelines emission thresholds. This scope does not prepose or include qualified emissions from cumulative or related projects, which is not required in the BAAQMD CEQA Guidelines mythology for CO hotspots impacts. ESA will conduct a screening assessment at the top three impacted intersections as determined by the Project Traffic study based on cumulative plus Project traffic volumes.

Cathy Helgerson Comments – This screening that is proposed cannot serve as a true evaluation and this is especially true when we must look at the Stevens Creek Quarry traffic, the Lehigh Rock Plant traffic and the possibility that in the future Lehigh could request and submit an application to mine the south end land below the existing quarry. The public has been horrified by this serious possibility. This should never happen it would be a total disaster. This study will not be accurate and will fall short in really conducting an accurate pollution determination and any kind of Traffic Study.

TAC Emissions – Read on

Cathy Helgerson Comments – It states that ESA will consult with the County and appropriate cumulative threshold for TAC emissions and will evaluate cumulative TAC impacts based on the outcome of these consultations for the purpose of this scope, ESA assumes that BAAQMD data will be relied upon for TAC impacts from other cumulative projects as appropriate. The question here is should this evaluation really determine the appropriate cumulative threshold in order to truly determine if in fact the public can live or not live in safety from this pollution? The past has shown the public that we are living in a very polluted environment and with the increase in the populations, the building of new homes and apartment buildings there would most likely be a very high increase in Traffic and pollution. The Lehigh property all of it must be subjected to a full total clean up and I have mentioned that the EPA Superfund Division could do the job with the assurance to the public that it would be done completely reducing the time stated for the Reclamation taking 40 years. This time period is not acceptable.

Greenhouse Gas Emissions – Read on

Cathy Helgerson Comments – It states Reclamation and Post-Reclamation -related GHG emissions will be qualified using the same approach as the air quality analysis CALEE Model, as well as EMFAC emissions factors for mobile sources. No matter using models will in reality not show the true impact of the pollution delivered to the public from mobile and stationary sources. Question how is the public supposed to live? The Health and Safety issues are serious and the public is poisoned and harmed from the pollution that is constantly emitted. It seems by setting the acceptable levels high enough we will continue to suffer. No one in the past with the agencies has set proper emissions levels in order to keep the public safe. They have totally disregarded the cumulative effect completely. Cancer and other serious disease such as autism in children is on the rise and we are told the public can endure this pollution after all we need to keep the economy moving. The companies need to keep their doors open even thou they are polluting the public to death. We all need to sit down and evaluate the situations here in the Silicon Valley that are affected by the Lehigh and Stevens Creek quarries. No more mining of any kind and environmental laws should to be made clear especially around large populations.

2.2.2 Noise Impact Assessment Technical Report – Noise impact considerations for this Project primarily include the addition of multi-year importation of clean fill to backfill the quarry pit-and to cover other areas of the quarry. Read on

Cathy Helgerson Comments – When considering and determining the Noise Impact there needs to be a mention also of the nuisance factor these should also include emissions of air born pollution in the form of dust, gases, noise and vibration included. When operating machinery and during blasting in quarries, and damage to the countryside. The Quarry Mining with the Lehigh Cement Plant, Rock Plant, use of silos to house the product have plagued the public with also noise levels that exceed the limits and nothing has been done about it. The pollution from all and noise have been evident. The public can no longer be subjected to this harmful pollution and noise factors. This has been put upon us long enough. Why should saving the polluters and allowing them to prolong Reclamation Plan for multiple decades be allowed this should not be taking place. We can no longer tolerated these Environmental crimes to continue and it is time to bring in the EPA Superfund Site Environmental Investigations Division to start reviewing the issues and taking over the Lehigh Permanente Reclamation plan, the Permanente Creek Restoration and the Stevens Creek Quarry Reclamation Plan.

The Lehigh railroad next to the Cement Plant is still there it used to transport product down to San Jose for decades and now it is not being used question is why not? The railroad could be used to aid the Reclamation Plan transporting soil for the quarry instead of using our roads. This would possibly lower the Noise factor too, and even help with the pollution that should not be carried by the trucks to our streets. There are many times when the dirt and rocks fall off of the trucks on to the roads. This is especially true with the Stevens Creek Road that leads out to Foothill Blvd. and on to the 280 Highway and more truck traffic on the roads means more

pollution. The train could have an engine on both ends so that it would not have to turn around but would go back and forth. The noise factor and pollution factor must be also dealt with but maybe it is time we all weighed the difference and decided what is best. How can anyone believe that 40 years of this Noise and pollution is not a serious matter? The public wants to see this pollution dealt with possibly in 5 years in order to make sure that we the people can live here in the Silicon Valley and the SF Bay. The EPA can rescue us from this pollution and it should. I am not sure that Lehigh can pay for this clean up and it seems no one is checking on that why not? We can not allow this Lehigh Permanente Reclamation Plan Amendment to reflect a period of 40 years to finish the job. Santa Clara County, Cities and Agencies must join together and make sure that the public is not polluted for 40 years. They also should make sure that there is never to be another quarry pit mined nor a cement plant opened. They should make sure that the Lehigh Rock Plant is shut down. My question here is what if Lehigh decides to apply for a permit to mine the South land and create another quarry what will Santa Clara County, the Cities and Agencies do about this? The public will not and cannot allow or accept this possibility. Lehigh dug bore holes in the South Lehigh property years ago to see if there was limestone and to rate the quality of the limestone this has been mentioned in this agreement.

2.2.3 Transportation Study – ESA's teaming partner, Hexagon Transportation Consultants Inc., will need to prepare a Transportation study to be included in the EIR that will inform the County with information of the potential impacts for the project, and as they primarily predict the thousands of proposed truckloads that would occur over 40 years to import clean fill to backfill the quarry pit and cover other areas of the quarry. Read on

Cathy Helgerson Comments – It is the public's worst nightmare and we have to consider what this Reclamation Plan and the problems with Pollution, Noise and Truck Traffic will do also to our homes and property values. This is especially true for the families that have homes in the area. The apartments in the area near the Lehigh cement plant have experienced high levels of dust and pollution this dust is all over their homes and has polluted for multiple decades. The owners of the properties rent out the apartments and they cannot get anyone to buy the property. The existing Rock Plant that is still open and is causing noise, dust and pollution should be closed down. The Traffic on our roads and highways will be extremely congested with trucks and cars and as the population grows and grows adding more congestion of traffic on the roads it will take people more time to get to work and take our children to school. The high levels of pollution will be horrible. I will mention again what about using the Lehigh train system near the cement plant? My question here is how can anyone really predict with true accuracy, how the project with the trucks on the road, combined with the Stevens Creek Quarry truck traffic added really establish the true impact of the Lehigh project. The City of Cupertino and other cities are growing the traffic will be at dangerous levels unless the State, County, Cities and Communities find other means of travel. Which leads me to say with all the Consultants efforts with their reports and co-consultants there is no real time evaluation that can be established.

3.1 Notice of Preparation and site visit – Read on

Cathy Helgerson Comments – I would like the EPA Superfund Site Enforcement Division to be included in the notification which I am sure they have not been included in the Notice documents especially with regards to the Consultant Agreement.

I would assume that the reports will contain pictures of the sites so that the public and the agencies can see the full picture of the project's sites. Note: Let me remind everyone that the EPA Superfund Site Enforcement Division did an investigation years ago as per my request. They conducted this investigation of all of the Lehigh property and the Stevens Creek Quarry which should have a Superfund Site Clean up as well. I do hope that Santa Clara still has these records or that they will try and get them from the EPA Superfund Site Enforcement Division. I still have the 3 large binders full of information, reports, maps and pictures of the Lehigh and Steven Creek lands that they sent me.

The Lehigh lands all of it need to be completely cleaned up in order to allow the land to be used for residential, commercial or open space. The question here is why is it that not all of the Lehigh land property not being completely subject to a full clean up? If this is too expensive for Lehigh and the mother company of Heidelberg in Germany to pay for this than the public, agencies and the EPA need to look into this.

3.2 Scoping Meeting – ESA anticipates that the County will hold one virtual public scoping meeting via Zoom or a similar plate form where staff presents information – Read on

Cathy Helgerson Comments – It is really so wrong conducting just a virtual public scoping meeting via Zoom without a meeting or meetings that are presented to the public at Santa Clara Counties office building. The public need to attend these meetings and not conducting them in person is a violation of the Ralph M. Brown Act. California's open meeting law requires local legislative bodies to hold meetings that are open and accessible to the public, including a physical location where the public can attend. There are exceptions during a Proclaimed State of Emergency and Individual Member Remote Participation AB 2449 as amended by AB 2302. It does not just allow meetings to be held only remotely. The Santa Clara County should hold an in person scoping meeting or meetings with the public.

3.3 Scoping Report – Read on

Cathy Helgerson Comments – The EIR Draft it is stated will take 1-1/2 to 3 years to complete with I am told includes the publics comments submitted will be read and responded to. The public should also have been provided a copy of the Lehigh Reclamation Plan Amendment and this is not has not happened. The Notice of Preparation has been provided but it does not relay enough information. The public is not aware of so many things and the Consultant Agreement should also be provided to the public with its extended information. The question is how can the public understand what is taking place if they do not have all of the information and how can

they comment on the EIR? Santa Clara County is supposed to be transparent and open but it seems they are holding back vital information that must be added to the comments listing. How will the EIR information be added to the existing Lehigh Reclamation Plan Amendment? The true picture of what is happening with Lehigh and all of its property will never come out this is wrong and it is time We the People demanded much more from our representatives.

Task 4: Draft SEIR – 4.1 Administrative Draft SEIR ESA will begin preparing elements of the ADSEIR following a Kick-off meeting. Read on

Cathy Helgerson Comments – The public needs to be included in this or these meetings in person and they should be allowed to comment at these meetings. This is very important and SCC cannot violate the Brown Act. My question here is how will the EIR or ADSEIR affect the Reclamation Plan Amendment 2024, and the original Reclamation Plan what will be added and what will be taken off with the Amendment and EIR information? Santa Clare County has not red lined information that tells us what changes have been made or added. I have to ask what does this all mean and how does it justify the decrease in acreage all of the Lehigh property has to be cleaned up.

Project Description – To inform project description, ESA will rely on fact and details presented by Lehigh in the June 2023 application materials and its May 2024 response to the County in the incompleteness letter. – Read on

Cathy Helgerson Comments – It should be noted that the public was never allowed to view the County Incompleteness letter and or letters to Lehigh. This back and forth reply between Lehigh and SCC was held in confidence and the public still does not know what valuable information transpired. I believe this information is very important and that the public should have been involved and notified about these letters. What was not included in the Lehigh Reclamation Plan Amendment and what did the County tell them should have been included? The process took man months of continued alternatives and even with that the County just looked at it with regards to the legal content and so it still needs to be approved.

Identification of Potential Alternatives ESA will identify a reasonable range of potentially feasible alternatives in light of Lehigh's Project Objections and the potential significant impacts of the Project. Read on

Cathy Helgerson Comments – In describing the alternatives to the project which could reduce potential significant impacts by trying to decide a comparative level of analysis may be a real hazard and lack of real transparency. There are serious impacts which are very important. These impacts must be reviewed as to how Lehigh's Reclamation Plan Amendments will be a benefit to the public and if they are legal. Lehigh's Project Objections should be noted and their alternatives must show how the Plan has been changed and if the County accepted them. The Technical study should reflect the seriousness of the pollution study that must be carried on in

great detail. The lack of consideration for the health issues that impact the wellbeing of the people who live in the Silicon Valley and the SF Bay area need to be considered. There should be the highest of standards taken not just SMARA but any standards that reflect the EPA's local and Federal EPA Superfund Site cleanup requirements. The EPA Regional off and the EPA Federal off should be contacted, and a EPA Superfund Site cleanup should be conducted.

Development of Cumulative Scenario – ESA will aggregate a list of potential cumulative projects based on desktop research and agency outreach for each of the resource area to be evaluated in detail with the EIR. Read on

Cathy Helgerson Comments – The cumulative effects should be a top priority. The terrible pollution from the Lehigh Cement Plant and the Quarry should show and reflect the history and the current pollution levels that the public has had to endure. The Air, Water and Soil has been polluted so severally that a full Reclamation Plan needs to reflect a total clean up of all of the Lehigh property and this is not happening. What would the cost be for such a cleanup no one really knows but it would be very expensive and I do not believe Lehigh can afford it. This may have to be conducted by the EPA Superfund Site Enforcement Division and this matter taken to the top level for review. Santa Clara County should request that the EPA be involved and contacted. There is also a Lehigh Rock Plant and Lehigh silos that need to be shut down immediately and this should be part of the Consultant Agreement and Santa Clara County should demand that it be shut down. There are tests that should be conducted with regards to the Air, Water and Soil its past and present conditions of pollution and contamination in order to protect the public. EIR – Environmental Impact Report has to be clear on what needs to be cleaned up by Reclamation. I am very concerned that all of the Lehigh property will not be subject to a full cleanup and that is so seriously wrong.

The Analytical Baseline – Part of this paragraph states – For a limited number of resource areas to be identified in coordination with the County and Lehigh a current baseline maybe used. It goes on to talk about a baseline condition for each source. Read on

Cathy Helgerson Comments – Specifically speaking what source areas? It states that ESA will proceed with substantive analysis of any resource analysis until the agreement is reached regarding the appropriate baseline. The Project-specific changes must include changes that reflect the serious nature of the baseline levels of pollution. These levels must include the cumulativeness of the mix of pollution levels reached and what are the pollutants that have been past and present. The selenium problem has been a serious one but there are many more pollutants and they need to be listed and their levels posted for the public to view. The Lehigh cleanup of all of the property must be conducted. Lehigh's decrease of acres to be reclaimed is not enough and this must be extended to include all of the Lehigh property. There should also never be another quarry mined specifically the south land below the existing quarry. The Cement plant should never be opened up or retrofitted to process more limestone for cement.

Significance Criteria – ESA will rely on the questions set forth in the 2012 EIR as significance criteria so that there is a bases for the County to reach a determination as to whether the existing 2012 EIR is sufficient to address the impacts of the 2024 EIR or weather further analysis needs to be provided. Read on

Cathy Helgerson Comments – This constant promoting of further analysis is a form of stalling and the continued amendments that are staged to give Lehigh more time to prolong the major cleanup of the Lehigh properties. How many more will Lehigh and SCC allow as amendments is anyone's guess. No matter what further impacts to traffic, transportation or potential impacts on tribe cultural resources the fact is that Lehigh must present a full new Reclamation Plan. But it seems that the continue amending of the Plan and the EIR seem to be promoting and postponing of the final outcome over and over again. The Lehigh original Reclamation will continue to have Reclamation Plan Amendments they are not numbered and they should be. Who is to know over the years how many changes will need to be made 40 years is a long time and it seems that the Reclamation will be allowed to take that long. This cannot and should not be acceptable to the public, Santa Clara County, the Cities and the agencies. With the help of the EPA Superfund Site Clean up if allowed it should only take, we hope 5 years. This expediting the clean up will save lives. The value of our homes will not loose the value and the Lehigh land can be used for housing, commercial use and open space.

Environmental Impacts and Mitigation Measures – For each resource area that could be affected by the Project, ESA will draft an SEIR section that describes any residual impacts remaining following their implementation. Read on

Cathy Helgerson Comments – I am completely dismayed by ESA's Comment that states any applicant proposed design features or measures to avoid or reduce anticipated significant impacts will be considered as aspect of the Project and not as mitigation measures. It is important to note here that no mater what form of reduction in the aspects of the overall Lehigh project Reclamation Plan Amendment or the past EIR there must not be a reduction. Lehigh would use those reductions to benefit themselves and will not care about the public and how it will affect them. The Permits that Lehigh applies for must be monitored especially if and when Lehigh Company decides to promote and submit the mining of a new Lehigh quarry south of the existing quarry. They would also need a permit to open up the Cement Plant and will be asking to process cement again. This cannot be allowed and the public is against it.

4.2, 4.3 4.4 Read on

Subtask 4.4 Additional Assumptions – Read on

Cathy Helgerson Comments – In viewing the Consultant Agreement and providing the deliverables it is very evident that the EIR is a complicated document the County must make the public aware of all the additions and changes. This all relates to the Lehigh Reclamation Plan and

the Amended Plan. The cost also of the EIR is expensive exceedingly costly how is Lehigh paying for this plan, or are they? The Maximum Fee Not to Exceed amount is $683,505.00 dollars. The Consultant Agreement breaks down the installments and the dollars spent but the public has not received a copy of this agreement as yet my question is why not? Santa Clara County must make sure the public is allowed to receive a copy and to comment on it.

The Heidelburg Cement Company the mother company are they paying for this EIR and the previous EIR? They sold off other properties but left this on in Cupertino alone the question should be why did thy not sell it off as well. My answer to this is that they intend to mine a new quarry in the future as I have stated and that they also plan to probably refurbish the cement plant for processing limestone and selling it in the valley and surrounding areas. This cannot and should not be allowed and Santa Clara County must make sure that his never happens.

Task 5: Final SEIR – The final SEIR will consist of a Response to comments – Read on

Cathy Helgerson Comments – The information gathered by ESA's Consultant Agreement should include any changes to the prior EIR and also the Lehigh Reclamation Plan in 2012 these changes should be redlined so as to allow the public and the agencies to see what was added or changed and why. It is no wonder that this work will take 1-1/2 to 3 years to finish and it includes the comments from the public and responses to those comments. Will there be more amendments in the future? It is anyone's guess and I believe that there will be which of course will hold up the beginning of the Plan. This may also hold up the Permanente Creek Restoration Plan.

Task 5: 5.1, 5.2, 5.3, & 5.4 omit tasks – Final SEIR – The final SEIR will consist of a Response to comments document – Read on

Cathy Helgerson Comments – It is stated that this scope of work assumes that the Draft Mitigation Monitoring and Reporting Program (MMRP) would not be prepared for inclusion as an appendix to the Final SEIR, but rather would be prepared for inclusion in the Staff Report to County decision makers (Subtask 6.1). Question – Why is this information kept from the public? It also states that no separate comments summary report is proposed as part of the scope of work. Question why not? It seems that this information is left out in order to benefit the Lehigh Company and not any kind of benefit to the public this is very wrong. There needs to be complete transparency and why would Santa Clara County allow this?

6.1 Mitigation Monitoring and Reporting Program- ESA will prepare an MMRP that identifies each proposed mitigation measure that could if adopted avoid or reduce the severity of the potential significant impacts. Whether the measure originally was identified in the 2012 EIR the proposed SEIR. In the previous Task it is stated that the Draft Mitigation Monitoring Reporting

Program MMRP would not be prepared for inclusion as an appendix to the Final SEIR, but rather would be prepared for inclusion to the Staff Report to the County decision makers.

Cathy Helgerson Comments – ESA should not avoid or reduce information that could be significant impacts. The public's lives subjected to all kinds of pollution and it comes from all of the Lehigh property and systems which have caused the terrible pollution that has and is continuing to this day. The rise of cancer and other diseases are a result of this pollution. The public is still suffering from this pollution. There has been a constant delay in processing the Lehigh Reclamation Plan over many years and still the public waits. The Rock Plant is still in operation and needs to be closed down. The rain water falling on the ground which runs off of the Lehigh property into the Permanente Creek, Stevens Creek has an effect on the aquifer below the Silicon Valley. The Stevens Creek Quarry adds to all of the pollution and is also polluting the Stevens Creek Reservoir. This pollution affects the Air, Water and Soil. Question is how can the public keep waiting for the Reclamation Plan to begin? It seems that there is no end to the Amendments to the Reclamation Plan. The time frame they are quoting is 40 years to complete the Reclamation but it excludes the clean up of all of the Lehigh property. The threats are real will Lehigh apply for a new pit below the existing quarry? Will the cement plant be retrofitted to allow for more cement making the public wants known of this and has stated many times to stop Lehigh and their pollution. Many of us will not witness the Reclamation Plan in affect there is an aging population. Who will see that the plan is carried out? I would like to see this cleanup under an EPA Superfund Site cleanup with a firm agreement with Lehigh that they will not continue to ask for a new quarry and a retrofitted cement plant. The public wants justice and so Santa Clara must provide that justice.

The rest of the items on this Consultant Agreement consist of the Cost breakdown and I would rather leave that up to others to comment on. I do hope my comments will be heard and I will be sending them out to Santa Clara County. Santa Cara County needs to provide this Consulting Agreement to the public for review and to be commented on. These matter are of an urgent nature and there is no time to waste.

Please read my comments and take them to heart!

To: Robert Salisbury – Department of Planning and Development County of Santa Clara

Cc: Board of Directors – Sylvia Arenas, Betty Duong, Otto Lee, Susan Ellenberg and Margaret Abe-Koga

From: Cathy Helgerson – 408-253-0490

Regarding: 2023 Reclamation Plan Amendment for Lehigh Permanente Quarry

The Summary and my comments on the summary have been submitted earlier.

Table 2 Paragraph 1 No Agriculture Zoning Designation uses are on site-are classified as Prime Farmland

2.4 Site Features and Utilities – The site is supported with all necessary infrastructure for mining and reclamation – Primary crusher, Secondary crusher, Conveyors, Upper Water Treatment Plant, Shop and Offices, and lights illuminate certain access roads, conveyors and processing facilities – Read on

Cathy Helgerson - Comments - The features of table 2 do not mention the Lehigh Rock Plant and work performed there it just states Lehigh has mining which we are to assume is located where? The Rock Plant should be called out and its processes mentioned in detail. The days and hours of operation should be also be stated. There should also be information of the location just exactly where is this mine waste or overburden taken from? How long will this Rock Plant be in operation and just how is this processed rock sold? There are two silos that I believe it is stored in and sold to the contractors in the Silicon Valley and surrounding areas. Is this rock processed from the overburden or the waste material that is on the hill? Some of this overburden mine waste can be seen from the Stevens Creek Blvd and it has destroyed the foothill view. I have mentioned this to Santa Clara County staff members and at one time I was told that the County approved of this dumping. There is no mention of how this mine waste overburden or whatever you want to call it will be disposed of and there should be and this information should be added to the Lehigh Reclamation Plan Amendment.

2.5 Existing Land Use Entitlements – Permanente is a vested operation, which is recognized under the SMARA as a surface mining operation with existing mining rights that does not require a use permit for mining to occur. It is stated that vested rights do not exist over parcels 4,10,12,13, 18 and 19. These parcels do require a use permit this should be stated. Read on

Cathy Helgerson - Comments- The areas that are not vested should be mentioned and Santa Clara County Board of Directors would have to approve any new mining that would ever take place if Lehigh would ever submit an application to mine a new south pit. The public is against any further mining or cement making. There is a great deal of information that has been omitted in the plan. I do not believe that Santa Clara County should have ever allowed Lehigh to have a vested rights to the land and that this has caused a lot of problems. The Rock plant should be closed down it is causing pollution to the air, water and soil not only to the Lehigh property but to the whole Silicon Valley and surrounding cities. There is this gray dust all over my home and property and I do believe it is from the Rock Plant pollution. This is serious and the Bay Area Air Quality Control Division will do nothing to stop this pollution. My family and I have suffered from this pollution it must stop. The cement plant needs to be de assembled, taken apart and the land included in the Reclamation Plan clean up. This was supposed to be done years

ago and was not. The public needs to comment on the Lehigh Reclamation Plan Amendment but it seems that Santa Clara County has not notified the public that they can comment now. The EIR – Environmental Impact Report has yet to come out and it will take 1-1/2 years to be available to the public. This is to long a time and should be pushed through as quickly as possible. There is a consultant agreement that should be available to the public for review and comment and that has not happened. The agreement has a lot of very important information and that needs to be relayed to the public ASAP.

2.6 Water Quality Protection – Current waste containment practices for the WMSA and EMSA consisting of stormwater controls. Paragraph 1 – Read on

Cathy Helgerson - Comments – There has been a great deal of pollution coming from the WMSA and EMSA and I do not believe that the Best Available Management practices can be used to contain the pollution that is in the mining waste at these locations. There needs to be a complete removal of the mine waste. Just to cover it up with soil of some kind will not solve the pollution problems. The pollution is in the Air, Water and Soil. I also think that putting any of this waste overburden soil and rock from the WMSA and EMSA into the quarry pit is also not a good idea. I think that taking this mine waste from the polluted sites and transporting it by truck or train to a location that handles this mine waste material should take place. Lehigh has their own railroad and they could have it transported to a proper place. The WMSA has a drainage problem and there have been large crevices and the rainwater stormwater has not been able to be absorbed. The WMSA and EMSA have had problems with selenium and other pollutants that have been found in the water this water drains into the Permanente Creek and eventually ends up in the aquifer and streams down to the Stevens Creek. They flow out to the SF Bay waters and are a serious pollution problem. It is important to note that all of the Lehigh property should be cleaned up under the plan. The EPA Superfund Site cleanup is necessary and would be the best way to handle the complete cleanup of all of the Lehigh property.

2.7 Permit and Planning Boundaries – Figure 4 shows the permit boundary for mining (vested parcels) and the reclamation plan boundary under this 2023 amendment. The SMARA reclamation boundary requirement was enacted to ensure that all surfaces for planned mining are included under SMARA, except for surface disturbances that occurred prior to January 1, 1976, the effective date of SMARA. Surface disturbances must remain within the reclamation boundary unless a reclamation plan amendment is obtained.

Cathy Helgerson -Comments – It is really difficult to understand why all surfaces are not reclaimed just what does it mean surfaces for planned mining? Does this mean Lehigh Permanente can add more areas to mine? It seems adding this information to the plan would allow Lehigh adapt another amendment. They could propose to Santa Clara County that they want to mine the land that is not vested. This has been a problem with the citizens the public who do not want any more mining and Lehigh is aware of that. But as time goes on and if the State, County and City Governments feel that there is a need for the mining and processing making cement than the Lehigh Permanente Corporation would proceed to apply for a permit to mine the unvested land. The public wants no more of this and hopefully this matter will be brought up before the public for review now and settle the issues bringing about no possibility in the future to mine a south quarry. It also states that 353 acres south of the Permanente Creek are removed

from the reclamation plan this is so wrong. It is really a hit and miss game played by Lehigh and I have to wonder I ask the Santa Clara County should Lehigh be allowed to make this call? I will say again that all of the Lehigh property should be cleaned and now I also ask that the land the 353 acres south of the Permanente Creek be also cleaned. I believe that the EPA Superfund Division should in include all of this as an EPA Superfund cleanup.

I am against the revised reclamation boundary that is reflected in Figure 3. This polluted land will continue to pollute the Permanente Creek if it is not subject to a full clean up. The public is aware of the pollution and they must be heard. Santa Clara County should not ignore the people who live in the Silicon Valley and along the Permanente Creek.

2.8 Designated Mineral Resources – One objective of SMARA is to create a mineral lands inventory by designating certain areas of California as important for the production and conversation of existing and future supplies of mineral resources. Pursuant to SMARA Section 2790, Surface Mining and Geology Board has designated certain mineral resource areas to be of regional significance. The purpose of this designation is to provide local agencies such as the county, with information on location, need, and importance of mineral resources and to ensure that this information is considered in local use decisions. Read on

Cathy Helgerson – Comments – This is extremely important to all parties concerned that no matter how the Lehigh mineral resources are classified it should not have anything to do with the future of mining the Lehigh south land beneath the existing quarry pit. It would seem that with the mineral lands inventory list that the health and safety of the public is overlooked. I have to ask why is that? The ongoing pollution exposure to the people from the Lehigh cement plant and quarry and with the Lehigh Rock Plant in this present day of operation should make it very clear to the State Mining and Geology Board, and Santa Clara County that the mineral lands inventory should not include any Lehigh land now and in the future.

The Reclamation Plan Amendment by Lehigh allows them to justify such mining in the future. Stating the Mineral Land Classification of the South San Francisco By Production – Consumption Region, published by the California Department of Conservation, Division of Mines and Geology (DMG) in 1996, classifies aggregate limestone resources areas of the Permanente site Lehigh property as a Mineral Resource Zone 2. (MRZ-2a). For mineral to be considered significant and therefore eligible for MRZ-2 classification must meet criteria established by the State Mining and Geology Board for material quality, marketability, and economic value.

Cathy Helgerson – Comments – Lehigh has entered this information in the Reclamation Plan Amendment to justify the possibility of the mining of a new Lehigh quarry pit south of the old north existing pit. My question is why is this information added if not for the possibility of Lehigh and its future plan to mine a south quarry? This justification is wrong Santa Clara County has allowed them to add this to the plan. There is nothing about any constraints of any kind or considerations pertaining to the health and safety of the public who live in the Silicon Valley, cities and the SF Bay area. The public has suffered long enough and continues to suffer. There are no constraints and

there should be. The Lehigh property closeness to the homes and businesses causing great harm to the public and many have suffered from this pollution and still are suffering. The pollution has been and still is allowed to pollute out in to the Air, Water and Soil needs serious considerations. There have been no constraints for over 100 years and counting. The public needs to be protected from this pollution closing down the existing quarry and cement plant was just a start but leaving this Lehigh Reclamation Plan cleanup to extend out for 45 years is a crime. Is the future Mineral Land Classification setting the stage for more Lehigh mining and cement making. There is still the Lehigh Rock Plant in operation polluting the Silicon Valley and SF Bay area and it seems the health and safety of the people who live in these communities does not matter why is that? Human lives the health and safety of the public should matter to the point that no more mining of limestone and cement making cannot and should not happen or continue once and for all.

2.9 Initiation and Termination Dates – Permanente was developed over more than 100 years and the reclamation of nearly 670 acres will require 40 years. Read on

Cathy Helgerson – Comments – The determination of only 670 acres for Reclamation is not enough all of the Lehigh Permanente lands should be cleaned up and be subjected to a full EPA Superfund site cleanup. It should not take 40 years to complete reclamation and cleanup. With a expedited cleanup which will be used to protect the public from further pollution is necessary. The list of excuse posted here are just a way for Lehigh to stall as they have been all along with their amendment after amendment. I feel it is important to note that I asked the EPA Superfund Site Division to review Lehigh's land for the possibility of making it an EPA Superfund Site location. I also asked that they look at the Stevens Creek Quarry also for a Superfund Site cleanup they did two separate reports on both of them. I have the 3 binders each about 3 inches thick they are very extended reports but to my disappointment they did not want to make them Superfund Sites. This information is probably still available at Santa Clara County's office and I still have the binders. I do think that this information would help the SCC consultant to create the next EIR and could also help speed things along. I have just recently contacted the Federal EPA branch asking them to consider a Superfund Cleanup on the Lehigh property but have not received any word as yet. So now is the time to make sure that the Lehigh property is completely reclaimed. Making the property fully suitable for future housing, housing projects, commercial use and open space is needed and should be considered. The land must never be used for mining and should be returned to its full usable use in order to comply with State housing requirements.

My concern is also that Lehigh may not have the means to pay for a full Reclamation Plan and is using the Rock Plant, and future quarry dumping to pay for the Reclamation Plan. Santa Clara County needs to push for things to move quickly each and every day the public is subjected to this ongoing pollution to the Air, Water and Soil. Our lives and our children's lives depend on the depth in which the reclamation is conducted full reclamation must be conducted on all of the Lehigh land and it should not take the proposed time of 40 years. The EPA Superfund Site possibility must me sought out and considered by all and this should begin ASAP. The EIR by the consultant hired by SCC and Lehigh will take some time I am told between 1-1/2 to 2 years to complete and this period is to long. I do believe that Lehigh has been allowed to stall and the constant amendments to the

Reclamation Plan that are not even numbered are doing just that. It is time to end this and no more amendments should be allowed. It would be nice to see them numbered and that has not happened. This is also costing a great deal of money that Lehigh has to pay for the consultant and this money could have been used for the Reclamation Plan.

The issue of vested rights continues and part of the Lehigh land has vested rights and part of it does not. I do not think that the Lehigh land should have ever been given vested rights at all and Santa Clara County could change that but have not. Lehigh should never be allowed to apply for a permit of the unvested land. The public needs to be notified that they can comment on the Lehigh Permanente Reclamation Plan Amendment and they have not been notified. The permit application for the unvested land if approved could allow Lehigh to mine another quarry south of the existing quarry and this is something the public will not stand for and has objected continually.

The EPA Superfund Division should be allowed to take over the Reclamation Plan in order to make sure that the Lehigh land is completely reclaimed and cleaned up. They could bring in dirt from other parts other states and make sure that the soil is clean and evaluated suitable for proper use. Removing the EMSA, WMSA and other overburdened stockpiles mine waste of any kind by truck or Lehigh railroad train could make sure that the Lehigh land is completely cleaned. Brinking back cleaned soil by their means could make sure that the Lehigh land is suitable for other use.

There should be some kind of limit as to the final end of the Reclamation Plan it is stated that 2060 or 2065 would be the date this is unacceptable. If all of the Lehigh land and the Permanente Creek are not cleaned up than the land will still be polluted the Air, Water and Soil will continue to be a problem.

2.10 Reclamation Phasing – Table 3 provides the anticipated timing for completion of various components of site reclamation – read on continued it states the actual time frames will be affected by the annual quantities of imported cover and fill materials essential to close the WMSA, EMSA and Quarry and buttress materials to cover and stabilize quarry high walls. The material movement plan assumes the average import of off-site material to be 500,000 Cubic yards every year until reclamation cover and fill needs are met. It states that the quarry backfill will be sourced from excess on-site and imported off-site material during the establishment of the final reclaimed slopes.

Cathy Helgerson – Comments- The 500,000 cubic yards of fill ever year until reclamation cover and fill needs are met. Imported cover and fill materials. Who will be monitoring the soil quality requirements of clean soil? The truck loads this soil could be brought in from building site that could have contaminated soil pollutants who will monitor and how will the monitoring be set up? Lehigh will charge these companies building contractors a fee for dumping this soil into the Lehigh quarry pit. They also be allowing these companies to dump soil over the WMSA and the EMSA site and the buttress locations to cover and stabilize the Quarry high walls. Lehigh it seems will make a great deal of money from this will this money be used to fund the Reclamation Plan? My question is does Lehigh have enough money to fund the full Reclamation Plan for 40 years I think not. There is a railroad track next to the cement plant location that could be used to transfer this soil of whatever

kind this would help relieve the traffic problems on the streets from the trucks being used to transport soil. I am not in favor of covering up the WMSA, EMSA and other areas with soil. My feelings about this is that the areas are polluted and all of the soil needs to be replaced moved from the Lehigh property and transported to sites that handle polluted contaminated soil.

Phase 1 table 3 Reclamation Phasing Reclamation components – Permanente Creek Reclamation Area Permitting process completed, creek excavations moved to Quarry, Grading Completed and Revegetation Planted.

Cathy Helgerson – Comments – What permits are necessary and who authorizes them? The Permanente Creed excavations moved to the Quarry – Just what excavations and how is the Reclamation holding up the Restoration of the Permanente Creek? The Public has not been made aware of this. What companies are doing the grading and re vegetation, what are the requirements?

West Material Storage Area – Regrade for Stability, Excess cut material sold or moved to Quarry Complete drainage controls, Cover placed from Yeager Yard and Imported materials.

Cathy Helgerson – Comments – The West Material Storage Area, and the East Material Storage Area soil is full of selenium mine waste material that should be removed from the Lehigh property and brought to a site that disposes of mine waste material that could harm the public. Lehigh should pay for this disposal. Question can Lehigh pay for the compete cleanup of the Lehigh property I think not? Why have they lowered the acres subject to Reclamation anyone looking at this would have to ask can they pay for the Reclamation that would take 40 years? I think not and that is why I am requesting that the Federal EPA Superfund Site Department come in and do the Reclamation cleanup of all of the Lehigh property. The public needs to be safe from this contamination to the Air, Water and Soil on all of the Lehigh property. The land after removing the contaminated mine waste material should be leveled grated with some very clean top soil.

It states that excess cut material sold or moved to Quarry. What means what materials sold are they talking about? The Rock Plant material was supposed to be dumped into the quarry pit at one time until Lehigh decided it need the revenue from the material and so they are processing it for sale. The Yaeger Yard is also mine waste material and should be also moved to a special place off of the Lehigh property that handles mine waste material and Lehigh should pay for it.

East Material Storage Area – Final surface preparation revegetation, and monitoring. Placement old final fill and regrading of surfaces to geotechnical specifications. Revegetation and monitoring reclamation 0-10 years.

Cathy Helgerson – Comments – The East Material Storage Area has a history of pollution an Aluminum Plant was used at this site in the past and there never was any cleanup of the soil. Lehigh covered up this pollution with the mine waste material. I tried to stop this dumping and ask the City of Cupertino and the EPA to look into this and they refused. This was and still is a coverup of this polluted area and the soil should be completely removed and transferred of site to a place that

handles contaminated soil of this kind. The clean soil should be placed over the site and it should be suitable for other uses such as Housing, Commercial use or open space. Lehigh should pay for this. It is very important that the soil has no contamination of any kind. I would like to see the EPA Superfund Site Division handling this clean up and the whole Reclamation plan.

Shop and Office Area – Surge pile and lower slopes regraded, grading for stability completed. Cut to Quarry – Read on

Cathy Helgerson – Comment – Just what surge piles and lower slopes regraded? Shop and Office Areas need to be cleaned the soil below them needs to be tested for any kind of pollution from the cement plant and quarry. The Lehigh property is polluted from the mine dust and cement dust. This has been going on for multiple decades. The buildings need to be demolished and removed. The cement plant needs to be demolished disassembled and completely removed. The cement plant was supposed to be demolished and the parts sold or junked this has never happened. The gas lines for the heating of the cement kiln have never been removed they have just been capped off. This is a very dangerous situation and if there ever was a fire it would be like a bomb going off. The Lehigh property has had fires in the past. I suspect that the reason that the cement plant is still there is that Lehigh plans to open up the cement plant in the future. I really think that is Lehigh's future intent the public is totally against it. They also held on to the property instead of selling it off.

Quarry – Initiate Main Slide Stabilization and Complete Upper Regrade Area – Read on

Cathy Helgerson – Comments – It is difficult to even know how long this will take and with the soil there being washed away by rain slide stabilization has been a real problem. Erosion removes soil and rock. This lack of stabilization has caused ongoing problem and this is due to Lehigh's Quarry mining. They took little considerations with their mining over the years and now the Reclamation process is a disaster no one seemed to care until now and the 40 years to Reclaim the land is way too long.

Phase 1 table 3 – Installation of Drainage Controls – Read on

Cathy Helgerson – Comments – Who monitors this? Where have the drainage systems been all these years? If there is a lack of them how is this being handled? They need to be installed right away.

Phase 1 table 3 – Placement of on-site and imported fill – Read on

Cathy Helgerson - Comments - The West Material Storage Area and the East Material Storage Areas mine waste contaminated overburden should not be used to fill the Lehigh Quarry pit. The imported soil will need to be evaluated for its good quality who will be in charge of that for 40 years imagine? The use of the Lehigh railroad system that is next to the cement plant could be used to bring in the soil to be used. This would be better than using trucks to truck in the soil and it would help to elevate some of the traffic on the roads that can also be used to transport. Lehigh will charge these contractors a fee for dumping the soil from building sites making a great deal of

money over the years. I suppose this will help pay for the Reclamation Plan. I am not so sure Lehigh can afford the Reclamation Plan and I do believe that the EPA Superfund Division should make this land a Superfund Site.

Phase 1 Table 3 – Continued Backfill with on-site and imported fill – Read on

Cathy Helgerson – Comments – This soil will have to be evaluated to determine the purity so that the land can be used for other means such as Housing, Commercial Use or Open Space. The Lehigh quarry must be reclaimed up to the EPA Superfund Site standards and even better. The public must be protected from and further pollution that is why there needs to be an EPA Superfund Site location declared for all of the Lehigh property. The Reclamation Plan does not call for a complete cleanup of the Lehigh property and all of the Lehigh land is polluted with quarry and cement plant dust. The Rock Plant is still operating and continues to pollute the Air, Water and Soil on the Lehigh property this plant needs to be shut down immediately. The Reclamation cannot and should not be left up to the local agencies or local companies that have not been approved by the EPA Department. This pollution that is still coming from Lehigh and could continue for another 40 years is very serious and the EPA Superfund Site Division is able to actually do what is necessary to make sure that the Lehigh land is safe from the ongoing pollution. Human and animal lives depend on the full cleanup of the Lehigh land. I would also like to see the Steven Creek Quarry shut down and the land also declared an EPA Superfund Site cleanup.

Phase 2 table 3 – Rock Plant Area – 10-15 years – Reclamation – Grading and Revegetation Competed – Read on

Cathy Helgerson – Comments – The length of 10-15 years period that it will take for Reclamation of the Rock Plant is to long. The Rock Plant needs to be closed down now and the processing of rock should end. The rock was originally supposed to be moved to the Quarry pit for Reclamation but Santa Clara County has allowed them to process this rock for sale. Lehigh is making money from this sale of rock. Lehigh also has on site two silos that they use to store the refined crushed rock to sell to contractors in the valley they need to be removed. Continuing this process is polluting the Air, Water and Soil this needs to end. I suppose that Lehigh is using this money to fund the Reclamation Plan and to pay their employes that work at the Lehigh company site. This is not acceptable I do not believe that Lehigh can pay for the Reclamation Plan. The EPA Superfund Site Division may need to help pay for all or part of the Reclamation plan right away. Bringing the EPA in who can make sure that all of the Lehigh property is completely cleaned up has to happen. Saving the public from any further pollution contamination is necessary this should happen quickly and not in 10-15 years.

Phase 3 table 3 – Quarry back fill to approximately 990 ft. above sea level it will take 10-30 years – Read on

Cathy Helgerson – Comment – I am assuming that this level is ground level. It must be level enough to allow for other purposes as I mentioned for housing, housing projects, commercial use and open space. How does this work for land used for open space can people hike on it? The time period of 10-30 years for Reclamation completion is to long a time and I believe that Lehigh would even

stretch it out to over 40 years for the Reclamation Plan to end. I must warn people to understand that Lehigh can at any moment apply for another permit to mine south of the existing quarry and they can retrofit their cement plant. The cement plant itself would have to comply with new standards for cement plants but Lehigh would still profit from this and that is what I believe they will try and do. They kept from selling the property and one has to wonder why they decided to keep it and the cement plant. The public must know that Santa Clara County needs to protect them from the possibility of a new quarry and a new cement plant this should never take place. Now is the time to voice our objections to this horrible possibility.

Phase 3 table 3 – Final File 10-30 years elevation reached (+/990 mean sea level) installation of Drainage controls Revegetation and Monitoring. Read on

Cathy Helgerson – Comments – Who will monitor this 10-30 years Reclamation Plan? The EPA Superfund Division has the means for such of a kind of overseeing that needs to take place. I am sure also that Lehigh will stretch this period out for possibly 40 or 50 years I ask you who is to stop them? If this portion of the work takes so many years to accomplish in this case it is the drainage system how is it hurting the groundwater and the aquifer below our drinking water.

Phase 4 Quarry – Quarry 30-40 years- Buttress using imported fill is constructed – Installation of drainage controls revegetation and monitoring. Read on

Cathy Helgerson – Comments – Just exactly how will this buttress be built? How has erosion affected the ridgeline where the buttress will be installed? The public have never been told how things are going or if the processes for controlling the erosion are working. The area cannot and should not wait 30-40 years to repair how can it? The EPA Superfund Division could take care of this urgently needed installation of the buttress and repair of the ridgeline right away.

Phase 3 table 3 Quarry 30-40 years – Installation of drainage Controls- Read on

Cathy Helgerson – Comment – How will the drainage processes be started? A period of 30-40 years is too long. Seems that there should be a form of drainage now the rainwater coming down over the ridgeline is causing erosion. Where is this water going is it drained into a pond or into the quarry? After that is it delivered over to the Lehigh Waste Water Treatment Plant this is not mentioned in the Reclamation Plan why not? All of the Lehigh water needs to be treated.

Phase 3 Bottom – Notes (1) Phasing, tasks, and timing subject to actual Production depending on market conditions and other engineering and economic factors. Read on

Cathy Helgerson – Comments – This s a problem and it needs to be addressed in a very serious manor in order to protect the public and our aquifer water from mine waste contamination. The Permanente Creek has been and is being used to empty Lehigh's polluted mine water and rain water flowing into the quarry and on the Lehigh land for decades. I have been told that not all of the water is treated at the Waste Water Treatment Plant. The quarry, cement plant, rock plant and any other location at Lehigh have a cumulative effect the pollution selenium, mercury and lead

contribute to the horrible pollution. They cumulate and they not being considered or mentioned in this Reclamation Plan for their contamination of the Air, Water and Soil. Just leaving things up to the San Fracisco Bay Regional Quality Control Board is not enough. Stating that they may dictate reclamation actions and timing how can they really do that? In the past they have allowed the pollution coming from Lehigh to continue and even now they are supposed to monitor the Rock Plant pollution and I am really sorry to say that is just not happening. People here need to know that Lehigh pays the BAAQMD fees for every type of equipment that they have at the Lehigh site past and present. These fees have been paid to them for decades not just years and one has to wonder about things. Could this be why they are so laxed in their pollution controls? These issues must be made public. In my opinion the pollution levels set on pollutants are high and it has been done to make sure that the companies can still operate. If Lehigh is in noncompliance they are just hit with a fine and they go right on polluting. This is not only true of the air but of the water as well. No one shuts down the polluters. The cumulative effect is never considered or mentioned. The Lehigh Cement Plant needed retrofitting for years but they knew if they did retrofit the cement plant that they would be under the new pollution limits and so they decided not to. If Lehigh decides to apply for a new mining permit on their unvested land that will need a permit. They also have vested land that they do not need a permit to mine. The public will not stand for another quarry nor will they stand for another cement plant in the Silicon Valley polluting the valley and the SF Bay Area.

(2) Notes – The project related to the Permanente Creek Restoration Plan must be completed in 5-10 years. Read on

Cathy Helgerson – Comments – This Permanente Creek Restoration Plan has been hanging in the balance for too many years and still counting and to say it will take another 5-10 years is another way of Lehigh stalling because I believe they do not have the funding to pay for the complete Reclamation Plan. Lehigh's Reclamation Plan is holding up the Permanente Creek Restoration Project. The rain water and the polluted water from all areas on the Lehigh land is polluting the Permanente Creek and has been for decades. Lehigh has destroyed the creek and in doing so has also polluted the Stevens Creek water flowing to the Permanente Creek both of these waters also are affecting the aquifer below the valley. The Stevens Creek Quarry has been polluting the Stevens Creek Reservoir with Mercury for decades and people are told not to eat the fish. This site is processing and is recycling concrete. Contractors in the valley and the surrounding cities bring their concrete to be crushed and processed this product is sold to the contractors and stored at the site. The pollution from the Stevens Creek Quarry is polluting the Stevens Creek Reservoir with Mercury and it seems that the State Regional Water Quality Control Division who monitors it will do nothing to stop the pollution. They are also using the Cupertino compost area to filter their overburden from their mine sifting it through the compost and providing it to the public. This I witnessed myself but it seems no one would believe me and nothing was done about it.

The EPA Superfund Site Division needs to come in and proclaim the Lehigh Property, the Permanente Creek and Stevens Creek Quarry as site cleanups. The Health and Safety issues will have to be taken up by them in order to assure that things are handled properly. The question is

here what related entitlements and approves are granted to Lehigh this needs to be listed and it should be part of the Lehigh Reclamation Plan Amended Plan.

3. Current Conditions

3.1 Mining – Permanente minerals production – Read on

Cathy Helgerson – Comments – There is aggregate overburden material on the foothills and this material can be seen from the Stevens Creek Blvd. I am sure that it is probably mine waste material and that the dust from this pile of waste is blowing all over the valley. I have asked about the stockpile over the man years and Santa Clara County cannot give me a straight answer about this. This stockpile is not mentioned in the Reclamation Plan. I want to know what it is and where is it going? How long will it take to move it and when will it be moved? It seems between the Rock Plant material and the stockpiled aggregate it states we have 7 million tons of stock piled aggregate. How did this become so horrible 7 million tons of polluted aggregate from the Lehigh Quarry? Call it what you want overburden, aggregate mine waste, soil and rocks it is still polluted. The people in the Silicon Valley and the SF Bay area have been polluted over 100 years and still counting. The Lehigh Reclamation Plan will not clean up all of the Lehigh property. The public is at the mercy of Santa Clara County and the agencies that regulate these polluters. The EPA Superfund Site Division should take over this cleanup in order to make sure it is done right and to make sure the public is protected. The cleanup should not take 40 years to complete this pollution is killing people and should be done as quickly as possible. All means should be made available to get the job done with all funding provided by State and Federal Divisions that work with the EPA.

3.2, 3.3 & 3.4 – Geology and Geotechnical Conditions – Read on

Cathy Helgerson – Comments – The San Andreas & Berrocal Fault can be subject to ushering the next major earth quake in California. The public worst nightmare is if Lehigh ever applies for a permit to mine the south of the existing quarry. Lehigh has tested the land with drilling boreholes and it determined that there is good limestone underground to be mined in the future. This never should happen. The public has made it clear they will not tolerate another Lehigh quarry or cement plant to pollute the valley and the bay. There is the vested land that Lehigh has that does not need a permit and then there is the unvested land that they do need a permit in order to mine. I have to ask myself and others why has Lehigh held on to this land while it sold their other properties? I suspect it is to mine another pit in the future and to process cement. The Reclamation Plan seems to lack the realization that an earth quake can happen at any time and projects the next earth quake way out there in impossible years. I suppose lives lost, properties destroyed and billions of dollars lost is not good enough reasons to make sure Lehigh never mines a new quarry or processes any cement. This goes for the Stevens Creek Quarry as well that would cause all kinds of problems with earth quakes. How can Santa Clara County, State of California and the agencies allow Lehigh to ever be able to mine a new quarry? The public and I say no not ever.

Fault and Structure Mapping – The current understanding of major fault structures – Read on

Cathy Helgerson – Comments – It is stated that the Lehigh Quarry area is less than two miles from the San Andreas Fault and the Berrocal Fault. The Berrocal Fault has been mapped with multiple trace locations and has been mapped and as running through the Lehigh Permanente Property. Lehigh Permanente has numerous shear zones and faults running through it, which include high and low angle faults. Review of historical stereo photographs from early as 1960 indicate a large northwest trending fault, wide fault zone across the Lehigh Permanente property. To be clear that the Lehigh Permanente property, Permanente Creek and the Stevens Creek Quarry would also be subject to a major earthquake catastrophe. It also states that the major fault visible on the historic aerial photos is possibly the western trace of the Berrocal Fault, with many strands of faulting contained within the Lehigh Permanente Quarry Walls. I do believe that the people in the Silicon Valley have been lucky so far but to say that we cannot expect an earth quake for 300 or 400 years is crazy. Mining the south Lehigh property and drilling a new Lehigh Permanente quarry would user in the next major earth quake not only here but up and down California. We the people cannot take such a chance and this must be made very clear to all people and especially clear to Santa Cara County. The EPA Superfund Division can bring in experts from all over the state and US.

3.5 Hydrology and Water Quality – The Predominant Drainage is the Permanente Creek – Read on

Cathy Helgerson – Comments – The Permanente Creek plays an important part in caring the groundwater, mine waste water, and all kinds of polluted water from the Lehigh property. The Steven Creek, Steven Creek Reservoir and other creeks flow into the Permanente Creek. The aquifer below the valley is also subjected to any pollution that flows down our creeks. The quarry pit has a seepage water flow coming from the aquifer which could be going back and forth from the quarry contaminating the aquifer water. It is something for the EPA Superfund Site Division to explore with the closing of the quarry and the Reclamation.

The Lehigh Permanente Waste Water treatment plant was built to clean the water coming from the Permanente Creek, the Quarry and the Recharge Ponds. There is a lot of information about the selenium problems running off of the WMSA and the WMSA. How much of the groundwater, wastewater and pond water is being cleaned by the Waste Water Treatment plant is a mystery. The public has never been told. Where is the State Regional Water Quality Board there needs to be reports reflecting this information that the public can view. The seepage report should also be listed on the Reclamation Plan listing and reported on. What will happen to this with the quarry how will this problem be handled? I have mentioned this in my comments about the closing of the quarry.

3.6 Biological Setting – It states – The Permanente property states that the majority of the area is drained by the Permanente Creek. Read on

Cathy Helgerson – Comments – I have mentioned a great deal on the 3.5 Hydrology and Water Quality listing. Skip down to the California Red Legged Frog. The US Fish and Wildlife Service (USFWS) listed the subspecies as threatened in 1996. The capture and relocation read Protection Measures for the Red Legged Frog continued under permit. There is nothing in the Reclamation Plan that state that the Red Legged Frog will ever call the Lehigh property their home again. They

have been and are being moved off site to another location and I do believe they will never be able to return. Why is this not mentioned in the Reclamation Plan?

3.7 Soils – As depicted in Figure 6, “Soils”, the soil survey of Santa Clara Area, California (USDA) indicates – Read on

Cathy Helgerson – Comments – There is not enough stated here about the soil. The soil overburden combined with polluted mine waste located at the WMSA needs to be addressed seriously. This soil needs to be removed and transported off of the property by truck or by railroad. As it stands some of the soil will be placed in the quarry pit and some will be left and covered over by so called good soil. There has been a great problem with the drainage at the WMSA that the soil there cannot absorb the rainwater and that large crevices are created due to this problem. How can we allow this polluted mine waste soil to remain? Dumping some of this into the quarry pit is not a good idea. I believe that the EPA Superfund Division could do a better job and they must be allowed in.

3.8 Skip Revegetation Test Plots

4. Reclamation and Closure- Read on

Cathy Helgerson – Comments – I have mentioned my concerns regarding the WMSA and EMSA this probably goes for the cover material how do we know where it is coming from and who will monitor the quality? There are many times at a construction site that the soil needs to be removed because of the lead content this is a requirement. Contractors can come and dump the dirt from any site and who knows what is in the soil. There should be a mention of where this good soil is coming from. Lehigh needs to pay for this soil but they may charge building contractors to dump this soil into the quarry and onto other areas on the Lehigh property. EPA Superfund Site Division hopefully would make sure that the soil was appropriate. The public will suffer if polluted soil of any kind is placed or left on the Lehigh land and it would affect the Air, Water and Soil

The Revegetation of the Lehigh damaged land needs to be monitored carefully to make sure that what ever is being used can sustain the harsh dry climate that is becoming hotter and hotter each year do to climate change and other reason. This Lehigh land is also shared by many animals, birds and reptiles such as the Red Legged Frog who has been moved from the Lehigh land probably never to return to its original home.

There is also a serious issued pertaining to cloud seeding and the alteration of the weather this combined with the pollution to the air is causing fires and floods in the US. I am adding this information to the Reclamation plan to inform Santa Clara County and the cities here in the Silicon Valley about this. Majorie Taylor Greene is presenting a bill before Congress that will make it a Felony this bill will prohibit the injection release or dispersion of Chemicals or Substances into the atmosphere for the express purpose of altering the weather, temperature, climate or sunlight intensity. I am highly in favor of this bill these are serious matters. Cloud seeding in the US has been around since the 1930’s and it needs to end. I also believe that this and the pollution from not only Lehigh but other companies and the car emissions have caused the diseases that we see today. I

believe cancer, autism, diabetes and other diseases are plaguing the populous and they have been suffering. Many people have died and are continuing to each year. The people want cures and they want this pollution to our environment to stop.

4.2 Fill and Cover Material and Sources – 4.2.1 – Volumes and Sources table 5 Cut & Fill Grading Volumes – Read on

Cathy Helgerso – Comments – It states the Quarry a total of approximately 42 MCY is needed to fill the quarry to its final design surface, including the buttress. Just how do we justify what Lehigh will dump into the Quarry? Who is going to test the soil, rocks or concrete that construction site contractors are dumping at the Quarry to dispose of? Covering up the polluted areas at Lehigh with some kind of soil and leaving the mine waste underneath is unacceptable.

The EPA Superfund Site Division must be brought in to take over the Reclamation Plan as a whole in order to make sure that things are done correctly. This Reclamation of some of the Lehigh property is not enough all of the property needs to be cleaned up and I am sure Lehigh cannot afford this expense. I would please everyone to remember that Lehigh dug to deeply in the quarry knowing all along that this was wrong and no one ever issued a fine or sited. No one ever closed the quarry for that why not? Because of this there is a seepage of water coming into the quarry from under the ground this groundwater is coming from the valley aquifer. This seepage report was never made public and I only found out about it from a concerned Santa Clara County staff member years ago. The aquifer water is our drinking water. The seepage going into the quarry can also pull water from the quarry back and forth into the aquifer. Who is testing this aquifer water and the quarry pit water to see what needs to be done to stop this seepage? Question also is how will the quarry be filled to make sure that there is no more seepage threat? EPA Superfund Site to handle things.

Table 6 Quarry Backfill Material Specifications-Lower Quarry, Middle Quarry, Upper Quarry and Highwall Buttresses. Read on

Cathy Helgerson – Comments – I object to using concrete from the cement plant deconstruction. It states that a significant amount of data has been developed through investigations that there are releases of selenium and other constituents of concern (e.g. nickel) from residual mined materials and unmined limestone highwalls. These investigations targeted the stockpiled WMSA and EMSA materials and unmined limestone highwalls. All of the soil at the WMSA & EMSA and other areas on the Lehigh property that contribute to the pollution of the land should be removed and trucked or use of a train to transport to a place where this polluted hazardous mine waste can be placed for such purposes. I would like to see the EPA Superfund Site Division handle this because I do believe they are more equipped to handle such pollution issues at highly polluted sites in the US. Turning the Reclamation Plan and the EIR over to them would really make sure that the people here in the Silicon Valley, surrounding cities and the SF Bay area are protected from this Lehigh polluter.

4.2.2 Cover and Re Soiling Needs Much of the mine on-site occurred before SMARA required topsoil to be set aside for Reclamation thus little top soil is on site. Read on

Cathy Helgerson – Comments – Are we supposed to think that Lehigh never realized that they would someday need top soil for Reclamation this is a totally inconsiderate of them. The Lehigh Corporation – Heidelburg Company should have known that they would need top soil in a later date but failed to stockpile soil they should be fined or sited for this and more. It states that a minimum of 4 ft. of suitable cover material determined by the Reginal Water Quality Control Board (RWQCB) approximately 4 ft. will overlay reclaimed slopes. The Quarry, WMSA, EMSA and the other areas at Lehigh that may contain selenium-bearing rocks will be covered over. I cannot nor do I want to believe that 4 ft. of overlay will actually be enough. The Lehigh land I would say probably all of the land is full of selenium and other pollution. It states that cover material will vary this could be a real problem. How can this be left up to the (RWQCB) to monitor for 40 years I cannot even imagine what hazards will be created and that the public must suffer from the pollution.

The prior Lehigh Reclamation Plan was issue back in 2012 and now at 2025 we wait, the new Reclamation Plan Amendment 2023 states that another 40 years will be needed to complete the Reclamation. This is a total now of 53 years why should the 2012 Reclamation Plan have waited till now? We are still waiting and continue to wait. I suspect that Lehigh is stalling and has been stalling all along because it cannot or will not pay for the Reclamation Plan and let's not leave out the Permanente Creek Restoration project still waiting to be done. My question is what is wrong with Santa Clara County why are they allowing Lehigh to stall all these years and why can't something be done? The EPA Superfund Site Division should be called in to take over the Reclamation of the Lehigh property and the Permanente Creek Restoration. The Stevens Creek Quarry should also be subjected to a Superfund Site Cleanup and closure ASAP.

4.2.3 Imported Material – An imported soils management plan will be developed – Read on

Cathy Helgerson – Comments – It states the Management Plan may also reference conformation of testing in accordance with California Department of Toxic Substances Control Protocols. Implementation of the imported soils management plan will be reported to the RWQCB as part of the final closure plan requirement. The question here is how can they be entrusted with this very involved work? The EPA Superfund Site Division is much more qualified to conduct this testing and even more. I ask that they take over the Lehigh Reclamation Plan ASAP.

We must not forget that Lehigh will make a great deal of money by charging the contractors in the valley who can bring in their surplus soil and dumping into the Lehigh quarry. This process of allowing this to continue for 40 or 50 years is to long a time much time has already been wasted. How can the public be asked to wait especially if they know how polluted the Lehigh property is? We should also not forget the Steven Creek Quarry and their pollution they also should be turned over to the EPA Superfund Site Division to make sure that the site is cleaned.

4.3 Stability and Compaction – 4,3,1 Geotechnical Evaluation – The Greenstone slide in the Quarry and other instability of cut and fill slopes – Read on

Cathy Helgerson – Comments – It states the slope stability analysis were modeled under static and pseudo – Static Conditions with horizontal ground acceleration for reclamation and closure of the

highwalls. Static condition models were following the Cal Trans Geotechnical Manual for slopes. Question how accurate are these measurements? I do not feel that we can leave this up to the modeling processes modeling is not sufficient. Santa Clara County should include the earthquake possibility is 5 inches enough as noted? I will repeat over and over again bring in the EPA Superfund Division to make sure that the Reclamation is conducted to include all of the Lehigh property. Leaving out the Cement Plant and other areas at Lehigh that should be part of the Reclamation is wrong. Best Management Practices are sometimes not enough I ask that more be done to ensure that the Lehigh property is cleaned up for future use for housing, housing projects, commercial use and open space.

How can anyone predict when the next earthquake will take place the Lehigh Reclamation Plan states it could not happen for 300 years or more this is Lehigh's way of covering up the reality of the situation. It seems that there are tiny earthquakes that take place frequently and this monitoring is on the web for the public to view if they wish. Lehigh wants to justify another south end quarry in the future the public will not stand for it. Let's remember who is writing this Reclamation Plan Lehigh has designed it to promote themselves and we the public must remember that. I am concerned about the place that the Santa Clara County is set themselves up to be. The constant Lehigh promoting is hurting the public and we are subjected to ongoing pollution of the Air, Water and Soil.

It is stated that all displacements modeled for the Lehigh site post-reclamation are "Minor" and thus unlikely to impact the reclaimed slopes. I do not agree with this modeling process how can they even try to determine this if there is a major earthquake we need to question this.

The EPA Superfund Site Division did an investigation years ago on the Lehigh property and the Stevens Creek Quarry as per my request I have three binders 3 inches thick to show anyone that wants to see them. I should hope that Santa Clara County and the EPA Superfund Site Division still have this information. I am sorry to say they decided not to do the Superfund Cleanup and I am not really sure why they decided against it. I would like to see the Consultant hired by SCC and Lehigh to look at this information and I think it would help to speed things along on the Reclamation and the EIR. I do think another investigation is necessary and the EPA could do a very good job of taking over the Reclamation of Lehigh, the Reclamation of the Stevens Creek Quarry and land and the Permanente Restoration Program. The land for all of these locations needs to be fully cleaned up.

4.3.2 Material Placement and Compaction – Backfill of the Quarry will occur – Read on

Cathy Helgerson – Comment – The Lehigh Reclamation Plan does not state what rock material will be placed to close the bottom of the quarry pit which has a water seepage problem. This is Lehigh's fault they mined way to deep knowing all along this was wrong. As I mentioned before no one ever got fined or sited for this. It states that backfill will likely be placed below the water level. I believe that Quarry back fill compaction maybe impossible. The back fill meaning soil would be too porous and so the quarry will still seep in water from the water table below. The quarry needs to be plugged or capped with large boulders and then concrete poured over it. This would ensure that no

water below from the aquifer would seep into the quarry pit. Then and only then the soil compacted over the concrete would be intact. The soil should be brought up to ground level. The EPA Superfund Division should be in charge and their Superfund Cleanup effort would require this process to be made.

4.4 Reclamation Components – 4.4.1 Quarry -The Quarry backfill surface will have a 2 percent downward gradient – Read on

Cathy Helgerson – Comment – Just what material is being used for the buttress? Backfill stated in plan 1, 2, 3 & 4. How will the buttress highwalls be stabilized to meet current seismic standards? More information is needed to explain the buttresses and the competent bedrock. The buttresses should be implemented ASAP in order to stabilize the quarry walls. The EPA Superfund Division could make sure that this work is done correctly and efficiently.

4.4.3 East Material Storage Area – Read on

Cathy Helgerson – Comments – The East Material Storage area was once an aluminum plant location. The location was never checked for ground contamination and it should have been. Lehigh decided to dump mine waste there not only to get rid of their mine waste but also to cover up the polluted soil under the aluminum plant location EMSA. I complained to Santa Clara County when I saw what was taking place and they did nothing to stop this dumping and they should have demanded that the soil be tested and they did not. The EMSA soil the mine waste material needs to be tested and removed. Good soil needs to be brought in. This area should be properly cleaned up and I think again as I have stated the EPA Superfund Division could do the job.

4.4.4 Shop and Office Area – Read on

Cathy Helgerson – Comments – All of the Lehigh buildings need to be demolished and the contaminated rubbish left should be taken to a place where waste such as this is disposed of. During the rainy season the rainwater running off of these building and the soil pollution has a strong bearing on what the groundwater quality will be. This water has never been tested and should be treated at the Lehigh Water Treatment Plant. EPA Superfund Site cleanup is needed.

4.4.5 Rock Plant Area – Read on

Cathy Helgersonn – Comments – There will need to be a lot of soil testing before the area will be regraded and covered. What kind of soil will be used for grading? The Rock Plant is still in operation and Lehigh is making a lot of money from this rock processing. This Rock Plant is polluting the Air, Water and Soil at Lehigh and it needs to be shut down. The EPA Superfund Site Division should establish a Superfund Site Cleanup in order to ensure that the site is cleaned up correctly. The rock at the rock plant that is being processed was supposed to be used to fill the quarry and this is not happening. Lehigh has needed to sell this processed rock to make money. Maybe Lehigh does not have the money that is needed to do the Reclamation Plan could this be what has been holding up the Reclamation Plan cleanup all these years? 4.4.6 Permanente Creek Restoration Area – The

Permanente Creek Restoration area includes approximately 49 acres of Historic mining adjacent to the WMSA – Read on

Cathy Helgerson – Comments – The Permanente Creek it states does not require restoration under SMARA why not? It mentions that the large limestone boulders cannot be distinguished between boulders as a result of mining versus distinguishing colluvial boulders. The leaching of selenium out of the boulders has always been present. I do not believe that moving the boulders would make things worse. Leaving them there is a problem and the Permanente Creek should be part of the Lehigh Reclamation Plan. Maybe they need to be placed in the Lehigh quarry and covered with cement to seal off the quarry pit and good soil could be put over all of it. This would take care of the water seepage that I mentioned before.

Is the water in the Permanente Creek treated at the Lehigh Waste Water Treatment Plant? If the boulders are not removed than the creek is still subject to the selenium poisoning as harsh as that is. They need to be removed and they need to be removed ASAP. The Permanente Creek Restoration is still pending and it will be pending as long as Lehigh drags on the Reclamation of the land. All of the Lehigh land needs to be cleaned up and the public suffers every day that this Reclamation cleanup is stalled by Lehigh. Can the public or should the public wait for 40 or 50 years no should be the answer.

4.5 Groundwater Quality Protection – 4.5.1 Quarry Backfill Consideration – The quarry will be backfilled to be at least 990 ft. – Read on

Cathy Helgerson – Comments – It states that using the WMSA as a sole source of backfill (as approved in the 2012 Reclamation Plan) is not preferred a long-term solution. It also states that there is a problem with long-term water quality. Due to this understanding then the WMSA mine waste material should be removed and trucked or railroaded out to a location that handles contaminated waste of this kind. The WMSA should have good soil on top and levied out to ground level. This land could then be used for housing, housing complexes, commercial and open space use. The EPA Superfund Division could handle all of this and should declaring the Lehigh land as a major Lehigh Permanente Superfund Site Cleanup.

It states that the buttress that is needed must be able to support the quarry walls that would be strengthened with non limestone material just what is that material? It is stated that there should be no selenium concentrations of any kind which includes less than 5 ug/L measured. We must remember that there is selenium and other pollutants on all of the Lehigh property. The levels of pollution have a cumulative effect, and the pollution has become more potent over the years the question is how much longer should we wait? How many Reclamation Plan Amendments and EIR's will the public have to live through? Bringing in the EPA Superfund Division to take over to make sure that things are moving along as quickly as possible is the only way to guarantee that the public is protected. The assurance of the EPA to protect the Health and Safety of the people depends on the expertise of EPA and their expert skill, knowledge and track record which should speak for itself. The magnitude of the Lehigh Permanente Reclamation Plan should convince all of us that the

complete cleanup of all of the Lehigh property is necessary must be handled by the EPA Superfund Division. The Lehigh total Property Acreage is 3,510 acres. Permit acreage on vested properties is encompassing approximately 2,040 acres. The reclamation boundary encompasses 921 acres this limited amount is not enough to completely reclaim and cleanup the Lehigh property.

4.5.2 West Materials Storage Area Considerations – Read on

Cathy Helgerson – Comments – The Stormwater from the WMSA it states can no longer be directed to the Quarry, but instead, to the Permanente Creek. This should be directed to the Lehigh Waste Water Treatment Plant. It could be directed to the Cupertino Sanitation lines that start at the Lehigh property but they did not want it to. Levels of selenium pollution is present and no matter how low is a problem. It states similar values observed at the EMSA are present.

4.5.3 East Material Storage Area Considerations – Read on

Cathy Helgerson – Comment – It is stated that the concentrations of selenium, arsenic, mercury, vanadium in the soil/material exceeded groundwater or aquatic habitat ESL's and it is clear that the EMSA materials do affect groundwater quality. This has been happening all along. The polluted water from the EMSA needs to be treated and there is no mention of this. Why is the Lehigh Waste Water Treatment Plant not mentioned? Should not all of the water steaming off of the Lehigh land cement plant, Quarry water, Rock plant Water and any place else on the Lehigh property needs to be treated? There should be no water allowed to flow into the Permanente Creek from the Lehigh property that is not treated before release by the Lehigh Waste Water Treatment Plant. The EPA Superfund Division should take over the Reclamation Plan Amendment to ensure that it is carried out correctly.

4.6 Surface Water Quality – 4.6.1 Surface Water Management – Surface hydrology and grading design can impact water quality through erosion of placed soils at closure. Read on

Cathy Helgeson – Comments – It talks about Best Management Practices which I do believe is really not enough. Just where are the drainage channels major areas that will be closed for the WMSA upper section of the Main Slide Area Regrade, and the EMSA? Where will these drainage channels be routed? It seems through one of three points? This is very important Figure 12 shows that these points drain into the Permanente Creek. This water needs to be treated before discharged. EPA Superfund Division needs to take over the Lehigh Reclamation Plan.

Water Treatment System – Read on

Cathy Helgerson – Comments – How long will there be necessary to treat the water? Removing the mine waste at the WMSA, EMSA, Rock Plant and other areas on the Lehigh property trucking it or using a railway system and transporting it to sites that handle polluted mine waste is necessary. This would ensure that the quality of the groundwater is safe. EPA Superfund Division needs to take over the Lehigh Reclamation Plan in full. Leaving things up to the local agencies is just not enough.

4.6.2 Stormwater Analysis – Read on

Cathy Helgerson – Comments – The downstream flooding has always been a great problem with the Permanente Creek the people that live around the creek have suffered. The Restoration of the creek is held off now because of the Lehigh Reclamation Plan Amendment. The joining of the erosion and sedimentation material will add to the flooding. The Permanente Creek has been destroyed because of the Lehigh mining. The public's Health and Safety has not been really considered. The question is what happens to the sedimentations in the basins? The amount of the polluted sediment will increase dramatically if the WMSA and EMSA mine waste material is not removed.

There is mine waste overburden on the east foothills next to the Lehigh quarry that no one seems to be talking about how will that be handled? Driving down the Stevens Creek Blvd. in Cupertino it can be seen up in the foothills. I have tried to find out what this is all about I was just told that SCC approved the dumping at this location. I would like to find out what is going on and hope that the EPA Superfund Division can help.

4.6.3 Siltation and Pollutants – Read on

Skip down

4.9 Final Closure Considerations – 4.9.1 Background – Read on

Cathy Helgerson – Comments – Mine Waste material that is located at the WMSA. ESA it states is Nonhazardous waste material I completely disagree. It goes on to state that the mine waste could exceed water quality standard objectives or degrade water of the state and this waste could have the potential to adversely affect groundwater quality. I am very concerned about aquifer below the Silicon Valley our drinking water has been and is subjected to pollution that is coming from the Lehigh quarry and property. The EPA Superfund Division should be called in to take over the Reclamation Plan in order to make sure that the Lehigh land is cleaned. The Permanente Creek Restoration Project has been held up due to the Lehigh Reclamation Plan Amendment. One must ask how can this be allowed to take 40 or 50 years? Many of us the public will be dead before it is completed and will never see the outcome of all of the time spent and money wasted. Each Reclamation Plan and EIR is money spent and Lehigh is paying for it. I would think that that money should be used for the Reclamation clean up. Bringing in the EPA immediately is crucial there is no time to delay. The EPA Superfund Division has experts in the field of pollution clean up at the most dangerously polluted places in the United State. The Lehigh land all of it is highly polluted and I must ask no demand that they handle the complete Lehigh Reclamation Plan. I also ask that they handle the Steven Creek Quarry and mine clean up with another EPA Superfund Site. All of the land at this site should be cleaned up.

4.9.2 Structures and Equipment – Read on

Cathy Helgerson – Comment- The structures especially are full of cement processing residue and the ground is saturated with it. The soil in the Silicon Valley is as hard as concrete due to the pollution that has spread over the valley. Our homes are covered with this cement dust. The Rock Plant is still operating spreading this dust all over and no one seems to care. The structures are old

and full of rats, mice and pigeons living in them. They need to be torn down and removed they are polluted and should be trucked or trained over to a site that handles polluted debris such as this. The soil beneath them is also contaminated with the cement plant dust and pollution this soil needs to be removed. Anything and everything at the cement plant such especially the kiln gas line that has been capped off. This is a very dangerous situation. I have mentioned to the staff people at the Santa Clara County and the City of Cupertino that if there was a fire the cement plant kiln would catch fire and it would then be like a bomb going off. There have been fires at Lehigh over the years. Here are condos near by the cement plant they would be destroyed and there would be a loss of life and property. The Cement Plant is not included in the Lehigh Reclamation Plan and it should be not sure why that is maybe someone can tell me? Let's remember who wrote the Lehigh Reclamation Plan and the Amendment and who has allowed it to go forward. Everything in the plan has gone through the Santa Clara County Planning Department. The necessity of calling in the EPA Superfund Division to take over the Lehigh Permanente Reclamation Amendment and EIR needs to take place ASAP.

4.9.3 Closure of Drill Holes, Water Wells, and Monitoring Wells. Read on

Cathy Helgerson – Comment – Abandoning Wells is a difficult and complicated process and it could be a great problem on the Lehigh land. I do not think any more monitoring wells should be drilled. The EPA Superfund Site Division could set up other kinds of monitoring that maybe more efficient and less obstructive to the land. They could also move the Reclamation Plan work forward in a shorter amount of time this is necessary in order to protect the public from any further harm to the valley's ground water.

4.9.5 Impact of Reclamation on Future Mining – Read on

Cathy Helgerson – Comments – I have mentioned that the process in which the Lehigh Quarry is being filled may not keep the water that is seeping in from the aquifer into the quarry pit from happening. It states remaining cement-grade limestone existing in the Quarry below 990 MSI elevation will be buried beneath back fill and buttress File. My question is what cement grade limestone? What form is it? Are there large boulders of a such that will be placed at the bottom of the pit to seal it off? I have mentioned to people that there should be large boulders placed at the bottom of the Lehigh Quarry and then a mixture of cement pored over them to seal the Quarry pit off completely from the water table below. Lehigh mined to deeply and they knew that this was wrong but they did it anyway. No agency, Santa Clara County or Cupertino City ever did anything about this and that was wrong. The Quarry should be sealed off immediately and the EPA Superfund Site Division can and will see that it is. Make them in charge let them take over the Lehigh Reclamation Plan ASAP.

4.9.6 Public Safety Considerations – Read on

Cathy Helgeson – Comments – I wish to add here that in the future after the cleanup on the Lehigh land has been completed that the Lehigh land should be suitable for not only open space but for residential housing, housing projects, and commercial use. It states that the monitoring on the

Lehigh property will use security guards. The public should be allowed in some way to view what is taking place and Santa Clara County should provide a way to do so with cameras to view the work being done. This is not the case and SCC is allowed to case the joint but the public is not allowed to view the site. Bill Almon in the past flew over by plane the Lehigh property many years ago to view the Quarry I guess that maybe the only way the public can see the damage done to the land. Bill was a strong advocate against Lehigh and the pollution he lived up in the Los Altos hills he could look down on the quarry. The pollution from the quarry the dust was all over his home and car. I suspect that this is still a problem with the Rock quarry there. Bill passed away from cancer probably due to the Lehigh Cement Plant and quarry mining. I am another person who has suffered from the Lehigh pollution and have had cancer twice and three surgeries. My husband had cancer and my dogs also died from cancer and heart murmurs. I still live in the Silicon Valley in the Valley Green area behind Target Store. The dust is still all over my home and I suffer from diabetes and asthma. We can never allow another Lehigh to mine a new mine below the existing north quarry mine and we can never allow another cement plant to process cement.

5. Financial Assistance – Read on

Cathy Helgerson – Comments – Does the Lehigh Permanente, Heidelberg Corporation have enough money for the Reclamation Plan? I do not think that they do even with the large bond that they have held for this purpose. Santa Clara County has to determine how much money would it take for the complete Reclamation Plan and the Permanente Creek Restoration to take place and finish. The EPA Superfund Site Division could probably be able to determine just how much money will be needed to setup an EPA Superfund Site cleanup. Lehigh is using the Rock Plant sale of product and the contractors dumping their soil in the quarry pit for a fee to pay their employees who are still working there for them. I do not think that any amount of money they could ever make would pay for the Reclamation Plan. Will Lehigh be able to pay for the Reclamation Plan and the Permanente Creek Restoration project someone find out and give the public the answer?

I have gone as far as I can with my comments to make sure that the Lehigh Permanente Reclamation Plan and Permanente Restoration Plan will be carried out correctly. I have mentioned over and over again that the EPA Superfund Division needs to take over the in order to make sure that things are carried out legally, honestly and completely and to make sure that the public is protected from any further pollution. The urgency of this is evident and Santa Clara County needs to understand what the public wants and how things should be carried out. I have worked for over 20 years and still counting. I will continue to keep fighting as an advocate against the Lehigh Permanente Heidelburg Corporation's spread of horrible pollution that they have poisoned the public with. They cannot be allowed to continue to poison our Air, Water and Soil. I say it is time to call in the EPA Superfund Division to d the job so please lets do all we can to make sure our voices are heard.

From: tracykosol@gmail.com
To: City Clerk; City Council; Tina Kapoor
Subject: Written comments for 7/15 meeting (no agenda item)
Date: Monday, July 14, 2025 11:36:54 AM

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

Dear Cupertino City Council,

Thank you for the wonderful Jollyman Park Playground renovation. As someone who has been to practically every park in our local vicinity, particularly during the pandemic when there was nowhere else to take kids, I can say wholeheartedly that this is one of the most thoughtfully-designed playgrounds I have been to in the South Bay. It has been awhile since I have seen my children (ages 5&7) so fully and creatively engage with a playground: The window on the side of the play house was their imaginary concessions stand for ice cream and chicken nuggets, the smooth flat rock was an “airplane”, and the slide mountain became home to countless games of chase. Watching them explore its grounds, it’s quite evident that this space was designed with creativity and imagination in mind.

I have been coming to Jollyman for years even prior to its remodel. I have seen the traffic levels, and can say for a fact that the park has never had so many visitors consistently before. There truly is something for everyone. I see the younger children hanging out at the sandbox, older children climbing the rope structure, and children looking for less physical play arriving with boxes of chalk for the wall. We, the parents, particularly appreciate the live shade trees and landscaping, which provide a comfortable place to wait at a far cooler temperature than shade sails can ever achieve.

Jollyman has now gone from sleepy Cupertino park to a true destination that brings our community together. Thank you to this council, former councils, and staff for taking the time to invest in this project, gather community feedback, and obtain the grant funding to make it a reality!

With gratitude,
Tracy

From: Qian Wang
To: Kirsten Squarcia
Cc: City Clerk; Xiangyang Jiao; Griffin
Subject: 7-15-2025 City Council Meeting - Qian Wang slides ORAL COMM
Date: Tuesday, July 15, 2025 11:49:21 AM
Attachments: SignificantHighwayNoise-N Blaney.pdf

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

Dear City Clerk Squarcia,

My name is Qian Wang and I plan to speak during Oral Communications tonight. Attached are the slides I plan to present. Please also include them as part of Written Communications for tonight's City Council meeting.

Thank you,
Qian Wang

Significant Highway Noise Issue in N Blaney Neighborhood

Noise from Highway 280

Q W, XY Jiao from N Blaney Neighborhood
07/13/2025

Problem Statement and Goal

Problem Statement

- Constant and significant Highway noise in N Blaney neighborhood from HWY 280
  - Multiple openings in existing sound barrier wall in Cupertino
  - Short sound barrier wall comparing with other places
  - Highway surface very rough, which makes louder noise

Goal

- To address this issue to City
- To request city to update the contract with PlaceWorks to include updating the noise study in the Health and Safety chapter of the General Plan
- To get help from city to ask VTA/Caltrans to find ways to mitigate the noise such as repaving, add a sound wall in areas that do not have one, increase the sounds barrier wall height

Current Noise Level in N Blaney Area

Ref: https://www.vta.org/sites/default/files/2023-04/EA%2004-1K300%20280-Wolfe%20Final%20NSR%2010-9-19_Approved_0.pdf
Ref: https://ia.cpuc.ca.gov/environment/info/aspen/cresseygallo/dmnd/5-12_noise.pdf

- Current Noise Level in N Blaney Neighborhood:
  63dB - 76 dB average, peak higher than 80dB
- Allowed noise level in Santa Clara County: 45-55dB
- Based on federal guideline, hearing loss can happen with this high/constant noise

Federal. There are no federal regulations that limit overall environmental noise levels; however, federal guidance documents address environmental noise and regulations for specific sources (e.g., aircraft or federally funded highways). Table 5.12-3 summarizes federal guidelines for exterior noise.

Table 5.12-3. Summary of Federal Guidelines and Regulations for Exterior Noise (dBA)

Effect	Maximum Level	Exterior or Interior Area
Hearing loss	Leq(24) < 70 dB	All areas.
Outdoor activity interference and annoyance	Ldn < 55 dB	Outdoors in residential areas and farms and other outdoor areas where people spend widely varying amounts of time and other places in which quiet is a basis for use.
	Leq (24) < 55 dB	Outdoor areas where people spend limited amounts of time, such as schoolyards, playgrounds, etc.
Indoor activity interference and annoyance	Ldn < 45 dB	Indoor residential areas.
	Leq(24) < 45 dB	Other indoor areas with human activities such as schools, etc.

Figure D1. Daily Noise Trends at LT-1, 19640 Auburn Drive, Cupertino, Wednesday, April 3, 2019

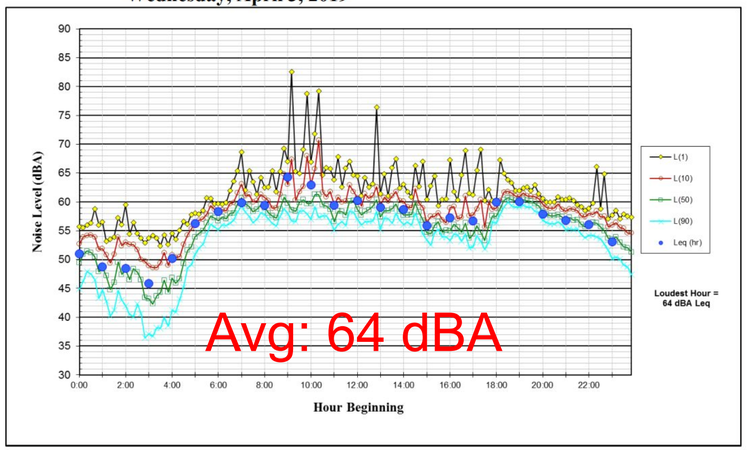
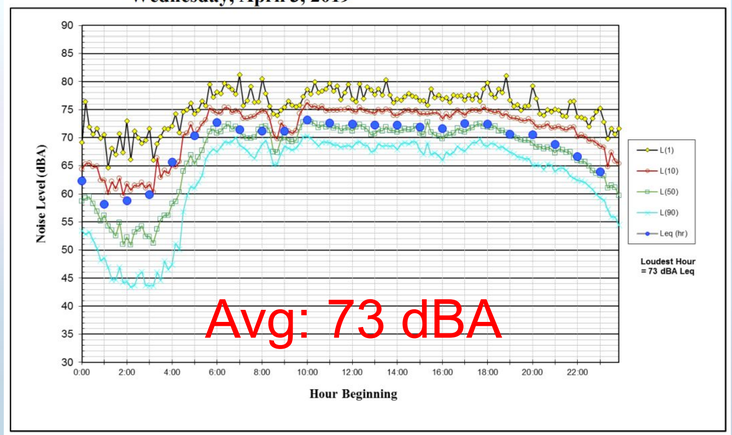
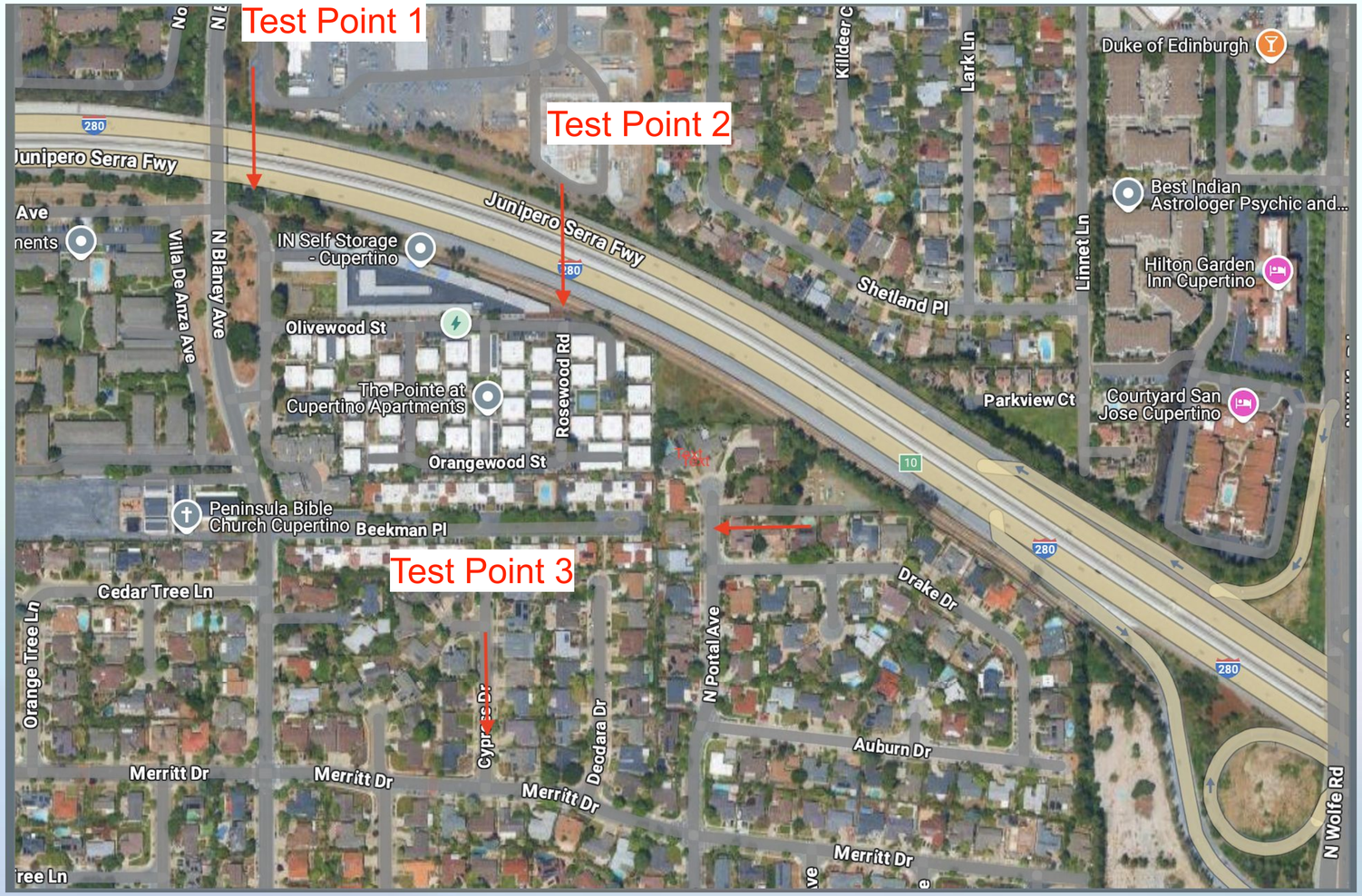


Figure D2. Daily Noise Trends at LT-2, 19500 Pruneridge Avenue, Cupertino, Wednesday, April 3, 2019



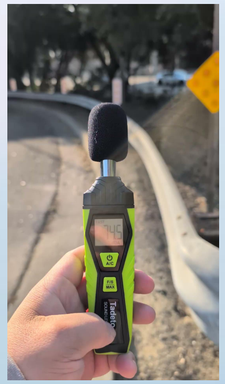
Current Noise Level in N Blaney Area

Verified by our own measurements (6/22/2025 6-7 PM)

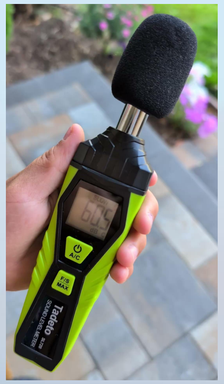


	Noise Level (dB)
TP1	>70
TP2	63-67
TP3	60-70

- Even worse noise during peak hours.
- Significant noise even after 12 AM.
- Lots of racing cars/motorcycles even after 11:30 PM.





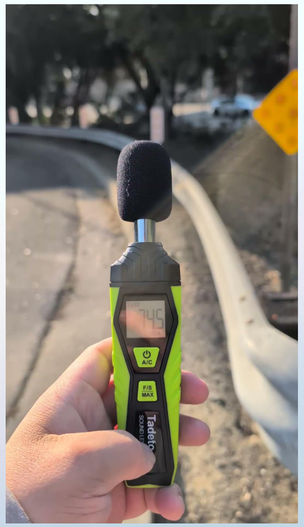


Openings in existing sound barrier wall

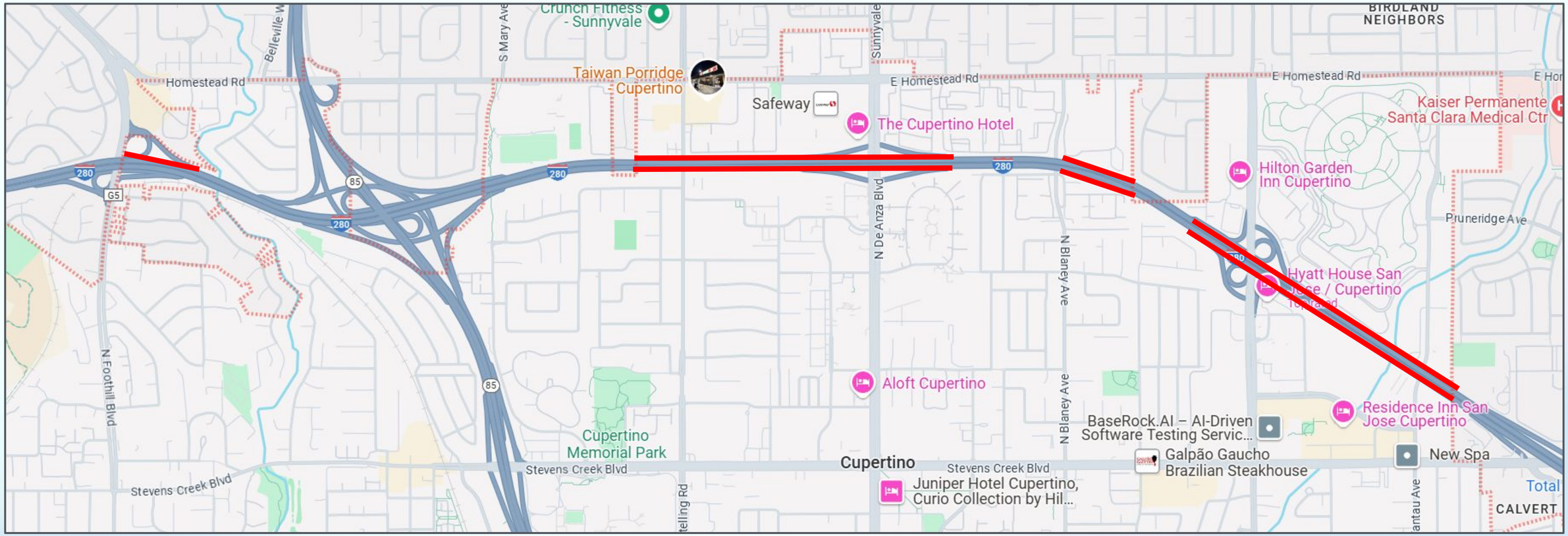
Crossing of N Blaney and Lucille Ave



- Residential area right next to this wide opening
- Noise directly travels to the N Blaney neighborhood



HWY 280 Sound Barrier Wall Missing area



- Red lines marks the locations along Hwy 280 missing sound barrier wall
- Hwy 280 ground level in Cupertino is high, especially at the east side, which make highway noise impact area much larger.
- Hwy 280 in Cupertino is still using the concrete, which is much higher noise comparing with Asphalt pavements in Los altos.

HWY 280 vs HWY85

HWY 85 Noise Reduction Project: https://www.vta.org/projects/state-route-85-noise-reduction-program





- Hwy 280 has openings with no sound barrier wall
- Hwy 280 north ground level is higher than south side - noise travels to south side easily!
- Even existing sound barrier wall very short compare with the Hwy85
  - Hwy85 ground level much lower than surrounding neighborhood
  - And hwy 85 is having noise reduction project ongoing!





HWY 280 in other place

HWY 85 Noise Reduction Project: https://www.vta.org/projects/state-route-85-noise-reduction-program



- Los Altos has used the asphalt pavements to reduce the highway noise and it has stopped at the border of the Cupertino city.





- Santa Clara builded the highway sound barrier wall, which is stopped right at the border of Cupertino.

Proposal to Improve

- Repavement with rubberized asphalt → Most effective way
- Close the existing openings along the highway
- Taller sound barrier wall

Asks from Neighborhood

- To request city to update the contract with PlaceWorks to include updating the noise study in the Health and Safety chapter of the General Plan
- To get help from city to ask VTA/Caltrans to find ways to mitigate the noise such as repaving, add a sound wall in areas that do not have one, increase the sounds barrier wall height
- To get regular update from city on the request

Addressing youth climate anxiety with city Climate Action Plan

Krish Arora
Rising Senior, The Harker School
krisharora2030@gmail.com

About myself

Aug 2020: Orange skies over Bay Area compelled me to do something.

Summary: Climate anxiety → Climate action

5+ years of research in climate impact mitigation and climate resilience

FindMySpace: Affordable AI/ML based method to **reduce** idling emissions caused by drivers looking for parking in cities. (Synopsys award, IEEE, Patent, City Recognition)

EcoSat: Affordable AI/ML based method to accurately estimate CO2 emissions from satellite images of power plant chimneys. (Synopsys award, IEEE, City Recognition)

MIT/BWSI: Coursework and project to build most efficient routing of relief supplies in hurricane impacted region.

UCSD/INC: Research intern in a multi-university effort on neuromorphic computing with a goal to build chips that are 2X more energy efficient for AI workloads. (Nature publication pending)

Climate anxiety: Research youth climate anxiety and ways to address.

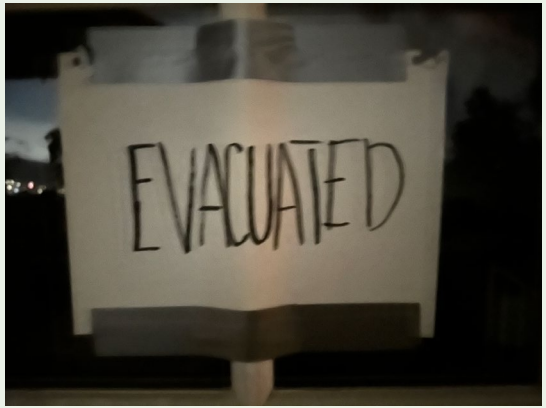
Youth climate anxiety is a real and growing concern

Study after study shows **>80% of youth** are **highly** concerned about climate change and its impact.

Climate anxiety is characterized by a feeling of **lack of control and helplessness**. It can manifest as a **mental health concern.** symptoms can include **depression**.

California wildfires are especially a huge factor contributing to local youth climate anxiety.

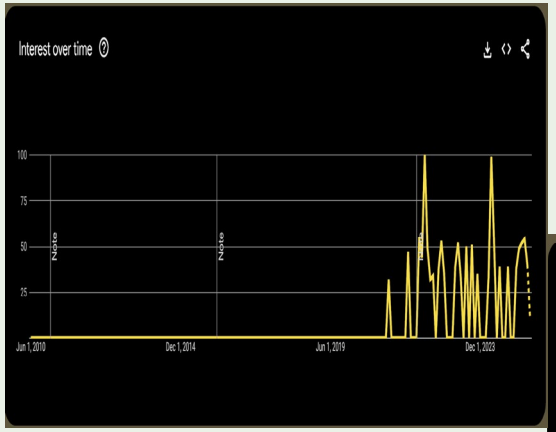




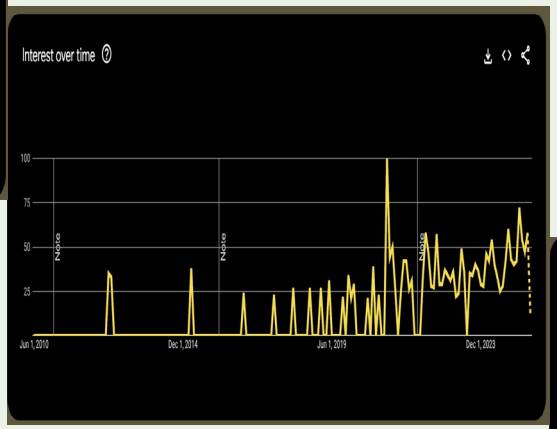
Pictures taken by my cousins

Google search trends in California (2010:2025)

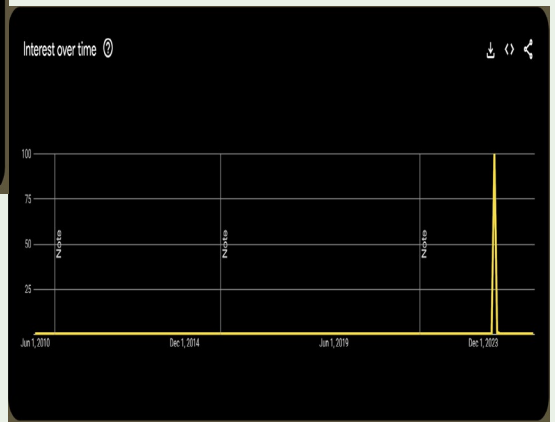
climate anxiety vs. climate disaster vs climate progress



Climate anxiety



Climate disaster



Climate progress

Concern and worry about climate and **climate disaster** far **outweighs** curiosity about **climate progress**

Recommended Solutions

1. Take action: reduce impact on climate
2. Connect with nature: nature walks, conservation projects
3. ***Balance negative news with climate progress updates. Be real and balanced.***
4. Learn about climate resilience through courses like one offered by UC.
5. Engage with local community

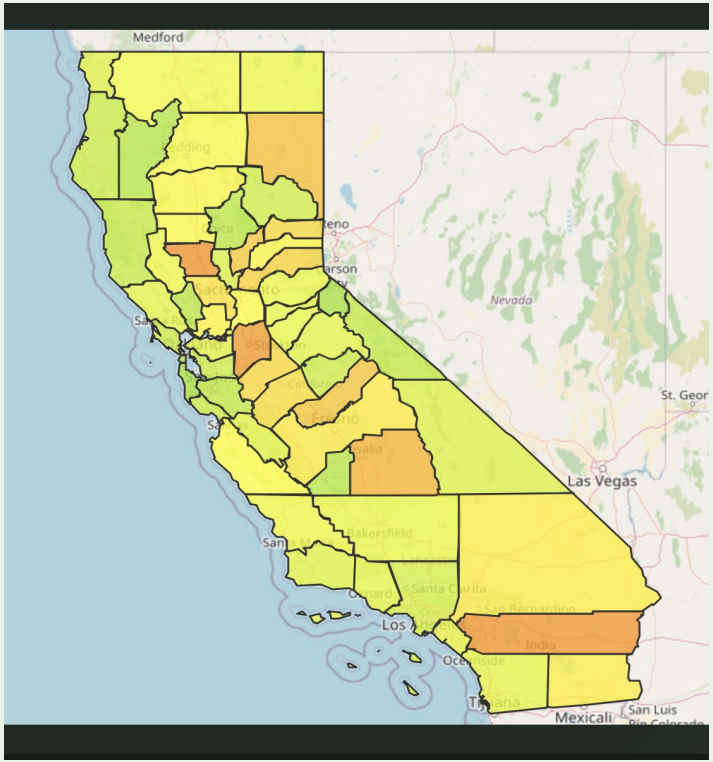
I focused on #3.

California Air Emissions Board(CARB) provides detailed transportation emissions data since 2000. I took some of this data and generated some insights that show the progress we've made.

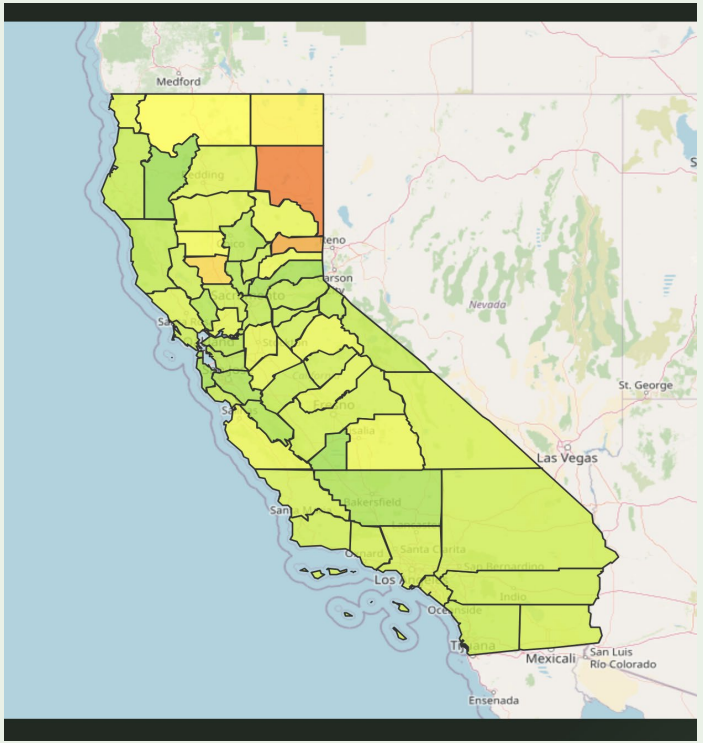
https://ww2.arb.ca.gov/our-work/programs/msei/on-road-emfac

Santa Clara county and California have made progress (2000:2024)

Analyzed GHG and population dataset: custom analytics tool



43 out of 58 counties reduced GHG emissions between 2000 and 2024.



54 out of 58 counties reduced per capita GHG emissions between 2000 and 2024

Santa Clara county and California have made progress (2000:2024)

Analyzed GHG and population dataset

Year	GHG Emissions	Per person GHG	Population
2000	7,509,119 MT	4.46 MT	1685000
2024	5,724,622 MT	2.97 MT	1926325
Change	-23.76%	-33.4%	+14.32%

Santa Clara county reduced net emissions by 23.7% and per capita GHG by 33% between 2000 and 2024

Year	GHG Emissions	Per person GHG	Population	GDP
2000	165031500 MT	4.87 MT	33871648	1.8 Trillion
2024	153077200 MT	3.88 MT	39431263	4.1 Trillion
Change	-7.2%	-20.3%	+16.41%	+128%

California reduced its net emissions by 7.2% between 2000 and 2024 while GDP increased by > 100%

Proposals

1. Sections in green **newsletter around climate progress**
    a. I already have an Op Ed written with these insights.
2. Update the city's **Climate Action Plan** with a goal for **reducing climate anxiety**.
3. Make an **accessible analytics tool/website** that shows local **climate progress**.
    a. I am developing a website with the insights I showed and more.

Thank you for listening!

contact: krisharora2030@gmail.com

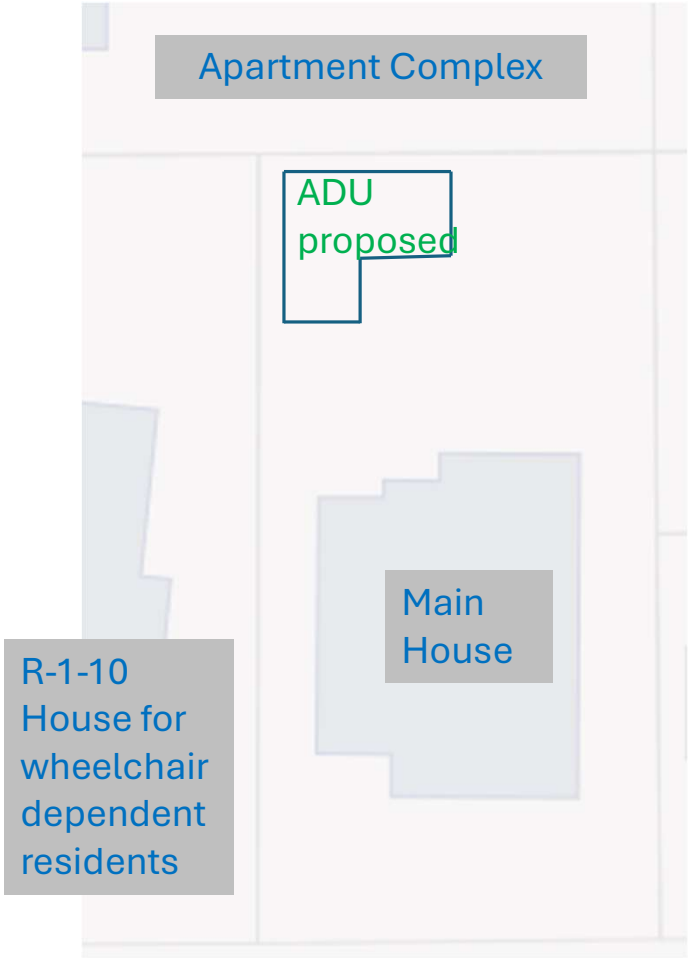
Propose an update to
city ADU ordinance –

4 ft setback for ADU <1000 sq ft

My ADU permit application

- Permit to build 999 sq ft 1-story ADU, 10 ft ceiling,
  - to align with 11 ft ceiling of main house
  - designed for no loss to neighbor's view, privacy or light

- Subject to non-streamlined review
  - applied 10 weeks ago
  - working with City Planning thru multiple meetings



Encountered CMC contradiction to building code
(confirmed with City Planning)

- Current CMC requires my ADU to have a 10.5 setback to side and rear

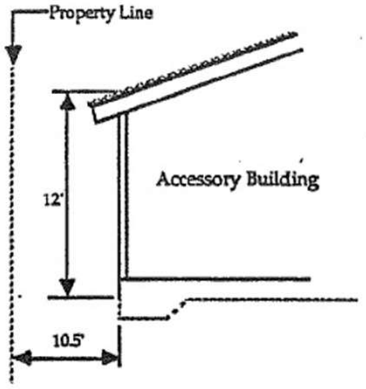
- The issues:
  - "Wall plate height" not well defined in CMC
  - Wall-plane rule (CMC 19.100.030.2.h) limits to ~5'-8" top plate at 4 ft setback
  - Building code requires min 7 ft plate height
  - Four-foot ADU setback thus infeasible

- Neighboring practice for reference:
  - San José, Los Altos: 4–5 ft setbacks with ministerial review
  - Santa Clara County: detached ADUs up to 1,200 sq ft via simple building permit

CMC 19.100.030.2.h

Appendix A: Detached Accessory Buildings and Structures Example

Appendix A: Detached Accessory Buildings and Structures Example



HEIGHT	SETBACK
7'	3.0'
8'	4.5'
9'	6.0'
10'	7.5'
11'	9.0'
12'	10.5'
13'	12.0'
14'	13.5'
15'	15.0'

Propose amendment

- **Amend CMC § 19.112.040.C**: 4 ft side/rear setback for detached ADUs ≤ 1,000 sq ft
- **Exempt Wall-Plane Height**: CMC § 19.100.030.2.h not to apply to habitable ADUs
- Help to **expedite my permit application**

- This benefits the whole Cupertino community
  - Resolves code inconsistencies
  - Promotes infill housing
  - Aligns with State ADU vision (esp. 4ft setback)

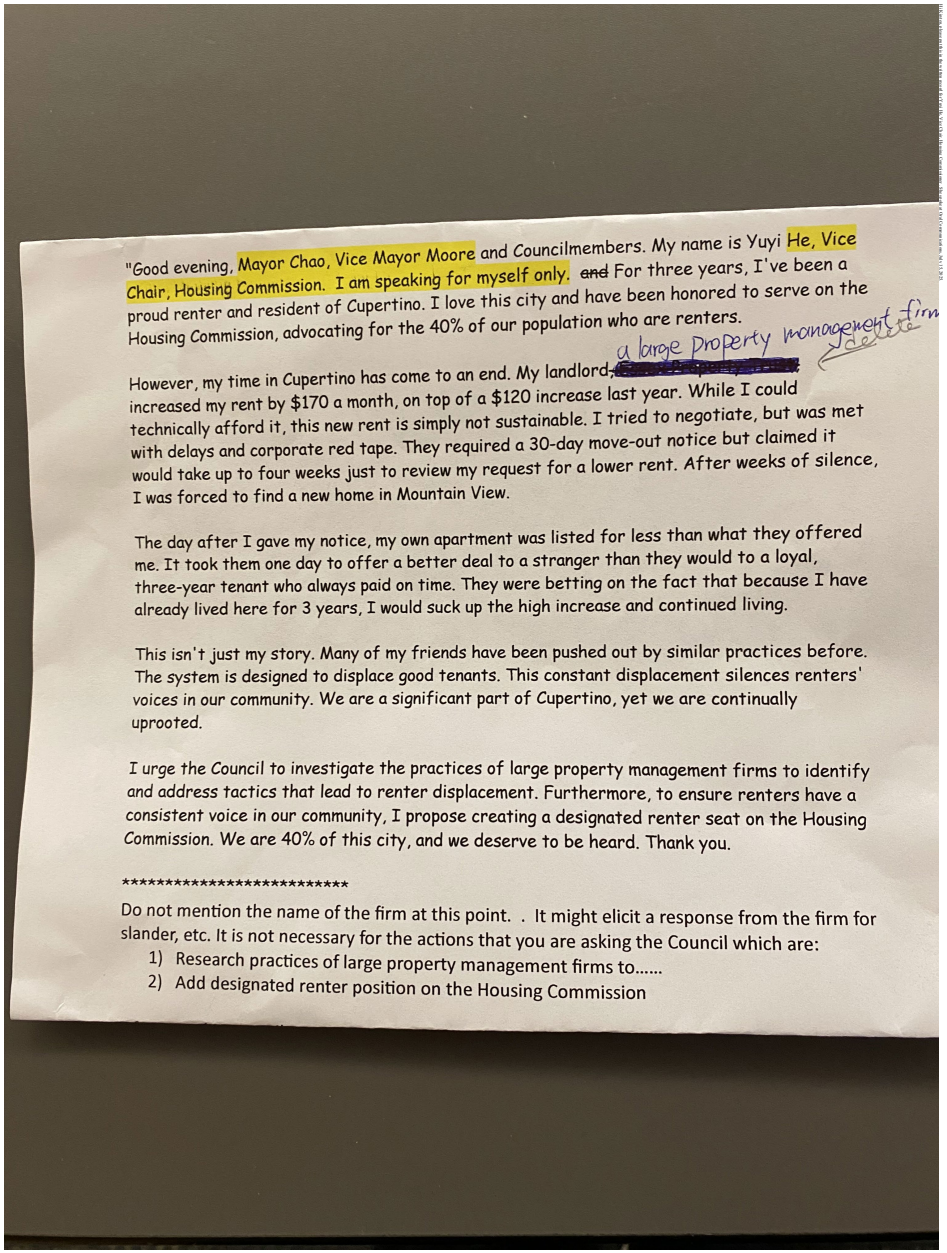
"Good evening, Mayor Chao, Vice Mayor Moore and Councilmembers. My name is Connie Cunningham Chair, Housing Commission. I am speaking for myself only.

I am saddened that we are losing a talented Commissioner due to this system used by large property management firms. Yuyi He has been an active, capable and hard-working Commissioner. She is always aware of the issues, has excellent comments and discussion during the meetings. As a renter she has often brought into the conversation issues that homeowners do not have. I will miss her. As Vice Chair, she was likely going to move into the Chair position in the coming years. This would have enhanced her voice on all issues, and for renters, would be a role model for working with the city government.

as Yuyi He asked

I urge the Council to investigate the practices of large property management firms to identify and address tactics that lead to renter displacement. Furthermore, to ensure renters have a consistent voice in our community, I propose creating a designated renter seat on the Housing Commission.

Thank you, Connie



"Good evening, Mayor Chao, Vice Mayor Moore and Councilmembers. My name is Yuyi He, Vice Chair, Housing Commission. I am speaking for myself only. ~~and~~ For three years, I've been a proud renter and resident of Cupertino. I love this city and have been honored to serve on the Housing Commission, advocating for the 40% of our population who are renters.

However, my time in Cupertino has come to an end. My landlord, a large property management firm [redacted], increased my rent by $170 a month, on top of a $120 increase last year. While I could technically afford it, this new rent is simply not sustainable. I tried to negotiate, but was met with delays and corporate red tape. They required a 30-day move-out notice but claimed it would take up to four weeks just to review my request for a lower rent. After weeks of silence, I was forced to find a new home in Mountain View.

The day after I gave my notice, my own apartment was listed for less than what they offered me. It took them one day to offer a better deal to a stranger than they would to a loyal, three-year tenant who always paid on time. They were betting on the fact that because I have already lived here for 3 years, I would suck up the high increase and continued living.

This isn't just my story. Many of my friends have been pushed out by similar practices before. The system is designed to displace good tenants. This constant displacement silences renters' voices in our community. We are a significant part of Cupertino, yet we are continually uprooted.

I urge the Council to investigate the practices of large property management firms to identify and address tactics that lead to renter displacement. Furthermore, to ensure renters have a consistent voice in our community, I propose creating a designated renter seat on the Housing Commission. We are 40% of this city, and we deserve to be heard. Thank you.

****

Do not mention the name of the firm at this point. . It might elicit a response from the firm for slander, etc. It is not necessary for the actions that you are asking the Council which are:

1) Research practices of large property management firms to.....
2) Add designated renter position on the Housing Commission

CC 07-15-2025

Item No. 11

Study Session - Application to develop ELI and BMR housing units

Written Communications

From: Peggy Griffin
To: Public Comments
Cc: Gian Martire
Subject: 2025-07-15 City Council Meeting-ITEM11 Mary Ave ELI Housing Study Session
Date: Sunday, July 13, 2025 5:10:13 PM

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

PLEASE INCLUDE THIS EMAIL AS PART OF WRITTEN COMMUNICATION FOR THE ABOVE MEETING AGENDA ITEM.

Dear City Council and Staff,

Following questions/requests/comments regarding the Staff Report and Plan Set:

IMPORTANT – Power outages
Disabled people often have medical equipment that needs power either to run or to charge. I see solar panels but no reference to batteries for power outages. CPAP machines, hospital beds, elevators for wheelchair bound residents, charging for electric wheelchairs, lifts, etc. These are essential for everyday living. Loss of power can be very serious.

Q1: Can/will this project provide battery backup so at minimum, the elevators work?
Q2: Will the windows open in case power goes out on a very hot day?

DOG PARK AREA – parking across from it
Currently, there are parking spaces on the east side of Mary Ave directly across from the dog park.
Q3: Why are these being removed?
The bike lane could continue along the edge of the sidewalk as it does right now. Please preserve what few spaces that can be preserved on Mary Ave.

CONFUSION
There is a major confusion on the Plan Set regarding Mary Ave street parking
Q4: Are all the parking spaces on the east side of Mary Ave that are directly across from the ELI project being removed?
Page 3 of 16 (Overall Illustrated Plan), shows no parking on the east side of Mary Ave across from this ELI project BUT…
Page 11 of 16, Proposed ViewPoint A, right picture is the “after of Building #1” shows parking remaining on the east side of Mary Ave.
Page 11 of 16, Proposed ViewPoint B, right picture is the “after of Building #2) shows parking remaining on the east side of Mary Ave.
Page 12 of 16, Proposed ViewPoint C – same issue – shows parking remaining on east side

Page 12 of 16, Proposed ViewPoint D – same issue – shows parking remaining on east side

Disappointment with the Staff Report

Key facts are left out regarding this project. Minor details/numbers don't match the plan set. It refers to a non-existent Figure 1. Not to mention the following:

- The Staff Report just mentions diagonal parking spaces being removed and replaced with parallel parking. It does not mention that all the parallel street parking spaces will be dedicated to the project to provide a total of 55 spaces.
- There is no discussion or even a mention that Mary Ave will be re-configured in a major way as a result of this project.
- Since this is a BMR funded project, the units are typically available for 55 or 99 years but this is on public land, using public funds. I've heard these are "forever units" but I have not seen it in writing. This is a VERY important reason to support this project. Why is this not mentioned?

REQUEST1: For this Study Session, can staff provide "before" and "after" diagrams of Mary Ave showing all the changes they are proposing for this street?

REQUEST2: Please make sure as part of the lease agreement that the units are "forever units" and that the land will always remain publicly owned (not turned over to someone after so many years in exchange for developing this project)?

Thank you,
Peggy Griffin

Just for reference…

COMMENT #1 – Staff Report and Plan Set differ

- Staff Report says 20 units per building
- Plan Set says Building #1 has 19 units and Building #2 has 21 units

COMMENT #2 – Staff Report and Plan Set differ

- Staff Report says 18 units for disabled
- Plan Set says 19 units for disabled

COMMENT #3 – Missing "Figure 1"

- Staff Report says "..a Vicinity Map is provided as Figure 1" but there is no Figure 1
- Plan Set has a Vicinity Map on Page 1 of 16 (lower left corner)

From: Mahesh Gurikar
To: City Council; Tina Kapoor; City Clerk; Benjamin Fu; Luke Connolly
Subject: No new buildings on Mary Ave
Date: Thursday, July 10, 2025 2:40:55 PM

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

Dear Council Members

I am a long time resident of Cupertino and I live just off Mary Ave.

The city should not permit any new construction on west side of Mary Ave which will encroach on the current Mary Ave and parking slots. Memorial park hosts many events throughout the year which attracts lot of local and out of town visitors. Reducing the parking will make the situation worse for visitors.

Please do not permit any new construction on Mary Ave.

Thank you,
Mahesh Gurikar
Cupertino resident

From: Trevor Lang
To: City Council; City of Cupertino Planning Dept.; Public Comments
Subject: Public Comments on Application No.: ASA-2025-006 (Mary Avenue Housing Proposal)
Date: Tuesday, July 15, 2025 3:40:55 PM

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

Per "Notice of Public Hearing," regarding ASA-2025-006, please include my comments:

To Mr. Benjamin Fu, Director of Community Development, and to the Cupertino City Council:

I am writing to express my strong opposition to the proposed development of 40 extremely low-income and below-market-rate housing units for developmentally delayed individuals on city-owned property along Mary Avenue. As a father of two young children and a resident living near the proposed site, I am deeply concerned about the severe negative impacts this project would have on our neighborhood, particularly regarding **environmental health and safety for our community's most vulnerable residents.**

Mary Avenue is already a heavily burdened street, struggling to accommodate a significant volume of traffic and activity. We currently contend with a busy city service center on Mary Ave that generates constant truck and large service vehicle traffic carrying construction and landscaping equipment throughout the day. This existing congestion is further exacerbated by the newly-built townhomes and condominiums across from the heavily trafficked Memorial Park. This summer alone, Memorial Park has hosted weekly large city-sponsored events drawing hundreds of people, further straining the street's capacity. Beyond vehicular traffic, Mary Avenue serves as a crucial bicycle thoroughfare, connecting communities north and south of Highway 280 via the Mary Avenue bridge. Additionally, the popularity of the dog park next to the proposed development site brings many pet owners and their animals to the area, adding to the pedestrian activity.

Adding another 40 housing units, regardless of their specific purpose, will undeniably further congest Mary Avenue, a small, two-lane residential street that is already acting as a funnel for a large and diverse volume. **This increase in traffic poses significant safety risks for pedestrians, cyclists, and especially for the young children and developmentally delayed individuals who would reside at the proposed site and who may have unique vulnerabilities regarding street safety, spatial awareness, and response to traffic hazards.**

Beyond traffic, my opposition is rooted in serious environmental and public health concerns directly related to the site's proximity to **Highway 280**:

- **Air Quality and Elevated Health Risks for Vulnerable Populations:** The proposed site's adjacency to a major freeway (Highway 280) presents significant air quality concerns. California Air Resources Board (CARB) and California Department of Public Health (DPH) advisories strongly recommend a **500-foot buffer between freeways and sensitive land uses like residential housing** due to elevated levels of particulate matter and other air pollutants. Exposure to these pollutants is associated with increased rates of asthma, respiratory issues, cardiovascular disease, and impaired lung development in children. For developmentally delayed individuals, who may already have compromised

health or specific sensitivities, these risks are amplified. While certain CEQA exemptions aim to expedite affordable housing, these exemptions are **not intended to bypass critical health and safety assessments, especially when the proposed residents are among the community's most vulnerable.** The city has a moral and legal obligation to ensure the proposed housing provides a healthy living environment. I urge the city to provide a comprehensive **Health Risk Assessment** demonstrating how these significant health impacts will be mitigated to acceptable levels for *all* residents, and particularly for those with developmental disabilities who may experience heightened susceptibility.

- **Noise Pollution and Impact on Well-being:** The constant, high-level noise from Highway 280 would significantly impact the quality of life for residents of this proposed development and surrounding neighbors. The California Building Code (Title 24, Section 1207) establishes an interior noise standard of **45 dBA Ldn/CNEL for habitable rooms in multi-unit residential structures**. For developments in noise-critical areas like this one, an **acoustical analysis** is required to demonstrate compliance. For individuals with developmental delays, excessive noise can be particularly disruptive, affecting sleep, concentration, and potentially leading to sensory overload and behavioral challenges. The city must ensure that the proposed building design incorporates robust noise attenuation measures to meet, and ideally exceed, these standards, recognizing the specific needs of the future occupants.

- **Cumulative Environmental Impacts and the Spirit of CEQA:** While the project may claim a CEQA exemption due to its unit count, the spirit of CEQA is to identify and mitigate significant environmental impacts. The cumulative effect of this new development, combined with the existing city service center, dense housing, heavily trafficked park, and the proximity to a major freeway, will create unacceptable burdens on Mary Avenue's environment. **Exemptions are not meant to allow projects that create significant health and safety hazards, especially for populations requiring specialized care and consideration.** The city has a responsibility to conduct a thorough review that goes beyond a mere checklist, focusing on the real-world impacts on this specific, vulnerable population and the already strained local infrastructure.

I urge the city to reconsider this proposal. The existing environmental burdens and safety concerns on Mary Avenue make it an unsuitable location for a high-density residential development, particularly one intended for a vulnerable population. The city has a responsibility to ensure public safety and to prioritize the well-being of its most vulnerable citizens. I request that the city explore alternative locations that can more appropriately accommodate such a development without compromising the safety, health, and quality of life for our community.

Sincerely,

Trevor

Cupertino Resident and Property Owner

From: Connie Cunningham
To: City Clerk; City Council
Cc: Cupertino City Manager"s Office
Subject: 2025-07-15 CC Agenda Item 11, Mary Avenue project
Date: Tuesday, July 15, 2025 5:07:45 PM

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2025-07-15 CC Agenda Item 11, Study Session, Mary Avenue project

Dear Mayor, Vice Mayor, Councilmembers and City Manager:

My name is Connie Cunningham, 38 year resident and Chair, Housing Commission, speaking for myself only.

I am pleased to support the application to develop new ELI (Extremely Low Income) and BMR housing units for Developmentally Disabled Individuals (IDD) on City-owned property along Mary Avenue.

This is much needed housing that has been on the Council's Work Program for many years. I remember 2019 when former Mayor Scharf made it a priority and I was new to the Housing Commission. I have attended the Housing Commission and City Council meetings for this project.

Many families and individuals will be helped with this housing. It will also facilitate our goal to keep individuals from falling into homelessness. Many IDD individuals live with aging parents, therefore, these apartments will help them and will, also, help our community.

It is good to see that the issue of parking is discussed and can be resolved with careful thought.

I urge you to give comments to staff that will move this project forward.

Sincerely,

Connie L Cunningham

From:	Santosh Rao
To:	City Council; City Attorney"s Office; Tina Kapoor; Benjamin Fu; Luke Connolly; Chad Mosley; Gian Martire; City Clerk
Subject:	Request to Review Mary Ave Villas in Light of Article 34 Applicability Due to City Financial Participation
Date:	Wednesday, July 16, 2025 12:17:16 AM

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

Dear City Clerk,

Please include the below in written communications for the 07/15/25 city council meeting agenda item on Mary Ave Villas.

[Writing on behalf of myself only, as a Cupertino resident]

To:
Mayor Liang Chao
Cupertino City Council

CC:
City Clerk

City Attorney

Interim City Manager Tina Kapoor

Director Fu, Community Development

Director Mosley, Public Works

Deputy Director Connolly, Planning

City Planner Martiere

Subject: Request to Review Mary Ave Villas in Light of Article 34 Applicability Due to City Financial Participation

Date: July 16, 2025

Dear Mayor Chao and Honorable Councilmembers,

I am writing to respectfully but urgently request that the City Council **reconsider its recent vote** approving the proposed **Mary Ave Villas** low-income housing project, and to **place this item back on the agenda** at the next regular City Council meeting.

I believe there are **serious legal and constitutional issues** that deserve fuller consideration before this project proceeds further — in particular, compliance with **Article 34 of the California Constitution**, which requires **voter approval** for certain types of publicly supported and funded low-income housing.

Article 34 Requirements

To ensure transparency and shared understanding, here is the **verbatim text** of Article XXXIV, Section 1:

> **"No low rent housing project shall hereafter be developed, constructed, or acquired in any manner by any state public body, as defined by law, whether for itself or for another, until a majority of the qualified electors of the city, town or county, as the case may be, in which it is proposed to be developed, constructed, or acquired, voting upon such issue, approve such project by majority vote."**

This language makes clear that if the City is involved in the **development "in any manner"**—whether through **financing, leasing, or other material participation**—then **voter approval is constitutionally required**.

Case Law That Guides This Interpretation

The California courts have consistently affirmed that **public financing or subsidy**—even where the City does not directly own or construct the housing—can still qualify as "development" under Article 34. Relevant cases include:

- **Anderson v. City of Santa Barbara (1974)**: City's financial involvement in a nonprofit-led project triggered Article 34.
- **City of Santa Clara v. Perry (1971)**: Land leases and financial support by the city constituted development requiring a vote.
- **Griffin v. County of Marin (1984)**: Below-market public financing qualified as "development."
- **San Mateo County v. Boss (1971)**: Differentiated projects with **minimal city involvement**, clarifying that **passive land leasing without public financing** does not trigger Article 34.

Given this precedent, it would be prudent for the City to conduct a detailed review of whether **Mary Ave Villas** involves public financial support, land arrangements, or other forms

of development activity that would fall under the scope of Article 34.

I urge the Mayor and council to:

1. **Agendaize a reconsideration** of the Mary Ave Villas approval at your next council meeting.

2. **Review and evaluate** whether the City's involvement in the project rises to the level of "development" under Article 34 **given the funding by the city to the project.**

3. If so, consider placing the matter on the **November 2026 ballot** so that Cupertino voters have the opportunity to weigh in. Alternatively rescind all funding offered to Mary Ave Villas and any other similar project that would similarly trigger Article 34.

4. In the meantime, **pause further steps** that would advance the project until this constitutional question is properly addressed.

This is not about opposing affordable housing, but rather ensuring that **constitutional due process is followed** and that the **community is involved**, as Article 34 intends.

Thank you for your continued service to our community. I trust that the City Council will give this matter the thoughtful but urgent and careful consideration it deserves.

I also urge the city attorney to carefully review the above case law precedent and give your legal recommendation to council so as to not put the city in a place where it is exposed to risk of non-compliance to Article 34 of the California constitution.

Sincerely,

San Rao (Writing on behalf of myself only, as a Cupertino resident)

From: Lina Meng
To: City Council; City of Cupertino Planning Dept.; Public Comments
Subject: Public Comments on Application No.: ASA-2025-006 (Mary Avenue Housing Proposal)
Date: Tuesday, July 15, 2025 9:43:07 PM

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

Dear Mayor and City Council Members,

My name is Lina, a concerned resident of Cupertino. I attended the council meeting in person tonight but had to rush home to relieve my babysitter and did not have a chance to speak during special study Item 11 tonight regarding the proposed Mary Ave Villas project.

As a mother of two young children, our lives are deeply intertwined with Mary Avenue. We frequent the bike lanes, spend countless hours at Memorial Park—our city's main park for city-wide events—and our dog loves the dog park, all accessible via this very street. I write today, pleading for the safety and well-being of our community. I respectfully urge you to **reconsider and vote against** the proposed affordable housing development on Mary Avenue.

While I wholeheartedly support our city's need for more housing, the chosen location for this project presents critical challenges that cannot be overlooked.

First, **the sheer density and its impact on traffic and community flow are alarming.** Mary Avenue is already a heavily trafficked artery, burdened by 269 new residential units from Westport and Arroyo Village, with 40 more units from Mary Avenue Villas and another Westport facility in the pipeline. This street is at its absolute capacity, especially during school hours for Garden Gate Elementary. The project plans themselves confirm this, showing the complex will **cut into Mary Avenue, impacting existing bike lanes and removing street parking** to accommodate the new buildings and their on-site parking. Adding more units here, coupled with the parking lot's entrance directly across from Glenbrook Apartments, will create an unbearable parking nightmare and gridlock, pushing our community past its breaking point. The recent July 4th celebration, with cars parked all the way down Mary Avenue to this proposed site, clearly illustrates how quickly our existing capacity is overwhelmed. This increases the risk of motor vehicle collisions with pedestrians.

Second, **this project directly compromises the safety of our children and residents.** The plans indicate building into our precious bike lanes and existing parking spots. I often hold my breath as my kids navigate these lanes. What was once a relatively safe passage for them to get to school or Memorial Park, where hundreds gather for city events, will become a gauntlet of increased traffic and reduced safe space, directly jeopardizing our most vulnerable.

We need housing, yes, but not at the expense of our community's safety, health, and quality of life. I urge the City Council to explore alternative uses for this city-owned land, or to consider other, more suitable locations within Cupertino that do not compromise the well-being of our existing neighborhoods.

Thank you for listening to my concerns, and the concerns of many other families in Cupertino.

Sincerely,

Lina

Cupertino Resident and Property Owner

CC 07-15-2025

Item No. 12

Study Session - Oversized vehicle parking restrictions

Written Communications

From: Peggy Griffin
To: City Council; City Attorney"s Office
Cc: City Clerk
Subject: 2025-07-15 City Council Meeting-ITEM12 Study Session Oversized Vehicles
Date: Thursday, July 10, 2025 4:49:55 PM

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

PLEASE INCLUDE THIS EMAIL AS PART OF WRITTEN COMMUNICATIONS FOR THE ABOVE MEETING AGENDA ITEM.

Dear Mayor Chao, Vice Mayor Moore, Councilmembers and Staff,

I'd like to thank the Planning Commission, Staff and Council for spending time discussing and understanding the many issues regarding oversized vehicles in our city. It's not an easy problem to solve and many cities have come up with many different solutions depending on what best fits their needs.

My husband and I are long-time RV owners and before that we rented RVs for family vacations. I've attended and provided input/comments for each of the previous meetings on this issue. Here are my comments/thoughts on the current proposal below.

1. Resident RV owners…
    a. An annual no-fee permit for ONE vehicle sounds reasonable.
2. Abuse of permits…Residents or non-residents abusing their permit
    a. POSSIBLE SOLUTION…revoke their annual permit or disallow the non-resident from obtaining further permits if there are 3 (verifiable) complaints/citations against them.
3. Resident boat/trailer owners…
    a. Q: Would this annual no-fee permit for ONE vehicle include a resident boat/trailer owner who might want to park their boat/trailer on the street?
    b. Q: Would the boat/trailer need to be connected to a vehicle?
4. Can't park within 1500 feet of a commercial district
    a. ISSUE…How will we know what is and isn't a commercial district?
    b. ISSUE…How far is 1500 feet? Can you give a lay person's guide on how far away that is please? If I do the math, it's 5 football fields or just over a ¼ mile.
5. Q: How do you see this being implemented? Specifically,
    a. Where will the signs be placed?
    b. What will they say?
    c. How will you designate "commercial areas"?

    d. How will non-resident RV owners apply/obtain permits? (They may not have mailing addresses or may be from another state.)
6. Q: What if someone moves every 48 hours? Can they just move a few feet or a car length and cause the clock to re-start?
    a. Can this situation be avoided?

I can see that initially non-resident RVs will apply for the 3-day permits and move to residential areas to park but they'll have to move in 3 days. After 15 days of this they will need to move out of the city for a year.

REQUESTS:
1-Please, whatever you come up with, please make it easily enforceable.
2-Find a way to mark/log a vehicle location (picture with date/timestamp?) so moving the vehicle can't be "gamed".

Sincerely,
Peggy Griffin

From: Greg Endom
To: City Council; City Clerk; Tina Kapoor
Cc: Lai Ching "Steve" Huang; Randy Cheng
Subject: Overzied Vehicle Parking - City of Cupertino
Date: Thursday, July 10, 2025 2:32:04 PM

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

Mayor and Councilmembers:

The owners of Marina Plaza were solicited for feedback and comment prior to the Planning Commission (on June 24, 2025) meeting, which discussed the oversized vehicle parking occurrences within the city limits of Cupertino.

Because Alves Drive, between North DeAnza and Bandley Drive is a frequent area for this type of activity, the Planning staff was interested in any feedback the ownership of the shopping center could provide on this topic.

Let me re-state my comments to Chair Rao for your benefit and information...

Chair Rao:
I received your email to Amy Chan, who forwarded it to me. I represent the ownership of the Marina Plaza Shopping Center, specifically with respect to its planned redevelopment of the Marina Plaza Shopping Center property into a mixed-use residential and retail project.
In response to your request for commentary related to the current oversized parking of vehicles on Alves adjacent to the Marina Plaza center, I can offer you these thoughts…
While the current parked vehicles and their residents have not caused any material problems or generated concerns/complaints that the center ownership is aware of, the long-term viability of this type of parking pattern is in question at this location.

When the redevelopment of the center occurs, the construction activities and changes to the property during its redevelopment will not be conducive or most likely allow for this type of long-term parking. Once the redevelopment is complete, I would envision Alves being more conducive to bicycle lanes and parallel parking for the retail tenants, customers, and visitors to the residential units being planned at the site. The nature and use of Alves after the planned redevelopment will be substantially different from its current level of activity. The new mixed-use project envisions an activation and upgrade of this secondary street into a more pedestrian-friendly and neighborhood-welcoming thoroughfare.

Thank you for the opportunity to offer comments.

Sincerely,

Marina Plaza Shopping Center

On behalf of the ownership of Marina Plaza Shopping Center, I want to reiterate that the current parking situation **has not** caused any negative impacts or problems that the center's ownership is aware of. The Center's ownership is every sensitive to the current obstacles of solving the housing shortage and does not in any way want to negatively impact the limited opportunities for individuals to have an interim housing option while they continue to search for an individual long-term solution.

Given the current projected timeline, Marina Plaza will not undergo any form of material change in its redevelopment for probably a minimum of 24 months. As such, during the coming months, ownership is comfortable with the current parking situation and is not encouraging any change in the City's regulation of the parking of these oversized vehicles as it relates to the areas around the Marina Plaza Center.

Thank you for the opportunity to offer comments on this important community topic.

Marina Plaza Shopping Center

Greg Endom
Project Manager
925-550-8082
DRE# 00766333

From: Santosh Rao
To: City Clerk; City Council; Tina Kapoor; Floy Andrews; Benjamin Fu
Subject: Fw: RVs parked outside Aloft Cupertino
Date: Tuesday, July 15, 2025 7:17:13 AM

Dear City Clerk,

Could you please include the below in written communication for the agenda item on oversized parking at the 07/15/25 City Council meeting. Thank you.

Santosh Rao
Chair, Planning Commission
SRao@cupertino.gov

From: Santosh Rao <SRao@cupertino.gov>
Sent: Monday, June 30, 2025 8:02 PM
To: City Council <CityCouncil@cupertino.gov>; City Clerk <CityClerk@cupertino.gov>; Tina Kapoor <TinaK@cupertino.gov>
Subject: Fw: RVs parked outside Aloft Cupertino

This mail was received by PC today. The sender may have intended to send this to council as the item has already been heard at PC on 06/24/25.

Santosh Rao
Chair, Planning Commission
SRao@cupertino.gov

From: Nicklaus Meier <nmeier@shashigroup.com>
Sent: Monday, June 30, 2025 10:58 AM
To: City of Cupertino Planning Commission <planningcommission@cupertino.gov>
Cc: Santosh Rao <srao@cupertino.gov>; Deborah <Deb@cupertino-chamber.org>
Subject: RVs parked outside Aloft Cupertino

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

To Whom It May Concern,

For the past 18+ months, there have been several RVs parking on Alves Dr. in front of Aloft Cupertino. Our guests do not feel safe and this is an eyesore. We are worried that if nothing is done about this, these small problems can become bigger problems as we have seen in other Bay Area cities. We have gotten several bad reviews as well due to this. Two of them are linked below. Your attention to this matter is greatly appreciated.

Check out this review of Aloft Cupertino on Google Maps
https://goo.gl/maps/ZNRLjzuA5TYbHWKX7

Check out this review of Aloft Cupertino on Google Maps
https://goo.gl/maps/9gksn92N9e7PFL3m6

Nick Meier, CHRM
Chief Revenue Officer

Shashi Hospitality Group
10200 North De Anza Blvd.
Cupertino, CA 95014
Cell: 702-810-7275
nmeier@shashigroup.com
Shashi Hotel Mountain View | The Nest Hotel Palo Alto
Aloft Cupertino | Aloft Sunnyvale | Aloft San Jose Cupertino

From: Santosh Rao
To: City Clerk; City Council; Floy Andrews; Tina Kapoor; Benjamin Fu
Subject: Fw: Written communications on oversized vehicle parking ordinance from PC 06/24/25 meeting.
Date: Tuesday, July 15, 2025 7:20:33 AM
Attachments: Written Communications (Updated 6252025).pdf

Dear City Clerk,

Could you please include the below in written communication for the agenda item on oversized parking at the 07/15/25 City Council meeting. Thank you.

Dear Mayor Chao and Council members,

Please find enclosed and linked below the written communications from the 06/24/25 PC meeting on oversized vehicle parking ordinance which you may find to be relevant for agenda item on oversized parking ordinance for the 07/15/25 CC meeting.

https://cupertino.legistar.com/View.ashx?M=E2&ID=1249178&GUID=D0BBFCF1-A632-4D95-8F58-BC940409EBBB

Thank you.

Santosh Rao
Chair, Planning Commission
SRao@cupertino.gov

From: Santosh Rao <SRao@cupertino.gov>
Sent: Monday, June 30, 2025 10:07 AM
To: City Council <CityCouncil@cupertino.gov>; City Clerk <CityClerk@cupertino.gov>
Subject: Written communications on oversized vehicle parking ordinance from PC 06/24/25 meeting.

Dear City Clerk,

Would you please include the below in written communication for agenda item 16 for the 07/01/25 CC meeting.

Dear Mayor Chao and Council members,

Please find enclosed and linked below the written communications from the 06/24/25 PC meeting on oversized vehicle parking ordinance which you may find to be relevant for agenda

item 16 for the 07/01/25 CC meeting.

https://cupertino.legistar.com/View.ashx?M=E2&ID=1249178&GUID=D0BBFCF1-A632-4D95-8F58-BC940409EBBB

Thank you.



Santosh Rao
Chair, Planning Commission
SRao@cupertino.gov

PC 6-24-2025

Oral Communications

Written Communications

From: E. Poon
To: City of Cupertino Planning Commission
Cc: Jennifer Griffin; Rhoda Fry
Subject: Staples site to be developed
Date: Tuesday, June 10, 2025 6:15:30 PM

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

Many people would find it helpful to know that they can return packages at Staples. Whole Foods Market is commonly known as a location for returns, but Staples is not.
It would be useful to have Staples eventually take up a location somewhere else in Cupertino, with a smaller footprint.
We just heard that in San Francisco, Nordstrom is returning with a smaller store. Staples could survive well and help the community by planning along the same lines.

The future of retail in Cupertino is really in jeopardy. More ideas are needed, or it will become a Retail desert.

Eventually, the sea of townhouses will not be attractive, as there are not enough essential stores for residents.

In the lot, there is the Fontana Restaurant. I have always wondered why a lovely building like that is vacant. What was the history? It is one of the more interesting- looking buildings around here. It is a pity to have it demolished. Is is really a relatively new building? Why do we waste a nice looking building?

I heard the idea to preserve it as a Club House for the new townhome development. It is a brilliant idea. The developer might object to "losing" land, which might be part of the townhouse development, but they can be creative about land use and make up for it.

For example, they can consider an architectural style called the BackSplit, which is essentially a stacked duplex (5 levels with 2 levels for the top unit, 3 levels for the bottom unit) which has a low elevation that looks like a two story high building from the street. It is found in Toronto, Canada, in some neighborhoods. It uses the tri-level concept to stack 5 stories and still maintain a low profile. Such an efficient use of land as the Toronto BackSplit will allow the developer to keep the Fontana Restaurant as the Club House. This distinctive looking building will elevate the style of the entire complex.

We hope the developer will be open to new ideas.

Regards,
Emily Poon
Resident of 18 years

From:	Vivek Sagdeo
To:	sherman.wang@gmail.com; stephanieyang2010@gmail.com; 12bellabarb@gmail.com; Luke Connolly; Emi Sugiyama; Rajiv Chamraj; City of Cupertino Planning Commission; Liang Chao
Subject:	Followup on the public hearing on 20840 Stevens creek
Date:	Tuesday, June 10, 2025 8:20:19 PM

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

Hello,

It was quite illuminating to attend the hearing.
As a block leader, I would like to request a hearing with the Scofield block, which is affected by this project. We had vigorous activity related to Scofield MFU. We had no activity at all for this and let us discuss this before approving.

Mayor, since architectural committee did not wait to hear our feedback, hope that you will be able to discuss it with us before approval.

Vivek

Vivek Sagdeo
block leader
20821 Scofield

From: Susanne Chang
To: City of Cupertino Planning Commission; Santosh Rao; Liang Chao
Subject: Cupertino Memorial Park - Pickleball Noise
Date: Thursday, June 12, 2025 6:16:39 AM
Attachments: Pickleball Noise at Cupertino Memorial Park.pdf

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

To: Cupertino City Council and Planning Committee Members
Subject: Cupertino Memorial Park Pickleball Noise Issue
From: David and Susanne Chang
21143 Christensen Dr, Cupertino, CA 95014
Date: June 12, 2025

Dear Cupertino City Council and Planning Committee Members:

We raised the pickleball noise issues to Cupertino City Council and Planning Committee Members on August 14, 2023 and again January 10, 2025, yet there are no resolutions or improvements made to the issues, Instead, the city has allowed the problem to be further aggravated with no visible progress to alleviate: one more tennis court has been converted into 4 pickleball courts making a total of 8 courts allowing 32 people playing as well as spectators are present. Pickleball games tend to be much louder with players yelling and jeering during the game and certainly afterwards. This has brought even more noise and traffic onto Christensen Drive. Players park cars on the street, ignoring the “Permit Parking” and “No Parking Any Time” signs. Pickup, dropoff, and food delivery cars are constantly circling our formerly quiet street with children - including our grandchildren - playing, and cars speed off recklessly.

The Cupertino Pickleball Club has grown to 1,000+ members, majority of the players are non-Cupertino residents who do not pay property tax to support Cupertino City matters. Players start playing early in the morning once daylight breaks until the lights turn off at 9:09pm.

This pickleball noise is in violation of the City of Cupertino’s own Municipal Code Chapter 10.48 Community Noise Control, where this sustained level of noise is exceeding the daytime residential and non-residential maximum noise levels of 60dBA. When the hard surface of the pickleball racket connects with the hard surface of the ball, sound waves vibrate rapidly, registering a decibel level of ~70 dBA at 100 feet from the court. Consider how much noise is generated when 32 people are playing at the same time.

Our past and current feedback and complaints from the Memorial Park pickleball courts have yet to be addressed; instead, our physical home, mental health, and general well being as Cupertino residents of over four decades continue to be exacerbated. We request that Cupertino City to set an ordinance in regulating the players using the USA Pickleball quiet category-compliant paddle sanctioned for recreational use, proven to reduce noise by 50 percent. Also to set the starting time at 9am to reduce early morning noise.

Appreciate your response with proposed resolutions; other residents are also sharing similar concerns so we'd like to resolve this respectfully and cooperatively.

Thanks
Susanne and David Chang

From: valerie <vjmc1124@gmail.com>
Sent: Tuesday, June 17, 2025 7:11 PM
To: City Council <citycouncil@cupertino.gov>; City Clerk <cityclerk@cupertino.gov>; planningcommissions@cupertino.org
Subject: CEQA and traffic impact for McClellan Rd SB 330 project

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Dear City Clerk,

I understand this is a bit late for today's meeting at 6:45. But please include the below request in written communication for the ongoing meeting now.

Dear Mayor Chao and City Council Members,

As a long time Cupertino resident near McClellan Rd SB 330 project, I believe the proposed 27 unit townhomes is not a safe dwelling design for the current neighbors and the future residents.

Please conduct a full CEQA analysis and traffic impact study for the McClellan Rd SB 330 project, and share the results with the community.

Thank you very much for your attention.

vj

From: Gill Doyle <outerdog@gmail.com>
Sent: Monday, June 23, 2025 1:34 PM
To: Santosh Rao <srao@cupertino.gov>; Tracy Kosolcharoen <Tkosolcharoen@cupertino.gov>; David Fung <dfung@cupertino.gov>; Seema Lindskog <slindskog@cupertino.gov>; Steven Scharf <SScharf@cupertino.gov>; Luke Connolly <LukeC@cupertino.gov>; Piu Ghosh (she/her) <PiuG@cupertino.gov>; Emi Sugiyama <EmiS@cupertino.gov>; Ravi Kumar <ravi4biz@gmail.com>; Karsten Chin <edmk6@aol.com>; Denise <denise_menon@yahoo.com>; Sarah McLaren <Sarahkmclaren@gmail.com>; Veronica Law <veronica.law@gmail.com>; Cathy Tang <cathyktang@yahoo.com>; Jinn Su <jinnsu@yahoo.com>; Natalie Zhu <yzhu.natalie@gmail.com>; Howard & Janet <janhowhill@mac.com>; Dean Tatsuno <dataai@hotmail.com>; chenglei liu <chenglei.liusjsu@gmail.com>; C F <carlf9121@yahoo.com>; Frank's friend <Liuziqivivia@gmail.com>; Grace Hsue <grace_hsue@yahoo.com>; Sean Leu <seanleu@yahoo.com>; Bindeeya Desai <bindeeya@comcast.net>; Chen Yu Lee <chenyulee260@gmail.com>; William H. Kerr <WHKerr@comcast.net>; James Wang <jameswang95014@yahoo.com>; Ashok Natesan <ashok.natesan@gmail.com>; Huafei Wang <huafeiwang1991@gmail.com>; Rahul Shinkre <shinkre@yahoo.com>; Chinh <chinhster@gmail.com>; Meena & Pinaki Mukerji <mpinaki@gmail.com>; Vic Menon <victor.menon@gmail.com>
Subject: Tessellations shuttle solution

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I live near the school and represent 29 households that have signed a petition that asks the City to deny Tessellations' request for permission to operate a high school at the old Regnart Elementary site.

In December 2023 Tessellations was granted a Conditional Use Permit that allowed it to teach preK through 9. Tessellations promised to move grade 9 to a separate campus in the fall of 2025. Quoting Tessellations: "Note . . . that high school will only be 9th grade on the current campus, and only for one year. In future years, we plan to move the high school to another site, so from then onward the current campus will be PK-8th." ["Tessellations Project Description for Cupertino Planning Division" (November 2023)] Tessellations got permission to teach a maximum of 300 students at the Regnart site and told the City

Council that it wasn't interested in adding more students. Again quoting Tessellations: "In terms of our philosophy on the school, we don't really want any more than 300 students just for our emotional safety and comfort . . . There's social evidence that that's a really great number to stay at in terms of the population knowing each other." [Co-founder Grace Stanat at City Council meeting 12/5/23] Tessellations is applying now for a revised Conditional Use Permit that would allow it to grow to 425 students. It's asking for permission to add grades 10, 11, and 12. Despite these plans to grow the school, Tessellations says that it will keep its staff at its current max of 85.

When Tessellations opened in 2023 it had 141 students. Today it has 268 students and plans to grow to 425. There are traffic and parking problems today that will only get worse when another 125 cars are added to the morning drop off and afternoon pick up. Remember: Tessellations is not a neighborhood school. Nearly all of its students come from outside the area and must be driven to school or will drive themselves.

Before the City considers allowing the school to expand, residents around the school would like to see the City and school address existing traffic and parking problems. Tessellations itself has come up with a great idea that it should be encouraged to pursue. The school has talked about having parents drop off and pick up their kids at an improvised shuttle station — New Life Church, for instance. The school would then shuttle the children in its minivans between this shuttle station and the Regnart campus. The residents near the school like this idea and hope that the City will encourage Tessellations to pursue it. Tessellations' application for a revised CUP requires that a traffic study be done. When that happens in the fall, Tessellations' shuttle program should be considered as one very good option to fixing both traffic and parking problems at the school. (The current CUP includes a provision that requires Tessellations to implement a shuttle service in the event that the City's Director of Community Development deems parking around the school to be a nuisance.)

- Gill Doyle (7952 Folkestone Drive)

PC 6-24-2025

Item No.2
Oversized
Vehicle
Oridinance

Written

Communications

From: Ravi Kiran Singh Sapaharam
To: City of Cupertino Planning Commission
Subject: Support for RV Rental Ban Policy in Cupertino
Date: Sunday, June 22, 2025 8:30:00 AM

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

Dear Cupertino Planning Commission,

I am writing to express my support for a policy in Cupertino similar to San Jose's recent ban on renting RVs to unhoused residents for use as homes, as outlined in the San José Spotlight article (https://sanjosespotlight.com/san-jose-bans-homeless-people-renting-rvs/).

I believe this policy is necessary to address the challenges posed by "vanlording," where individuals rent out often inoperable RVs to unhoused people, leading to unsafe and unsanitary conditions on public streets and private properties. This practice burdens businesses, property owners, and residents while exploiting vulnerable individuals. A clear policy would enable Cupertino to maintain community safety and cleanliness, similar to San Jose's approach.

However, I strongly urge the city to pair this policy with compassionate solutions for unhoused residents. Cupertino should expand safe parking programs with adequate sanitation and support services or partner with Santa Clara County to provide housing resources. Without these alternatives, we risk displacing people without viable options.

Thank you for considering my input.

Sincerely,

Ravi Kiran Singh

Cupertino Resident

From: Peggy Griffin
To: City of Cupertino Planning Commission
Cc: City Clerk
Subject: 2025-06-24 Planning Commission Mtg ITEM2 - Vehicle Parking Ordinance QUESTIONS
Date: Sunday, June 22, 2025 4:48:50 PM
Attachments: image002.png

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PLEASE INCLUDE THIS EMAIL AND ANY ATTACHMENTS AS PART OF WRITTEN COMMUNICATIONS FOR THE ABOVE MEETING AGENDA ITEM.

Dear Planning Commission and Staff,

Just for disclosure purposes, my husband and I are long-time RV owners (20 years) and have rented them before owning so I have some insight on how/what a resident RV owner might need to do on a city street, especially in front of their home or while traveling visiting other cities.

Thank you for providing additional information and data regarding the RV parking situation. It is very informative and eye opening, especially having examples of how our existing laws are rendered ineffective by the actions of some RV owners.

I have several questions regarding the STAFF REPORT:

Q1...It's proposed to add a definition of "oversized vehicles" in Muni Code Section 11.28.010.
Q1: What would the definition of "oversized vehicle" look like?

Q2...Question regarding our existing Muni Code Section 11.28.020

11.28.020 Vehicle Parking Regulations.

A. Living or Sleeping Quarters. No vehicle shall be used for living or sleeping quarters on any public street.

B. Mobile Homes. Mobile homes, excluding travel trailers, are not permitted to be parked on public streets within the residential zones of the City.

C. Unmounted Campers. It shall be unlawful for any person to place, keep or maintain, or permit to be placed, kept or maintained, any unmounted camper on any public street.

D. Loading and Unloading and Utility Vehicles. The provisions of this chapter shall not apply to active loading or unloading of any vehicle, or to any public service or utility company vehicle while in the performance of service or maintenance work.

E. Construction Trailers. Trailers may be used for temporary offices on construction projects. A permit must be obtained from the City Building Department after satisfactory information has been given that the use is in compliance with the conditions of this chapter.

(Ord. 1346, (part), 1986; Ord. 547, § 1, 1972; Ord. 276, § 2, 1964)

According to Section 11.28.020 it is unlawful to live or sleep in ANY vehicle parked on the street.
Q2: Why is Section 11.28.020.A not enforced now?

Sincerely,
Peggy Griffin

From:	Peggy Griffin
To:	City of Cupertino Planning Commission
Cc:	City Clerk
Subject:	2025-06-24 Planning Commission Mtg ITEM2 - Vehicle Parking SITUATIONS TO CONSIDER
Date:	Sunday, June 22, 2025 5:14:21 PM

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PLEASE INCLUDE THIS EMAIL AND ANY ATTACHMENTS AS PART OF WRITTEN COMMUNICATIONS FOR THE ABOVE MEETING AGENDA ITEM.

Dear Planning Commission and Staff,

Just for disclosure purposes, my husband and I are long-time RV owners (20 years) and have rented them before owning so I have some insight on how/what a resident RV owner might need to do on a city street, especially in front of their home or while traveling visiting other cities.

When reading these proposed options I made a list of all the large vehicles I see around our neighborhood from time to time. Ideally, the proposed changes should cover these cases with the desired effect, whatever that be.

Types of vehicles around town:

- RVs
- Long vans (over 20 ft) – either a Class-B RV or a work van
- Long bed pickup trucks
- Shuttle vans, Hopper vans, Apple vans
- Buses
- Delivery trucks (FedEx, Amazon, UPS, furniture/moving vans, 18-wheelers)
- Boat trailers
- Trailers
- Plumber, electrician, gardeners, construction vehicles

Some situations where a resident of Cupertino would need to park their RV or boat or trailer for more than 2 hours on a city street (in front or near their house):

- Preparing to leave early the next day – Often they connect the car they are towing behind the RV the night before and have the RV plus car parked in front of their house ready to go in the early morning.
- An RV is stored elsewhere and is brought from storage to the home to load up. It often takes all day to load up and prep the RV. The RV probably then stays in front overnight for an early start the next day.

- The RV is stored in the backyard but needs to be moved so workers can have access, room or prevent damage. This isn't always planned. It can happen on the weekend. It can happen when workers from your neighbor's house need you to move it.
- RV is rented for a family vacation – loading an empty RV can take a day. Often they wait until the next morning to leave.
- Family or friends who are traveling in an RV come to visit.
- The resident has a business and does not have room to park the vehicle.
    - This gets dicey considering that now days developers are not providing adequate parking.
    - Some newer developments are shortening the length of parking spaces from 20 ft to 18 ft which don't allow some trucks or vans to be parked on-site in a parking space.

REQUEST:
When you look at changing the city's vehicle parking ordinances, please keep these in mind and make sure the desired outcome is obtained for these various situations. Please make the resulting vehicle parking ordinances fit reality. When laws don't make sense, people ignore them.

Thank you.

Sincerely,
Peggy Griffin

From: Peggy Griffin
To: City of Cupertino Planning Commission
Cc: City Clerk
Subject: 2025-06-24 Planning Commission Mtg ITEM2 - Vehicle Parking Ordinance COMMENTS
Date: Sunday, June 22, 2025 5:47:25 PM

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PLEASE INCLUDE THIS EMAIL AND ANY ATTACHMENTS AS PART OF WRITTEN COMMUNICATIONS FOR THE ABOVE MEETING AGENDA ITEM.

Dear Planning Commission and Staff,

I'm glad the city is revising it's parking ordinance and addressing some of the issues the city has been encountering.

1. I agree that once the 72 hours are expired, the vehicle should move 1500 ft away for at least 72 hours.
    a. That said, I think there should be a way a resident can get an extension.
2. Permits…I do not support requiring residents to have to get a permit every time they need to park their RV on the street.
    a. The times when this is needed are not always planned and can happen when the city is closed (weekends, holidays, evenings).
    b. It would require more staff time and overhead which results in more taxpayer money being wasted.
    c. It would require more time for the resident.
3. Some provision is needed to allow friends and/or family that are traveling in an RV to visit and park on the street.
4. Some provision is needed to allow visitors in RVs to visit and shop in Cupertino.

In Campbell, on Dell Avenue, near the perk ponds which is a large commercial area with lots of parking, they installed signs restricting the heights of the vehicles overnight. Maybe in troubled areas, the city could do the same?

Q: What are other cities doing to solve this problem?

Sincerely,
Peggy Griffin

From: Jean Orr
To: City of Cupertino Planning Commission
Subject: RV Parking
Date: Sunday, June 22, 2025 8:47:09 PM

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

Re: Planning Commission Meeting; June 24, 2025
Item 2; RV Parking Regulations Proposal:
We own an RV and only park it in the road, in front of our house, when getting it packed and ready for a trip.
We think that short term parking should be permitted on the public road.
Keep this in mind when making any proposal for parking restrictions.

Thanks you

From: Mark Wright
To: City of Cupertino Planning Commission
Subject: Oversize Vehicles opinion
Date: Tuesday, June 24, 2025 11:51:44 AM

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

Hi

On the matter of oversized vehicle control in parking lots, my suggestion is to Limit parking to a specified time. E.g. 72 hours as is same for parking cars on streets. Then ticket, then tow.

Mark Wright
10620 Culbertson Dr.
Cupertino
CA95014

From: Rhoda Fry
To: City of Cupertino Planning Commission; City Clerk; City Attorney"s Office; Cupertino City Manager"s Office
Subject: 6/24/2025 Planning Commission Agenda Item #2
Date: Tuesday, June 24, 2025 2:03:18 PM

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

Dear Planning Commissioners,

Regarding 6/24/2025 Planning Commission Agenda Item #2
Please do not consider doing parking permits.
It puts a lot of time and money stress on residents and extra overhead for staff.

It seems that one of the issues is that code enforcement is not adequately responding to resident complaints.
This is an area upon which we can improve.

Another thing that I'd like you to consider is that our storm drains lead straight to the bay. Many people don't realize this. Although I have no evidence that people have been dumping effluent into our storm drains, the more people who reside in their vehicles, the greater the possibility of it happening. Note that the City of Santa Clara storm drains go to the sewage treatment plant.

I don't know who is responsible for painting our storm drains, but having looked at a few this week when I was walking around town, it looks like they could use some sprucing up. Maybe we need a paint that doesn't fade? Below is an image of one of the better-looking ones on my walk.

Regards, Rhoda Fry


NO DUMPING
TO BAY

From:	Jean Bedord
To:	City of Cupertino Planning Commission; City of Cupertino Planning Dept.; Cupertino City Manager"s Office; City Attorney"s Office; City Clerk
Cc:	Chad Mosley
Subject:	Agenda Item #2 Oversized Vehicle Parking, Planning Commission, June 24, 2025
Date:	Tuesday, June 24, 2025 2:41:26 PM

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

Please include in Written Communications

Planning Commission,

I am writing to oppose the options presented in the staff report. First of all, this is not included in the city work plan or received direction of the council as a whole, thus violating the Municipal Code requiring council to approve any council member's request that exceeds two hours of staff time. Who directed "staff" and who is this unknown Deputy City Manager who wrote the report?

Secondly, though this report is an improvement from the original report which suddenly appeared on the April 22, 2025, Planning Commission agenda, it proposes a **punitive permit system that would be cumbersome and expensive to implement**. **Permits would cost approximately $50 each**. The recommended option would require residents with recreational RVs to obtain a permit every 72 hours AND move their vehicle 1500 feet. Residents would be subject to the same enforcement as unsheltered RV residents. **Is the city prepared to operate a permit system 24/7 so weekends and evenings are covered?** City hall operates 8 to 5 Monday through Friday and there is already a staff shortage. Directors' names are not on this report, but staff time would be required to enforce such a policy, instead of providing services to residents. Money spent on signage is better spent on improving resident services.

The staff report fails to address the overall issue of the **ongoing challenge for unsheltered residents**. It focuses on **punitive actions** which **impact both residents with recreational vehicles as well unhoused residents.** Context is missing. It cites 200 complaints about oversized vehicles in the past year. But how many vehicles are actually involved? Perhaps as few as 10-20 vehicles? What are the demographics? How many are "working poor" who have to live close to their work? What outreach has been done to the occupants of these vehicles? Due to lack of affordable housing, **"vehicle lodging" is a reality until more permanent housing is available.**

Shouldn't overnight parking be addressed within the broader **context of unhoused residents which include (1) Tents, (2) Cars/vans and (3) RVs/Trailers?** Mountain View has Safe Parking programs which differentiate between cars/vans which can be accommodated in church parking lots, and RVs in commercial areas which can provide more space and waste disposal services. Cupertino has neither. The Prince of Peace Lutheran Church in Saratoga does NOT accommodate RV's (an error in the

staff report). How are other similar jurisdictions managing unhoused residents? The San Mateo City Council adopted a **“compassionate approach”** to enforcing its ban on people sleeping in vehicles, prioritizing outreach and services before citations.

I urge you to take the compassionate approach to provide outreach and services to address the underlying issue, rather than a punitive approach which also impacts residents who have recreational vehicles, as well as their visitors who should be allowed to park (with homeowner permission) in residential areas without the hassle (and expense) of a permit system. Cupertino can do better.....

Housing and Community advocate,
Jean Bedord

From: Venkat Ranganathan
To: City of Cupertino Planning Commission
Subject: Input on Oversized Vehicle Parking
Date: Tuesday, June 24, 2025 2:48:35 PM

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

Dear Planning Commission Members,

This is Venkat Ranganathan, a long time Cupertino resident.

Thank you for your continued efforts to address the growing concern around oversized vehicle parking in Cupertino.

I support the direction outlined in Option 1 of the June 24 staff report, which proposes requiring a City-issued permit to park oversized vehicles on public rights-of-way, along with mandatory 1500-foot relocation every 72 hours. This strikes a reasonable balance between the needs of residents, enforcement feasibility, and community aesthetics.

However, I urge the Commission to strengthen this option further through two key amendments:

1. Restrict permits to 3 per month per vehicle rather than 5. The current proposal allows oversized vehicles to legally occupy public streets for up to half the month. Reducing this to 3 permits ensures such parking remains transitional, not semi-permanent.

2. Establish designated zones for oversized vehicle parking—especially in commercial or less trafficked areas—rather than allowing dispersed parking throughout the city. Without clear zones, enforcement becomes difficult and neighborhoods may still see clustering despite the permit requirement.

Additionally, while daytime and short-term exceptions (2 hours during the day, 1 hour at night) offer flexibility, these should not become loopholes for routine overnight dwellers.

With the suggested improvements, Cupertino can better manage public space while respecting occasional residential use.

Thank you for considering this feedback.

Sincerely,

Venkat Ranganathan
Get Outlook for Android

From: Greg Endom
To: City of Cupertino Planning Commission
Subject: Over-sized Vehicle Parking City of Cupertino
Date: Tuesday, June 24, 2025 3:08:40 PM

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Chair Rao:

I received your email to Amy Chan, who forwarded it to me. I represent the ownership of the Marina Plaza Shopping Center, specifically with respect to its planned redevelopment of the Marina Plaza Shopping Center property into a mixed-use residential and retail project.

In response to your request for commentary related to the current oversized parking of vehicles on Alves adjacent to the Marina Plaza center, I can offer you these thoughts…

While the current parked vehicles and their residents have not caused any material problems or generated concerns/complaints that the center ownership is aware of, the long-term viability of this type of parking pattern is in question at this location.

When the redevelopment of the center occurs, the construction activities and changes to the property during its redevelopment will not be conducive or most likely allow for this type of long-term parking. Once the redevelopment is complete, I would envision Alves being more conducive to bicycle lanes and parallel parking for

the retail tenants, customers, and visitors to the residential units being planned at the site. The nature and use of Alves after the planned redevelopment will be substantially different from its current level of activity. The new mixed-use project envisions an activation and upgrade of this secondary street into a more pedestrian-friendly and neighborhood-welcoming thoroughfare.

Thank you for the opportunity to offer comments.

Sincerely,

Marina Plaza Shopping Center

/s/ Greg Endom

By: Greg Endom

Project Manager

Greg Endom
925-550-8082
DRE# 00766333

From: Ram Sripathi
To: City of Cupertino Planning Commission
Subject: Rv parking menace
Date: Tuesday, June 24, 2025 3:31:17 PM

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

Hello planning commission

We are seeing a rampant use of rv parking behind target in Cupertino. They park in and around the xyz hotel.

I'm a long time resident of Cupertino and pride our city. But allowing these rvs that don't belong to Cupertino and the occupants don't contribute to cupertinos welfare or well being. I'd say strongly that they are a menace and should be asked to leave and further not allow any rv parking in public spaces.

It's a menace because they slowly start dirtying the surrounding and because they don't want to leave for fear of losing the spot , start doing things like throwing garbage, emptying water, lounging around etc.

They also probably hurt the hotel xyzs look and that impacts the city revenue .

If we continue to allow there maybe other spots people will park. We should further go ahead and pass an ordinance banning Rv parking.

I hope the commission listens to its loyal long resident citizens and does the right thing.

Thanks
Ram Sripathi

Cupertino resident
Sent from my iPhone

From: Deborah
To: City of Cupertino Planning Commission
Subject: Oversized Vehicle Parking Ordinance
Date: Tuesday, June 24, 2025 3:39:35 PM
Attachments: CCHC New logo Signatures-02.png

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Hello Planning Commissioners,
Thank. You for reviewing the CMC regarding oversized vehicles in the City.

I know that in other cities, it appears they have designated areas that these vehicles can park, but they they are highly industrialized. Out local businesses have some issues with trailer homes being parked near their entrances as it deters customers from entering or using the business. I am not sure what new rules would prevent this.

Nominally near some of our hotels some have parked for the regulated amount of time (I believe it's still 72 hours before they have to move) but you can see how this would hurt hotel business specifically, particular when they have not quite recovered from the effects of the pandemic like a lot of our small businesses.

I just ask that the business community be considered when making changes to these regulations as it will effect the health of our economy and therefore revenue to the City.

Thank you for your consideration.,
Deb

Deborah L. Feng, MBA
CEO
O. 408 2527054 ext.101
Deb@cupertino-chamber.org
www.cupertino-chamber.org

CUPERTINO
CHAMBER OF COMMERCE

From:	Rinal Shah
To:	Santosh Rao; City of Cupertino Planning Commission; City Attorney"s Office; City Clerk; Tina Kapoor; Benjamin Fu; Chad Mosley; Daniel Degu
Cc:	Dipesh Gupta; Manish Gupta
Subject:	Re: Cupertino Planning Commission Study Session: Oversized Vehicle Parking Regulations – June 24
Date:	Tuesday, June 24, 2025 3:53:51 PM
Attachments:	Aloft Cupertino_Comments on Oversized Vehicle Parking.pdf

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

Dear Members of the City Planning Commission -

Please find our comments/feedback on the City of Cupertino's parking regulations for oversized vehicles.

Thank you for your time and for considering our perspective.

Best Regards,

Rinal

Rinal Shah
VP of Operations
Aloft Cupertino

> **From:** Daniel Degu <DanielDe@cupertino.gov>
> **Date:** June 23, 2025 at 11:59:10 PM PDT
> **To:** dgupta@shashigroup.com
> **Subject: Cupertino Planning Commission Study Session: Oversized Vehicle Parking Regulations – June 24**
>
> Hi Dipesh,
>
> The Planning Commission will hold a study session on Tuesday, June 24 at 6:45pm in Cupertino Community Hall to discuss potential updates to the City's parking regulations for oversized vehicles on public streets. During the meeting, the Commission will review and consider multiple options presented by City staff and may choose to recommend one of the

proposals for City Council consideration in a future ordinance.

The staff report is attached for your reference, should you wish to learn more. Public input is welcome. You may:

- Attend the meeting in person or via teleconference
- Share your feedback by emailing Planning Commission Chair Santosh Rao at srao@cupertino.gov or the full commission at planningcommission@cupertino.gov.

For additional details, please refer to the attached documents.

Daniel Degu
Economic Development Manager
City Manager's Office
DanielDe@cupertino.gov
W:(408)777-3233/C:(669)251-1804

Aloft Cupertino
10165 North De Anza Boulevard
Cupertino, CA 95014
(408) 766-7000

June 24, 2025

To:
City Planning Commission
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014

Subject: Comments on City of Cupertino's Oversized Vehicle Parking Restrictions

Dear Members of the City Planning Commission,

We are writing to express our concerns regarding the current regulations and proposed updates related to oversized vehicle parking in the City of Cupertino. As the owner and manager of Aloft Cupertino, located at the corner of De Anza Boulevard and Alves Road, we believe it is important to provide feedback on policies that directly impact the perception, safety, and economic health of our community.

At present, the presence of RVs parked for extended periods along Alves Road—directly in front of our hotel—creates an ongoing concern for our guests and impacts our business. These vehicles contribute to a perception that the area resembles a trailer or RV park, which can give visitors the impression that the location is unsafe. We have received the following feedback from guests:

- *"The line of RVs and campers along Alves is disconcerting."*
- *"If you have guests checking in late, there is no available parking—only street parking, which is almost entirely taken up by RVs. It's unsafe to walk that far to the hotel at night with luggage."*
- *"Location is iffy with RVs parked across the street and no gated parking for your own car."*
- *"Normally I wouldn't give this much thought, but there were half a dozen RVs parked along the hotel entrance that appeared to have been there for a while."*

In light of these concerns, we respectfully request that the Commission consider a **complete ban on parking oversized vehicles within 600 feet of commercial zones.** We believe this policy

would protect local businesses, improve the visual environment, and help foster a safe and welcoming atmosphere for both residents and visitors.

Of the three options currently recommended by staff, we support **Option 2**, which would allow only City residents—with a City-issued permit—to park oversized vehicles on public streets for a maximum of 72 hours. Furthermore, we advocate for an additional provision requiring these vehicles to be moved at least **1,500 feet from their previous location** after the 72-hour period, and to remain at the new location for at least 72 hours before returning. This would help address the common tactic of RV owners minimally relocating their vehicles to avoid enforcement—a practice we observe regularly on Alves Road.

Thank you for your time and for considering our perspective. We appreciate your service and dedication to maintaining a thoughtfully planned, vibrant community.

Sincerely,

Rinal Shah
VP of Operations
Aloft Cupertino

From: Ty Bash <tybash@yahoo.com>
Sent: Tuesday, June 24, 2025 4:53 PM
To: Planningcommission@cuprtino.gov <Planningcommission@cuprtino.gov>
Cc: Santosh Rao <Srao@cupertino.gov>
Subject: RV ordinance

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

Dear commission,

My name is Ty Bash and I am the operations manager at Happy Days. Since we opened our doors in 2001, we at Happy Days have provided early childhood education for infants, preschoolers and kindergarteners to families in the Cupertino community.

As we have recovered from Covid restrictions, the challenges of remote work and return to work are compounded by challenges of the people living in RVs in front of our school. On a daily basis one could find an RV or two parked in front of our school, or across the street in front of the Target parking lot. Many addition RVs are parked along Alves, behind Target. Perspective parents frequently inquire about the status of the vehicles, while we can only assume that others are altogether deterred and do not come in. Fortunately, we have not had an incident with those who occupy the RVs, but the fear of the parents, children and our employees is real.

While we empathize with plight of the RV residents, other resident solutions must be found. We are happy that the mayor is looking into addressing the situation and are in full support of legislation that will restrict RV parking on public streets.

Sent from Yahoo Mail for iPhone

From: Nicklaus Meier
To: Deborah; Santosh Rao; City of Cupertino Planning Commission
Subject: Re: Cupertino Planning Commission Study Session: Oversized Vehicle Parking Regulations – June 24
Date: Tuesday, June 24, 2025 5:25:51 PM

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

Thank you, Deb, for including Aloft Cupertino in this discussion.

Hi Santosh,

For the past 18+ months, there have been several RVs parking on Alves Dr. in front of Aloft Cupertino. Our guests do not feel safe and this is an eyesore. We are worried that if nothing is done about this, these small problems can become bigger problems as we have seen in other Bay Area cities. We have gotten several bad reviews as well due to this. Two of the are linked below. Your attention to this matter is greatly appreciated.

Check out this review of Aloft Cupertino on Google Maps
https://goo.gl/maps/ZNRLjzuA5TYbHWKX7

Check out this review of Aloft Cupertino on Google Maps
https://goo.gl/maps/9gksn92N9e7PFL3m6

Nick Meier, CHRM
Chief Revenue Officer

Shashi Hospitality Group
10200 North De Anza Blvd.
Cupertino, CA 95014
Cell: 702-810-7275
nmeier@shashigroup.com
Shashi Hotel | The NEST Palo Alto
Aloft Cupertino | Aloft Sunnyvale | Aloft San Jose Cupertino

On Tue, Jun 24, 2025, 1:12 PM Deborah <Deb@cupertino-chamber.org> wrote:

> Hi Nick,
> I thought you and your folks might want to weigh in here by either attending the study session below and/or submitting your comments via both or either of the emails listed below. I will be submitting my comments to the planning commission email address.
>
> Deb
> Deborah L. Feng, MBA
> CEO
> O. 408 2527054 ext.101
> Deb@cupertino-chamber.org
> www.cupertino-chamber.org

Begin forwarded message:

From: Daniel Degu <DanielDe@cupertino.gov>
Subject: Cupertino Planning Commission Study Session: Oversized Vehicle Parking Regulations – June 24
Date: June 23, 2025 at 11:36:39 PM PDT
To: Deborah <deb@cupertino-chamber.org>

Hi Deb,

The Planning Commission will hold a study session on Tuesday, June 24 at 6:45pm in Cupertino Community Hall to discuss potential updates to the City's parking regulations for oversized vehicles on public streets. During the meeting, the Commission will review and consider multiple options presented by City staff and may choose to recommend one of the proposals for City Council consideration in a future ordinance.

The staff report is attached for your reference, should you wish to learn more. Public input is welcome. You may:

- Attend the meeting in person or via teleconference
- Share your feedback by emailing Planning Commission Chair Santosh Rao at srao@cupertino.gov or the full commission at planningcommission@cupertino.gov.

For additional details, please refer to the attached documents.

Daniel Degu
Economic Development Manager
City Manager's Office
DanielDe@cupertino.gov
W:(408)777-3233/C:(669)251-1804

From: Liang Chao
To: City Clerk
Subject: Fw: Agenda Item Request: Minor Modification to Muni Code for Parking
Date: Tuesday, July 15, 2025 3:26:31 PM

Please add this to the written communication for Item 12 on oversized vehicle parking.

Liang

Liang Chao
Mayor
City Council
LChao@cupertino.gov
408-777-3192

From: Liang Chao <LChao@cupertino.gov>
Sent: Saturday, March 22, 2025 10:34 PM
To: Floy Andrews <fandrews@awattorneys.com>; Pamela Wu <PamelaW@cupertino.gov>; Valenzuela, Neil <Neil.Valenzuela@shf.sccgov.org>
Cc: Tina Kapoor <TinaK@cupertino.gov>; City Clerk <CityClerk@cupertino.gov>; Kitty Moore <KMoore@cupertino.gov>
Subject: Re: Agenda Item Request: Minor Modification to Muni Code for Parking

Adding Vice Mayor, with whom I have discussed some of this.

I looked into the Muni Code for 72-hour parking restriction in Saratoga and Los Altos, who are also under the same Sheriff's Office:

- Los Altos's version: "For the purposes of this section, a vehicle or trailer shall be considered to have been parked or left standing for seventy-two (72) or more consecutive hours **if it has not been moved at least one thousand (1,000) feet during such seventy-two (72) hour period.**"
- Saratoga's version: "A vehicle shall be considered to have been parked or left standing for seventy-two or more consecutive hours if it has remained inoperable or has not been moved and **remained at least one mile from its original parked location for at least twenty-four hours during the seventy-two-hour period."**

I found Fremont's version is similar to Mountain View's version:

- Fremont's version: "any vehicle that has been parked in the same location for 72 hours **move at least 1,000 feet from its current location and may not return to the same parking spot for at least 24 hours" (adopted Nov. 2024)**

Fremont on restriction near residential streets: "Additionally, oversized vehicles, including any attached trailers, vehicles, or loads which exceed 22 feet in length, and/or 6 feet in width and 7 feet in height, are no longer allowed to park on any public street within 100 feet of a residential property line. The ordinance allows for limited exemptions of loading/unloading, emergency vehicles and commercial deliveries. If the oversized vehicle is not moved within 24 hours after receiving a warning notice, the vehicle could receive a citation and will be at risk for getting towed. " **(adopted Nov. 2024)**

I realize that restrictions on oversized vehicles are more complicated since we need to consider exemptions to allow construction vehicles etc and we need to define over-sized vehicles. So, in the first version, I would just consider the minor modification on parking violation, which would not require a study session.

For restrictions on oversized vehicles, we would likely need a study session first to get public and council input, which could be considered as a part of the FY 2025-27 Work Program.

==========

Los Altos Muni Code

https://library.municode.com/ca/los_altos/codes/code_of_ordinances?nodeId=TIT8VETR_CH8.20STSTPA

8.20.090 - Parking for more than 72 hours.

No person who owns or has possession, custody, or control of any vehicle or trailer shall park such vehicle or trailer upon any street, alley, or public place continuously for more than a consecutive period of seventy-two (72) hours. For the purposes of this section, a vehicle or trailer shall be considered to have been parked or left standing for seventy-two (72) or more consecutive hours **if it has not been moved at least one thousand (1,000) feet during such seventy-two (72) hour period**.
(Prior code § 3-2.913)

8.20.100 - Removal of vehicles parked more than 72 hours.

Any regularly employed and salaried officer of the police department may remove, or cause to be removed, any vehicle which has been parked or left standing upon a street, highway, or public parking lot for seventy-two (72) or more consecutive hours.
(Prior code § 3-2.914)

Saratoga Muni Code

https://library.municode.com/ca/saratoga/codes/code_of_ordinances?nodeId=CH9MOVETR_ART9-25PAREAPALHI

9-25.030 - Parking of certain oversize vehicles on residential streets.

(a) No person who owns or has possession, custody or control of any commercial vehicle recreational vehicle, boat or trailer, shall park or leave standing such vehicle upon any street in a residential district or abutting any property or area within a residential district for a period of seventy-two consecutive hours or more. A vehicle shall be considered to have been parked or left standing for seventy-two or more consecutive hours if it has remained inoperable or has not been moved and **remained at least one mile from its original parked location for at least twenty-four hours during the seventy-two-hour period.**

(b) Unattached boats and trailers shall not park or stand upon any public street.

(c) For the purposes of this section:

- (1) Trailer means a vehicle, other than a motor vehicle, designed for industrial, professional, or commercial purposes, for carrying property on its own structure, and for being drawn by a motor vehicle.
- (2) Commercial vehicle shall have the meaning set forth in section 9-10.040;
- (3) Recreational vehicle means any vehicle used for recreation and designed for human habitation for recreational, emergency, or other occupancy, and not including passenger vehicles.

(Ord. No. 394, § 1(Att. A), 12-7-2022)

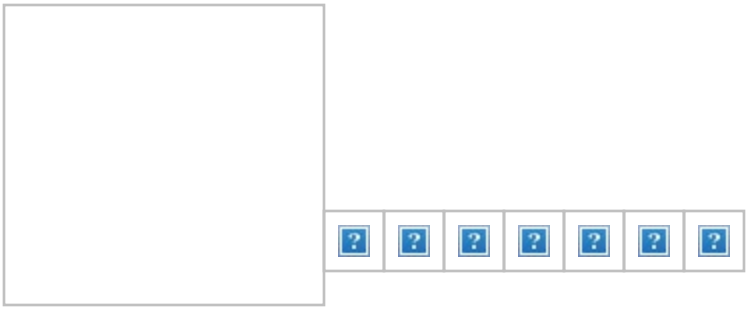
9-25.040 - Application of other laws.

The provisions of this Article are in addition to other parking regulations which are or may be imposed by the laws of the State and the provisions of this Code and shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or this Code.

9-25.050 - Enforcement of Article.

It shall be the duty of all policemen and Community Service Officers appointed for such purpose and all deputies of the County Sheriff performing police services in the City to enforce the regulations set forth in this Article.

Liang Chao
Mayor
City Council
LChao@cupertino.gov
408-777-3192



From: Liang Chao <LChao@cupertino.gov>
Sent: Saturday, March 22, 2025 1:37 PM
To: Floy Andrews <fandrews@awattorneys.com>; Pamela Wu <PamelaW@cupertino.gov>; Valenzuela, Neil <Neil.Valenzuela@shf.sccgov.org>
Cc: Tina Kapoor <TinaK@cupertino.gov>; City Clerk <CityClerk@cupertino.gov>
Subject: Re: Agenda Item Request: Minor Modification to Muni Code for Parking

Adding Captain Neil.

Captain,

What do you think about a potential change in parking regulation to require a vehicle to move by 1000 feet after 72 hours? And not return to the same spot within. 24 hours.

This mirrors the regulation in Mountain View.

In terms of implementation, I suppose that this would be complaints based like other Muni code enforcement. So, there is no need to track every parked vehicle. Only a few ones where a complaint is submitted for violating this code.

Thank you.

Liang



Liang Chao
Mayor
City Council
LChao@cupertino.gov
408-777-3192

From: Floy Andrews <fandrews@awattorneys.com>
Sent: Saturday, March 22, 2025 1:26 PM
To: Liang Chao <LChao@cupertino.gov>; Pamela Wu <PamelaW@cupertino.gov>
Cc: Tina Kapoor <TinaK@cupertino.gov>; City Clerk <CityClerk@cupertino.gov>
Subject: RE: Agenda Item Request: Minor Modification to Muni Code for Parking

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Thank you for this information, Mayor. I appreciate the research!

From a legal perspective, I believe an updated like this could be implemented in short order.

Curious whether we would need to loop in the County Sheriff's department? I assume the County Sheriff is the entity that enforces the parking ordinance. I think we should take a quick look at whatever MOU or other agreement the City has with the County.

I would be inclined to mirror Mountain View's version. I like its simplicity.

Best,
Floy

From: Liang Chao <LChao@cupertino.gov>
Sent: Thursday, March 20, 2025 7:34 PM
To: Pamela Wu <PamelaW@cupertino.gov>; Floy Andrews <fandrews@awattorneys.com>
Cc: Tina Kapoor <TinaK@cupertino.gov>; City Clerk <CityClerk@cupertino.gov>
Subject: Agenda Item Request: Minor Modification to Muni Code for Parking

*** EXTERNAL SENDER ***

I learned that the cities around us have revised their Muni Code to address the issue of RV parking and we are lacking behind.

I would like to propose a minor modification to the Muni Code for parking to address the issue that a vehicle could occupy the same section of a public street 24x7 as long as they move the vehicle by 6 inches. This is against the original intent of the Muni Code 11.24.130.

I have included relevant Muni Code sections from Mountain VIew and Sunnyvale, in addition to Cupertino's Muni Code below.
We could consider the two options:

- Mountain View's version: Any vehicle must be moved at least one thousand (1000) feet (approximately two-tenths (2/10) of a mile) from its current location and may not return to the same parking spot for at least twenty-four (24) hours after its departure.
- Sunnyvale's version: Pushing or moving a vehicle a short distance will not be considered compliance with this section. Additionally, successive acts of parking shall be presumed to be a single act of parking within the meaning of this section when the vehicle is moved

merely for the purpose of avoiding the parking limitations prescribed by this section.

I hope that such minor modification could be considered in a timely manner.

Thank you.

Liang

==========

Current Cupertino Muni Code

11.24.130 Prohibited for More than Seventy-Two Hours.

No person who owns or has in his possession, custody, or control any vehicle or trailer shall park such vehicle or trailer upon any public street or alley for more than a consecutive period of seventy-two hours.

(Ord. 843, § 6, 1977)

Mountain View Muni Code:

SEC. 19.72. - Seventy-Two (72) hour parking limit—Twenty-Four (24) hour no return.

- Any vehicle that has been parked or left standing in the same location or parking spot for seventy-two (72) consecutive hours **must be moved at least one thousand (1000) feet (approximately two-tenths (2/10) of a mile) from its current location** and **may not return to the same parking spot for at least twenty-four (24) hours after its departure.**

Sunnyvale Muni Code

§ 10.16.120

Use of streets or public parking facilities for storage of vehicles prohibited.

It is unlawful for any person who owns or has possession, custody or control of any vehicle, including a boat or trailer, to park or leave such vehicle upon any street, alley, or public parking facility for a period of seventy-two consecutive hours or more. The intent of this section is to limit parking of vehicles, boats and trailers to seventy-two consecutive hours. A vehicle or trailer shall be considered to have been parked or left standing for seventy-two or more consecutive hours if it has remained inoperable or has not been moved. An inoperable vehicle is a vehicle that cannot be moved under its own power or a vehicle which cannot operate legally and safely on the highways of the state. **Pushing or moving a vehicle a short distance or attempting to rub away the tire marking will not be considered compliance with this section**. Additionally, **successive acts of parking shall be presumed to be a single act of parking** within the meaning of this section **when the vehicle is moved merely for the purpose of avoiding the parking limitations prescribed by this section.**

(Ord. 2435-93 § 1; Ord. 2633-00 § 1; Ord. 2925-10 § 1)

Liang Chao
Mayor
City Council
LChao@cupertino.gov
408-777-3192

From: Liang Chao <LChao@cupertino.gov>
Sent: Friday, January 24, 2025 8:05 PM
To: Pamela Wu <PamelaW@cupertino.gov>; Tom Chin <TomC@cupertino.gov>
Cc: Tina Kapoor <TinaK@cupertino.gov>; Serena Tu <SerenaT@cupertino.gov>
Subject: Re: RV parking resources

Yes. Please direct me to county resources.

Below is a question on city code enforcement:

"California Vehicle Code (CVC) 22651(k) and Cupertino Municipal Code (CMC) 11.24.130 state that vehicles cannot be parked in the same spot on a public street for more than 72 hours. "
But they can move by 6 inches every day and still park in generally the same space?
Or they have to move by at least the length of the vehicle so that the same "space" is not occupied by the same vehicle?"

Thanks. Appreciate your attention on this issue of high interest from the community .

Liang

Liang Chao
Mayor
City Council
LChao@cupertino.gov



408-777-3192

From: Pamela Wu <PamelaW@cupertino.gov>
Sent: Friday, January 24, 2025 5:58 PM
To: Liang Chao <LChao@cupertino.gov>; Tom Chin <TomC@cupertino.gov>
Cc: Tina Kapoor <TinaK@cupertino.gov>; Serena Tu <SerenaT@cupertino.gov>
Subject: RE: RV parking resources

Mayor Chao, we can assist in directing your questions to the County planning office.

Please advice,

Pamela



Pamela Wu
City Manager
City Manager's Office
PamelaW@cupertino.gov
(408)777-1322

From: Liang Chao <LChao@cupertino.gov>
Sent: Friday, January 24, 2025 10:04 AM
To: Tom Chin <TomC@cupertino.gov>
Cc: Pamela Wu <PamelaW@cupertino.gov>; Tina Kapoor <TinaK@cupertino.gov>; Serena Tu <SerenaT@cupertino.gov>
Subject: Re: RV parking resources

Where are legal RV parking places within Santa Clara County? Other RV parking resources? Has the Santa Clara County adopted any RV ordinance? Or surrounding cities, like Sunnyvale? (in case the information is readily available to staff)

If we do not wish RVs to occupy our streets, I hope to know where they can park legally with and without RV facilities.

"California Vehicle Code (CVC) 22651(k) and Cupertino Municipal Code (CMC) 11.24.130 state that vehicles cannot be parked in the same spot on a public street for more than 72 hours. "
But they can move by 6 inches every day and still park in generally the same space?
Or they have to move by at least the length of the vehicle so that the same "space" is not occupied by the same vehicle?

Thanks for the information,

Liang

Liang Chao
Mayor
City Council
LChao@cupertino.gov
408-777-3192

From: Tom Chin <TomC@cupertino.gov>
Sent: Monday, January 20, 2025 8:52 AM
To: Liang Chao <LChao@cupertino.gov>
Cc: Pamela Wu <PamelaW@cupertino.gov>; Tina Kapoor <TinaK@cupertino.gov>; Serena Tu <SerenaT@cupertino.gov>
Subject: Re: RV parking resources

Good morning Mayor Chao,

I have provided answers to your questions regarding RVs below:

Mary Avenue is not specifically designated for RV Parking.

The Rotating Safe Car Park (RSCP) program cannot accommodate RVs at this time. The RSCP provides parking spaces for passenger vehicles on private property. The risk of an RV breaking down or discharging grey or black water is very high. The private property owners are not likely to accept the risk.

California Vehicle Code (CVC) 22651(k) and Cupertino Municipal Code (CMC) 11.24.130 state that vehicles cannot be parked in the same spot on a public street for more than 72 hours. CVC 22651 (k) and CMC 11.24.130 aim to prevent abandoned vehicles from being stored on the street. Neither the CVC nor the CMC specifically prevents RVs from parking on public streets, and unless posted otherwise, all legally parked vehicles can be on public streets. Neither the CVC nor the CMC specify the distance a vehicle must travel to have been considered "moved."

While mostly complaint-based, Code Enforcement regularly patrols areas of the city known

to have RVs parked to enforce the 72-hour and street sweeping rules. Of all the parking citations issued by Code Enforcement, violations for CVC 22651 (k) and street sweeping are the most common. In FY 24, approximately 280 citations or warnings were issued.

Please let me know if you have additional questions.

Thank you,
Tom

Tom Chin
Emergency Manager
City Manager's Office
TomC@cupertino.gov
(408) 777-1310

From: Liang Chao <LChao@cupertino.gov>
Sent: Thursday, January 16, 2025 11:10 AM
To: Pamela Wu <PamelaW@cupertino.gov>
Cc: Tom Chin <TomC@cupertino.gov>
Subject: RV parking resources

Given the high interest in RV Parking issue right now, I hope to understand what resources there are for RV parking in Cupertino and surrounding areas or the County.

I heard that Mary Ave is a designated RV parking site?
Does the rotating Safe Parking program accommodate RVs?

I think it's important to reasonably accommodate RV parking to support RV dwellers.
But they do not have the right to occupy the public street 24-7 as their own private parking space.

Thus, I'd like to know what's the practice in terms of issuing fines when muni codes for street parking or street cleaning are violated.

Thanks,

Liang

Liang Chao



Mayor
City Council
LChao@cupertino.gov
408-777-3192

From:	Jean Bedord
To:	Cupertino City Manager"s Office; City Attorney"s Office; City Clerk; Chad Mosley; City Council
Cc:	Benjamin Fu
Subject:	Agenda Item No. 12 Oversized Vehicle Parking, City Council, Nov. 15, 2025
Date:	Tuesday, July 15, 2025 3:11:25 PM

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

Please include in Written Communications

Mayor Chao, Vice-Mayor Moore, Councilmembers Fruen, Mohan and Wang,

As a Cupertino resident, I am strongly opposed to a permit system for oversized vehicle parking. Though I am not a recreational vehicle owner, it makes no sense to impose a permit system for the over 20,000 residents in Cupertino. Such a permit system is overkill for the number of vehicle complaints that triggered this study by the interim city attorney. Tonight's presentation fails to adequately address the actual issues. The data provided focuses on the number of citations (app. 200 annually), with approximately **21 being issued for RV's**, and only $1,700 collected. But **how many unique vehicles are involved?**

How big is the problem? There seems to be only one primary problem area - roughly 15 RV/trailers in the Alves/Saich area, and about 7 on Bandley. There are **different types of RV owners**: (1) Recreational vehicles owned by residents, but not a primary home, (2) Lifestyle RVers who may be able to afford housing, but choose a mobile lifestyle for personal or work purposes, and (3) RVers who can't afford the housing and likely to need social services. How many are "working poor" staffing minimum wage jobs in our community? Why do they choose to park in Cupertino? What alternatives do they have if Cupertino severely restricts RV parking in public right of way? **Shouldn't the city be addressing the core issues? Some changes in parking regulations may be needed, but isn't requiring permits for resident recreation vehicles overkill?**

Shouldn't the council focus on minimal changes that directly address the current problem, instead of creating yet more administrative overhead? Can't oversized vehicle parking on the street directly in front of Aloft Hotel be restricted on the basis of safety? There is one large vehicle which obstructs the view of cars exiting from the Marina parking lot, likely to be a lifestyle RVer. I don't observe an ongoing problems in other areas of the city. What **minor revisions would enable more effective code enforcement? Why isn't the city doing outreach to determine the demographics and motivations of this population instead of making blind assumptions?** Shouldn't the city be talking to Sunnyvale, Mountain View and Santa Clara about potential impact if Cupertino imposes a citywide ban on oversized vehicles?

Legal restrictions are not the best answer. I urge the council to take a minimalist approach, which can be revisited.

Good governance advocate,

Jean Bedord

CC 07-15-2025

Item No. 13

Stevens Creek Corridor Vision Study

Written Communications

From: Richard Lowenthal
To: City Council
Cc: City Clerk; Cupertino City Manager"s Office
Subject: Stevens Creek Corridor Vision Study
Date: Sunday, July 13, 2025 10:17:51 PM

Mayor Chao and the Cupertino City Council,

Please vote to accept the Stevens Creek Corridor Vision Study. we're hoping that you'll join the cities of San Jose, Santa Clara, Santa Clara County, and VTA to ensure a cohesive future for this very, very important boulevard in Cupertino. Most of us use Stevens Creek Boulevard every day, and many times because of traffic congestion, we take it to Santa Clara and San Jose, and indeed all the way west to Foothill Boulevard.

It is particularly important for us to adopt the vision all the way up the Heidelberg Quarry, or at least to Foothill Boulevard. Our family uses that segment frequently when the 85/280 transition ramps are all plugged up with traffic. In addition we are concerned about the health and future of the bridge that carries Stevens Creek Boulevard over the creek itself. That bridge is 47 years old and is wearing out and frankly a pedestrian and bike underpass under that bridge when the bridge is ultimately replaced would be spectacular. Since that bridge is considered a County route, Cupertino's chances of getting funding assistance for it from the County and VTA will increase if we all join in a vision that includes the area by Blackberry Farm.

Thank you for taking residents thoughts into consideration.

Richard Lowenthal
42 year resident of Cupertino

From: Ishan Khosla
To: City Council
Cc: City Clerk; Cupertino City Manager"s Office
Subject: Please Accept Stevens Creek Corridor Vision Study - Include in Public Record
Date: Monday, July 14, 2025 10:30:22 AM

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

Dear City Council Members,

My name is Ishan Khosla, and I am a student at Cupertino High School who relies on biking to get to school and around town every day.

Stevens Creek is a major corridor in our city, and its safety and accessibility for all citizens, regardless of transportation method, is of utmost importance. Right now, it often feels quite unsafe and disconnected if you are not in a car. This is why we must accept the Stevens Creek Corridor Vision Study to make this road safer, more efficient, and better for all of our citizens, including students and families. It's a collaborative effort involving San Jose, Santa Clara, the County, and the VTA, so Cupertino should stay involved as well.

Plus, accepting the study does not commit Cupertino to implementing any projects, but ensures that we have a seat at the table as planning moves forward. It will also place us in an advantageous position to receive county and state-level funding.

Thank you for your leadership and for considering the voices of students and citizens. Please include this email in the public record.

Sincerely, Ishan Khosla

From: Aahaan Jain
To: Public Comments
Subject: Public Comment 7/15 - Item 13 - Stevens Creek Boulevard Corridor Vision Study
Date: Saturday, July 12, 2025 8:36:03 PM

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

Dear Mayor and City Council,

My name is Aahaan Jain and I'm a former Cupertino resident who used to (and still do) live close to Stevens Creek Boulevard.

Stevens Creek Boulevard is our city's most important corridor for jobs, housing, and transportation, but the current design of the corridor isn't up to the task. Its current design encourages speeding, putting everyone at risk, especially those of us who are unable to drive like children, seniors, or mobility device users.

The current design is also deeply unsustainable, both environmentally and financially. With the state forcing us to plan for more development along Stevens Creek, we must ensure the transportation options along the corridor can mitigate the traffic impacts of new projects for a less congested and more livable future.

The Stevens Creek Vision Study's Recommended Plan includes proven measures to improve safety and reduce traffic, and respects the independence of our city by not forcing any projects that Cupertino residents object to. It was approved UNANIMOUSLY by the Planning Commission and the Bicycle and Pedestrian Commission. By accepting the study, the city will be reaffirming our commitment to safe streets and strong regional partnerships **without binding the city to any new financial obligations.**

Please vote to accept the study so we can all enjoy the safe and sustainable Stevens Creek Boulevard that we deserve.

Sincerely,
Aahaan Jain

From: Doron Dru
To: Public Comments
Subject: Public Comment 7/15 - Item 13 - Stevens Creek Boulevard Corridor Vision Study
Date: Friday, July 11, 2025 12:41:42 PM

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

Dear Mayor and City Council,

My name is Doron Drusinsky and I'm a Cupertino resident at 11425 Charsan Lane.

Stevens Creek Boulevard is our city's most important corridor for jobs, housing, and transportation, but the current design of the corridor isn't up to the task. Its current design encourages speeding, putting everyone at risk, especially those of us who are unable to drive like children, seniors, or mobility device users.

The current design is also deeply unsustainable, both environmentally and financially. With the state forcing us to plan for more development along Stevens Creek, we must ensure the transportation options along the corridor can mitigate the traffic impacts of new projects for a less congested and more livable future.

The Stevens Creek Vision Study's Recommended Plan includes proven measures to improve safety and reduce traffic, and respects the independence of our city by not forcing any projects that Cupertino residents object to. It was approved UNANIMOUSLY by the Planning Commission and the Bicycle and Pedestrian Commission. By accepting the study, the city will be reaffirming our commitment to safe streets and strong regional partnerships **without binding the city to any new financial obligations.**

Please vote to accept the study so we can all enjoy the safe and sustainable Stevens Creek Boulevard that we deserve.

ALSO: there is no reason Cupertino cannot look like Amsterdam or Copenhagen, with not only FULLY SEPARATED and SAFE bike lanes everywhere, but also separated walking trails that are not adjacent to vehicle exhaust fumes.

Sincerely,

Doron Drusinsky

From: Braeden Webb
To: Public Comments
Subject: Public Comment 7/15 - Item 13 - Stevens Creek Boulevard Corridor Vision Study
Date: Saturday, July 12, 2025 9:12:00 PM

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

Dear Mayor and City Council,

My name is Braeden Webb and I'm a Cupertino commuter.

Stevens Creek Boulevard is our city's most important corridor for jobs, housing, and transportation, but the current design of the corridor isn't up to the task. Its current design encourages speeding, putting everyone at risk, especially those of us who are unable to drive like children, seniors, or mobility device users.

The current design is also deeply unsustainable, both environmentally and financially. With the state forcing us to plan for more development along Stevens Creek, we must ensure the transportation options along the corridor can mitigate the traffic impacts of new projects for a less congested and more livable future.

The Stevens Creek Vision Study's Recommended Plan includes proven measures to improve safety, reduce traffic, and respect the independence of our city by not forcing any projects that Cupertino residents object to. It was approved UNANIMOUSLY by the Planning Commission and the Bicycle and Pedestrian Commission. By accepting the study, the city will be reaffirming our commitment to safe streets and strong regional partnerships without binding the city to any new financial obligations.

Please vote to accept the study so we can all enjoy the safe and sustainable Stevens Creek Boulevard that we deserve.

Sincerely,
Braeden Webb

From: Maddon Nicholas Hoh-Choi
To: Public Comments
Subject: Public Comment 7/15 – Item 13 – Stevens Creek Boulevard Corridor Vision Study
Date: Saturday, July 12, 2025 10:34:43 PM

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

Dear Mayor and City Council,

My name is Maddon, a former Cupertino student.

Stevens Creek Boulevard is a vital corridor for our city, but is largely unsafe for bikers, pedestrians, and people relying on transit. Speeding traffic puts children, seniors, and people using mobility devices at risk every day.

The Stevens Creek Vision Study recommends proven improvements—like protected bike lanes, safer crosswalks, and pedestrian islands—that will make the corridor safer for everyone without harming traffic flow.

Adopting the study does **not** commit the city to any projects or spending. It simply opens the door to future grants and regional partnerships that will help Cupertino plan for growth responsibly.

Both the Planning Commission and the Bicycle Pedestrian Commission unanimously recommended adopting the study. Please vote to accept it and move Cupertino toward a safer future, especially as the city adds more residents and businesses to the corridor.

Thank you,

--



Maddon Hoh-Choi (He/Him)
University of California, Berkeley | Class of 2027
Haas School of Business

From: Alvin Yang
To: Public Comments
Subject: Public comment for 7/15 Item 13 (Stevens Creek Corridor Study)
Date: Friday, July 11, 2025 8:16:09 PM

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

Dear Mayor and City Council,

I'm writing today as a 25+ year resident of Cupertino to urge you strongly to approve the Stevens Creek Corridor Vision Study plan. I've seen Cupertino and the surrounding cities grow in my lifetime and they have outgrown the current design of Stevens Creek. There are simply too many points of interest on Stevens Creek to only prioritize car traffic. Between Downtown San Jose, SJSU, Valley Fair, Santana Row, Main Street, De Anza College, and the soon-to-be-completed Vallco project we simply cannot keep the design as is. The other cities and agencies of this study (San Jose, Santa Clara city + county, and the VTA) have all already come to this conclusion and are on board to adopt the plan. Cupertino should not continue to drag its feet at this critical juncture.

As it stands now, if you ever travel on Stevens Creek during peak hours you'll find the road full of traffic and congestion. This is especially apparent at Valley Fair/Santa Row. By adopting this plan we can alleviate the congestion on Stevens Creek as alternative options such as public transportation will become way more enticing. This will also benefit the Cupertino side of Stevens Creek as Main Street is also a highly desirable location. You may think that since there is already existing bus infrastructure that we do not need to improve it but I would argue that the current bus infrastructure isn't good enough to be a viable alternative for the average citizen. I personally took bus 23 from Cupertino to SJSU when I went to college. I found the bus would get stuck in traffic during rush hour adding an extra 10-20 minutes to my commute. Furthermore the bus route itself took so long that the overall travel time on just the bus alone was nearly an hour. This was partially alleviated when VTA started rolling out limited stop bus routes but the bus would always get stuck in traffic and stop constantly at all the red lights. One of the short term plans for the Vision Study is to give signal and lane priority to existing buses. This alone would greatly increase the speed of the bus and make it a viable alternative to driving. The plan document estimates a 50% reduction in corridor travel time which is insanely good return on investment. If you've ever been stuck queuing for parking at Santa Row you can easily see how the bus becomes a very enticing option.

I recognize that the budget has been on the City Council's mind since the loss of Apple online sales tax revenue. I would posit to you that implementing this plan is an investment in the future of the city. If Cupertino chooses to adopt the plan you will find that businesses on Stevens Creek will have an increase of customers as it will be easier and more convenient for more people to reach these places. This in turn will boost revenue for the city. It is imperative that the city council acts now while we both still have the capital and have this incredible opportunity. It is very rare to have all these citys and agencies in agreement for such a project. Passing it up now would be detrimental to any future collaboration on not just Stevens Creek but any other future projects.

Stevens Creek is in dire need of change and this is a golden opportunity to enact that change.

In the past Cupertino has led the way on Stevens Creek improvements but by dragging your feet with this study we are at risk of being left behind. I ask that Cupertino take charge once more and approve the Stevens Creek Plan for the future benefit of its citizens and of the South Bay Area.

Regards,
Alvin

From: Cate Crockett
To: City Clerk; City Council
Subject: Stevens Creek Blvd
Date: Saturday, July 12, 2025 1:50:21 PM

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

Dear Mayor and City Council,

My name is Cate Crockett and I'm a 30 year resident and Cupertino home owner.

Stevens Creek Boulevard is our city's most important corridor for jobs, housing, and transportation, but the current design of the corridor isn't up to the task. Its current design encourages speeding, putting everyone at risk, especially those of us who are unable to drive like children, seniors, or mobility device users.

The current design is also deeply unsustainable, both environmentally and financially. With the state forcing us to plan for more development along Stevens Creek, we must ensure the transportation options along the corridor can mitigate the traffic impacts of new projects for a less congested and more livable future.

The Stevens Creek Vision Study's Recommended Plan includes proven measures to improve safety and reduce traffic, and respects the independence of our city by not forcing any projects that Cupertino residents object to. It was approved UNANIMOUSLY by the Planning Commission and the Bicycle and Pedestrian Commission. By accepting the study, the city will be reaffirming our commitment to safe streets and strong regional partnerships **without binding the city to any new financial obligations.**

Please vote to accept the study so we can all enjoy the safe and sustainable Stevens Creek Boulevard that we deserve.

Sincerely,

Cate Crockett

From: Joe
To: Public Comments
Subject: Stevens Creek Boulevard Corridor Vision Study
Date: Sunday, July 13, 2025 2:22:07 AM

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

UBJECT: Public Comment 7/15 - Item 13 - Stevens Creek Boulevard Corridor Vision Study

Dear Mayor and City Council,

My name is and I'm a San Jose resident & Commuter who uses the San Jose Cupertino corridor.

Stevens Creek Boulevard is our city's most important corridor for jobs, housing, and transportation, but the current design of the corridor isn't up to the task. Its current design encourages speeding, putting everyone at risk, especially those of us who are unable to drive like children, seniors, or mobility device users.

The current design is also deeply unsustainable, both environmentally and financially. With the state forcing us to plan for more development along Stevens Creek, we must ensure the transportation options along the corridor can mitigate the traffic impacts of new projects for a less congested and more liveable future.

The Stevens Creek Vision Study's Recommended Plan includes proven measures to improve safety and reduce traffic, and respects the independence of our city by not forcing any projects that Cupertino residents object to. It was approved UNANIMOUSLY by the Planning Commission and the Bicycle and Pedestrian Commission. By accepting the study, the city will be reaffirming our commitment to safe streets and strong regional partnerships **without binding the city to any new financial obligations.**

Please vote to accept the study so we can all enjoy the safe and sustainable Stevens Creek Boulevard that we deserve.

Sincerely,
Joe Neil

CTO
Phonix.io

From: Carol Stanek
To: City Council
Cc: City Clerk
Subject: Support for the Stevens Creek Corridor Vision Study
Date: Sunday, July 13, 2025 12:52:39 PM

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

Dear Mayor, Vice Mayor and City Councilmembers,
I am writing today to voice **full support of the Stevens Creek Boulevard Corridor Vision Study** and urge you to **accept the Vision Study**. Cupertino needs to look to the future and actively pursue improved transportation routes.

I strongly disagree with the Planning Commission's recommendation to limit the study to Bubb Road.

This is short sighted and dangerous.

Anyone who travels between Bubb Road and Foothill knows that this section is routinely used as a popular shortcut by motorists to avoid the Hwy 85 to 280 interchange. This is particularly problematic on weekdays in the mornings and afternoons, the **same time as parents are taking their children to and from Stevens Creek Elementary School.** This is the only route to take children to school! There are times when it is impossible to turn onto Stevens Creek toward Foothill from the surrounding neighborhoods.

In addition, the pedestrian crossing at the entrance to the Blue Pheasant and Blackberry Farm golf course is another place that is rife with safety issues. Motorists routinely speed down the hill, so much so that Sheriff officers often position themselves here to catch speeders. **This should all be included in the Vision Study.**

To suggest that the study be limited short of this section is foolish and dangerous. We already know the issues. The Vision study will provide additional data to guide us in our decision making. The other jurisdictions and agencies have agreed that the corridor should be studied to the end. Why wouldn't we want the data too?

Let's get to work to **study the corridor all the way through to Foothill!**

Sincerely,
Carol Stanek
Speaking for myself

Note: Please include my comments in the public record.

From: Jian He
To: City Council
Cc: City Clerk; Cupertino City Manager"s Office
Subject: Urging Acceptance of the Stevens Creek Corridor Vision Study
Date: Monday, July 14, 2025 12:08:59 PM

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

Dear Members of Cupertino City Council,

As a resident of Cupertino for more than 20 years, with my family living near Stevens Creek Boulevard and my husband relying on his bike for his daily commute, I am writing to strongly urge your immediate acceptance of the Stevens Creek Corridor Vision Study. This critical initiative represents a collaborative effort between the cities of Cupertino, Santa Clara, and San Jose, along with the County of Santa Clara and the Santa Clara Valley Transportation Authority (VTA), all united in the goal of comprehensively improving Stevens Creek Boulevard. The future of this corridor directly impacts my family and many others in our community, making your decision on this matter incredibly important.

Cupertino has already demonstrated its commitment to this vital project. In July 2019, our City Council adopted a resolution specifically affirming Cupertino's support. This vision study is the culmination of extensive multi-year input from various stakeholders, including the broader public, a dedicated Steering Committee composed of elected leaders from all three cities, and a Community Advisory Group of respected community leaders. Such a thorough and inclusive process ensures that the recommendations reflect the diverse needs and aspirations of our shared community.

It is imperative to note that the City Councils of San Jose and Santa Clara, the County, and the VTA have already voted to accept the results of the Vision Study. Cupertino currently stands as the only major participant that has yet to formally accept these results. This is crucial because accepting the study keeps the City of Cupertino actively engaged with Santa Clara, San Jose, the County, and VTA in deciding the future of Stevens Creek Boulevard. Now, Cupertino must do so as well to maintain its vital role in this collaborative effort.

It's important to emphasize that the Vision Study does not mandate any specific changes or projects. Instead, it serves as a foundational document, laying out a comprehensive vision for the corridor's future. Any specific projects that emerge from this vision will require separate and individual approval processes, ensuring that Cupertino retains full control over local implementation.

Furthermore, unanimous acceptance of the study by all participating cities, the County, and VTA will significantly elevate the priority of specific projects for state and county grant funding. This will directly benefit Cupertino by increasing our chances of securing the necessary resources to realize these improvements.

Finally, I must strongly advocate that the corridor vision study encompass all of Stevens Creek Boulevard, extending all the way to Foothill Boulevard, and not terminate at Bubb Road as recommended by the Planning Commission. All other participating cities, the County, and the

VTA recognize the paramount importance of improving this vital corridor from end to end. An inclusive approach ensures a cohesive and effective strategy for the entire length of Stevens Creek Boulevard, benefiting all residents and commuters.

By accepting the Stevens Creek Corridor Vision Study, the Cupertino City Council will reaffirm its commitment to inter-agency cooperation, demonstrate its dedication to thoughtful urban planning, and unlock significant opportunities for future funding and improvement within our city.

Thank you for your time and consideration of this urgent matter.

Sincerely,
Jian He, Cupertino Resident
Many blessings to you all,
"...all things work together for good..." --- Romans 8:28

From:	Winnifred Homer-Smith
To:	City Council
Cc:	City Clerk; Cupertino City Manager"s Office
Subject:	Vision Study for Stevens Creek Corridor
Date:	Saturday, July 12, 2025 7:47:29 PM

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

Dear Cupertino City Council Members,

I am writing to express my support and enthusiasm for the Vision Study for the Stevens Creek Corridor. It is very valuable to give all the cities involved this opportunity to make significant improvements in this ever-so-important corridor that we all use so frequently. It is also very important that it include the entire length of the corridor, as was recommended by the team that produced the Vision.

It is my understanding that all the other cities involved have already approved it. It was brought into existence after many years of preparations participated in by many different interest groups. If unanimously approved, it will most likely bring important grant funding. While it does not specify projects, it clearly opens an opportunity to bring this vital corridor into the present, and to prepare it well for our future.

I certainly hope we - our city - will continue to support this project to continue all that has been achieved already.

Sincerely,

Winnifred Homer-Smith

23300 Via Esplendor, V58

Cupertino, 95014

From:	Neil Park-McClintick
To:	Public Comments; City Council
Cc:	City Clerk; Cupertino City Manager"s Office
Subject:	Yes on Item 13—Public Comment
Date:	Monday, July 14, 2025 1:58:37 PM

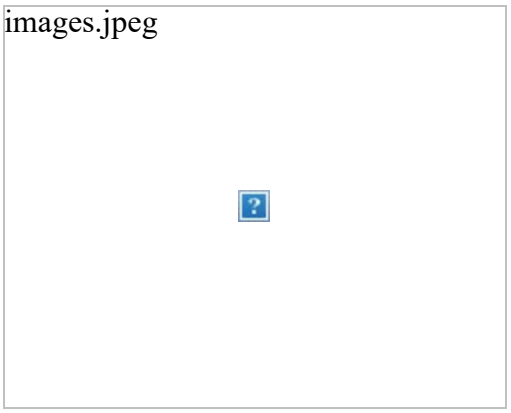
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor and City Council,

My name is Neil Park-McClintick and I lived in Cupertino for over 15 years, and my family is still lives there. I also do not own a car and rely on VTA and my bicycle to go to work, get groceries, receive healthcare treatments, meet friends+family, volunteer, and to do basically everything in life, usually on a daily basis.

Cupertino and Silicon Valley are fabled throughout the world—many of my relatives in Korea imagine grand cities, rich in amenities, nice facilities, and world class infrastructure. Of course, when people actually come here, they instead witness office parks, surrounded by sprawling suburbs, and limited pedestrian and foot traffic due to car dominance. **For all of the massive wealth we have here, our communities are deeply underwhelmed by fault in many cases of those who came before us, before we knew we'd become a epicenter for jobs, housing, and schools.** In many ways, Cupertino is actually better planned than much of the South Bay, including our portion of the corridor, but nonetheless our roads, transit systems, bikeways, and major corridors are all connected across cities, counties, agencies, and so on. We have an opportunity and duty to play a key role, as a leader in our region, to reverse the poor decisions of the past—please accept this study, so we can make our community:

(1) Better for Bus Users, Pedestrians, and Cyclists: Here is a simple visual of how important a well operated, efficient bus system can be. Often the narrative is focused on how a bus is empty. First, the 23 and 523 (the corridor lines) are two of the most used bus lines in the entire VTA network. But also, we perpetually create a self fulfilling prophecy when we purposely hinder a bus's success under the suspicion that it's underutilized. If the bus takes longer to get to your destination, you will take active steps to use the bus less or not at all, and therefore ridership declines. People need to see the government and its respective services run well and efficiently before they see those as competitive alternatives.



2. Good for Drivers: An underrated reality of having a more shared, safer corridor is that we could also create a better experience for drivers as well. If we can get more people to use the bus,

we can create a less congested corridor, especially during prime time traffic and closer to Santana Row/VF, and drivers will have to sit in traffic less. Better cyclist and walking planning also means that drivers are less likely to accidentally come into contact with active transportation, reducing fatalities, crashes and accidents (which lead to more congestion and road closures), and making driving far less stressful.

3. Good for Workers and Students, and Elderly: Cupertino, just like any community in the bay area, is highly dependent on lower-waged workers, who are often Latino (less than 5% of the city), and whose families cannot afford to live in the high rent/purchase homes of our city. In many cases, they rely on the bus to get to and from work, and are the lifeblood of our city—fueling the few retail stores we frequent, the facilities we operate, the roads we operate, the coffee shops and bakeries we eat at, and the grocery stores we depend on. Catch the bus during commuting hours, and you will see these workers, riding the bus to and from work, often sitting in gridlock traffic because of our poor corridor design. Similarly, students, especially De Anza students, ride the 23 and 523 at extremely high volumes, aided by their smart-pass deal that FHDA has with VTA, which allows for free bus use. These workers and students cannot afford a car, especially in this economy—they are living paycheck to paycheck or stretching their financial aid to the absolute last dollar. Finally, if you regularly ride this corridor, you will frequently see elderly who rely on the bus to be able to freely live their lives, many of whom are Asian-American, and who otherwise would be homebound or highly dependent on their families to have freedom.

This corridor study will not undo decades upon decades of failed planning, but this is a necessary step to bring the vibrancy, safety, and convenience that Cupertino and Silicon Valley deserves. This DOES NOT preclude future expansions of transit or alternative transportation, but it's a statement and set of policy recommendations that will steer us away from dying strip malls, communities oriented around auto dealerships, unnecessary traffic, and tangibly improve a lot of people's lives.

Sincerely,

Neil Park-McClintick

From:	Connie Cunningham
To:	City Clerk; City Council
Cc:	Cupertino City Manager"s Office
Subject:	2025-07-15 CC Agenda Item 13 Acceptance of the Stevens Creek Boulevard Corridor Vision Study
Date:	Tuesday, July 15, 2025 1:57:39 PM

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2025-07-15 CC Agenda Item 13 Acceptance of the Stevens Creek Boulevard Corridor Vision Study

Dear Mayor, Vice Mayor, Councilmembers and City Manager:

My name is Connie Cunningham, 38 year resident and Chair, Housing Commission, speaking for myself only.

I add my name to those who have written or will speak tonight to support the recommendation to Adopt Resolution No. 25-068 accepting the Stevens Creek Boulevard Corridor Vision Study, including the additional qualifications recommended by the Cupertino Bicycle Pedestrian Commission and Planning Commission, and directing City staff to work through the multi jurisdictional working group and Steering Committee to further assess the Study's recommendations and opportunities for implementation.

It is critical that regional solutions are found for transportation. Cupertino has been a member of this regional effort since the City Council adopted a resolution in July 2019 affirming Cupertino's support for this project. By voting tonight for this phase of the project the Council will show that Cupertino is committed to finding regional solutions, including this corridor's shape.

Money is always a key topic in projects of this size. This regionally approved corridor will be a very high priority for state and county grants.

Since the Vision Study includes the segment from Bubb to Foothill, I highly recommend that the City Council include that segment in its final vote. Various segments will be voted on separately, so final decisions can be fully thought out between now and completion.

I highly support the Council's adoption of Resolution No. 25-068. Thank you, in advance, for keeping this regional project momentum moving forward.

Sincerely,
Connie Cunningham

From: Aaryan Doshi
To: City Council
Cc: City Clerk; Cupertino City Manager"s Office
Subject: Accept Stevens Creek Corridor Study
Date: Tuesday, July 15, 2025 9:41:51 AM

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

Dear Councilmembers,

I hope you're doing well!

My name is Aaryan, a recent graduate of Monta Vista and frequent biker across Stevens Creek Boulevard.

I strongly urge you to accept the Stevens Creek Corridor Study for the following three reasons:
--- This will be a **joint project** to support Stevens Creek Blvd across multiple cities
--- Cupertino is the **only** city right now that has not accepted the study. There is no need for us to be an outlier on this matter --- there is a reason it has been so popular elsewhere
--- Our funding chances will increase tremendously and we can have **full coverage** to Foothill Boulevard

Please keep these at the back of your mind when you vote today.

We can keep our bikers safe.
We got this :)

Sincerely,
Aaryan

From: Sharlene Liu
To: City Council
Cc: City Clerk; Cupertino City Manager"s Office
Subject: accept Stevens Creek Corridor Vision Study
Date: Tuesday, July 15, 2025 3:07:49 PM

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

(Please include my email in the public record).

Dear Cupertino Council,

I ask you to accept the Stevens Creek Corridor Vision Study at tonight's council meeting. Stevens Creek Blvd (SCB) is an important cross-county route and we need to make it safe for all modes of transportation. By accepting the study, Cupertino will continue to be involved in its planning. The study would be greatly weakened if the Cupertino segment of SCB were left out, making it unsafe for vulnerable road users like cyclists and pedestrians. After several years of involvement, Cupertino would be wasting a lot of effort if you don't accept the study now.

I personally bike on SCB, but I try to avoid it by using parallel streets because of the unprotected nature of the bike lanes on SCB. This is inconvenient and lengthens my commute, discouraging me from biking to my destinations along SCB. Please make SCB safe all the way to Foothill Blvd on the west. We need connectivity.

Thank you,
Sharlene Liu

From: Seema Lindskog
To: City Council; City Clerk; Cupertino City Manager"s Office
Subject: Accept the Stevens Creek Blvd Corridor Vision Study
Date: Monday, July 14, 2025 9:41:28 PM

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

Dear Mayor Chao, Vice Mayor Moore, and council members,

I am on the Planning Commission, but I am writing this email as a resident of this city. Please include it in the public record.

I am writing today to urge you to accept the SCB Corridor Vision Study. Over the past few years, multiple Cupertino councilmembers of different political views have sat on the Steering Committee and influenced the direction of the Vision Study. It is the result of years of input from them combined with listening to residents in three cities, community leaders, and elected leaders. The Bike Ped Commission and Planning Commission have also voted to recommend that the City Council accept the Vision Study.

Accepting the Vision Study means that the City of Cupertino continues to be "in the room where it happens" when decisions are made about the future of this corridor. Cupertino doesn't exist in a vacuum. Traffic, transit, pedestrian and cyclist infrastructure, medians, and sidewalks on Stevens Creek Boulevard in Santa Clara and San Jose impact Cupertino residents too. Cupertino needs to make sure it has a seat at the table when the corridor in its entirety is being planned.

Accepting the Vision Study does not lock Cupertino into any specific projects, it only sets out a vision for the corridor. How we realize that vision can be very tailored to what works for us as a city.

While the Planning Commission recommended that the Vision Study's scope end at Bubb Rd, I urge the council to include the entirety of the corridor all the way to Foothill Blvd. The stretch from Bubb to Foothill is very busy with high speed car traffic and hundreds of children crossing it every day to get to Stevens Creek Elementary and Monta Vista High School. It's often used as a shortcut by drivers looking to avoid congested freeways and sees daily significant safety issues. It's a critical length and it must be included in the scope of the Vision Study.

Regards,
Seema Lindskog
Cupertino resident

"You must be the change you want to see in the world." - Mahatma Gandhi
This message is from my personal email account. I am only writing as myself, not as a representative or spokesperson for any other organization.

From:	J Shearin
To:	City Council
Cc:	City Clerk; Cupertino City Manager"s Office
Subject:	City Council July 15, 2025 | Accept the Stevens Creek Corridor Vision Study
Date:	Monday, July 14, 2025 4:47:10 PM

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

Please include the following in the public record.

Dear Mayor Chao and City Council:

I ask you today to approve the Stevens Creek Corridor Vision Study. As the Cupertino City Council affirmed in 2019, this is a key corridor through our city which needs careful planning and improvement to meet the needs of our residents for the next 50 years. This study lays out that vision, while not stating any specific changes for Cupertino. All potential plans would have to be approved by the City Council. There's not a downside for our city to approving this vision, but there is an upside: we maintain our voice in what will happen to Stevens Creek Boulevard.

This study has had extensive community input over several years, both diving deep on issues and hearing from a wide variety of residents. Cupertino has had an equal voice in the results. By approving this study, Cupertino will have a voice even beyond its borders in what happens next. This is crucial as we know that our South Bay issues such as heavy traffic do not restrict themselves by stopping at a city limit. Let's not throw that away voice.

Other cities, VTA, and the county have all approved this study. They want to keep their constituent's interests represented. The Planning Commission and the Bicycle Pedestrian Commission have encouraged approving it, too.

One note is that this study should not stop at Bubb Road, as a few Planning Commissioners (who live on the west side) asked for. We are one city, and the west side should not be above consideration for inclusion just as it should be for all city decisions, whether zoning, transportation, or other large-scale planning. Stevens Creek Boulevard extends to Foothill, and the vision should, too.

Thank you for considering my input on this matter, and your work on behalf of Cupertino.

Sincerely,

Jennifer Shearin
Cupertino resident

From: louise saadati
To: Cupertino City Manager"s Office
Subject: Fwd: Steven Creek Corridor Vision Study
Date: Tuesday, July 15, 2025 12:53:48 PM

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

Sent from my iPhone

Begin forwarded message:

From: louise saadati <lwsaadati@gmail.com>
Date: July 15, 2025 at 1:38:21 AM PDT
To: citycouncil@cupertino.gov, City Clerk <cityclerk@cupertino.gov>
Subject: Steven Creek Corridor Vision Study

Dear Mayor Chao, Vice-Mayor Moore and City Council Members:

Please include the following in the public record:

Please vote yes on the Stevens Creek Corridor Vision Study at the City Council Meeting of 7/15/26.

This is a joint project by Santa Clara, Cupertino, San Jose, VTA and the County to study and make recommendations for the safety along the Stevens Creek Boulevard. Cupertino needs to approve this to be included in the conversation and decisions made by these cities and the County. This is to improve the safety for all of us whether on transit, driving , biking or walking.

The recommendations need to go end to end including all the way to Foothill Blvd where all the residents travel to and deserve optimal safety.

Cupertino is the last city to give their approval to this vision. Cupertino's approval of the results of the Vision Study will make it easier for the cities and entities to receive grant approvals to improve that corridor.

Please vote yes to show that you believe in making Stevens Creek Corridor a safe and enjoyable corridor for us all to enjoy.

Thank you for supporting this by voting yes.

Louise Saadati
40 year resident of Cupertino

Sent from my iPhone

From: Jennifer Griffin
To: City Council; City Clerk
Cc: grenna5000@yahoo.com
Subject: Item 13-Stevens Creek Blvd. Corridor Vision Study
Date: Tuesday, July 15, 2025 9:52:04 AM

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

(Please include the following as comments for Item Number 13 in the City Council Agenda
For July 15, 2025).

Dear City Council Council:

I attended the Stevens Creek Blvd. Corridor Vision Studies meetings and activities in different cities for the last few years. This included a bus tour from Diridon Station and many different types of meetings and activities in San Jose, Santa Clara and Cupertino.

The meetings were well attended and there was much discussion about different aspects of the Corridor.

I don't think it is a good idea to have BRT or Bus Rapid Transit down Stevens Creek Blvd. It would not be a good idea to close one lane on each side of Stevens Creek Blvd for a Fixed Bus Rapid Transit Or a dedicated bus line as there is already gridlock in some areas of Stevens Creek Blvd. There is simply no room to have any lanes closed on Stevens Creek Blvd. Traffic flow demands having full Access of all lanes of traffic, especially in the Cupertino area.

There is already a bus line on Stevens Creek Blvd. in the form of Bus 23 and 523. These buses do A good job of moving passengers up and down the corridor and they seem to operate as well As bus lines in other cities, especially the Santa Cruz area. There is no reason to shut down one Lane of Stevens Creek Blvd. for Bus Rapid Transit.

I think the corridor study should include the part of Stevens Creek Blvd/San Carlos that goes Toward San Jose State University.

I don't think the Corridor Study should try to include the area of Cupertino where Stevens Creek Blvd. connects with Foothill Blvd. This area is far off the scope of the Stevens Creek Blvd. Corridor Vision Study and it is too deep into Cupertino where Stevens Creek Blvd. narrows and gets into a highly Rural area. Los Altos was never consulted or involved in the Stevens Creek Blvd. Corridor Vision Study at all. We also never studied the Downtown San Jose areas where San Carlos runs into the San Jose Downtown and San Jose State. The boundaries of the Stevens Creek Blvd. Corridor Vision Study did not involve these adjacent areas of Foothill Blvd and San Jose State so it would be better To concentrate on the Corridor Proper that was indeed studied.

It is important to make sure car traffic is not impeded on Stevens Creek Blvd. It is a major source of Transportation and keeping all lanes open on Stevens Creek Blvd. will keep traffic flowing smoothly.

I am also extremely concerned about the potential implications if SB 79 (Senator Wiener) passes In 2025. This bill is not subject to CEQA, and there may be the potential that traffic in the Stevens Creek Blvd. Corridor will go to gridlock if this bill is implemented, especially since I believe The main intent of SB 79 is to run high voltage transmission lines for AI and Data Centers down Transit and bus lines of which Stevens Creek Blvd. is one.

Please make sure Bus Rapid Transit is not installed on Stevens Creek Blvd on the Stevens Creek Corridor

And especially not in Cupertino. Do not let lanes be closed on Stevens Creek Blvd. for bus only Service. Cupertino has its Heart of the City which is very important to the City and many people have worked countless hours to maintain it.

Thank you.

Best regards,

Jennifer Griffin

From: Hoai-An Truong
To: Public Comments
Subject: Public Comment 7/15 - Item 13 - Stevens Creek Boulevard Corridor Vision Study
Date: Tuesday, July 15, 2025 11:21:36 AM

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

I am Hoai-An Truong, with Mothers Out Front Silicon Valley for a livable climate for all children.

As a lifelong transit rider, I urge you to fully support the "Stevens Creek Corridor Vision Study".

The following statistics probably come from VTA a few years ago: During the pandemic, 80% of riders were transit-dependent. Here in the county, people of color made up 80% of VTA riders. 50% of riders were low-income. Nearly a third of all transit riders were essential workers.

- Make it easier and FASTER for low-income folks and all transit riders to get to work. We need improvements to public transit to support all these populations and more.
- We desperately need Bus-Only Lanes. We need to fund signal preemption for public transit post-haste to make public transit faster. BOTH will help speed up travel from San Jose to Cupertino. a major benefit not only to Cupertino, but to getting around the whole county.

Additionally, in the Bay Area, the fastest-growing demographic is people aged 65 and older.

- We need safer street crossings for everyone crossing the street.
- We need a LOT more protected bike lanes for safety and to encourage more biking for improved health, reduced stress, and getting more of us out of our cars.
- We need lots more trees to help cool the city, and make getting around without a car easier.
- All of these things also help us reach the city's climate goals. Increased foot traffic also benefits local businesses as in this FANTASTIC TED Talk.

TED Talk: Janette Sadik-Khan: New York's streets? Not so mean any more
https://www.youtube.com/watch?v=LujWrkYsl64&t=1s

I urge you to make these changes as quickly as possible. Thank you.

Hoai-An Truong
Mothers Out Front Silicon Valley
San Jose resident

--
Sent by carrier pigeon

*** 350ppm *** 350ppm *** 350ppm *** 350ppm *** 350ppm ***

ALL HANDS ON DECK!
Climate Action: Do it for everyone you LOVE!

Food as Climate Action: Changing how we eat, how we farm, and reducing food waste are some of the FASTEST and easiest ways to REVERSE climate change.

#WeCanSolveThis (playlist - fun & interesting videos!):
The diet that helps fight climate change and more

Now on Netflix! KISS THE GROUND - movie based on the bestseller. A climate solution full of hope!

Support statewide and local/regional public banks that reinvest profits in the public interest. This can include pandemic relief & recovery, AND climate solutions. And it's a way to divest our public institutions from fossil fuel investments!

*** 350ppm *** 350ppm *** 350ppm *** 350ppm *** 350ppm ***

From: Jacob Brandis
To: Public Comments
Subject: Public Comment 7/15 - Item 13 - Stevens Creek Boulevard Corridor Vision Study
Date: Tuesday, July 15, 2025 11:12:33 AM

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

Dear Mayor and City Council,

My name is Jacob Brandis and I'm a Cupertino commuter.

Stevens Creek Boulevard is our city's most important corridor for jobs, housing, and transportation, but the current design of the corridor isn't up to the task. Its current design encourages speeding, putting everyone at risk, especially those of us who are unable to drive like children, seniors, or mobility device users.

The current design is also deeply unsustainable, both environmentally and financially. With the state forcing us to plan for more development along Stevens Creek, we must ensure the transportation options along the corridor can mitigate the traffic impacts of new projects for a less congested and more livable future.

The Stevens Creek Vision Study's Recommended Plan includes proven measures to improve safety and reduce traffic, and respects the independence of our city by not forcing any projects that Cupertino residents object to. It was approved UNANIMOUSLY by the Planning Commission and the Bicycle and Pedestrian Commission. By accepting the study, the city will be reaffirming our commitment to safe streets and strong regional partnerships **without binding the city to any new financial obligations.**

Please vote to accept the study so we can all enjoy the safe and sustainable Stevens Creek Boulevard that we deserve.

Sincerely,
Jacob Brandis

From: Ashwin Venugopal
To: Public Comments
Subject: Public Comment 7/15 - Item 13 - Stevens Creek Boulevard Corridor Vision Study
Date: Tuesday, July 15, 2025 11:03:22 AM

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

Dear Mayor and City Council,

My name is Ashwin Venugopal and I'm a Cupertino student.

Stevens Creek Boulevard is our city's most important corridor for jobs, housing, and transportation, but the current design of the corridor isn't up to the task. Its current design encourages speeding, putting everyone at risk, especially those of us who are unable to drive like children, seniors, or mobility device users.

The current design is also deeply unsustainable, both environmentally and financially. With the state forcing us to plan for more development along Stevens Creek, we must ensure the transportation options along the corridor can mitigate the traffic impacts of new projects for a less congested and more livable future.

The Stevens Creek Vision Study's Recommended Plan includes proven measures to improve safety and reduce traffic, and respects the independence of our city by not forcing any projects that Cupertino residents object to. It was approved UNANIMOUSLY by the Planning Commission and the Bicycle and Pedestrian Commission. By accepting the study, the city will be reaffirming our commitment to safe streets and strong regional partnerships without binding the city to any new financial obligations.

Please vote to accept the study so we can all enjoy the safe and sustainable Stevens Creek Boulevard that we deserve.

Sincerely,
Ashwin Venugopal

student email provided for educational purposes by Fremont Union HSD

From: radhika
To: Public Comments
Subject: Public Comment 7/15 - Item 13 - Stevens Creek Boulevard Corridor Vision Study
Date: Tuesday, July 15, 2025 10:58:41 AM

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

Dear Mayor and City Council,

My name is radhika and I'm a Cupertino student!

Stevens Creek Boulevard is our city's most important corridor for jobs, housing, and transportation, but the current design of the corridor isn't up to the task. Its current design encourages speeding, putting everyone at risk, especially those of us who are unable to drive like children, seniors, or mobility device users.

The current design is also deeply unsustainable, both environmentally and financially. With the state forcing us to plan for more development along Stevens Creek, we must ensure the transportation options along the corridor can mitigate the traffic impacts of new projects for a less congested and more livable future.

The Stevens Creek Vision Study's Recommended Plan includes proven measures to improve safety and reduce traffic, and respects the independence of our city by not forcing any projects that Cupertino residents object to. It was approved UNANIMOUSLY by the Planning Commission and the Bicycle and Pedestrian Commission. By accepting the study, the city will be reaffirming our commitment to safe streets and strong regional partnerships **without binding the city to any new financial obligations.**

Please vote to accept the study so we can all enjoy the safe and sustainable Stevens Creek Boulevard that we deserve.

Sincerely,
radhika

From: Hazel
To: Public Comments
Subject: Public Comment 7/15 - Item 13 - Stevens Creek Boulevard Corridor Vision Study
Date: Tuesday, July 15, 2025 10:54:33 AM

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

Dear Mayor and City Council,

My name is Hazel Harrison and I'm a Cupertino resident.

Stevens Creek Boulevard is our city's most important corridor for jobs, housing, and transportation, but the current design of the corridor isn't up to the task. Its current design encourages speeding, putting everyone at risk, especially those of us who are unable to drive like children, seniors, or mobility device users.

The current design is also deeply unsustainable, both environmentally and financially. With the state forcing us to plan for more development along Stevens Creek, we must ensure the transportation options along the corridor can mitigate the traffic impacts of new projects for a less congested and more livable future.

The Stevens Creek Vision Study's Recommended Plan includes proven measures to improve safety and reduce traffic, and respects the independence of our city by not forcing any projects that Cupertino residents object to. It was approved UNANIMOUSLY by the Planning Commission and the Bicycle and Pedestrian Commission. By accepting the study, the city will be reaffirming our commitment to safe streets and strong regional partnerships **without binding the city to any new financial obligations.**

Please vote to accept the study so we can all enjoy the safe and sustainable Stevens Creek Boulevard that we deserve.

Sincerely,
Hazel Harrison

From: Shaurya Arora
To: Public Comments
Subject: Public Comment 7/15 - Item 13 - Stevens Creek Boulevard Corridor Vision Study
Date: Tuesday, July 15, 2025 10:51:25 AM

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

Dear Mayor and City Council,

My name is Shaurya Arora and I'm a Cupertino resident and business owner

Stevens Creek Boulevard is our city's most important corridor for jobs, housing, and transportation, but the current design of the corridor isn't up to the task. Its current design encourages speeding, putting everyone at risk, especially those of us who are unable to drive like children, seniors, or mobility device users.

The current design is also deeply unsustainable, both environmentally and financially. With the state forcing us to plan for more development along Stevens Creek, we must ensure the transportation options along the corridor can mitigate the traffic impacts of new projects for a less congested and more livable future.

The Stevens Creek Vision Study's Recommended Plan includes proven measures to improve safety and reduce traffic, and respects the independence of our city by not forcing any projects that Cupertino residents object to. It was approved UNANIMOUSLY by the Planning Commission and the Bicycle and Pedestrian Commission. By accepting the study, the city will be reaffirming our commitment to safe streets and strong regional partnerships **without binding the city to any new financial obligations.**

Please vote to accept the study so we can all enjoy the safe and sustainable Stevens Creek Boulevard that we deserve.

Sincerely,
Shaurya Arora

From: Mary Williams
To: Public Comments
Subject: Public Comment 7/15 - Item 13 - Stevens Creek Boulevard Corridor Vision Study
Date: Tuesday, July 15, 2025 9:12:20 AM

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

Dear Mayor and City Council,

My name is Mary Williams and I'm a long time Cupertino bike commuter.

Stevens Creek Boulevard is our city's most important corridor for jobs, housing, and transportation, but the current design of the corridor isn't up to the task. Its current design encourages speeding, putting everyone at risk, especially those of us who are unable to drive like children, seniors, or mobility device users.

The current design is also deeply unsustainable, both environmentally and financially. With the state forcing us to plan for more development along Stevens Creek, we must ensure the transportation options along the corridor can mitigate the traffic impacts of new projects for a less congested and more livable future.

The Stevens Creek Vision Study's Recommended Plan includes proven measures to improve safety and reduce traffic, and respects the independence of our city by not forcing any projects that Cupertino residents object to. It was approved UNANIMOUSLY by the Planning Commission and the Bicycle and Pedestrian Commission. By accepting the study, the city will be reaffirming our commitment to safe streets and strong regional partnerships **without binding the city to any new financial obligations.**

Please vote to accept the study so we can all enjoy the safe and sustainable Stevens Creek Boulevard that we deserve.

Sincerely,
Mary Williams

From: Daniel Huynh
To: Public Comments
Subject: Public Comment 7/15 - Item 13 - Stevens Creek Boulevard Corridor Vision Study
Date: Tuesday, July 15, 2025 7:29:43 AM

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

Dear Mayor and City Council,

My name is Daniel Huynh. From my experiences as someone who lives by Stevens Creek Boulevard, I can tell it's not only Cupertino's most vital corridor for jobs, housing, and transportation, but also a gateway connecting it with other major cities and neighborhoods in the county allowing for people from all over the county to visit, work, study, do business,etc in Cupertino enriching all of us.

But sadly the current design of the corridor isn't up to this awesome task. Its current design encourages speeding, putting everyone at risk, especially those of us who are unable to drive like children, seniors, or mobility device users with Stevens Creek Blvd and its immediate area is home to many schools, childcare facilities, senior centers, and parks.

The current design is also deeply unsustainable, both environmentally and financially. With the state forcing us to plan for more development along Stevens Creek, we must ensure the transportation options along the corridor can mitigate the traffic impacts of new projects for a less congested and more livable future.

The Stevens Creek Vision Study's Recommended Plan includes proven measures to improve safety and reduce traffic, and respects the independence of our city by not forcing any projects that Cupertino residents object to. It will ignificantly improve safety for car drivers, bus riders, and people on bike, foot, or wheelchair without affecting traffic flow. These include high visibility crosswalks, protected bike lanes, and pedestrian crossing islands.

It was approved UNANIMOUSLY by the Planning Commission and the Bicycle and Pedestrian Commission. By accepting the study, the city will be reaffirming our commitment to safe streets and strong regional partnerships without binding the city to any new financial obligations.

Please vote to accept the study so we can all enjoy the safe and sustainable Stevens Creek Boulevard that we deserve.

Sincerely, Daniel Huynh

From: Phillip Hines
To: Public Comments
Subject: Public Comment 7/15 - Item 13 - Stevens Creek Boulevard Corridor Vision Study
Date: Monday, July 14, 2025 11:51:27 PM

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

Dear Mayor & Council,

My name is Phil Hines, and I am a frequent commuter within Cupertino. I have many friends and a church community in the area, and would love to see improvements made to the safety of all residents in the city.

I urge the council to approve The Stevens Creek Vision Study's Recommended Plan, which includes sensible and data-proven methods to reduce traffic and improve safety at this key corridor. Stevens Creek Blvd is a key part of many folks' commutes, and improving the safety and long-term sustainability of the corridor is a must. And as there are plans to further improve and develop Stevens Creek, this kind of long-term thinking is paramount.

I hope the council recognizes the merits of the plan, as many others in the area -- like the county, San Jose city, and the VTA have. Please vote in favor of the plan, which provides the city a wealth of opportunities to stay committed to safe streets and strong relationships with your neighboring cities.

Thank you,
-Phil

From: Alex Richardson
To: Public Comments
Subject: Public Comment 7/15 - Item 13 - Stevens Creek Boulevard Corridor Vision Study
Date: Monday, July 14, 2025 8:28:57 PM

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

Dear Mayor and City Council,

My name is Alex and I'm a Cupertino resident.

I've lived here almost my whole life. Cupertino is a beautiful place and I want to enjoy it through biking and walking. Unfortunately, I don't feel safe when I do. I try to bike 11 miles to work as much as I can but hate that cars are passing me at twice the speed less than a foot away. It makes me want to stop for good.

I drive as much as the next person and want to keep being able to, and am not worried about that as this plan will not affect traffic flow. What this plan will do is look into options that make other forms of transport more realistic and will help with our sense of community and sustainability.

Whenever I walk around Stevens Creek, I always feel a little unsafe and isolated on an empty sidewalk with a massive road next to me. Crossing can be a harrowing experience, rushing to get to the far side in the 30 seconds the light allows, all while hoping no cars decide to pull a fast right turn. Through this plan, if we are able to find a way to make it more friendly to pedestrians, I think it would be amazing to be able to bike and walk around the area comfortably and run into friends and acquaintances.

Stevens Creek Boulevard is our city's most important corridor for jobs, housing, and transportation, but the current design of the corridor isn't up to the task. Its current design encourages speeding, putting everyone at risk, especially those of us who are unable to drive like children, seniors, or mobility device users. Changing this street could also play a major role in better connecting our city centers such as Main Street and the Cupertino Library to the rest of the city, further enhancing our city's community.

The current design is deeply unsustainable, both environmentally and financially. With the state forcing us to plan for more development along Stevens Creek, we must ensure the transportation options along the corridor can mitigate the traffic impacts of new projects for a less congested and more livable future.

As someone who is planning on getting a new house in a few years I've been thinking about

whether I'd want that to be in Cupertino or not. My biggest challenge living here has been the lack of community and accessibility for shorter commutes due to our current infrastructure. Plans like this are what give me hope for our city's future and make me excited to see how Cupertino can continue to lead the way in building a sustainable future.

The Stevens Creek Vision Study's Recommended Plan includes proven measures to improve safety and reduce traffic, and respects the independence of our city by not forcing any projects that Cupertino residents object to. It was approved UNANIMOUSLY by the Planning Commission and the Bicycle and Pedestrian Commission. By accepting the study, the city will be reaffirming our commitment to safe streets and strong regional partnerships without binding the city to any new financial obligations.

Please vote to accept the study so we can all enjoy the safe and sustainable Stevens Creek Boulevard that we deserve.

Sincerely,

Alex Richardson

From: CrystaLuna Luminescent
To: Public Comments
Subject: Public Comment 7/15 - Item 13 - Stevens Creek Boulevard Corridor Vision Study
Date: Monday, July 14, 2025 6:20:04 PM

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

Dear Mayor and City Council,

My name is Savita Nataraj and I regularly drive through Stevens Creek Boulevard.

Stevens Creek Boulevard is the city's most important corridor for jobs, housing, and transportation, but the current design of the corridor isn't up to the task. Its current design encourages speeding, putting everyone at risk, especially those who are unable to drive like children, seniors, or mobility device users.

The current design is also deeply unsustainable, both environmentally and financially. With the state forcing us to plan for more development along Stevens Creek, please ensure the transportation options along the corridor can mitigate the traffic impacts of new projects for a less congested and more livable future.

The Stevens Creek Vision Study's Recommended Plan includes proven measures to improve safety and reduce traffic, and respects the independence of the city by not forcing any projects that Cupertino residents object to. It was approved UNANIMOUSLY by the Planning Commission and the Bicycle and Pedestrian Commission. By accepting the study, the city will be reaffirming the commitment to safe streets and strong regional partnerships without binding the city to any new financial obligations.

Please vote to accept the study so we can all enjoy the safe and sustainable Stevens Creek Boulevard that we deserve.

Sincerely,

Savita Nataraj

Blessings on your night and day,
Savita N.

From: Vishnu Bhat
To: Public Comments
Subject: Public Comment 7/15 - Item 13 - Stevens Creek Boulevard Corridor Vision Study
Date: Tuesday, July 15, 2025 11:23:30 AM

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

Dear Mayor and City Council,

My name is Vishnu and I'm a Cupertino resident.

Stevens Creek Boulevard is our city's most important corridor for jobs, housing, and transportation, but the current design of the corridor isn't up to the task. Its current design encourages speeding, putting everyone at risk, especially those of us who are unable to drive like children, seniors, or mobility device users.

The current design is also deeply unsustainable, both environmentally and financially. With the state forcing us to plan for more development along Stevens Creek, we must ensure the transportation options along the corridor can mitigate the traffic impacts of new projects for a less congested and more livable future.

The Stevens Creek Vision Study's Recommended Plan includes proven measures to improve safety and reduce traffic, and respects the independence of our city by not forcing any projects that Cupertino residents object to. It was approved UNANIMOUSLY by the Planning Commission and the Bicycle and Pedestrian Commission. By accepting the study, the city will be reaffirming our commitment to safe streets and strong regional partnerships **without binding the city to any new financial obligations.**

Please vote to accept the study so we can all enjoy the safe and sustainable Stevens Creek Boulevard that we deserve.

Sincerely,
Vishnu Bhat

From: louise saadati
To: City Council; City Clerk
Subject: Steven Creek Corridor Vision Study
Date: Tuesday, July 15, 2025 1:38:31 AM

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

Dear Mayor Chao, Vice-Mayor Moore and City Council Members:

Please include the following in the public record:

Please vote yes on the Stevens Creek Corridor Vision Study at the City Council Meeting of 7/15/26.

This is a joint project by Santa Clara, Cupertino, San Jose, VTA and the County to study and make recommendations for the safety along the Stevens Creek Boulevard. Cupertino needs to approve this to be included in the conversation and decisions made by these cities and the County. This is to improve the safety for all of us whether on transit, driving , biking or walking.

The recommendations need to go end to end including all the way to Foothill Blvd where all the residents travel to and deserve optimal safety.

Cupertino is the last city to give their approval to this vision. Cupertino's approval of the results of the Vision Study will make it easier for the cities and entities to receive grant approvals to improve that corridor.

Please vote yes to show that you believe in making Stevens Creek Corridor a safe and enjoyable corridor for us all to enjoy.

Thank you for supporting this by voting yes.

Louise Saadati
40 year resident of Cupertino

Sent from my iPhone

From: Kelly Cox
To: Public Comments; Liang Chao; Kitty Moore
Cc: Lisa Gillmor; Manager
Subject: Steven's Creek Study Public Comment
Date: Monday, July 14, 2025 6:27:20 PM

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

Honorable Mayor Chao, Vice Mayor Moore, and Councilmembers,

Tomorrow, Cupertino City Council will be voting on the adoption of the Stevens Creek Corridor Vision Study. This project is a testament to the collaboration between the Public Works departments of our cities and our joint commitment to a safe, sustainable, and economically productive corridor that we can all be proud of. Accepting this study will enable our cities to move forward in a unified manner to transform the corridor in accordance with the will of our communities who have repeatedly made their voices heard in favor of such an effort.

We in Santa Clara value our relationship with our neighbors and partners, and hope to strengthen our collaboration in key areas such as traffic safety, economic development, and sustainability. I know our residents and small businesses share that sentiment, and we have heard time and time again that they are excited for us to collaborate on such an important corridor.

While the adoption of the study does not commit us or our partners to implementing any specific projects or ongoing financial obligations, it will make our joint efforts and joint projects significantly more competitive for grants. Should we decide to advance a project on the corridor, we can count on the Vision Study to show our regional, state, and federal partners that we are committed to a safe and seamless experience on the corridor for all.

In such uncertain times, I am grateful that we are working to preserve and strengthen our ties. Our efforts to improve safety, sustainability, congestion, and economic productivity will only be furthered by our partnership.

I look forward to our continued collaboration and I hope that the Stevens Creek Corridor Vision Study can be adopted without alteration.

Sincerely,
Kelly Cox, Santa Clara Vice Mayor

Get Outlook for iOS

From:	Glenn Fishler
To:	City Council
Cc:	City Clerk; Cupertino City Manager"s Office
Subject:	Stevens Creek Corridor Vision Study Acceptance on July 15, 2025
Date:	Monday, July 14, 2025 9:31:29 PM

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

Dear Cupertino City Council Members,

Please include this message in the public record.

I am writing to encourage your unanimous approval to accept the Stevens Creek Corridor Study during the City Council meeting on July 15, 2025. This is a joint project intended to improve the Stevens Creek Corridor from end to end. The cities of San Jose and Santa Clara, plus Santa Clara County and VTA have already accepted the Vision Study; now it's Cupertino's turn to follow suit so we may be included in this important process.

Why is it important for Cupertino to accept the Vision Study?

1) Cupertino needs to accept the Vision Study to be part of the go-forward decision making on the corridor, because traffic and transit do not stop at our city borders. What happens in Santa Clara and San Jose affects Cupertino as well, so it's important for us to have a say.
2) Unanimous acceptance by the three cities involved, plus the county, and VTA means future projects are more likely to receive priority for state and county grant funding.
3) The Vision Study has involved a multi-stakeholder process. Recommendations were developed after receiving years of input by the broader public, a Steering Committee made up of elected leaders from all three cities, and a Community Advisory Group made up of community leaders from all three cities.
4) The Study does not mandate any specific changes to the Corridor. Rather, it lays out a vision. Any specific projects will need to be approved separately and individually. So, Cupertino's specific interests will be heard as the vision moves forward.
5) The vision should include the entire length of Stevens Creek Blvd. to Foothill Blvd. It should not stop at Bubb Road, as recommended by the Cupertino Planning Commission. The other cities, the County, and the VTA recognize the importance of improving the corridor from end to end. Cupertino should follow suit.

Thank you for your support on this important matter.

Sincerely,

Glenn Fishler
Cupertino Resident since 1997

From: Kitty Moore
To: City Clerk
Subject: Item 13 Written Communications
Date: Tuesday, July 15, 2025 1:17:46 PM
Attachments: 2023-101-Report.pdf

Dear City Clerk,

Please provide this email and the attached State Auditor Report regarding VTA for Written Communications Item 13:

Santa Clara Valley Transportation Authority
"Improvements Are Necessary to Strengthen Its Project Management and Financial Oversight"
June 2024
State Auditor REPORT 2023-101
https://www.auditor.ca.gov/reports/2023-101/

A key point in the report is that there has been a lack of cost-benefit analyses conducted by VTA.

Thank you,

Kitty Moore

Kitty Moore
Vice Mayor
City Council
KMoore@cupertino.gov
(408) 777-1389

Santa Clara Valley Transportation Authority

Improvements Are Necessary to Strengthen Its Project Management and Financial Oversight

June 2024

REPORT 2023-101



CALIFORNIA STATE AUDITOR
621 Capitol Mall, Suite 1200 | Sacramento | CA | 95814

916.445.0255 | TTY **916.445.0033**

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For questions regarding the contents of this report, please contact our Communications Office at 916.445.0255

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Grant Parks *State Auditor*

Mike Tilden *Chief Deputy*

June 11, 2024
2023-101

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

As directed by the Joint Legislative Audit Committee, my office conducted an audit of the Santa Clara Valley Transportation Authority (VTA) regarding the agency's governance structure, project planning and management, financial viability, and fiscal oversight. VTA is a special district that provides transit services throughout Santa Clara County (county). The agency is governed by a Board of Directors (board) consisting of 12 directors who each represent various jurisdictions within the county.

VTA is responsible for planning and delivering improvements to county transit systems or transportation infrastructure. However, the agency needs to strengthen its planning and oversight of such capital projects. For example, when VTA estimates the costs of capital projects, it does not always estimate the cost to operate and maintain the project. Also, VTA's staff do not provide regular updates to the board about variances from the cost estimates it develops before the construction of a project. For example, the construction cost of one project we reviewed increased by about 24 percent from the start of construction. Without regular information about cost increases such as this one, the board has diminished insight into capital project performance.

The processes for appointing VTA's directors are not always transparent enough to ensure the appointment of directors with experience in transportation. For example, one group of cities in the county does not meet publicly when it decides who to appoint as its director. Once appointed, VTA's directors have briefer tenures than those of peer transit agencies, and this is due, in part, to the shorter term lengths that state law establishes for VTA directors compared to the term lengths of other agencies' directors. As a result, VTA's board has less experience overseeing the agency's operations than the boards of peer agencies.

Finally, VTA is in good financial condition but would benefit from adopting additional fiscal oversight practices. More than 60 percent of VTA's annual revenue comes from sales taxes, which are a time-limited and uncertain source of revenue. However, VTA has not determined how it will replace this revenue once some of the measures authorizing these taxes begin expiring in 2036. Additionally, VTA's staff do not report to the board about financial performance metrics, such as the cost per passenger trip, which is information that could assist the board in overseeing VTA's performance.

Respectfully submitted,

GRANT PARKS
California State Auditor

Selected Abbreviations Used in This Report

ACFR	Annual Comprehensive Financial Report
APTA	American Public Transportation Association
BART	Bay Area Rapid Transit
CalPERS	California Public Employees' Retirement System
CapMetro	Capital Metropolitan Transportation Authority
CEO	Chief Executive Officer
CFO	Chief Financial Officer
EBRC	Eastridge to BART Regional Connector
FPPC	Fair Political Practices Commission
FTA	Federal Transit Administration
GAO	U.S. Government Accountability Office
GFOA	Government Finance Officers Association
LA Metro	Los Angeles County Metropolitan Transportation Authority
OCTA	Orange County Transportation Authority
OPEB	Other post-employment benefits
SacRT	Sacramento Regional Transit District
SCIP	Strategic Capital Investment Plan
SSTPO	Safety, Security, and Transit Planning and Operations
TCRP	Transit Cooperative Research Program
TriMet	Tri-County Metropolitan Transportation District of Oregon
VTA	Santa Clara Valley Transportation Authority

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Summary

Results in Brief

The Santa Clara Valley Transportation Authority (VTA) is a special district responsible for ensuring that Santa Clara County's (county) transit and transportation needs are met. VTA provides transit services—including light rail and bus service—and traffic congestion management services throughout the county. A 12-member board of directors (board) governs VTA and sets VTA policy. Board directors are appointed by local elected officials from the city of San José, from the county, and from groups of smaller cities within the county. The head of VTA's Administrative Branch is the Chief Executive Officer (CEO), who oversees and manages all facets of the organization under policy direction from the board. This audit report concludes the following:

VTA Can Strengthen Its Planning and Oversight of Capital Projects and Better Inform the Board About Cost and Schedule Changes

- VTA addressed individual changes to its capital projects' costs and schedules in accordance with its procedures. However, VTA's cost estimates are neither comprehensive nor fully documented. VTA staff also do not regularly report to the board variances in cost or schedule in VTA's capital projects, leaving the board unaware of important details about these projects and diminishing the board's oversight of capital projects.

Legislative Changes Could Increase the Transparency and Effectiveness of VTA's Board

- The process for selecting directors for the board is not always transparent enough to ensure the appointment of directors experienced in transportation issues. For example, the mayors from one group of cities do not meet in public to deliberate regarding whom they will appoint as a director.

- The two-year term served by VTA's directors is established in state law and is shorter than the terms of most of their peers at other transportation agencies. In practice, VTA directors have shorter tenures, on average, than their peers, meaning that VTA's board has less experience overseeing the agency's operations than the boards of peer agencies.

VTA Should Adopt Several Additional Practices to Optimize its Financial Health and Strategic Direction

- VTA is in relatively good financial condition. The agency has consistently spent less than it received in revenue, and it has built sizeable reserves to prepare for unexpected financial events. However, VTA relies on an uncertain source—sales taxes—for more than 60 percent of its annual revenue, and it has not yet determined how it will replace this revenue once the measures authorizing these taxes begin expiring in 2036.

- Despite the importance of working from a strategic plan, VTA has been operating with an expired strategic plan since 2022. Further, VTA's strategic planning documents—the expired plan and a CEO's list of initiatives—do not contain measurable objectives, strategies for achieving particular objectives, or performance measures that would enable it to track its progress toward achieving its goals.

Agency Comments

VTA agreed with the recommendations we directed to it and indicated that it is committed to implementing them. However, VTA disagreed with the two recommendations we made to the Legislature regarding the transparency of the appointment of directors to its board and the term length for its directors.

Introduction

Background

The Santa Clara Valley Transportation Authority (VTA) is a special district responsible for providing transit services within Santa Clara County (county). VTA reports that it provides transit services to a 346-square-mile service area with more than 50 bus routes and more than 50 light rail stations. VTA also serves as the county's congestion management agency, which means VTA is responsible for developing, adopting, and updating a congestion management program that, among other things, contains traffic level-of-service standards for highways and roadways in the county. In these roles, VTA may design and construct state highways, create transit-oriented joint development projects, and provide bicycle and pedestrian facilities. The text box provides examples of VTA's responsibilities.

Examples of VTA's Responsibilities

- Providing public transportation services: bus, light rail, and paratransit.
- Developing countywide transportation planning.
- Managing specific highway improvement projects.

Source: VTA policy.

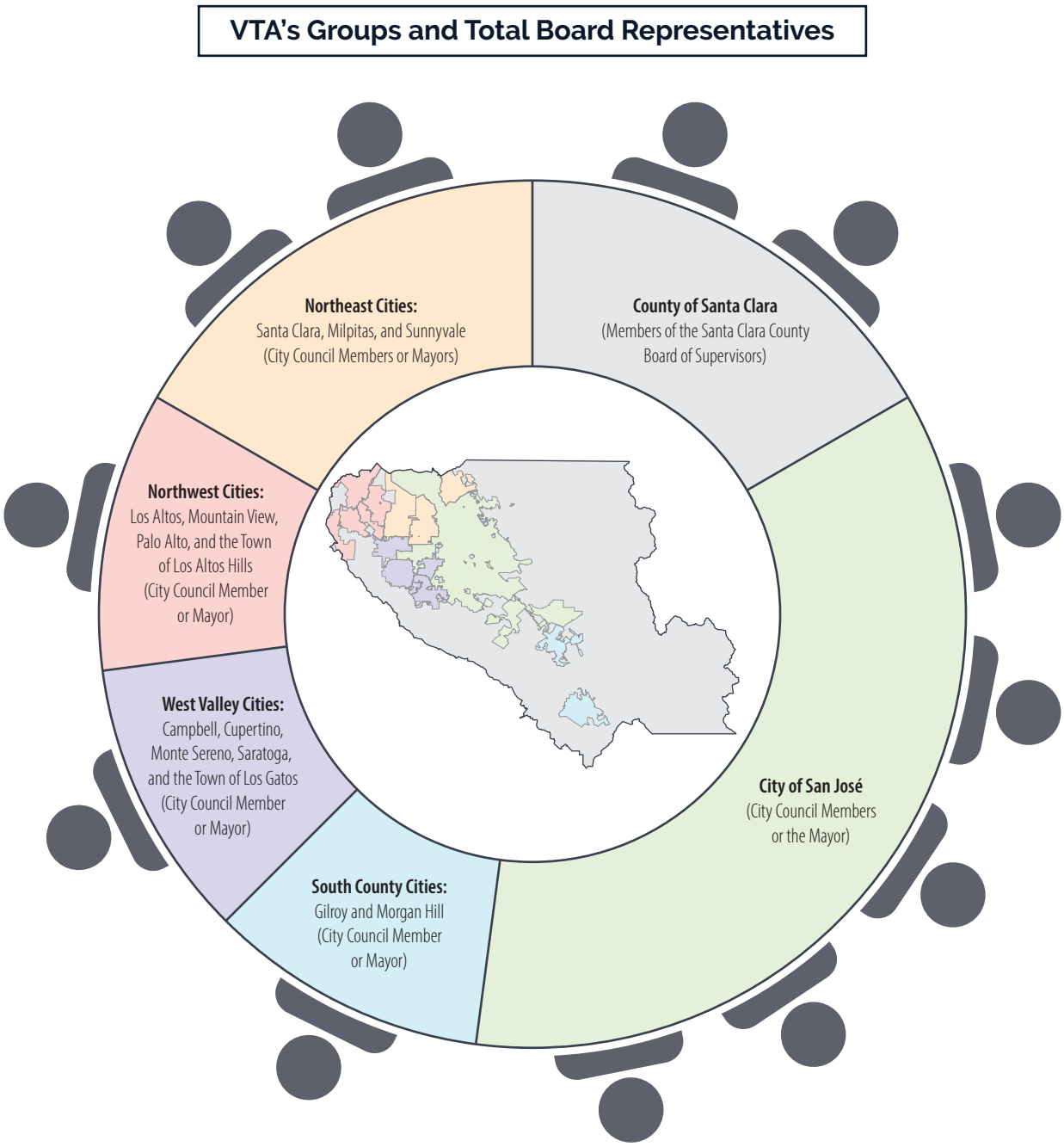
Structure and Responsibilities of VTA's Board of Directors

State law assigns responsibility for the governance of VTA to a board of directors (board). The law specifies that the board is composed of 12 members (directors), all of whom must hold office as either a mayor or city council member of a locality within the county, or as a member of the county board of supervisors.[1] According to state law, a director's term on the board may generally last for two years, but the law does not limit the number of terms a director may serve. Figure 1 shows that the directors are appointed from six different regions, or groups, within the county—each having a fixed number of directors.

Each group is responsible for appointing its directors to the board. State law requires that, to the extent possible, the individuals appointed to the board should have expertise, experience, or knowledge relative to transportation issues. For the city of San José (San José) and the county, state law specifies that the city council and the county board of supervisors must appoint their respective directors. However, the law provides that local agreements between the other cities in the county govern how the other directors are chosen. For example, the mayors from the West Valley Cities group appoint that group's director from a pool of mayors and city council members interested in serving on VTA's board, whereas the cities in the Northeast Cities group take turns appointing a director to the board, and that choice is approved by the city council of the city assigned the appointment.

[1] According to state law, in some instances, the office of mayor, city council member, and county supervisor may be filled by an individual who is appointed. Nevertheless, for purposes of this report, we refer to all individuals who fill these positions as *elected*.

Figure 1
VTA's Board Is Composed of Elected Officials From the County and the Cities Therein



Source: State law and VTA's administrative code.

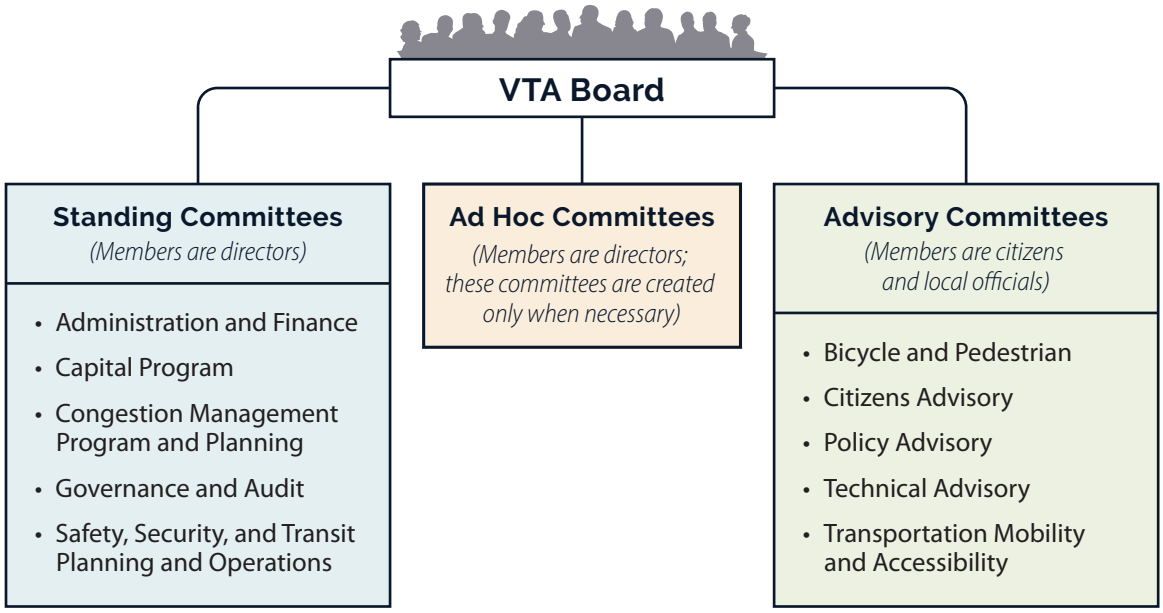
Broadly, VTA's board is responsible for monitoring VTA's operations and capital projects, as well as setting VTA policy. The text box lists examples of the board's duties. To assist it in carrying out its responsibilities, the board maintains several standing and advisory committees that are tasked with providing advice and nonbinding recommendations to the board on VTA policy. The board may also form ad hoc committees, composed of directors, to address and resolve specific problems or to achieve defined objectives as needed and for a limited duration. Figure 2 shows the three types of committees.

Examples of the Board's Responsibilities

- Setting transit rates and charges for the transit services VTA operates.
- Adopting VTA budgets.
- Determining the property and equipment to be owned or acquired by VTA to provide transit services.
- Selecting and evaluating the CEO.

Source: State law; VTA's rules of procedure; VTA policies.

Figure 2
VTA's Board Maintains Several Standing and Advisory Committees



Source: VTA administrative code and rules of procedure.

Each standing committee, composed of at least four directors, focuses on a specific area of responsibility. In contrast, advisory committees are composed of individuals who are not directors. Depending on the specific advisory committee, those individuals may be members of the public, organizational representatives, or local officials, or a combination of them. Similar to the standing committees, advisory committees exist to offer the board advice and nonbinding recommendations on topics relevant to their areas of responsibility. For example, the Bicycle and

Pedestrian Advisory Committee is responsible for providing advice regarding funding priorities for bicycle and pedestrian projects. Committee meeting agendas and documentation show that each standing and advisory committee has a work plan outlining items that the committee intends to address during prospective meetings. However, the board secretary—in consultation with, among others, the board's chairperson—is responsible for preparing the agenda for full board meetings.

VTA's Operations and Capital Projects

The head of VTA's administrative branch is its chief executive officer (CEO), who manages eight divisions. As Figure 3 details, each division carries out different elements of VTA's responsibilities. VTA's activities generally fall into two categories: those related to its general operations and those involving capital projects and maintenance. In total for fiscal years 2023–24 and 2024–25, VTA appropriated about $5.7 billion—which included $1.8 billion for operations and $3.9 billion for its capital program. VTA's operations primarily include the transit services that it provides to its residents—bus, light rail, and paratransit services. VTA's capital projects and maintenance functions include its efforts to maintain its capital assets in good repair and expand its services by building new infrastructure.

VTA's Engineering and Program Delivery division is responsible for the development and delivery of various capital projects under VTA's capital program, including transit and highway projects. Broadly, VTA is responsible for both the delivery and operation of transit projects, therefore it implements and maintains the assets related to transit projects. In contrast, VTA is generally responsible only for the implementation of highway projects, not their maintenance.[2] Finally, VTA has a division devoted entirely to the development of one capital project, the Bay Area Rapid Transit (BART) Silicon Valley Extension project.

Other Transit Agencies That We Compared to VTA

Several objectives the Legislature asked us to address as part of our audit led us to identify other transit agencies against which we could compare VTA. Throughout this report, we refer to these as VTA's *peer agencies*. We selected five specific entities as peer agencies based on their operating costs, the populations of their service areas, the types of transportation services they provide, and the compositions of their governing boards. Table 1 provides detailed information about these peer agencies and VTA.

[2] A notable exception is VTA's Silicon Valley Express Lanes Program. VTA is the owner and operator of this program.

Figure 3
VTA's Eight Divisions Carry Out Different Functions



Office of the CEO

The Office of the General Manager/CEO is responsible for overall administration, overseeing construction, planning, financial, and capital program efforts and strategies.

The office includes the general manager/CEO, the executive assistant to the CEO, the chief of communication, and the chief of staff.

Operations

Operates bus and light rail service and oversees contracted paratransit services.

Planning & Programming

Responsible for the programming of Congestion Management Program (CMP) funds, transportation planning, service planning, and the development and review of bicycle and pedestrian planning.

Finance, Budget & Real Estate

Oversees accounting and finance functions, including development of the biennial budget, as well as the acquisition of real property for capital projects.

Human Resources

Provides agencywide human resources functions.

System, Safety & Security

Oversees system safety and compliance.

External Affairs

Develops and executes a communication plan and coordinates government relations.

Engineering & Program Delivery

Develops and delivers various capital projects.

BART Delivery Program

The BART Delivery Program is under the executive supervision of the CEO and is budgeted as part of that office. It provides project oversight for the proposed extension of the Bay Area Rapid Transit (BART) system.

Source: VTA's 2024/2025 biennial budget.

Table 1
We Compared VTA With Five Peer Transit Agencies

	SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)	TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET)	CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY (CAPMETRO)	LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (LA METRO)	SACRAMENTO REGIONAL TRANSIT DISTRICT (SACRT)	ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA)
Service Area	Santa Clara County, CA	Clackamas, Multnomah, and Washington Counties, OR	Travis and Williamson Counties, TX	Los Angeles County, CA	Sacramento and Yolo Counties, CA	Orange County, CA
Population of Service Area (2022)	1,895,000	1,558,000	1,331,000	10,395,000	1,333,000	2,944,000
Operating Costs (2022)	$424,438,000	$506,016,000	$283,570,000	$1,801,365,000	$215,479,000	$295,256,000
Cost per capita*	***$224***	***$325***	***$213***	***$173***	***$162***	***$100***
Selected Transportation Services Provided†	CMA, rail, bus, and transit services for individuals with disabilities	Rail, bus, and transit services for individuals with disabilities	Rail, bus, and transit services for individuals with disabilities	Rail, bus, and transit services for individuals with disabilities	Rail, bus, and transit services for individuals with disabilities	CMA, rail, bus, and transit services for individuals with disabilities
Eligible Candidates for the Governing Board‡	Specified elected officials	Elected officials and members of the public	Elected officials and members of the public	Specified elected officials and members of the public	Elected officials and members of the public	Specified elected officials and members of the public

Source: Federal Transit Administration (FTA) and National Transit Database transit agency data, transit agency documentation, state laws.

* The per capita cost is the cost per person in the transit service area.

† Congestion Management Agencies (CMA) are agencies responsible for, among other things, traffic level-of-service standards for highways and roadways. We identified select transportation services common among the agencies.

‡ In our report, we use the term *specified elected officials* to refer to directors who are required by law to hold a specific elective office—such as a city council member—to be eligible for appointment to the board of a transit agency. We refer to *elected officials* when we are discussing directors who are required or permitted by law to hold an elective office but do not need to hold a specific elective office to be eligible for appointment to the board of a transit agency.

Chapter 1

VTA CAN STRENGTHEN ITS PLANNING AND OVERSIGHT OF CAPITAL PROJECTS AND BETTER INFORM THE BOARD ABOUT COST AND SCHEDULE CHANGES

Key Points

- VTA generally followed capital project selection best practices but did not conduct cost-benefit analyses before selecting two capital projects. As a result, it is not clear whether one of these projects—an extension of VTA's light rail system—is the best use of the $653 million cost VTA plans to incur.
- VTA did not always estimate the costs of the operation and maintenance of its capital projects when it developed those projects. These estimates are essential to anticipating the expected long-term costs of the capital projects VTA pursues. Further, the methodologies for VTA's project cost estimates are only partially documented.
- VTA managed individual changes to project cost and schedule in accordance with its procedures. However, it does not report to the board about deviations from the estimated cost and schedule for capital projects. This lack of reporting diminishes the board's awareness of important details about these projects.

VTA Did Not Perform Cost-Benefit Analyses When It Planned Two Major Capital Projects

When transit agencies plan and select capital projects that expand their capacity, the agencies are committing to long-term, costly efforts with the goal of improving their operations and services. Accordingly, the process such agencies use to plan and select these projects must thoroughly examine the projects across several factors, including an area's transportation goals and the needs of the community. To assess VTA's project planning and selection practices, we compared VTA's processes for two capital projects—the Eastridge to BART Regional Connector (EBRC) and the Silicon Valley Express Lanes Program (express lanes program)—against selected best practices. We selected these projects because they are large projects to which VTA has appropriated funding within the past five years, and they are capital expansion projects, meaning the projects add assets to VTA's existing system. The text box provides information about the scope of each project. Table 2 summarizes the best practices we reviewed and our determination that VTA followed two of the three best practices for these projects.

VTA Capital Projects Reviewed

Eastridge to BART Regional Connector ($653 million): VTA plans to build approximately 2.4 miles of light rail track along East Capitol Expressway in San José, starting from its existing Alum Rock station. VTA will build two new light rail stations: an elevated station at Story Road and a ground-level station at VTA's Eastridge Transit Center. In order to build the light rail track and stations, VTA also plans to remove two existing High-Occupancy Vehicle (HOV) lanes along Capitol Expressway.

Silicon Valley Express Lanes Program ($1.1 billion): VTA has begun constructing express lanes to add the option for single-occupancy vehicles to pay a toll to use the HOV lanes on certain highways in the county. This program is a multiphase program with multiple projects. Some sections have been collecting toll revenue since 2012. One of the program's goals is to generate revenue for VTA's other transit and transportation improvements.

Source: VTA project documents and website.

Table 2
VTA Did Not Follow a Key Project Planning and Selection Best Practice

	DURING PROJECT SELECTION, A TRANSIT AGENCY SHOULD …		
	… SELECT PROJECTS THAT ALIGN WITH ITS IDENTIFIED NEEDS.	… CONDUCT A COST-BENEFIT ANALYSIS.	… SELECT PROJECTS THAT SHOW A LINK TO PERFORMANCE MEASURES.
EBRC	Yes	No	Yes
Express Lanes Program	Yes	No	Yes

Source: VTA project documentation; best practice resources from the Federal Transit Administration, the Federal Highway Administration, and the Government Finance Officers Association.

A key best practice for capital project planning and selection is that an agency implements projects that align with its identified needs. VTA has identified its needs in its Valley Transportation Plan 2040 (VTP 2040). In 2014 the board adopted this plan, which identifies capital programs, projects, and policies that the board plans to pursue through 2040. VTP 2040 outlines VTA's needs and goals, including accommodating growth in the region, maintaining VTA's transportation system in a state of good repair, and reducing vehicle miles and hours traveled in order to reduce emissions.

Both projects we reviewed align with needs identified in VTP 2040. Specifically, EBRC's expected benefits align with VTP 2040's goals of accommodating population growth, reducing vehicle miles traveled, and reducing emissions. VTA anticipated that the EBRC project will reduce emissions by more than 50,000 metric tons of carbon dioxide and reduce vehicle miles traveled by more than 124 million miles over the span of 50 years. Similarly, the express lanes program helps VTA achieve a different goal specified in VTP 2040: reduced reliance on state and federal funding. VTA expects the express lanes program to generate an average of $164 million per year by 2040—including $68 million per year to fund other transit services and transportation improvements. Additionally, the express lanes will likely continue to operate and generate revenue for VTA beyond the period covered by VTP 2040.

Although the two projects we reviewed are likely to address needs that VTA has identified, VTA's staff stated that they did not perform a cost-benefit analysis on either project when they proposed them to the board and received the board's approval. A cost-benefit analysis is a tool that transportation agencies use to quantify the benefits to society of implementing a transportation investment and to help determine whether a project is economically efficient. A project is *economically efficient* if its projected future benefits equal or exceed the project's life-cycle costs.

Despite the advisability of using a cost-benefit analysis to make project selection decisions, VTA did not perform a cost-benefit analysis that could have informed the selection of these two projects. VTA's chief engineering and program delivery officer (chief engineering officer) informed us that VTA does not conduct a cost-benefit analysis on projects unless it is required to do so to obtain external funding because such an analysis takes a considerable amount of staff resources to complete.

However, VTA's ridership projections for the EBRC project demonstrate the importance of a cost-benefit analysis because VTA is predicting only a small increase in ridership. We compared the number of riders VTA projects will ride its light rail system in 2043 if it constructs the EBRC project and the number it projects will ride the system if it does not. VTA's ridership projections show that VTA expects that the EBRC project—which is projected to cost $653 million—will increase light rail ridership by only 1.5 percent by 2043 when compared to the number of riders expected if it did not construct the project. This increase is the equivalent of about 2,500 additional riders per day in that year. The EBRC project's estimated costs are $272 million per added mile of track. Although a comprehensive cost-benefit analysis would likely include an examination of more factors than just ridership, such as the effects on greenhouse gas emissions and the effects on the surrounding community, the slim increase in overall ridership is a concerning sign for a project to which VTA is committing significant resources.

In response to these concerns about the EBRC project, VTA's CEO and its chief external affairs officer asserted that VTA has a commitment to the voters who approved Measure A to follow through on the project. Voters passed Measure A in 2000, and an allowable use of the sales tax revenue generated by that measure is the expansion of light rail into the East Valley region, where VTA plans to construct EBRC. Although the EBRC project is an allowable use of Measure A funds, the measure never required VTA to construct the EBRC project, and the project's scope does not include all parts of the projects described in the measure. Instead of connecting the East Valley to downtown through a new light rail corridor or through a direct route to downtown, as identified in the measure, the EBRC project adds 2.4 miles of light rail track to the end of an existing light rail line that only indirectly leads to downtown.

Although VTA told us that it generally does not complete cost-benefit analyses, it did conduct some cost-benefit analyses for the express lanes program. Specifically, its first analysis was for the third phase of the program and occurred 10 years after the board first approved the program and about two years after it made a $28 million appropriation to the third phase. This 2018 analysis demonstrated that this phase's expected benefits, valued at more than $1 billion, would exceed its costs by $534 million over 10 years. The analyses for the fourth and fifth phases also demonstrated that the phases' expected benefits would exceed their costs by $50 million over 10 years and $586 million over six years, respectively. VTA completed all three of these analyses using a template issued by the California Department of Transportation (Caltrans).

However, VTA did not complete similar analyses for the first two phases of this program. VTA highlighted for us that it had reviewed the feasibility of the express lanes program and secured external financing for the program's early phases, both of which it believed demonstrated that VTA had performed a review of the program's value. Although the feasibility study does include a review of the projected expenses and revenues for the program, a project's estimated direct expenses and resulting revenues are not as thorough as a full consideration of a project's costs and benefits to society, which would factor in other elements such as emissions and time saved or added to commutes in the region.

As indicated earlier, VTA's leadership shared that cost-benefit analyses can be costly to produce. More specifically, VTA shared its concern that some of its capital projects are not expected to cost enough to merit a cost-benefit analysis. For example, VTA pointed out that some capital projects are not major investments that expand transit services but rather smaller, less costly upgrades to existing facilities. One example from VTA's most recent biennial budget is the remodeling of conference rooms, which is expected to cost only $229,000. We agree that some projects are not costly enough to warrant a cost-benefit analysis. VTA would likely benefit from establishing a threshold cost to indicate when a project requires such an analysis.

Additionally, the Federal Transit Administration (FTA) and the Federal Highway Administration emphasize the importance of performance measures that help transit agencies assess whether projects are helping the agency meet its goals. VTA performed a comparison between the two projects and relevant transportation performance measures. In its Major Investment Study from December 2000 that aimed to provide a strategy for investing in VTA's transit system in the Downtown/East Valley region, VTA compared EBRC and other project alternatives against six performance measures. These measures included total riders, new riders, and low-income households served. The EBRC alternative ranked highest only for the new riders performance measure. Other alternatives—which were bus routes instead of light rail—served more low-income households at lower capital costs but were not supported during community outreach sessions because they ran only during commute hours, whereas EBRC would operate for a greater period of time each day. Because VTA has not yet constructed the EBRC project, it is too early to know whether the project will achieve its expected performance.

VTA also used performance measures to assess its express lanes program. VTA's Express Lanes Operations Report for fiscal year 2022–23 describes that vehicle speed in express lanes are above the 45 miles-per-hour performance goal that VTA adopted from certain federal express-lane standards, showing that the program is succeeding in keeping traffic moving at the speed desired by VTA. The toll systems manager, who oversees express lanes, also provided a variance report demonstrating that for express lanes currently in operation, actual revenue is greater than the amount VTA budgeted. For example, actual revenue for the first three phases of the express lanes program was nearly $7.8 million in fiscal year 2022, whereas VTA had planned for revenue to be less than $6 million.

More recently, VTA began evaluating and prioritizing capital projects by using its Strategic Capital Investment Plan (SCIP). VTA adopted the SCIP in 2022 to help prioritize its long-term capital needs and identify how it anticipates appropriating funding for its capital projects over the next six years. VTA's adoption of the SCIP aligns VTA with an FTA recommendation that agencies adopt a standard review and approval framework when determining which projects to select within their capital improvement plans. In particular, VTA staff prioritize a list of proposed capital projects according to weighted scoring criteria, such as increasing ridership, enhancing safety, and environmental sustainability, among other factors. Most factors are assigned a weight of either 15 or 20 percent, with environmental sustainability being granted the lowest weight of 10 percent. Using this list, VTA told us it then ranks the capital projects against additional factors, including financial considerations and board priorities. Staff then use the final list of capital projects in the SCIP to guide the development of the biennial budget, which is how the board appropriates funds for these projects.

Best Practices Can Help Agencies Better Manage Capital Projects' Costs, Schedules, and Changes

According to the Project Management Institute, project management is the application of knowledge, skills, tools, and techniques to project activities to meet a project's requirements. The institute explains that project management enables organizations to execute projects effectively and efficiently by helping them resolve problems, manage change, and manage constraints, such as scope, schedule, and costs. A variety of resources—shown in the text box—are available to agencies to guide their project management.

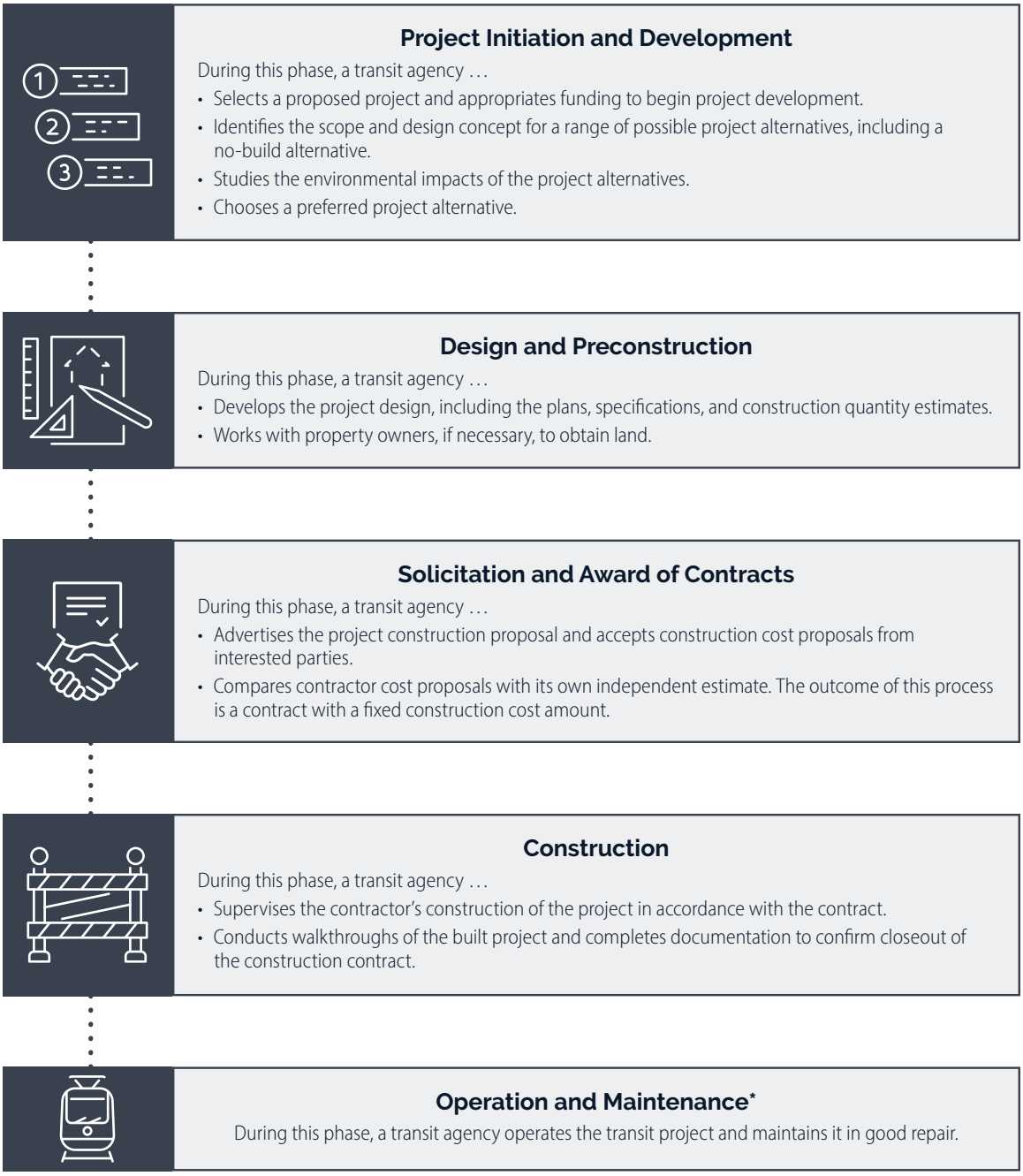
Transit and highway projects generally follow the project development process that Figure 4 shows: after initiating a project, agencies design the project, solicit and award the contract, construct the project, and finally close the project and begin its operation and maintenance.

Sources of Project Management Best Practices

- Project Management Institute:
  - » Project Management Body of Knowledge Guide
- Federal Transit Administration:
  - » Construction Project Management Handbook
  - » Project and Construction Management Guidelines
- Federal Railroad Administration:
  - » Capital Cost Estimating, Guidance for Project Sponsors
- California Department of Transportation
  - » Project Development Procedures Manual
  - » Preparation Guidelines for Project Development Cost Estimates, Cost Estimating Guidelines
  - » Workplan Standards Guide
  - » Capital Project Workplan Handbook
- U.S. Government Accountability Office:
  - » Cost Estimating and Assessment Guide
- Transportation Research Board:
  - » Guidebook for the Evaluation of Project Delivery Methods

Source: Auditor research.

Figure 4
Transit and Highway Projects Follow a General Project Development Process



Source: FTA and Caltrans guidance, interviews with VTA staff.

* Caltrans is responsible for the operation and maintenance of highway projects, with the exception of VTA's express lanes program.

As part of our audit, we reviewed VTA's procedures and its implementation of six capital projects—shown in the first text box—to determine whether they reflect project management best practices in the areas of cost, schedule, and change control. We focused on these areas at the request of the Legislature and also because they are important areas of project management.

VTA's Project Cost Estimates Are Not Comprehensive, and Its Cost Estimate Methods Are Not Sufficiently Documented

Project cost estimates are important to agencies as they make investment decisions, set budgets, procure firms to assist with project implementation, and monitor their projects to assess whether they are meeting expectations. Accordingly, it is important for agencies to develop cost estimates that are reliable. The second text box shows the four characteristics that the U.S. Government Accountability Office (GAO) *Cost Estimating and Assessment Guide* states make a cost estimate reliable. The guide also defines each of these traits. For example, a *comprehensive* cost estimate includes costs from the entire lifecycle of the project, including the operation and maintenance phase, and a *credible* cost estimate includes a consideration of the project's risks and the uncertainty around the project. Although the VTA cost estimates we reviewed exhibited some of these characteristics, they fell short in other areas.

VTA Capital Projects We Reviewed

Rail Rehabilitation Phase 7 (Rail Rehabilitation)—This project is part of an ongoing program to ensure that VTA's light rail track infrastructure remains in a state of good repair. Rail Rehabilitation includes a subset of four projects:

- **Rail Replacement and Rehabilitation FY18** ($20.2 million): The majority of the work includes the repair and replacement of the Younger "Half-Grand" rail junction, including the installation of two new crossovers.
- **Upgrade Ohlone/Chynoweth Interlocking** ($4 million): The project includes making improvements to an interlocking at the Ohlone-Chynoweth light rail station.
- **Light Rail Crossover and Switches FY16–17** ($8.4 million): The project involves the installation of crossovers and power switches at several locations.
- **Rail Replacement and Rehabilitation FY16–17** ($4.5 million): This project includes rehabilitation and replacement of track components at various locations.

Santa Clara Pocket Track (Pocket Track) ($33.6 million): The project included the construction of a pocket track alongside existing track on Tasman Drive.

US 101/De La Cruz Boulevard/Trimble Road Interchange Improvement Project (US 101) ($75.4 million): The project includes various improvements at the US 101 interchange, including the replacement of an existing overcrossing structure over US 101 and the installation of bicycle and pedestrian facilities along De La Cruz Boulevard.

Source: VTA project documentation, VTA's website, and interviews with VTA staff.

Characteristics of a Reliable Cost Estimate

- Comprehensive
- Well documented
- Credible
- Accurate

Source: GAO's Cost Estimating and Assessment Guide.

For the projects we reviewed, VTA did not address the first of these elements: having comprehensive cost estimates. VTA did not always estimate the operation and maintenance costs for its capital projects as part of its project development, even though operation and maintenance costs are essential to knowing the long-term costs that an agency will incur by committing to a project. However, for the three projects we reviewed in which VTA expected to incur operation and maintenance costs, the project request forms did not include an estimate of how much those costs would be—instead two of the forms read "TBD," meaning the costs were yet to be determined. The other form noted that the operation and maintenance costs would be offset by the fare revenue from the project but did not specify how

VTA came to this conclusion. Because VTA did not develop operation and maintenance cost estimates for these projects, the agency was at a greater risk of not being prepared to pay for their ongoing costs.

VTA did not estimate operation and maintenance costs at the time of project proposal because it lacked procedures specifying that it should do so. The chief engineering officer confirmed that the Engineering and Program Delivery division does not estimate the operation and maintenance costs for projects and that VTA does not have written procedures for how it develops project cost estimates. He also stated that a separate VTA division estimates project operation and maintenance costs. However, when we spoke with that division and the CEO, neither could clarify the division with this responsibility. Adopting procedures for including operation and maintenance cost estimates could specify which division has responsibility for developing estimates for the operation and maintenance phase of a project. According to VTA, it is in the process of drafting a project administration manual.

The CEO shared that VTA will develop anticipated operation and maintenance costs for substantial projects like EBRC because such estimates are generally required as part of environmental documentation or seeking outside funding. For example, as part of its request for FTA grant funding for BART Phase II, VTA estimated that from fiscal years 2023–24 through 2042–43, VTA's total direct and fixed overhead operation and maintenance costs for its share of the BART system will be $1.9 billion. Although VTA estimates operation and maintenance costs for substantial projects, it is also important for VTA to develop operation and maintenance cost estimates for the remainder of its capital projects. VTA has a significant number of capital projects. Its 2024–2025 biennial budget included appropriations to 47 capital projects in just its transit capital program, which does not include the substantial projects to which the CEO referred. Therefore, it is important for VTA to understand the operation and maintenance cost implications of its projects, regardless of their size, because without doing so it cannot ascertain the cumulative impact on its financial condition.

We also found that in the projects we reviewed, the second element of a reliable cost estimate was missing: VTA did not fully document its cost estimates. Transportation projects include two key cost estimates, which the text box shows. In addition to the GAO guidance we discuss above defining a reliable cost estimate, guidance from the FTA, Federal Railroad Administration, and Caltrans also indicates that a well-developed cost estimate is documented, traceable, and includes documented assumptions the agency used to create the estimate.

Two Key Cost Estimates of Transportation Projects

Initial Cost Estimate—Referred to as "conceptual" or "order-of-magnitude" estimates. These estimates are developed when a quick estimate is needed and few details are available.

Baseline Cost Estimate—The control budget against which project cost performance is measured and change is controlled.

Source: FTA and the GAO.

However, VTA's documentation of its project cost estimates are not always aligned with this guidance. The documents we reviewed for VTA's initial cost estimates showed a reasonable explanation for the estimates that VTA developed given the nature of the cost estimate. As the text box indicates, the initial cost estimate

is a rough order-of-magnitude estimate, so we did not expect VTA to keep detailed documentation to explain how it arrived at this estimate. VTA does not use the term *baseline* to refer to any of its cost estimates. Nonetheless, we observed that it treats its preconstruction cost estimates as baseline estimates. Preconstruction cost estimates are those cost estimates that VTA has developed by the time it has fully designed the project and awarded the construction contracts. To determine whether VTA documents its more developed project cost estimates, we reviewed VTA's preconstruction cost estimates, as the FTA indicates that an agency should establish a baseline cost by that point in the project process.

Although the preconstruction estimates we reviewed were composed of several different types of work on the project, including design, construction, and other costs, VTA could provide documentation of its methodology for only some of these costs. VTA provided us with the documented estimation methodology for the construction portions of the projects. VTA also provided some documentation for the design portions of the six projects we reviewed, but this documentation was not comprehensive across all of the projects. Specifically, VTA provided documentation of its design cost methodology for the majority of the design costs for the Rail Rehabilitation projects and the US 101 project. However, VTA had only partially documented its methodology for the Pocket Track project. VTA had documented its estimates for the design and construction portions of these projects because it needs that information when it enters into contracts, which it uses to hold contractors responsible for the costs of specific services.

However, VTA's project managers did not consistently retain documented methodologies for the development of other costs for its projects—that is, the costs not related to designing and building the project, such as fees, testing, and third-party costs. For example, the engineering group manager for VTA's highway program and the US 101 project manager confirmed that there was no documented methodology for the utility relocation and field operation costs for the project because they are placeholder estimates. Also, although VTA uses a staffing spreadsheet to estimate its own labor costs, it did not always keep copies of these spreadsheets. Among the six projects we reviewed, VTA had maintained complete documentation of labor estimates for only one project and retained partial documentation for another. Among the projects we reviewed, the magnitudes of the costs incurred without documented methodologies in relation to the overall project costs ranged from 13 percent to 38 percent.

VTA's deputy director of construction for transit engineering (construction deputy director) confirmed that VTA does not require its project managers to document the methodology used to develop their preconstruction estimates because it expects project managers to already have the technical expertise to create an estimate as part of their job qualifications and responsibilities. The GAO notes that undocumented cost estimates can lead to unanswerable questions about the estimate and make it harder for others who are unfamiliar with the project to use the estimate effectively. Furthermore, the lack of documentation creates difficulty when trying to conduct analyses of why actual costs differed from the estimates. By not requiring its staff to document their assumptions, VTA is at a higher risk for these effects.

Because VTA's cost estimates were partially undocumented, VTA cannot know how credible they are and therefore how well they align with the third element of a reliable cost estimate. The GAO states that credible cost estimates are developed with consideration for the sensitivity of the estimates' assumptions and the risks of the project. The GAO suggests that agencies develop estimates that help decision makers appreciate the range of costs that a project may incur so they can make informed decisions about the project. However, the cost methodology documents VTA provided during this audit did not show VTA had identified a range of costs or demonstrate the effects of changing assumptions. Nevertheless, we note that for the construction portions of the projects we reviewed, VTA compared its own estimate of costs against the estimates provided by bidders, which provides some independent validation of costs.

Finally, although VTA's cost estimates are incomplete, they were generally accurate for the phases of the project that they covered. For the costs it does estimate, VTA has provided its board with a schedule of expected accuracy for its cost estimates, with the degree of accuracy dependent on the state of a project's design. Table 3 shows VTA's expected accuracy ranges for the initial and preconstruction estimates.

Table 3
VTA's Cost Estimates for the Six Projects We Reviewed Generally Fell Within Accuracy Ranges

PROJECT	STATUS	INITIAL ESTIMATE *(ACCURATE IF WITHIN -50% TO +100%)*	PRECONSTRUCTION ESTIMATE *(ACCURATE IF WITHIN -10% TO +15%)*	CURRENT ESTIMATE	AMOUNT SPENT AS OF FEBRUARY 2024
Upgrade Ohlone/Chynoweth Interlocking*	Ongoing	$1,200,000	$4,600,000	$4,600,000	$3,880,000
variance from current estimate		*283%*	*0%*		
Rail Replacement and Rehabilitation FY18	Ongoing	17,100,000	18,440,000	20,240,000	19,010,000
variance from current estimate		*18%*	*10%*		
Light Rail Crossover and Switches FY16–17*	Ongoing	8,200,000	7,750,000	8,440,000	8,370,000
variance from current estimate		*3%*	*9%*		
Rail Replacement and Rehabilitation FY16–17	Ongoing	4,500,000	4,670,000	4,500,000	4,500,000
variance from current estimate		*0%*	*-4%*		
Pocket Track	Complete	21,550,000	24,810,000	33,630,000	33,630,000
variance from current estimate		*56%*	*36%*		
US 101	Ongoing	60,000,000	75,370,000	75,370,000	58,780,000
variance from current estimate		*26%*	*0%*		

Source: VTA capital project request forms, cost reports, cost estimates for each project, and criteria for cost estimate accuracy.

* The "Current Estimate" and "Amount Spent" columns include appropriated funds for another project.

= Accurate Estimate

= Inaccurate Estimate

The majority of the cost estimates for the projects we reviewed—10 of 12 estimates—fell within the expected accuracy ranges. The most significant outlier was the initial estimate for the Upgrade Ohlone/Chynoweth Interlocking project. The actual costs for this project were close to 300 percent higher than VTA's original cost estimate. According to documentation requesting the budget increase, the affected project area was larger than originally planned, and VTA did not anticipate the extensive system changes and equipment required to complete the project.

VTA Generally Followed Best Practices for Developing Its Project Schedules

Another key activity within project management is the development and management of an accurate and complete project schedule. According to the FTA, a schedule is one of the tools that project managers use to maintain accountability for the activities that take place during a project, anticipate upcoming activities, review progress, and modify work plans if necessary. The FTA's publication *Project and Construction Management Guidelines* provides examples of the different types of schedules that transit projects typically include. Among these is the Integrated Master Project Schedule (master schedule), which FTA advises should be developed early in the project lifecycle and should include information from all phases of the project lifecycle up to, but not including, the operation and maintenance phase. However, to build the master schedule, agencies must first define the specific actions necessary to produce the project's deliverables and then estimate the amount of time necessary to complete those activities.

Consistent with best practices, for the six projects we reviewed, VTA defined the specific project activities necessary to produce deliverables and estimated the duration of each activity. For example, VTA noted that specific actions, such as writing a memo to the board and obtaining board authorization to proceed, must happen before it could award the construction contract for the US 101 project. VTA also developed the estimated start and finish dates and the estimated number of days each activity would take. By following the advised scheduling practices, VTA helps ensure that it is developing detailed schedules that will more accurately reflect the time it will take to complete a project.

In addition, VTA met industry best practices and developed a master schedule for the projects we reviewed. FTA notes that a master schedule is the official project schedule and should display how the project will be logically implemented. According to VTA's project schedule guidelines, VTA's project manager or project controls unit prepares a draft master schedule upon initiating a project. In the projects' master schedules, we found that VTA included all project phases from inception to closeout, including design and engineering, bid and award, and construction. Because VTA implements master schedules, it ensures that it is developing a detailed overview of the project schedule that it can manage during the project.

Similar to our cost estimates review in the previous section, we calculated the variances between VTA's schedule estimates and its actual project timelines. Table 4 shows the variances for VTA's initial and preconstruction estimates for the projects we reviewed. The variances were in part the result of circumstances outside of VTA's control. For example, according to the project change orders, extensions to the Rail Rehabilitation schedule during the construction phase were caused in part by global supply chain issues

and a May 2021 shooting incident at a VTA rail yard. Also, the project manager for the US 101 highway project shared that the design consultant developed an ambitious schedule for the project's design, but stakeholders such as Caltrans, the city of San José, and the Federal Aviation Administration took longer than expected to review the design of the project.

Table 4
VTA Had Different Schedule Estimate Variances for the Projects We Reviewed

PROJECT	STATUS	INITIAL COMPLETION ESTIMATE	COMPLETION ESTIMATE AT PRECONSTRUCTION	COMPLETION ESTIMATE AS OF APRIL 2024
Rail Rehabilitation*	Ongoing	4/3/2019	9/21/2021	6/28/2024
variance from current estimate (in years)		*5.2*	*2.8*	
Pocket Track	Complete	6/30/2015	1/8/2015	4/29/2016
variance from current estimate (in years)		*0.8*	*1.3*	
US 101	Ongoing	12/30/2023	12/28/2024	9/14/2025
variance from current estimate (in years)		*1.7*	*0.7*	

Source: VTA capital project request forms and schedules for each project.
* VTA managed all four Rail Rehabilitation projects under one schedule.

VTA Does Not Regularly Report Project Variances to the Board

The FTA and the Project Management Institute both advise that a project sponsor, such as VTA, have a process for managing changes to contracts that increase the cost, schedule, or scope of the project. The FTA explains that a change control process can enable decision-makers to make cost-effective decisions and help oversight staff identify errors as the source of the needed change. VTA's change management guidelines detail its process for managing changes to its construction contracts (change control process). That process includes documenting the following: the justification for any change, the effect on the project's cost and schedule where applicable, a cost analysis, a record of VTA's negotiation with the contractor, and approval by the change control board. The package of documents in which VTA presents these factors is called a *change order*, and each change order that changes the contract value by more than $50,000 or changes the contract's schedule must be approved by VTA's change control board. The change control board includes senior VTA staff and is responsible for reviewing and approving contract changes to ensure that, among other requirements, they are appropriate, necessary, and include required documents.

We examined a selection of 19 change orders that affected the costs or the schedules for construction contracts related to the six capital projects we reviewed. We found that VTA followed its procedures for handling these change orders, including obtaining approval from the change control board. Consistent with VTA's change management guidelines, the change orders we reviewed contained justifications for the changes,

descriptions of the change orders' effect on the schedules where applicable, cost analyses, records of negotiation, and approval by the change control board. For example, VTA required a change order related to the Pocket Track project to account for lost productivity due to multiple factors, including design changes. These changes increased the cost of that particular construction contract, which had an original value of $13.7 million and had already undergone $1.6 million in prior contract changes, by another $1.7 million. The project documentation for the related change order contained the required elements, including a description of the justification for the changes and a detailed discussion of the negotiations with the contractor on the price of the changes.

VTA's staff also regularly monitor project cost and schedule information. Guidance from the FTA prescribes that agencies should monitor project costs and schedules through frequent reporting to management of the projects' approved and ongoing costs, as well as schedule progress. We reviewed VTA's capital project documentation and determined that VTA follows this guidance through various reporting and monitoring methods. For example, VTA utilizes monthly cost reports that monitor and report to VTA management cost information, such as the projects' approved budget, estimated total costs, and incurred costs. Also, VTA's technical services group manager told us that project managers and schedulers review and update project schedules on a monthly basis. Further, a deputy director of construction told us that every quarter he, the chief engineering officer, and VTA's project controls unit, review transit project cost and schedule information. We reviewed examples of the project reports that the managers evaluate at these meetings and verified that the reports show project cost and schedule information along with the current project phase.

However, VTA staff do not regularly inform the board about project cost or schedule variances. VTA's staff provide updates to the board about capital project budgets and funding levels in the biennial budget. For example, the budget includes information about total capital project costs, unspent funds, and funding sources for each project. However, VTA staff confirmed that it does not regularly update the board about variances in capital projects from the preconstruction estimates. For example, earlier in this section we discussed a change order to a construction contract originally worth $13.7 million. Cumulatively, as of the change order that we reviewed, the cost of that contract had grown to about $17 million, or about a 24 percent increase. Because VTA staff do not regularly inform the board about variances such as this one, the board's understanding of capital project performance is diminished.

In response to our concern that staff do not provide the board with updates about variances from the preconstruction estimated costs and schedule for VTA's capital projects, the staff liaison to VTA's Capital Program Committee agreed that there would be value in staff providing semiannual reports to that committee and the board. The staff liaison indicated that the reports should include updates comparing the cost and schedule estimates of capital projects at contract award to their actual cost and schedule for any projects that have had a material change to either factor. The staff liaison stated that he was unaware of a reason the board does not receive semiannual reports of capital projects but added that these reports would improve the board's understanding and management of VTA's capital programs.

Recommendations

To ensure that VTA's board is fully informed when approving projects, VTA should update its planning procedures by December 2024 to do the following:

- Establish a threshold for estimated project cost that defines when project planning must include the performance of a cost-benefit analysis.
- Conduct a cost-benefit analysis for all capital projects that meet or exceed that cost threshold.

To help ensure that it develops reliable cost estimates for its capital projects, VTA should develop procedures by December 2024 to do the following:

- Document the methodology for developing its capital project cost estimates, including costs other than those directly related to the design and construction of the project.
- Estimate the anticipated operation and maintenance costs for capital projects in development.

To help ensure that the board can monitor project costs and schedules, VTA should develop procedures by December 2024 to monitor project costs and schedules against preconstruction estimates and present this information as part of its semiannual report to both the Capital Program Committee and the board. This report should provide status updates on the agency's existing capital projects and identify deviations from projects' preconstruction estimates.

Chapter 2

LEGISLATIVE CHANGES COULD INCREASE THE TRANSPARENCY AND EFFECTIVENESS OF VTA'S BOARD

Key Points

- The 12 directors on VTA's board are elected officials who are chosen by elected officials, which makes the board similar to other transit boards. However, the director selection process is not always transparent enough to ensure the appointment of directors experienced in transportation issues.
- VTA directors have shorter terms than their peers on other transit boards, which leads to shorter tenure overall, lessening the overall experience level on the board.
- The board generally uses both its standing committees and advisory committees effectively to review policies and make recommendations to the full board.
- Although VTA has safeguards in place to ensure that directors adhere to their fiduciary duties, it should make improvements to promote accountability for financial interest disclosures and ethics training.

VTA's Director Selection Process Is Not Transparent Enough to Ensure the Appointment of Experienced Directors

The 12 VTA directors are public officials responsible for the strategic direction of VTA. Their decisions can affect the quality of life of everyone who lives within VTA's jurisdiction. Given the public nature of their positions and the degree of influence that directors have, it is important that, whenever possible, directors are individuals with experience in or knowledge about transportation. To assess VTA's process for selecting and appointing directors, we considered three factors: who selects the directors, who is eligible to serve as a director, and the selection approach used by those who select directors.

Specific elected officials appoint VTA's directors, a practice that makes VTA similar to other transportation agencies. State law requires the San José City Council to appoint the city's VTA directors and the Santa Clara County Board of Supervisors to appoint the county's directors. Further, state law specifies that agreements between the remaining cities in the county govern how their directors are chosen. We determined that as of December 2023, the directors that represent cities other than San José were appointed by elected officials. State law refers to those responsible for making appointments to the VTA board as *appointing powers*. We reviewed the appointments of each voting director as of December 2023, and determined that all were selected by the appropriate appointing powers.

Having elected officials appoint directors aligns VTA with the most common practice in the country. According to the American Public Transportation Association (APTA), 60 percent of transit boards are appointed by local or state officials, such as mayors, governors, or a legislative body, and only 3 percent of transit boards are directly elected.[3] The laws that create four of the five peer agencies we reviewed also specify that certain elected officials, such as city council members, mayors, and county supervisors, appoint all but three of the directors of those agencies.[4] VTA not only conforms to the most common practice nationwide but also has a practice similar to its peers.

State law restricts who can serve as a director and, within those restrictions, VTA has provided guidance to the appointing powers about the desirable traits for a director. As the text box shows, state law does not allow a member of the general public to serve as a VTA board director. Additionally, state law requires that, to the extent possible, directors be individuals with expertise, experience, or knowledge relative to transportation issues—a requirement we refer to in this report as the *experience requirement*. As of December 2023, all directors were the elected officials state law requires. However, as we note in more detail below, the appointing powers did not always demonstrate to the public that they fulfilled the experience requirement when appointing directors. In addition to the requirements in state law, VTA has published nonbinding guidance for the appointing powers about its expectations for directors. These expectations include the directors devoting an average of five to 10 hours per month to board and committee assignments, representing the interests of their constituency while endeavoring to achieve regional consensus, and keeping their respective jurisdictions informed on key issues.

Requirements for VTA Director Selection

- Directors appointed by a city must be a mayor or city council member, and directors appointed by the county must be a member of the board of supervisors.
- To the extent possible, appointing powers must select directors who have expertise, experience, or knowledge relative to transportation issues.

Source: State law.

The state law requiring that VTA's directors are specified elected officials is unique among the peer agencies we reviewed. The law that establishes SacRT does not restrict directorship to elected officials, although in practice the board—as of April 2024—is composed solely of city council members and county supervisors. Differently, the state law that governs CapMetro requires that three of its eight directors be elected officials but does not restrict the other five directorships to elected officials. In addition, the board of directors for LA Metro and OCTA are required by law to be composed of a combination of members of the public and specified elected officials, with the majority of directors on each board required to be those elected officials.

[3] The American Public Transportation Association is an international nonprofit association that represents more than 1,500 public and private sector member organizations. According to the association's website, more than 90 percent of people using public transit in the United States and Canada ride on systems belonging to its members.

[4] State law establishing SacRT's board does not specify the individuals within the appointing power who are responsible for appointing the agency's directors. Nevertheless, SacRT confirmed that in practice the directors are appointed by elected officials.

Restricting directorships to elected officials likely provides some benefits, but the practice also limits the expertise that appointing powers can access when making appointment decisions. In our July 2008 audit of VTA, we stated that having elected officials serve on the board may allow VTA to be more influential in aligning local land use decisions with the countywide transportation plan.[5] Additionally, elected officials—having gained support for their leadership—could serve as trusted messengers to their local jurisdictions on behalf of VTA. Nonetheless, because state law restricts other individuals from serving as directors, the pool of candidates for VTA's board is limited and excludes members of the public who have direct experience with transit or transportation issues. Overall, the law limiting directors to specified elected officials likely leads to a board with less experience with transit or transportation issues than one that could exist without such limits.

Nonetheless, the appointing powers could maximize the transit and transportation experience on the board by ensuring that their appointments comply with the experience requirement. Accordingly, we reviewed the ways in which a selection of appointing powers chose their directors to determine whether the appointment processes were public and demonstrated that the appointing powers complied with the experience requirement. Specifically, we reviewed the available public record of the meetings for the appointing powers that took place in January and February 2023, as presented in Figure 5.[6]

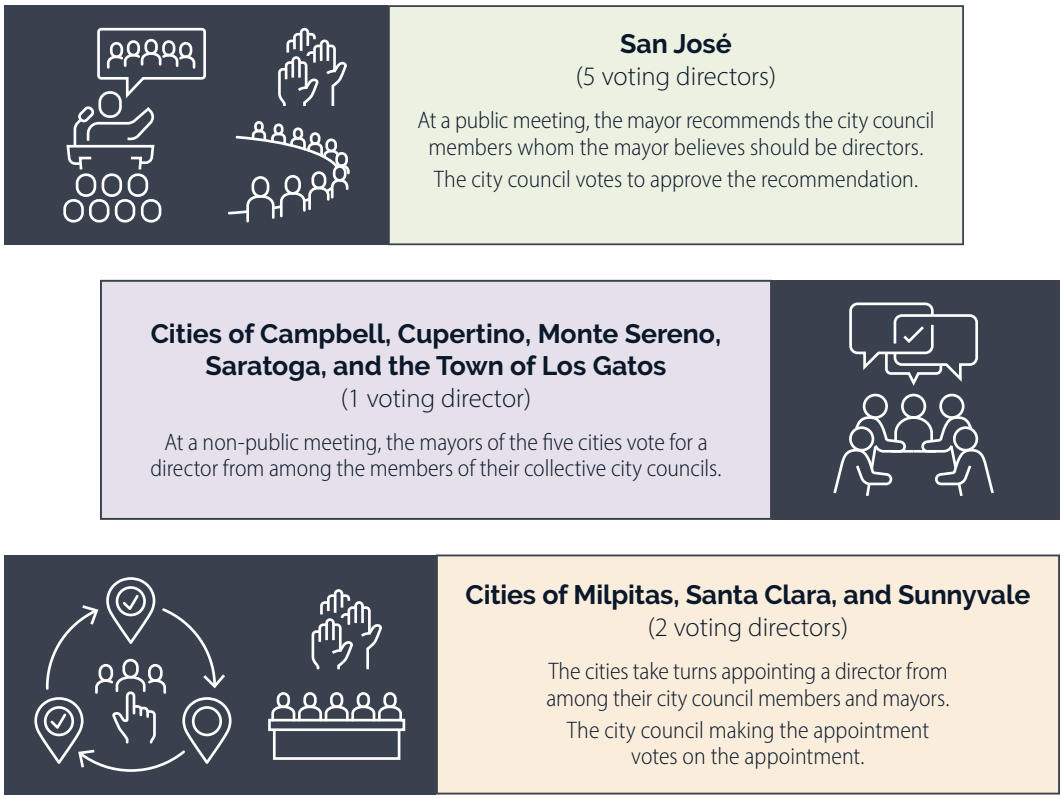
None of the appointing powers we reviewed have a formal process that requires them to publicly cite and document appointee qualifications. This lack of a formal public process may allow the appointing powers to circumvent the experience requirement. For appointments made by the cities of San José, Sunnyvale, and Santa Clara, the appointments were made at a public city council meeting. The city councils for San José and Sunnyvale discussed the general attributes of their appointees, including experience and the ability to work with others. For example, in January 2023, Sunnyvale's city council discussed its appointee's experience serving on VTA's policy advisory committee and the benefits that experience would provide to the individual as a director.

However, each of the appointing powers confirmed that it does not have a formal process to make public the qualifications of its appointees to VTA's board. As a result, appointing powers are able to make appointments without having affirmatively demonstrated to the public that their appointees have the relevant experience necessary to fulfill their responsibilities on VTA's board. For example, during Santa Clara's city council meeting in February 2023, it voted to approve the appointment of its VTA director without any discussion of that individual's qualifications or the extent to which it had considered other candidates who may have had transportation experience. Without a process in place requiring appointing powers to make public the qualifications of their appointees, VTA and the public are not always able to determine whether the appointing powers adhered to the experience requirement and appointed qualified candidates to VTA's board.

5 *Santa Clara Valley Transportation Authority: It Has Made Several Improvements in Recent Years, but Changes Are Still Needed, 2007-129*, July 2008.

6 We did not review the appointment process for the city of Milpitas, because it appointed an alternate director in 2023, rather than a director.

Figure 5
The Appointing Powers We Reviewed Have Different Processes for Selecting Directors



Source: State law and VTA administrative code; documentation and interviews provided by each city group.

Note: The graphic does not include the selection processes for Santa Clara County, Gilroy, Morgan Hill, Los Altos, Los Altos Hills, Mountain View, or Palo Alto.

The remaining cities we reviewed—Campbell, Cupertino, Monte Sereno, Saratoga, and the town of Los Gatos—which represent a single city group, used the least transparent appointment process among the groups we reviewed. This process involves the mayors or other designated leaders of each city holding a meeting to determine who will be their appointed director. State law governing local government meetings requires that legislative bodies of local agencies—such as city councils—publicly report all actions taken by the body. However, this appointing power is not a legislative body and, as a result, it is not required by this law to hold a public meeting. Campbell's city manager confirmed that this appointing power's meeting is not public. Accordingly, the public does not know this group's reasons for its appointment decisions and has no assurance that the appointing power satisfied the requirement to appoint individuals with transportation experience to the extent it was possible to do so.

Because appointment decisions are not always deliberated and delivered in public, a significant safeguard for ensuring that appointing powers choose qualified directors is missing. VTA's CEO agreed that the appointing powers should be more transparent in the selection of their directors, but she also expressed her belief that VTA's enabling

statute did not need to be amended to promote such transparency. Nonetheless, because VTA does not have the authority to mandate such transparency, legislative action would be required to compel more transparency in the appointment process.

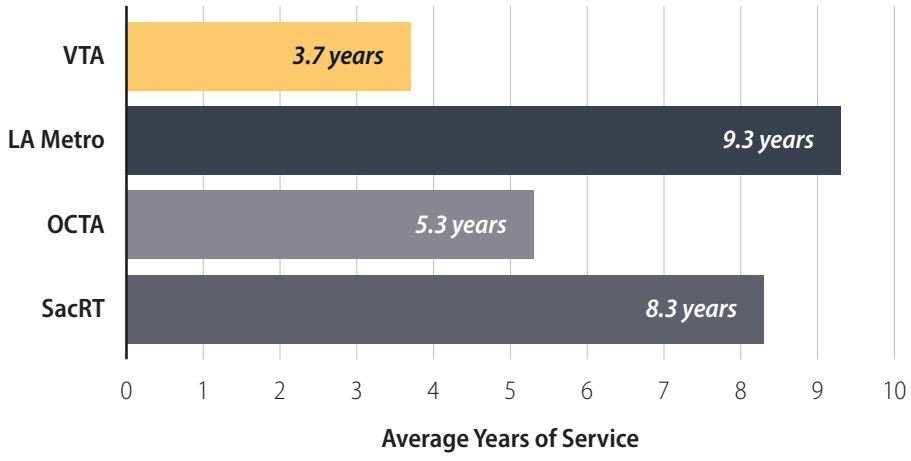
VTA Directors Have Briefer Tenures Than Their Peers at Other Transit Agencies

Although we could not identify any recommendations from authoritative sources specifying the number of years that a director should serve on a board of directors, we reviewed available guidance on board membership in the public sector and determined that having a mixture of experience levels on the board can provide benefits. For example, the California State Teachers' Retirement System's governance guidance states that effective boards have both short- and long-tenured directors to ensure that fresh perspectives are provided and that experience, continuity, and stability exist on the board.

The Transit Cooperative Research Program (TCRP)—a federally sponsored transportation research organization—reported that in response to a national survey of transit CEOs and board chairs, respondents said that some of their board members serve staggered terms to ensure that the board has both continuity and fresh ideas. The TCRP further reported that transit agency boards should have sufficient continuity and institutional memory to promote long-term planning and follow-through. These sources indicate that longer-tenured directors can benefit a board by providing stability and experience.

However, the average tenure of VTA's directors is shorter than directors' average tenure at the peer agencies we reviewed. Only three of the peer agencies—LA Metro, OCTA, and SacRT—maintained historical data regarding their directors' tenures. To assess the average tenure of directors at VTA and at these agencies, we identified all directors who served for any duration during the period of 2013 through 2023. We then calculated the average number of years those directors served regardless of when those years occurred. Figure 6 shows the results of our review and demonstrates that VTA's directors served for notably shorter periods, on average, than did their peers.

Figure 6
VTA Directors' Average Tenure Is Shorter Than Average Tenures of Directors at Peer Agencies



Source: Director tenure documentation provided by the agencies that maintain such data.
Note: CapMetro and TriMet did not maintain historical data on the tenure of their directors.

One contributing factor to shorter tenure among VTA's directors is VTA's shorter term lengths. As we describe in the Introduction, state law establishes the term length for VTA's directors generally at two years. State law allows up to 30 days beyond two years if a director's successor has not been appointed. However, this term length is generally half as long as the duration of the term lengths among VTA's peers. Three of the five peer agencies have four-year terms. Table 5 compares the term lengths of VTA directors and those of its peers. VTA's term lengths are also shorter than the national average. According to the TCRP, the average transit board member serves a three-year or four-year term.

Table 5
VTA's Directors Have Shorter Terms Than the Terms of Directors at Most of the Peer Agencies We Reviewed

AGENCY	DIRECTOR TERM LENGTH
VTA	2 years
CapMetro	2 years
LA Metro	4 years
SacRT	4 years
TriMet	4 years

Source: State laws creating these agencies.

Note: We do not include OCTA in the table because state law does not standardize the term lengths for most directors on the board for OCTA. Instead, state law allows the appointing powers that place directors on OCTA's board to set the directors' term lengths. The exception is the public members who have term lengths of four years prescribed in state law.

Another factor contributing to VTA's shorter director tenures has been the city groups' appointment decisions. Directors who were appointed by the city groups that have only one board director representative as well as the Northeast Cities group all had shorter tenures than the directors representing San José and the county, who had average tenures of roughly four and eight years respectively. The state law that creates VTA does not establish a limit on the number of terms that a person can serve as a VTA director—meaning that so long as a person continues to serve as an eligible elected official in their respective jurisdiction, a city group could reappoint that individual as their designated director indefinitely. In fact, the South County group, composed of Gilroy and Morgan Hill, has reappointed individuals to consecutive terms, resulting in that group having directors with the longest average tenure of any of the non-San José city groups at an average of nearly three-and-a-half years. The remaining non-San José city groups have generally rotated which cities appoint a director to the board, and those directors have an average tenure of about two-and-a-half years. Although that practice allows for the city groups to rotate which city has a director on the board, it generally detracts from the overall tenure and experience level of the board.

In previous reviews of its board tenure, VTA has received recommendations to extend its term length to four years. Our July 2008 audit found that VTA director tenure was shorter than tenures at comparable transit agencies at that time, and we recommended that VTA request a change to state law that would allow it to implement a four-year term. Similarly, a 2019 grand jury review of VTA noted that extending the term length of its

directors to four years would increase the average tenure of board members and help provide continuity on the board. In May 2019, a VTA ad hoc board enhancement committee began meeting to review VTA's governance practices. This committee commissioned an independent study that ultimately recommended that VTA's board adopt a four-year term for its directors.

Despite these recommendations to pursue a four-year term length for its directors, VTA has not done so. In response to our July 2008 recommendation, VTA stated that the board had recently voted to keep a two-year term for its directors and encouraged the appointing powers to reappoint board members to consecutive terms. A VTA staff report in August 2020 to the Governance and Audit committee in response to the 2019 study of VTA's structure reached similar conclusions. Although staff noted that it takes a VTA director about two years on average to become comfortable and effective in their role, the staff recommended that VTA keep the two-year term length. The staff report noted that the two-year term length allowed city groups to remain flexible with their appointments, whereas a four-year term can limit their flexibility and options.

Because state law establishes the length of VTA's directors' terms, legislative action will be necessary to lengthen those terms. In July 2008 our office reported that extending the terms to a four-year period was appropriate and recommended that VTA pursue this change to the law. Nearly 16 years have passed since we made that recommendation, and VTA's tenure remains lower than its peers. Therefore, we believe that the Legislature should take action to extend the term length for VTA directors to four years, more closely aligning VTA with its peer agencies and helping to ensure that it is composed of individuals with the experience to lead VTA.

VTA's Use of Alternate Directors Does Not Lower the Attendance of Regular Directors

When directors cannot attend a board or committee meeting, VTA uses alternate directors to attend the meetings in their absence. According to state law, in addition to the 12 directors, there must be two alternate directors, one from the county and one from San José. Further, state law permits the other cities to agree to have alternate directors. VTA's administrative code states that alternate directors will attend board meetings, attend assigned standing committee meetings, and sit for and vote in place of their director if that director is absent. Alternate directors are not required to attend board meetings unless the director they are an alternate for cannot attend, although they are allowed to attend even when the director they serve as an alternate for is already in attendance.

We also reviewed guidance from the TCRP on board governance and management of transit agencies. The guidance noted that boards may use alternate directors; however, the guidance we reviewed neither recommended nor discouraged the practice. Of the five peer agencies we reviewed, only SacRT uses alternate directors. The law establishing SacRT allows the entities appointing directors to the board to also select alternate directors.

External reviewers have expressed concern about VTA's use of alternate directors. In 2019 the Santa Clara County Civil Grand Jury released a report on VTA's governance and remarked that alternate directors may cause directors to deprioritize meeting attendance. Also in 2019, VTA contracted for a governance assessment, and the scope of work included evaluating VTA's governance compared to other transit agencies. The firm that conducted the assessment recommended that VTA stop using alternate directors, stating that the alternate directors are often not needed to achieve a quorum and their average attendance rate is low—indicating that the board often does not rely on the alternates.

However, the existence of alternate directors does not appear to have affected director attendance, which was generally high. We reviewed VTA director attendance data from 2020 through June 2023. VTA directors attended 92 percent of board meetings and 83 percent of committee meetings, which are relatively high attendance rates. Further, VTA staff and directors noted that there is value in having alternate directors, including the fact that serving as an alternate director can provide experience and exposure to VTA that could prepare an alternate to become a director. In our review of board tenure we noted that several directors who served during the past ten years had started as alternates. Given the relatively high attendance rate of regular directors and the potential benefits of alternate directors, we did not conclude that VTA should discontinue its use of alternate directors.

VTA's Board Generally Uses Its Committees Effectively by Consulting Them About Relevant Policies and Incorporating Their Input

As we describe in the Introduction, VTA maintains several standing and advisory committees. VTA's administrative code, rules of procedure, and committee bylaws assign a title, duties, and responsibilities to each committee. For example, the Capital Program Committee is responsible for reviewing and recommending to the board policies pertaining to VTA's capital projects. According to the TCRP, transit agencies create committees to accomplish specific tasks and to address needs that the board is responsible for governing. The TCRP adds that committees make recommendations to the full board for approval. To assess whether VTA uses its committees effectively, we reviewed each standing and advisory committee's involvement in the development of five VTA policies, which the text box lists. For each policy, we assessed three areas: whether all of the applicable standing and advisory committees provided their perspective or advice on the policy, whether the committees provided that perspective or advice before board approval, and whether VTA staff presented the committees' perspective or advice to the board.

Policies We Reviewed for Board Committee Involvement

- Biennial budget for fiscal years 2024–25 and 2025–26
- Strategic Capital Investment Plan
- Visionary Transit Network Plan
- 2023 Transit Service Plan
- 2016 Measure B 10-Year Program and Biennial Budget Principles.

Source: VTA policies.

For the five policies we reviewed, the board's committees generally reviewed the policies and provided advice or recommendations when the policies were relevant to the committees' areas of responsibility. For example, the Capital Program Committee reviewed and provided advice on VTA's Strategic Capital Investment Plan (SCIP), but it did not review the 2023 Transit Service Plan, which was outside of the committee's purview because it focused on changes to VTA's services rather than its capital programs.

In total, across the five policies we reviewed and VTA's 10 standing and advisory committees, we identified 34 instances in which a committee's responsibilities appeared to overlap with the policies we reviewed. In all but eight of these cases, VTA's committees reviewed the relevant policy. In four of these eight cases, VTA had reasonable explanations for why the apparently relevant committees did not review a particular policy. One example of this type of exception is the approach VTA took to review its biennial budget. Although the Safety, Security, and Transit Planning and Operations (SSTPO) Committee is responsible for making recommendations to the board about transit planning, capital projects, and operations and marketing, it did not review the biennial budget. However, the staff liaison to this committee explained that, although the biennial budget allocates funds for transit projects and operations, the committee did not review the budget because it does not relate to the planning or development of projects with respect to their safety or security—which is a focus of the committee's responsibilities. We find this explanation reasonable.

Nevertheless, we found four instances in which committees likely should have reviewed a policy but did not do so. As mentioned above, the Capital Program Committee reviewed the SCIP, but no advisory committees reviewed that policy. According to the staff liaison for the committee, VTA chose to focus the involvement of its standing committees to just the Capital Program Committee because it is the committee with primary responsibility for this plan and doing so alleviated the workload of the other committees. We agree that this rationale is reasonable but note that it meant two advisory committees—the Policy Advisory Committee and the Technical Advisory Committee—did not review the SCIP when they likely should have given their purviews. For example, the Policy Advisory Committee—which is made up of members who represent VTA's member cities—is responsible for advising the board on multiple issues, including long-range transportation planning, VTA's budget, and service modifications, and as a result could provide valuable stakeholder input on the SCIP. The staff liaison agreed that it was a good idea for VTA to solicit stakeholder input on the SCIP and that, looking forward, VTA should present matters regarding the SCIP to relevant advisory committees.

In addition, we found two other instances in which a committee was not involved in a policy related to its responsibility. Specifically, the Bicycle and Pedestrian Advisory Committee, which is responsible for providing advice to the board on funding priorities for bicycle and pedestrian projects, did not review the program principles that guide funding for the 2016 Measure B Program—a program that in part funds bicycle and pedestrian projects of countywide significance—for a 10-year period. The committee's staff liaison acknowledged that not involving the committee was an oversight by VTA's staff. Similarly, the Capital Program Committee also did not review the principles for the 2016 Measure B Program, which funds capital projects

that are in part managed by VTA. As a result, the committee missed an opportunity to fulfill its responsibility to review the efficacy of a policy that influences how the agency intends to fund VTA capital projects.

In all cases when committees reviewed policies, they did so before the board made an approval decision. We reviewed the meeting minutes of 36 committee meetings and found that the committees generally reviewed policies at least one month before staff presented the policy to the board. This timeline indicates that VTA staff should have sufficient time to respond to committees' advice and adjust policies before presenting them to the board. In fact, we saw those types of adjustments occurring when we reviewed the materials presented to the board.

Staff presented the committees' input or recommendations to the board. For example, when the SSTPO Committee received the 2023 Transit Service Plan—VTA's plan for bus and light rail services in 2023—committee members thanked the staff for developing the policy based on market- and data-driven analyses that also focused on equity. The SSTPO Committee subsequently recommended the policy to the board for approval, and staff presented that recommendation to the board. We also identified instances when committees recommended that staff amend or refine a policy to reflect a desired change that committee members requested. For example, during the development of the principles for the 2016 Measure B 10-Year Program, the Administration and Finance Committee recommended that staff amend the principles to include the percentage of funds allowed to be spent on each program category, consistent with the measure's ballot language. The version of the policy that staff presented to the board included the committee's recommended changes.

VTA Could Strengthen Its Safeguards to Better Ensure That Directors Uphold Their Fiduciary Duties

Fiduciary Duties of VTA Directors

- Duty to be diligent and informed
  Directors should consider all relevant information before making decisions, understand the complete financial consequences of policy proposals, and work through the CEO to provide direction to VTA staff.
- Duty to be responsible and loyal
  Directors should make decisions that are in the best interest of VTA and the VTA territory, subordinate the interests of individual directors or local jurisdictions, think regionally, and act in the best interests of all stakeholders, on behalf of VTA as a whole.

Source: VTA new director orientation training.

It is important that government officials exercise their fiduciary duties to ensure that they are acting in the best interest of the people and institutions that they serve. VTA's Code of Ethics states that directors are required to carry out their duties in the best interest of the agency and all agency stakeholders, which includes the residents of Santa Clara County. VTA further defines each director's fiduciary duties in its new director orientation, where it explicitly specifies two duties, which the text box shows.

Determining that a director has breached their fiduciary duties is a difficult task, potentially requiring evidence of the director's intention or state of mind when the director took certain actions. Therefore, we instead reviewed the extent to which VTA has created an environment that encourages directors to uphold their fiduciary duties. During our review, we observed several positive signs.

We found that VTA clearly communicates its expectations of directors. A key example is the content of its new director orientation, which is excerpted in the text box. The new director orientation also lists the types of activities that directors undertake that will require them to uphold their fiduciary duties, such as adopting the budget for VTA, making decisions related to capital projects, and managing VTA's assets. Moreover, consistent with best practices from the GAO, VTA has established its Code of Ethics that outlines the ethical responsibilities and standards of conduct to which directors must adhere, including the responsibility to promote the best interest of the public when determining VTA policy.

Further, the process by which directors make VTA policy encourages accountability. Earlier we describe how we reviewed the process by which VTA considered and adopted five key policies. Discussions on these policies occurred in public meetings at both the committee and full board level. Discussing and making decisions on VTA policy in public promotes accountability because it requires directors to make decisions subject to public comment and critique.

VTA's process for reviewing policies in committee also supports directors fulfilling their duty to be informed before making policy decisions. Our review of the board's involvement in the five policies revealed that directors received information and proposals on the policies prior to voting on them. For example, during the development of the SCIP, the directors on the Capital Program Committee held five separate meetings from April 2021 through April 2022 to review, amend, and refine the SCIP prior to its presentation to the board, suggesting that directors exercised diligent review of the policy.

To determine the extent to which VTA directors consulted with their city staff and city councils prior to voting on a policy, we interviewed four VTA directors who represented different city groups, and they said that under certain circumstances they do consult or share information with their respective city staff or city council members. For example, one director shared that he discusses matters related to the upcoming BART project with his city staff. We reviewed the meeting agendas of 30 city council meetings that took place within two months before the board voted on one of the five policies that we discussed earlier, but we did not see these policies on the agendas for discussion at the council meetings we reviewed.

Nevertheless, VTA's directors do receive input and recommendations from city staff and city council members through the advisory committees on which those individuals sit. Such advice can help the board build regional consensus and make decisions on issues that are in the best interest of the county. VTA has five advisory committees that represent county stakeholders and the various jurisdictions within the county by including city staff and city council members, as well as other members of the community as committee members. These committees provide stakeholder perspective to the board before it votes on a policy. For example, the Citizens Advisory Committee—a committee of 13 individuals representing different stakeholder groups in the county—provided its perspective to the board and recommended that the board adopt the Visionary Transit Network, a vision and framework for fast and reliable transportation services. Because directors

receive input and recommendations from the public and key stakeholders on policy proposals prior to adoption, the board is better able to make decisions that are in the best interests of the agency and the county.

Despite these positive elements, VTA could strengthen its safeguards to hold directors accountable to their fiduciary duties. One way that a director could violate their fiduciary duties would be to make decisions for their own benefit or financial interest instead of for the benefit or financial interest of VTA and its constituents. Generally speaking, this type of decision making could constitute a conflict of interest. We assessed VTA and the 27 directors who served on the board from 2021 through 2023, including alternates, for adherence to several requirements and best practices that are intended to help prevent conflicts of interest, as described in the text box. We found that the directors generally adhered to these requirements and best practices. For example, as required by state law, VTA has a conflict-of-interest code to govern the directors' requirement to disclose reportable financial interests. However, VTA could enhance its approach to two statutory requirements regarding conflicts of interest—disclosing economic interests and completing ethics training.

Key Requirements and Best Practices to Detect and Prevent Conflicts of Interest

1. **Establish a conflict of interest code**—Agencies must adopt and promulgate a conflict-of-interest code that identifies positions within the agency that are required to report financial interests and what interests they should report.
2. **File statements of economic interest**—Directors must disclose specified financial interests and sources of income.
3. **Conduct biennial ethics training**—Certain local agency officials, including directors, must receive an ethics training at least once every two years.
4. **Establish a standard of conduct**—Agencies should establish standards to communicate expectations concerning ethical values and can use policies to communicate those standards.

Source: State law, GAO best practices, and VTA Conflict of Interest Code.

We reviewed the directors' adherence to state law requiring that certain officials disclose particular economic interests which is done by filing a Statement of Economic Interests (Form 700). We requested the Form 700s filed by each director who served in 2021 or 2022 and by all directors who assumed their directorship in 2023 and found that 25 of the 27 directors we reviewed submitted their Form 700s. If an official does not submit the Form 700, state law requires that the entity's filing officer report the official to the appropriate agencies, which may include the California Fair Political Practices Commission (FPPC). Failure to appropriately file a Form 700 may subject the official to criminal or civil penalties.

For the two directors who did not submit their forms—one current and one former director—VTA's board secretary explained that although VTA sends reminders to directors who have not submitted their forms, the agency does not report delinquent filers to the FPPC because she believes it is the county's responsibility—not VTA's—to report these directors to the FPPC. The county sent notifications to both directors to inform them that it had not received their forms and that it would report them if they remained in violation of their reporting requirements. In March 2024 VTA's board secretary indicated that the agency would send reminders to both directors to submit their forms. Although we agree that the county, as VTA's filing officer, is required to report relevant violations to the FPPC, the state law governing the filing

of Form 700s does not prohibit VTA from also reporting the directors. Because VTA did not report these two directors to the FPPC, VTA has not taken steps to hold all of its own directors accountable for disclosing their financial interests.

We also reviewed VTA directors' compliance with a state ethics training requirement and found that the agency does not have a process to monitor whether directors complete this training. State law requires that certain local officials receive an ethics training course every two years. An analysis of the bill enacting that requirement suggested that the intent of the requirement was to enhance officials' understanding of how to use public resources and adhere to ethics guidelines set forth in state law. To determine whether VTA directors completed their required ethics training course, we requested from VTA's board secretary the 27 directors' most recent course completion certificates that they should have received from 2019 through 2023. VTA was unable to locate certificates for four of the directors. One of these individuals no longer serves on VTA's board as of April 2024, suggesting that the director may not have fulfilled the ethics training requirement before leaving the board. The board secretary stated that the Office of the Board's Secretary (secretary's office) has attempted to collect the ethics training course completion certificates for these four individuals. However, the board secretary explained that VTA does not have a process to track which directors have submitted their certificates. Instead, she stated that the secretary's office sends emails to VTA's directors reminding them to take their ethics training and submit their certificate to the secretary's office. Because VTA does not have a process in place to track whether directors complete their ethics training, it cannot be assured that all of its directors are properly trained about their ethical obligations.

Finally, recommendations that we have made throughout this report could also strengthen VTA's safeguards against breaches of fiduciary duties. For example, creating cost-benefit analyses of capital projects will better illustrate the benefits and tradeoffs of approving certain investments. This practice could in turn enhance directors' ability to make decisions in the best interests of the agency and the county. Expanding the agency's oversight of its budget, which we discuss later in the report, will provide more information to directors about VTA's efficiency in using its resources to benefit its residents. Finally, as we also explain later in the report, developing a new strategic plan that articulates clear direction about the agency's measurable goals would provide a clear indicator of what directors should be considering when making decisions.

Recommendations

Legislature

To ensure that VTA's appointing powers appoint directors based on their relevant qualifications, the Legislature should amend state law to require that VTA's appointing powers make public, consistent with applicable privacy protections, their rationales for the appointments they make to VTA's board, including a description of the appointee's relevant experience and qualifications related to transit and transportation.

To make VTA's term lengths more consistent with those of its peer transit agency boards and to help increase the overall experience and stability of board membership, the Legislature should amend state law to increase the length of VTA directors' terms to four years.

VTA

To ensure that VTA receives stakeholder input on the Strategic Capital Investment Plan (SCIP), the agency should ensure that it presents all subsequent updates to the SCIP to the appropriate advisory committees, solicits their input, and presents that input to the board.

To ensure that it more effectively safeguards against a breach of fiduciary duty, VTA should complete the following by December 2024:

- Establish a policy requiring relevant staff, including the secretary's office, to report to the FPPC those directors who do not submit their Form 700s in a timely manner.
- Establish a process for verifying whether directors have completed their biennial ethics training and following up to remind those who have not done so to complete the training.

Chapter 3

VTA SHOULD ADOPT SEVERAL ADDITIONAL PRACTICES TO OPTIMIZE ITS FINANCIAL HEALTH AND STRATEGIC DIRECTION

Key Points

- Although VTA is in relatively good financial condition—with its revenues regularly exceeding its expenses and a sizeable reserve for unexpected economic conditions—more than 60 percent of its annual revenue comes from sales tax revenue, an uncertain revenue source. VTA has not determined how it will replace this revenue source as sales tax measures begin to expire.

- VTA creates financial forecasts 10 years into the future, showing that it is following a key financial planning best practice. However, VTA's forecasts do not always include multiple expense scenarios, limiting its ability to set its budget with multiple situations in mind.

- VTA did not consistently monitor its budget for variances between actual spending and planned spending and does not report key financial metrics to its board. As a result, VTA has less insight than it otherwise would into where it may need to improve its operations.

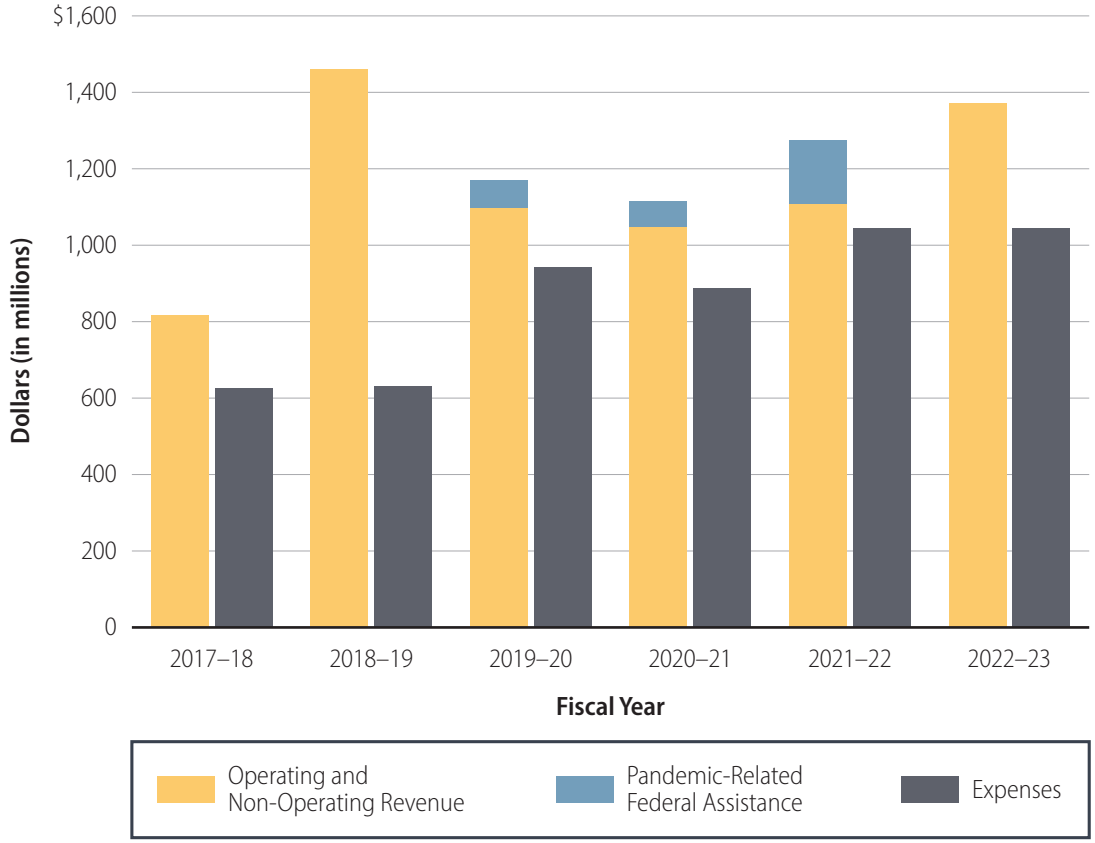
- VTA's strategic plan expired in 2022, and neither the expired plan nor interim strategic initiatives VTA has pursued have included measurable objectives that VTA or the public could use to determine whether VTA is making progress towards its strategic goals.

VTA Is in Relatively Good Financial Health but Would Benefit From Taking Additional Actions to Better Ensure Its Continued Viability

For a government agency, maintaining a good financial condition is essential to ensuring that it can continue to meet stakeholder needs. There are several indicators that can demonstrate whether a government is financially healthy. Accordingly, we assessed VTA by considering the following: whether the agency has been in a spending deficit or surplus, whether it has maintained the recommended level of reserve funding, the uncertainty of its revenue sources, and the size of and ways that it is funding its pension and other post-employment benefits (OPEB) expenses.

For the past six fiscal years, VTA has consistently reported higher revenues than expenses. Figure 7 shows VTA's total revenues and expenses, including the amount of revenue it received from COVID-19 pandemic-related federal assistance. Despite a decrease during the initial period of the pandemic, VTA's overall annual revenue has grown since fiscal year 2017–18. Moreover, the growth in revenue has generally aligned with the growth in VTA's expenses over the past six fiscal years, during which VTA recorded a 68 percent increase in revenue and a 67 percent increase in expenses.

Figure 7
VTA's Revenue Was Consistently Higher Than Its Expenses Over the Past Six Fiscal Years



Source: VTA's Annual Comprehensive Financial Reports for fiscal years 2017–18 through 2022–23.

Note: The spike in revenue in fiscal year 2018–19 was caused by the realization of 2016 Measure B sales tax revenue after a court ruling on the legality of the measure.

For a three-year period spanning from fiscal years 2019–20 through 2021–22, VTA relied significantly on pandemic-related federal assistance to support its major operating fund, the VTA transit fund. During this period, the fund operated at a deficit in one year—meaning that its change in net position was negative—and would have been in a similar situation in all three fiscal years had it not been for that federal assistance. Nonetheless, these federal funds were awarded in recognition of an extraordinary disruption to transit operations caused by circumstances outside the control of agencies like VTA. Accordingly, we do not find the reliance on such funds to be a sign of mismanagement by VTA. In fact, when these federal assistance programs stopped providing funds in fiscal year 2022–23, VTA continued to avoid operating at a deficit.

VTA has accumulated significant reserve funding. The California Special Districts Association recommends that special districts such as VTA establish policies that set a target level of reserves to maintain based on a percentage of regular operating revenues or regular operating expenditures, depending on which element is more predictable. In addition, the Government Finance Officers Association (GFOA) recommends that general purpose governments maintain at all times a minimum unrestricted fund balance of no less than two months' of either operating revenues or operating expenditures. As of June 30, 2023, VTA had three reserves, each with its own dedicated use as Table 6 shows.[7] In fiscal year 2022–23, VTA nearly exactly met the reserve target for its operating reserve—15 percent of the operating budget. Although this amount on its own does not quite reach the level recommended by the GFOA, VTA has other reserves to supplement its operating reserve. Accordingly, VTA is currently well-positioned to address unexpected swings in its revenues and expenditures, which ultimately can reduce the effect of that uncertainty on the residents it serves.

Table 6
VTA Has Established Reserves

RESERVE TYPE	PURPOSE	RESERVE AMOUNT AS OF JUNE 30, 2023 (IN MILLIONS)	DID VTA MEET THE RECOMMENDED RESERVE AMOUNT?
Operating Reserve	To ensure that sufficient funds are always available in the event of either unanticipated shortfalls in revenue from sources other than sales tax or unavoidable expenditure needs.	$91	Yes
Sales Tax Stabilization	To mitigate the impact of sales-tax-receipt volatility on service levels and on the operating budget.	$35	Meets maximum allowed in reserve
Debt Reduction	To enhance VTA's fiduciary governance practices and ensure that funds are available to sustain a capital program that maintains VTA's infrastructure and keeps assets in a state of good repair. May be used to reduce long-term liabilities or to provide funding for approved transit-related capital improvements and replacement of capital assets.	$375	N/A*

Source: VTA fiscal year 2022–23 Annual Comprehensive Financial Report; VTA policy.

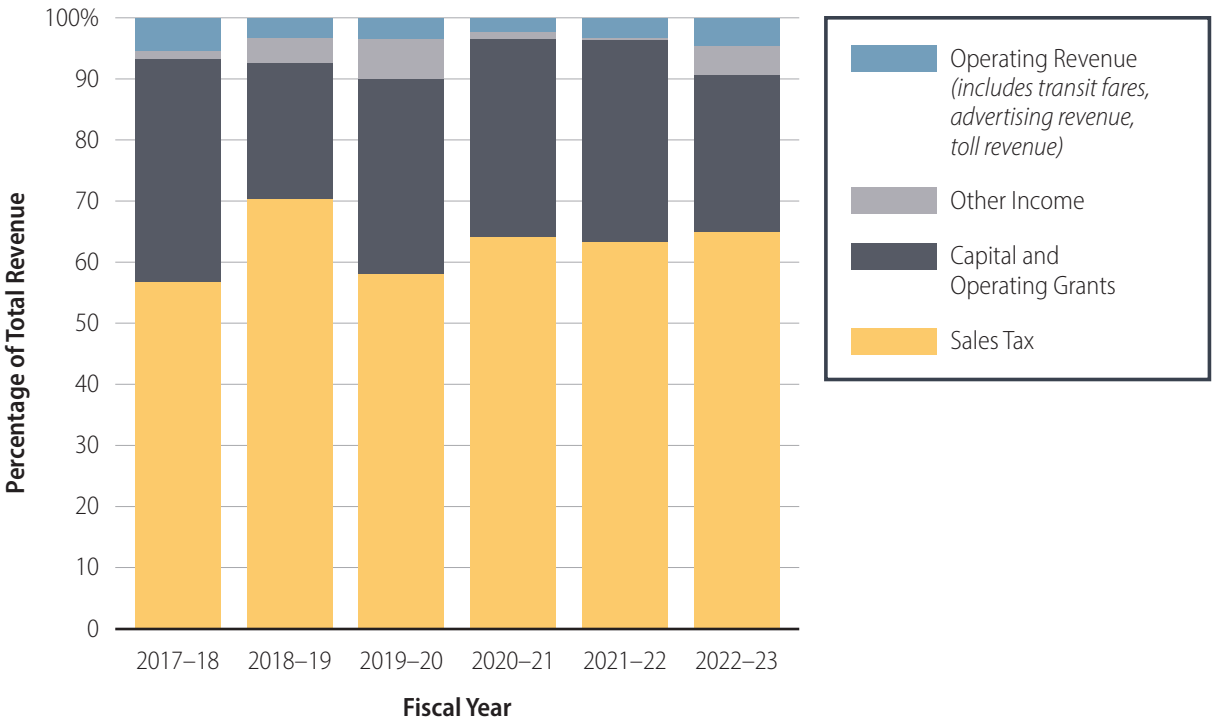
Note: In March 2024, the board approved a transfer of $115 million from the Debt Reduction Reserve to help fund the EBRC Project.

* VTA's Debt Reduction Reserve does not have a targeted level of funding or a cap on the available balance. Once the targeted balances have been met for the Operating Reserve and the Sales Tax Stabilization Reserve, any additional amounts are added to the Debt Reduction Reserve.

7 VTA established the Transit Operations Capital reserve in fiscal year 2023–24 with a $100 million transfer from the Debt Reduction reserve. The Transit Operations Capital reserve was created to be the primary funding source for VTA's biennial transit operations capital program.

In part, VTA's reserve policies reflect its vulnerability to changes in the economy. A large percentage of VTA's revenue—on average more than 60 percent over the past six fiscal years—is derived from sales taxes, a revenue source that fluctuates with the economy. Figure 8 shows the different revenue sources that VTA relied on during this period and the proportion that each source represented of its total revenue.

Figure 8
Sales Tax Revenue Is Consistently the Largest Portion of VTA's Total Revenue



Source: VTA's Annual Comprehensive Financial Reports for fiscal years 2017–18 through 2022–23.

As the figure shows, a very small percentage of VTA's total revenue is operating revenue, which is a category that includes its fare revenue. Instead, VTA primarily relies on sales tax revenue as well as state and federal grants to maintain its operations. The degree to which VTA relies on sales tax revenue (non-operating revenue) is common among its peers. Among the five agencies to which we compared VTA, only one—TriMet—did not rely on sales tax as a revenue source. TriMet instead relies on payroll and self-employment taxes that it uses in similar proportion to the sales taxes used by other agencies. Three of the other four agencies relied on sales tax revenue as the source for at least 50 percent of their annual revenue. Further, VTA maintains a sales tax revenue stabilization reserve specifically dedicated to sales tax revenue shortfalls, ensuring that it is at least partially insulated from the effects of economic downturns.

The more concerning element of VTA's dependence on sales tax revenue is that the revenue is time-limited. VTA's sales tax revenue is generated from four sales tax measures, three of which have sunset dates, as the text box describes. In fiscal year 2022–23, revenue from these three sales tax measures made up 69 percent of all of VTA's sales tax revenue. These revenue sources must eventually be replaced if VTA is to maintain operations and capital expenditures at present levels. The earliest expiration date of these measures occurs in 2036.

VTA Sales Tax Measures and Their Sunset Dates

VTA relies on four sales tax measures for the majority of its revenue.

1976 Measure A: A 1/2-cent sales tax authorized for the continued operation and development of transit service in Santa Clara County. *No sunset date.*

2000 Measure A: A 1/2-cent sales tax authorized for various transportation-related expenses, including the expansion of bus and light rail service throughout Santa Clara County and the purchase of vehicles for senior and disabled passenger access. *Sunset date is March 31, 2036.*

2008 Measure B: A 1/8-cent sales tax authorized to operate, maintain, and improve the BART extension. *Sunset date is June 30, 2042.*

2016 Measure B: A 1/2-cent sales tax authorized for various transportation-related expenses, including road and highway improvements, completion of the BART extension through downtown San Jose, improvements to bicycle and pedestrian safety, and increased Caltrain capacity. *Sunset date is March 31, 2047.*

Source: Santa Clara County ballot measures.

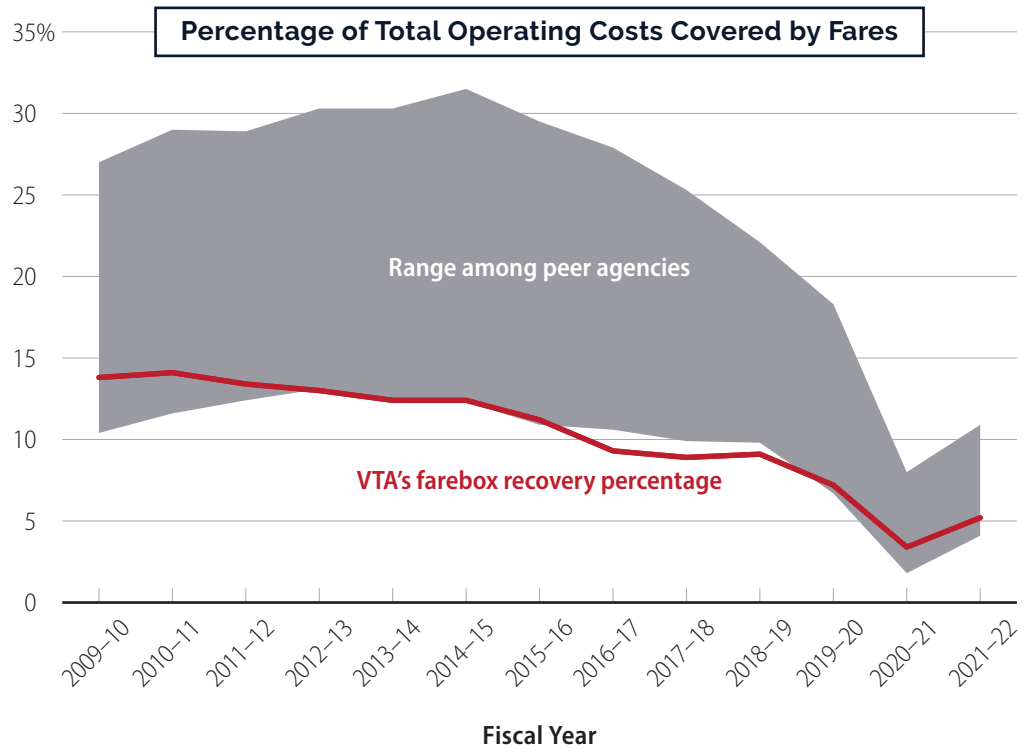
Although the expiration of the first of these sales tax measures is 12 years from now, there are two compelling reasons why VTA should begin planning to identify and generate its replacement revenue sources now. First, if VTA determines that it wants to replace the existing measure with another sales tax, it will need to go through a potentially time-consuming process of drafting language for such a measure that it believes voters will approve, placing that measure on the ballot, and gaining voter approval. The California Constitution requires that such tax measures be approved by at least two-thirds of the voters. The longer VTA waits before deciding whether it wants to pursue a replacement sales tax measure, the less time it has to address the potential failure of such a measure to garner the required level of support. Secondly, VTA relies on sales tax revenue to fund its capital projects and support long-term efforts to maintain an adequate state of repair of its infrastructure and equipment. These projects can be in development for many years before beginning construction, and uncertainty about the availability of funding could hamper VTA's efforts to plan these projects and continue to address its needs. The existing Measure A sales tax is a demonstration of this principle. VTA has used the sales tax measure to fund multiple capital projects. Although it was approved by voters in 2000, Measure A did not take effect until 2006, when a different sales tax measure was scheduled to expire.

Two studies since 2018, both commissioned by VTA, have advised VTA to identify alternate revenue sources beyond sales tax revenue. In general, these studies were prompted by VTA's expectation that it may face deficit spending in future fiscal years. Although that scenario has generally not occurred, the studies show that VTA is aware of recommendations to diversify its revenue sources. According to its chief financial officer (CFO), VTA is still exploring additional revenue sources to replace the aging sales tax measures and has not yet identified the amount of additional funding that it will need. The CFO noted that VTA is exploring additional funding through the expansion of its express lanes system (which generates toll revenue), the renewal of sales tax measures, and transit-oriented development of its real estate holdings. For example, a March 2023 report on the estimated value of the private

development of VTA's properties noted that further development of its real estate holdings, including commercial and residential development, could generate roughly $30 million in annual revenue for VTA by 2050.

Although VTA could also reduce its reliance on sales tax revenue by accessing more revenue through the fares paid by users of its transit system, the CFO indicated that it has not fully evaluated this option. The percentage of operating expenses that a transit agency covers with user fares is known as the *farebox recovery* ratio. We used fare and operating expense data from the National Transit Database (NTD), which is managed by the Federal Transit Administration (FTA), to calculate the farebox recovery ratio for VTA and the five peer transit agencies we reviewed. As Figure 9 shows, from fiscal years 2009–10 through 2021–22, VTA has had one of the lowest farebox recovery ratios. We acknowledge the balance VTA needs to achieve between keeping fares affordable to be providing a public service and subsidizing its operations through fare revenue. Nonetheless, without a full study of the issue—including examinations of how much ridership is affected by rates and whether rates could be increased without unacceptable losses in ridership—VTA cannot know for certain whether it is already at an optimal balancing point or whether, like its peers, it can cover a larger percentage of its operating costs with fare revenue.

Figure 9
VTA's Farebox Cost Recovery Ratio Is Among the Lowest of Its Peers



Source: National Transit Database transit agency data, fiscal years 2009–10 through 2021–22. Data for fiscal year 2022–23 were not available.

We found that despite the volatility in its sources of revenue, VTA's pension plans are generally in good condition, and its pension costs pose a low risk to its financial stability. VTA has two defined benefit pension plans: the Santa Clara Valley Transportation Authority Amalgamated Transit Union Pension Plan (ATU Plan) and the California Public Employees' Retirement System (CalPERS) pension plan. These pension plans offer retirement, disability, and death benefits for qualifying retired employees. VTA also has an Other Post-Employment Benefits (OPEB) plan, a defined benefit health plan that offers health benefits to its retired employees, including paid contributions toward retiree health plans.

We reviewed VTA's pension plans and OPEB funding levels by determining their funding ratio, which is the value of pension assets divided by its accrued liabilities. A funding ratio of 100 percent means that a plan has enough assets to cover its liabilities. According to VTA's fiscal year 2022–23 Annual Comprehensive Financial Report (ACFR), its OPEB trust has a funded ratio of 130 percent and, thus, is a low risk because its assets are able to fully cover its liabilities. However, its ATU plan and CalPERS plan have a combined funded ratio of 72 percent, which can pose a higher risk to its financial sustainability because the plans are not fully funded. Nonetheless, as the rest of this section details, VTA is adhering to practices that reduce this risk.

VTA's pension and OPEB funding practices generally align with established best practices. To provide reasonable assurance that the cost of employee benefits will be funded in a sustainable manner, the GFOA recommends that, on at least a biennial basis, governments obtain an actuarially determined contribution to serve as the basis for its employer contributions. VTA receives an annual actuarial valuation that determines its contributions for its ATU and OPEB plans. VTA's contributions for its CalPERS plan are determined by CalPERS.

The GFOA also recommends that governments contribute the full employer contribution amount each year in order to further promote the sustainability of their pension plans. Our review of VTA's audited financial statements and its actuarially determined contribution amounts found that VTA has met or exceeded its recommended contribution to its ATU plan from fiscal years 2019–20 through 2022–23. Similarly, its ACFR states that VTA made the actuarially determined contributions to its CalPERS plan in the same fiscal years. Since the actuarially determined contributions take into consideration the need to finance unfunded pension liabilities, VTA safeguards against future financial instability by making these contributions in full.

Further, the amount of these contributions does not pose a high risk to VTA's overall operations. When their pension and OPEB contributions are high, governments are at significant risk of needing to curtail other services or spending so that they can meet the pension and OPEB obligations. However, VTA's contributions represented very low percentages of its annual transit revenue in fiscal year 2022–23: about 5 percent for pension contributions and less than 1 percent for OPEB funding.

VTA's required pension contributions are likely to increase in the near future before they subsequently decrease over time. VTA's 2024 actuarial valuation of its ATU pension plan noted VTA's employer contributions are projected to increase

through 2027. However, the 2024 valuation also noted that VTA's employer contribution rates have declined over the past decade as its employees increased their contribution rates. VTA's pension manager had an overall positive assessment of VTA's pensions' financial condition and expected that by continuing to make fully actuarially determined contributions, VTA will eventually fully fund the pensions. The pension manager also noted that VTA has made changes to how it calculates the cost of its unfunded liabilities over time in its ATU pension plan in order to reduce its unfunded liabilities over a 20-year period, and he added that it expects these changes will lead to a decline in required contribution amounts in the future.

VTA Has Projected Its Long Term Operational and Capital Needs in General Alignment With Best Practices

Guidance on financial planning for government agencies indicates that agencies should prepare financial plans that address their long-term ability to maintain operations and make investments in capital projects. The FTA has issued guidance to transit agencies about how to develop a financial plan in accordance with federal expectations. One of those expectations is that a transit agency's financial plan should include long-term plans and forecasts for the agency's revenues and costs to demonstrate that the agency anticipates having adequate revenue to pay for its costs. By developing these forecasts, an agency can demonstrate that it expects to be financially viable several years into the future.

In addition to the FTA guidance, the GFOA recommends that governments develop a range of possible forecast outcomes by using different scenarios. According to the GFOA, preparing projections under different assumptions, such as assumptions about economic conditions, permits decision-makers to consider the mix of revenue that would be necessary to provide various services. Similarly, the GFOA says that multiple expense projections can clearly identify the impact of different scenarios.

We focused our assessment of VTA's long-term financial forecasting on one of VTA's most significant funds and on the capital program that it is in part responsible for funding. The VTA Transit fund (transit fund) has a fiscal year 2023–24 operating budget of approximately $600 million, and it funded more than two-thirds of its operating activities—including its labor costs—in fiscal year 2023–24. Moreover, the transit fund contributes revenue to the VTA Transit Capital Program (transit capital program). The transit capital program helps VTA maintain capital infrastructure, keep capital assets in a state of good repair, and invest in improvements that are meant to enhance the safety, security, and efficiency of the transit system. The total appropriation for the transit capital program in VTA's biennial budget for fiscal years 2023–24 and 2024–25 is $163 million, of which the transit fund is budgeted to provide approximately $65 million.

In both of these areas, VTA has adopted most of the recommended practices for long-term forecasting that we reviewed. Most importantly, VTA produces long-term forecasts for both the transit fund's operating revenues and expenses and the transit capital program's funding needs. For the transit fund, VTA develops a two-year budget for the fund's revenues and expenses in its biennial budget and, using those

two fiscal years as its base, projects the fund's revenues and expenses over the next eight fiscal years. VTA's projections account for factors that may affect sources of revenue and expenses, such as anticipated sporting events and other recreational activities that could increase ridership and, in turn, affect VTA fare revenues.

For the transit capital program, VTA develops a long-term forecast for the program as part of its SCIP. The SCIP identifies, within projected funding constraints, the program's funding needs and expected expenses over the next 20 years. By developing multiyear forecasts, VTA enhances its ability to assess whether it will have adequate revenue to pay for transit service expenses and to finance capital projects several years into the future.

VTA also adhered to the GFOA's recommendation to identify and clearly explain major assumptions used to inform its forecasts. For example, in its biennial budget, VTA assumes for the transit fund that ridership levels—which drive transit fare revenue—will increase between fiscal years 2023–24 and 2024–25 but remain approximately 10 percent lower than pre-pandemic levels. VTA explains in its budget document that although it expects that ridership will likely increase, hybrid work and telecommuting by businesses and schools may prevent transit ridership from making a full recovery to pre-pandemic levels. Similar to the transit fund's operating forecast, the SCIP identifies major relevant assumptions used to develop the forecast for the transit capital program, including the funding needs for future capital asset improvement projects—such as bus fleet electrification—and the maintenance required for the ongoing operation of light rail services.

The GFOA's guidance indicates that by developing multiple financial forecasts for its revenues and expenses, governments can better determine their needs under different economic realities. Consistent with this recommended practice, VTA develops three forecasts for the transit capital program, which it calls the *low, medium, and high* scenarios. Each forecast reflects the program's needs under different funding scenarios. Each funding scenario also describes the implications the forecast would have on VTA's ability to maintain and replace its capital assets. For example, the SCIP explains that the forecast reflecting the "medium" scenario—which the board ultimately directed staff to pursue in future plans and budgets—could in part allow the agency to replace bus fleets and light rail corridor electrification assets in the near term while maintaining assets on average in a state of adequate or good repair over a 20-year period. Because VTA develops multiple forecasts for the transit capital program, the board can develop a thorough understanding of the actions the agency must take to maintain the program's long-term viability.

For its transit fund revenues, VTA received from an external contractor three long-term forecasts of sales tax revenue under different economic scenarios. VTA used the "most likely" scenario provided by the contractor to develop the forecast for the 1976 sales tax and other major sources of sales tax-related revenues generated for the transit fund. Because sales tax—an inherently uncertain revenue source—constitutes more than 85 percent of the transit fund's budgeted revenues, VTA's review of multiple revenue forecasts helps to ensure that it considers potential scenarios that may influence its ability to support its operations several years into the future.

However, VTA does not develop multiple forecasts for the transit fund's operating expenses, which may limit VTA's insight into the long-term outlook for the transit fund. According to staff responsible for assembling the long-term forecast, VTA develops only one forecast for its operating expenses based on a single set of assumptions. As a result, VTA is unable to determine what the transit fund's operating expenses might be under different scenarios. For example, VTA does not consider varied degrees of staff vacancies and therefore cannot know the impact of those scenarios on its spending. It also lacks insight into the impact of fuel price spikes or declines on its ability to continue funding other budget priorities.

Further, VTA's single expense projection does not provide sufficient information to understand the impact of capital investments it is making. We reviewed whether VTA's expense projections anticipate operation and maintenance costs that will not occur until future budget cycles and found that VTA does not incorporate such costs. For example, VTA's forecast does not account for the $2 million in maintenance costs that VTA anticipates EBRC will incur on an annual basis once it becomes operational in 2029. Accordingly, VTA's forecast excludes factors that are likely to influence the transit fund's long-term viability.

VTA staff responsible for developing the transit fund forecast agreed that it would be beneficial to develop multiple expense scenarios. In January 2024, VTA entered into an agreement with a contractor to develop a new financial model that should allow VTA to develop multiple forecasts of its revenues and expenses under different economic assumptions. The deputy director-controller stated that these multiple forecasts will give VTA a stronger understanding of the revenues that it must raise to cover future expenses, something he acknowledged that VTA was limited in its ability to do with its current forecasting. He further stated that VTA intends to implement the new financial model by the time it begins developing its fiscal year 2026–27 biennial budget in the second half of 2024.

VTA Has Not Consistently Implemented Budget Monitoring Practices in Its Financial Decision-Making

According to the GFOA, regular monitoring of budgetary performance can provide an early warning of potential problems and time for decision-makers to consider actions they may need to take if there are major deviations between budgeted and actual spending. The GFOA recommends that governments have mechanisms in place to ensure compliance with the adopted budget and observes that a common mechanism is to conduct monthly or quarterly reviews of trends in actual expenditures and revenues compared to its budget. Further, the GFOA recommends that governments incorporate an examination of performance measures and linkages to financial outcomes into their budget monitoring processes. For a transit agency, these performance measures could include industry metrics such as farebox recovery rates or operating costs per trip. Finally, the GFOA states that it is important to establish formal processes for implementing budget monitoring responsibilities.

VTA indicated that it uses a variety of regular budgetary reviews. VTA's deputy director-controller stated that VTA's monitoring process consists of day-to-day tracking of expenditures by budget analysts within each division. Further, the deputy director-controller and VTA's budget manager said that VTA also conducts monthly reviews of spending trends and budget deviations. A key practice that the deputy director-controller explained is the quarterly review of actual spending against budgeted spending. According to the deputy director-controller, on a quarterly basis the budget department creates reports for each division regarding their budgeted-versus-actual expenditures (variance reports), and the budget department staff meets with the leadership from each division to review the reports and discuss any variances.

When we asked the CFO how VTA's board and staff respond to deviations between budgeted forecasts and the variance reports, he responded that VTA does not have a policy related to the variance reports that would require a specific action by VTA staff when deviations exceed a given threshold. The CFO said that the board makes inquiries of VTA staff related to the variance reports during board meetings, but he could not recall an example during his tenure of when the board requested a specific action as a result of the quarterly variance reports.

VTA could not demonstrate that it consistently generated the quarterly variance reports or held these meetings with division leadership. We requested a copy of the quarterly variance reports for three divisions from fiscal years 2021–22 and 2022–23—a total of 24 reports. However, VTA could provide only two of these reports, both from the second quarter of fiscal year 2022–23. According to the deputy director-controller, half of the quarterly meetings with divisional leadership were never scheduled, often because VTA did not have a budget manager at the time. In other cases, the deputy director-controller explained that he believed the meetings occurred but could not locate the related variance reports because of recent retirements from VTA. Without regular monitoring of budgetary performance, VTA is limited in its ability to identify and respond to deviations between budgeted and actual spending.

In contrast, VTA was able to demonstrate that it regularly presents agencywide variance reports to the board. We reviewed the meeting minutes from the Administration and Finance Committee from November 2020 through November 2023 and confirmed that VTA staff reported quarterly on agencywide operating budget variances, and that committee members generally discussed the reports. For example, in the committee's review of the statement of revenues and expenses from the first quarter of fiscal year 2020–21, committee members discussed VTA's use of Coronavirus Aid, Relief, and Economic Security Act funding and the degree to which the funding would cover an anticipated operating budget deficit.

VTA has not adopted another recommended best practice for monitoring budget performance: the use of financial metrics as a part of budgetary oversight. VTA's CFO confirmed that the agency does not have specific financial metrics that it tracks or uses to report to the board about how well VTA is performing. Our review of eight board meetings from July 2022 through December 2022 confirmed that VTA staff generally did not present to the board updates on financial metrics, such as VTA's farebox recovery ratio. According to VTA's CFO, he is working with the finance department to determine the financial metrics and related goals on which the

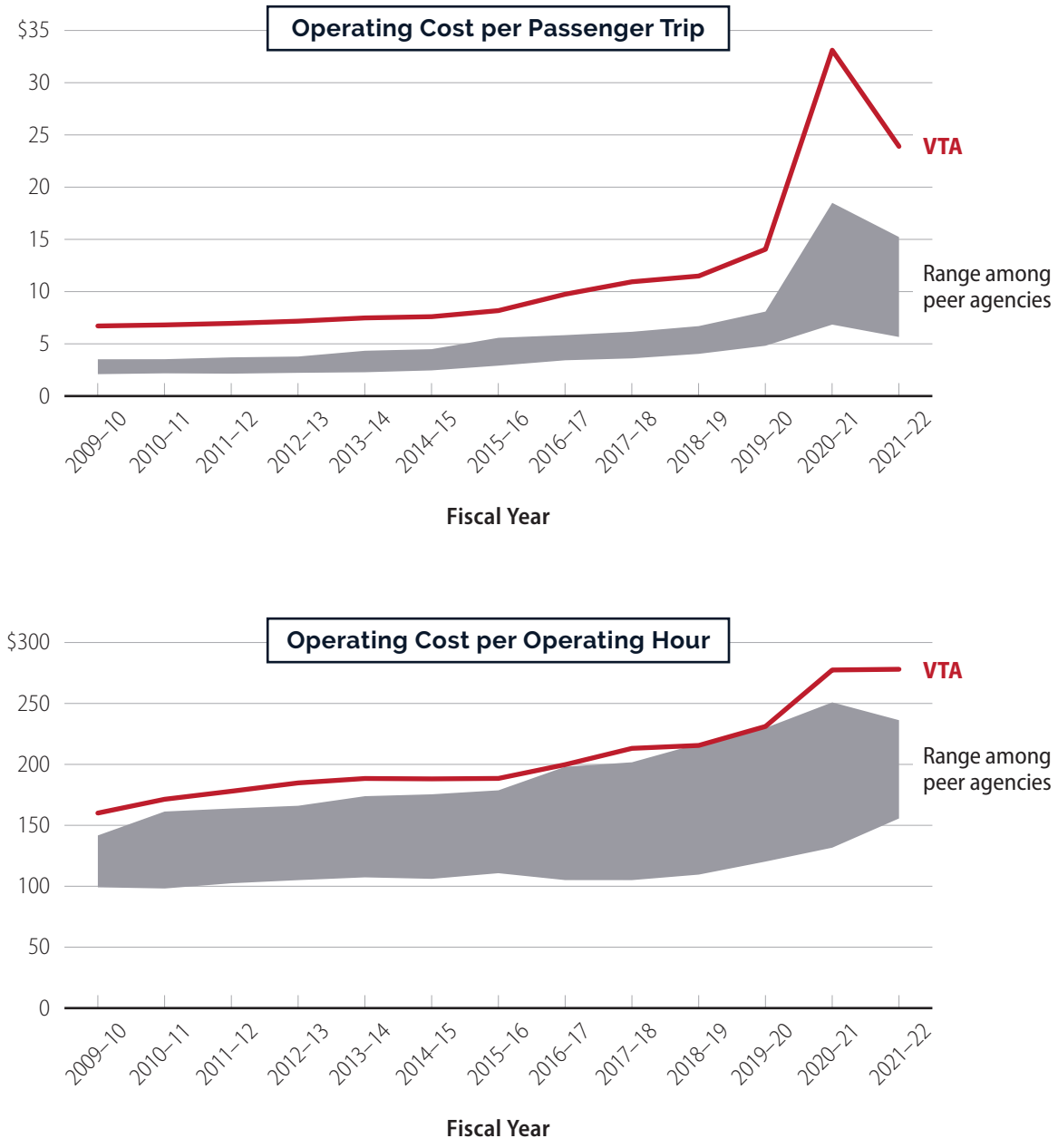
agency intends to report to the board. The CFO also stated that VTA intends to start delivering quarterly reports on these metrics and goals to the board by July 2024. He added that VTA intends to update the metrics and goals on an ongoing basis.

VTA is likely to find that tracking financial metrics improves its ability to enhance its operations. As we describe earlier, VTA's farebox recovery ratio is notably lower than that of its peer agencies. However, without regular updates on this metric, the board is left without reliable and easy access to information that could prompt it to reconsider VTA's fares. Similarly, the board would likely benefit from being regularly informed about how well VTA performs compared to its peers across other metrics. We reviewed the operating expenses that VTA and its peer agencies reported to the NTD for fiscal years 2009–10 through 2021–22. These expenses included labor costs, costs for vehicle fuel and other materials, and utilities. We also reviewed service hours and ridership data that these agencies reported to the NTD. Using these data, we calculated the total operating cost per passenger trip and the total operating cost per hour that a transit vehicle is in service.[8] As Figure 10 shows, VTA's operational costs across these two metrics were higher than any of the five peer agencies we reviewed. VTA's operating costs per trip peaked in fiscal year 2020–21 at $33.11 per trip—meaning that each trip taken by a passenger cost VTA about $33 in operating costs. The height of this peak was likely driven by the effects of the pandemic, but VTA's costs had nonetheless been higher than its peers' costs for some years before the pandemic affected its operations. These high operating cost metrics indicate that VTA is not operating as efficiently as its peers, which warrants VTA's further review to assess the causes. However, because VTA staff do not regularly report these types of data to the board, the board has a limited ability to monitor VTA's performance and direct VTA staff to identify and address causes.

Regular monitoring of these operational metrics is likely to be especially important to VTA as it continues to address declines in ridership. Metrics such as operational cost per trip measure how effective VTA is with its resources, which becomes more important as it faces changes in demand for its services. When we reviewed the number of passenger trips per service hour—essentially a measure of how many passengers are served compared to how many total hours VTA's vehicles are available to transport passengers—we found that in the four years leading up to the pandemic, VTA had a lower number of passengers per hour than most of its peers. This metric indicates that VTA may have been offering more transit service than its ridership required. Nonetheless, in the post-pandemic recovery, while ridership levels could still rise over time, it is likely too early to know whether VTA will continue to compare unfavorably to its peers. VTA's chief operating officer told us that both VTA staff and VTA's board are more focused on bringing the level of ridership up rather than the level of service down to meet reduced demand. Figure 11 shows that the trend in VTA's ridership was generally declining over the past nine years. As did its peers, VTA experienced a sharp decline in ridership due to the effects of the pandemic. Since then, ridership has not returned to its pre-pandemic levels.

[8] For passenger trips, we used the metric *unlinked passenger trips*, which counts each time a passenger boards a transit vehicle regardless of how many vehicles the passenger uses to reach their destination. For the hours that vehicles were in service, we used the metric *vehicle revenue hours*, which measures the number of hours that vehicles are in revenue-generating service.

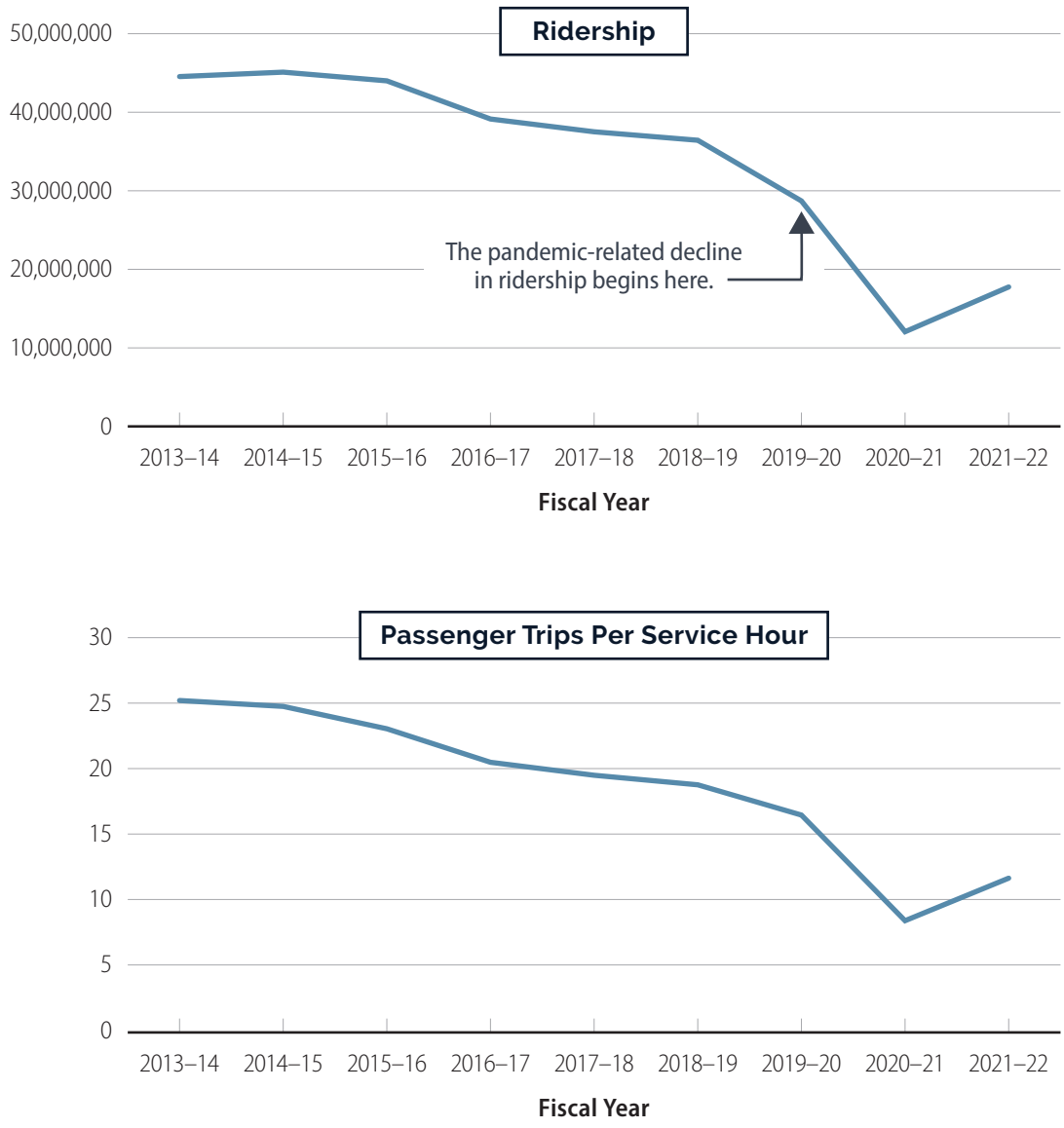
Figure 10
VTA's Operating Costs per Trip and per Operating Hour Have Consistently Been Higher Than Its Peers' Costs



Source: NTD transit agency data, fiscal years 2009–10 through 2021–22. Data for fiscal year 2022–23 were not available.

Note: Operating cost per passenger trip is the cost VTA incurs to provide each trip taken by a passenger. For example, each trip taken by a passenger in fiscal year 2020–21 on average cost VTA approximately $33. Operating cost per operating hour is the cost to VTA to run its transit infrastructure for an hour. For example, in fiscal year 2020–21 it cost VTA about $277 to provide an hour of service.

Figure 11
VTA's Ridership Has Declined for Years, Even Before the Start of the Pandemic



Source: NTD transit agency data, fiscal years 2013–14 through 2021–22. Data for fiscal year 2022–23 were not available.

Finally, according to its budget manager, VTA has not documented any of its operating budget monitoring practices in written procedures. This lack of documentation raises the risk that its staff will not perform oversight activities. Documentation of an agency's procedures promotes various benefits: the documented procedures can clearly communicate expectations, helping to reduce inconsistency in practice. Documented procedures can also assist agencies experiencing staff turnover, because the documented procedures can guide newer staff who may not be as familiar with VTA's expected practices. In fact, VTA has experienced some turnover among its financial leadership in recent years—including its CFO, deputy director-controller, and budget manager. In light of the benefits of documenting procedures and the inconsistency we found in VTA's budget oversight practices, it would benefit VTA to formalize its expectations for budget oversight activities.

VTA Publicly Reports the Recommended Financial Information

To promote fiscal transparency, GFOA recommends that government agencies make high-quality financial information available on the agency's website. The GFOA also recommends that governments provide opportunities during the budget process for obtaining the input of stakeholders. Further, the GFOA recommends that governments obtain and publish independent expert reviews of their finances, such as annual external audits, to improve credibility with the public. The GFOA notes that when citizens have trust in government, they will be more willing to pay taxes, participate in community governance, and invest in the community.

VTA's biennial budget and its ACFR, which presents its comprehensive financial position, are available on its public website, including previous reports as far back as fiscal year 1995–96. VTA's biennial budget contains long-term financial forecasts and the underlying assumptions made in the forecasts. VTA's budget process includes the opportunity for the public to comment on its proposed budget. For example, an April 2023 board meeting included opportunity for the public to comment on the proposed budget for fiscal years 2023–24 and 2024–25. The proposed budget is also presented to various advisory committees to receive their input and recommendation—including the Policy Advisory Committee and Citizens Advisory Committee, both of which reviewed the proposed budget in May 2023, approximately one month before the board adopted the biennial budget. We reviewed VTA's ACFRs for fiscal years 2017–18 through 2022–23 and determined that an independent auditor issued an unmodified opinion on the financial statements in each year, meaning that the auditor concluded that VTA presented fairly, in all material respects, its financial position and changes in financial position for those years.

VTA Established Broad Strategic Goals Without Setting Specific Actions or Monitoring Processes

Strategic planning is an important process that can help an organization define its goals, establish how it will measure performance, and outline strategies that it will use to reach its goals. The TCRP states that strategic planning is a management tool used to define an agency's role, establish goals, measure performance, and guide business processes.

VTA's Strategic Goals

1. Optimize transit travel times and ensure they are preserved and continually improved.
2. Ensure that transit service, especially in core areas, is frequent (every 15 minutes or better).
3. Provide customer-focused information systems, and preserve and enhance reliable operations through transit-preferential treatments.
4. Create concepts, plans, designs, programs, and policies to optimize current conditions and identify and seize new opportunities.
5. Deliver projects and programs on time and within budget, and creatively pursue new construction, operational, and business practices that make VTA more efficient and successful.
6. Provide a comprehensive line of services, technical support, funding programs, and mobility solutions to the public and Congestion Management Program Member Agencies.
7. Address roadway congestion and all modes of transportation system operations by collecting and analyzing data, developing and applying technology, refining current practices, and implementing new planning and management tools.
8. Retain and increase the value of existing infrastructure and services, and optimize the utility of new investments and services.
9. Improve and expand mobility options by innovatively applying technology, planning, design, construction, operations, and business techniques.
10. Steady the organization and create clarity surrounding urgent initiatives in building VTA's team, retaining VTA talent, and restoring VTA service.
11. Elevate VTA staff and services with an emphasis on developing VTA workforce and delivering multi-modal projects and programs in an equitable and sustainable way.
12. Reach VTA's full potential through discernable culture change work and transformative community building that raises the transportation bar in the region.

Source: VTA's strategic planning documents.

Despite the importance of strategic planning, VTA's strategic plan is outdated, and VTA is currently operating with an alternate list of initiatives created by its CEO. VTA last developed a strategic plan in 2016, and that plan applied to the period of 2017 through 2022. In addition, in 2021, the CEO created *VTA Forward*, a list of initiatives that the CEO indicated was originally created as its strategic response to internal and external factors affecting VTA. The CEO stated that multiple crises since the start of the pandemic in early 2020 highlighted systemic issues that hindered the organization from moving forward. *VTA Forward* is focused on strengthening VTA and preparing it to take on future opportunities and challenges. The CEO told us that these two documents—the outdated strategic plan and *VTA Forward*—were the best source of VTA's vision and goals. However, she acknowledged that the strategic plan is outdated and said that most executive leaders at VTA do not use the plan. We refer to these two documents collectively as VTA's *strategic planning documents*.

Moreover, VTA's strategic planning documents do not contain all of the important elements of a strategic plan. For example, in the two documents combined, VTA has listed a total of 12 goals that it wants to achieve, as shown in the text box. However, all but one of these goals lack measurable objectives that would allow VTA or the public to determine whether it was making progress toward its goals. Further, VTA's strategic plan contains a goal to "optimize transit travel times and ensure they are preserved and continually improved." Yet the plan lacks any content on how VTA will determine whether it is making progress in this area. The one goal with a measurable objective is to ensure frequent service,

with a measurable objective of transit availability every 15 minutes. The CEO agreed that VTA's strategic planning documents were missing goals with specific actions that VTA would take to achieve the goals. A related deficiency is that the strategic planning documents also do not identify the performance measures that VTA will use to determine whether it achieves the stated goals.

VTA had expected to complete additional plans that could have created these missing measurable objectives. VTA's strategic plan and biennial budgets indicate that the agency planned to measure its success in meeting its strategic goals through implementation of goals and metrics that would be included in a business plan. However, VTA never completed the business plan. With respect to the goals in *VTA Forward*, VTA also did not create measurable objectives by which it could determine whether it was achieving any of the stated goals in that list. The CEO indicated that factors such as the pandemic and aftereffects of a shooting incident at a VTA rail yard in 2021 affected the development of the business plans. She agreed that VTA lacks a performance measurement system for ensuring that actions are implemented and that VTA achieves the desired results.

Further, VTA's strategic planning documents do not always include specific strategies that VTA will use to achieve its goals. VTA's 2016 strategic plan contains no specific statements about the activities that VTA plans to engage in to achieve its goals. In fact, the plan explicitly states that it exists to guide the development of the business plans that would contain these strategies. In contrast, *VTA Forward* includes several statements about the actions that VTA planned to take to achieve the goals in that list. For example, to achieve the goal of developing its workforce, VTA described taking actions such as reforming its leadership development program and identifying and growing the leadership team's strengths through coaching.

Without a strategic plan that includes measurable objectives, related strategies, and defined performance measures, VTA is hindered from effectively ensuring that it meets its organizational goals, including goals valued by the public. According to the CEO, by November 2024 VTA plans to create a business plan for its outdated strategic plan and by 2026 create a new strategic plan. However, we question VTA's planned approach. As we note earlier, the CEO acknowledged that VTA's strategic plan is outdated and that executive leaders no longer refer to the plan. Additionally, it is unclear how much value VTA will derive from adopting a business plan for its expired strategic plan only to then replace the business plan approximately two years later with a new strategic plan. In response, the CEO stated that VTA needs a framework for the next two years and that a new strategic plan would take a longer time to create. Nonetheless, given the age of the outdated plan, it would be valuable for VTA to begin the creation of its new strategic plan as soon as possible to address its current needs.

VTA's CEO Evaluation Process Does Not Align With Best Practices

Organizations can promote accountability and effective performance by regularly reviewing how well staff fulfill their assigned responsibilities. For the CEO, these assigned responsibilities include ensuring the proper administration of all affairs of VTA. The APTA indicates that, by evaluating a CEO, a board can foster a productive relationship with the CEO. This relationship can in turn benefit both the agency and the people that it serves. The APTA also states that the evaluation process is effective when it includes agreement between the board and the CEO on job expectations and measurable outcomes that the board will use to evaluate the CEO.

VTA has a policy that establishes its process for evaluating its CEO. When VTA adopted its CEO evaluation policy in 2020, it noted that over the previous years it had evaluated the CEO inconsistently and that in some cases it had not always met its contractual requirements for review of the CEO. Therefore, the purpose of the 2020 policy was to correct VTA's approach to evaluating its CEO. According to the policy, the board's Governance and Audit Committee should receive an annual self-appraisal from the CEO, and the board chair should also collect input from each director about the CEO's performance and present that input to the committee in closed session. The committee is then required to present a confidential recommendation to the board about the CEO's performance to facilitate the board's discussion of the CEO's performance in closed session.

State open meeting laws authorize the board to conduct its evaluations of the CEO's performance in closed session. Under those laws, information relating to performance evaluations that is acquired by being present in closed session is confidential and cannot be disclosed. Because VTA evaluates the CEO's performance in closed session meetings, we cannot disclose any information about the evaluations obtained from the meetings. According to VTA's policy, the CEO's performance evaluation is based on performance objectives chosen by VTA's Governance and Audit Committee. However, the policy does not explicitly require these objectives to be communicated to the CEO. Further, the board's chair confirmed that the CEO's evaluation process is not based on documented goals or performance metrics. As a result, VTA's policy likely limits the board's ability to assess how well the CEO has helped VTA to achieve its stated goals and benefit the community.

VTA should take action to correct these deficiencies in its evaluation process after it has addressed issues with its strategic plan. As we note earlier, VTA lacks a current strategic plan with measurable objectives. Because the CEO is responsible for leading VTA, any future evaluation of the CEO should include a comparison of VTA's performance against such objectives. In October 2023, VTA entered into an agreement with a contractor to develop a new, documented process for evaluating the CEO's performance. According to the board chair, the new evaluation process will include an annual performance review by the board of the CEO based on performance goals and metrics related to VTA's objectives and strategic goals. The chair also said that the board and the CEO will meet on an annual basis to review the goals and update them as necessary to reflect the agency's objectives. Because the new evaluation process will enhance the board's ability to assess the CEO's performance based on performance goals and metrics, VTA's board should formally approve the new process and document it in VTA's administrative code.

Recommendations

To help ensure financial viability, VTA should determine by June 2025 the extent to which it can rely on revenue sources that are less uncertain than sales tax revenue. In reaching this determination, VTA should consider taking action to increase its farebox recovery ratio by, for example, raising fares or cutting expenses. VTA should then pursue any additional revenue sources it identifies to the extent possible.

To improve VTA's forecasts of future financial scenarios, VTA should begin forecasting multiple expense scenarios for its transit fund by December 2024 and use those scenarios to create a projection of expenses to present to the board. Further, it should incorporate into these projections any anticipated increases in operational costs because of capital projects.

To ensure that VTA is consistent in its budget monitoring and oversight, VTA should adopt documented procedures by December 2024 that include, at a minimum, the following:

- A process that VTA will use to examine variances between budgeted and actual amounts of revenues and expenses.
- The use of quarterly variance reports by both the board and VTA staff, and expectations for appropriate actions to be taken when significant deviations are identified.
- Assignments that show which staff will be responsible for performing and reviewing variance analyses, and ensure continuity of these reviews when there is turnover in key management positions.

To ensure that it is informed about VTA's performance against key financial indicators, the board should require VTA staff to regularly report on specified financial metrics—including its farebox recovery ratio, trips per revenue hour, and operating cost per revenue hour—beginning in December 2024 or sooner.

To ensure that VTA has a current strategic plan that incorporates best practices, VTA should create a comprehensive strategic plan by December 2025 that includes goals, measurable objectives, strategies, and performance measures to track progress. It should also adopt procedures to ensure monitoring of progress on the strategic plan and regular reporting to the board.

To help ensure that the CEO is guiding VTA to achieve its goals, the board should formally adopt by June 2025 the new evaluation process for its CEO and amend VTA's Administrative Code to document the process. The evaluation process should include performance expectations for its CEO based on the agency's objectives, including the goals in VTA's most current strategic plan. All subsequent updates to the evaluation process and its goals and metrics should be formally approved by the board.

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Other Areas We Reviewed

To address the audit objectives approved by the Joint Legislative Audit Committee (Audit Committee), we also compared the board's responsibilities to those of its peer agencies. Additionally, to provide information about a significant capital project, we reviewed information about VTA's response to concerns expressed by the FTA over the second phase of VTA's Bay Area Rapid Transit (BART) capital project.

The VTA Board's Responsibilities Are Generally Consistent With Best Practices and Are Similar to the Responsibilities of Peer Agencies' Boards

The responsibilities of VTA's board align with best practices and are generally comparable to the responsibilities of the boards of the peer agencies. According to research sponsored by the FTA, the responsibilities of a transit board include making policy, upholding fiduciary duties, and overseeing the agency's CEO. We reviewed state law and relevant agency documentation and found that VTA's board is required to exercise these responsibilities. For example, according to the state law that establishes VTA, the board is responsible for determining VTA policy, adopting an annual budget, establishing rates for transit service, and determining the transit facilities that VTA should acquire and construct. As we stated earlier in the report, VTA's directors are also charged with several fiduciary responsibilities, including the responsibility to act in the best interest of the residents of the county and disclose reportable financial interests.

Available public records demonstrate that the boards of the peer agencies are often required to exercise similar responsibilities. For example, the statute that establishes SacRT states that the board is the district's legislative body, responsible for adopting an annual budget and adopting rules and regulations that govern the use of the district's transit facilities. Further, CapMetro's bylaws require that directors act collectively on behalf of the board in the best interest of the agency. In addition, we found that each peer agency's board is either required to, or has the authority to, appoint the agency's CEO. For example, the statute that establishes TriMet requires the board to select a general manager based in part on their past experience as a general manager. The publicly available documentation we reviewed did not make it clear whether VTA's peer agency boards have responsibilities similar to the ones we describe earlier that position VTA's board as the body responsible for evaluating the CEO's performance.

VTA Has Worked With FTA to Address Federal Concerns About VTA's BART Capital Project

In 2000 Santa Clara County voters approved Measure A, which included an extension of BART. The entire BART project is a 16-mile extension of the existing BART system. VTA is constructing and will own the project, and BART will maintain and operate service. VTA reports on its website that Phase I of the project opened for service in 2020. This phase extended service approximately 10 miles from Alameda County to North San José. We reviewed VTA's project planning for Phase II (BART project), an approximately six-mile extension that will bring service through

three new underground stations in San José and end in the city of Santa Clara. According to VTA's auditor general's report on the project, the budget and schedule for the BART project have grown over time. In April 2021, VTA estimated a cost of $6.9 billion and date to begin service in May 2030, with contingencies that could delay the start of service until September 2032.

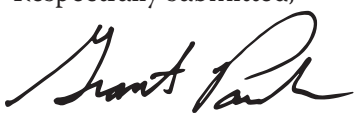
FTA has assigned a project management oversight contractor (oversight contractor) to assess VTA's project planning and federal funding applications. In July 2021, the oversight contractor issued a report evaluating VTA's risk assessment, project scope, schedule, and capital cost estimate for the BART project. The report included concerns that VTA's project planning was too optimistic for both the project cost and project schedule. The oversight contractor recommended that VTA increase the expected cost of the BART project by more than $2.2 billion, from $6.9 billion to more than $9.1 billion and push the expected date to begin service to June 2034.

According to the VTA manager in charge of the BART project (BART project manager), VTA does not have to report a specific corrective action plan describing how VTA will implement all of the oversight contractor's recommendations. Instead, he explained that VTA works collaboratively with the oversight contractor to address ongoing concerns. VTA has been able to demonstrate that it has addressed some of the specific concerns that the contractor identified. For example, according to the contractor's project monitoring report, when VTA submitted an application to FTA for funding in October 2022, VTA's cost estimate of $9.3 billion was greater than the $9.1 billion that the FTA's contractor estimated more than a year prior. Further, VTA's schedule estimate—with an estimated date to begin service of March 2033—was 15 months earlier than the contractor's recommended estimate. In its response to the contractor's 2021 assessment, VTA described differences of opinion related to a timeline for procuring a tunnel boring machine and the estimated tunneling rate as the primary reasons for differences in schedule estimates between VTA and the FTA's contractor.

Despite the scheduling difference, FTA approved VTA's initial application for a federal funding program that, according to VTA, can supply funding of nearly $6.3 billion if VTA ultimately succeeds in satisfying all federal requirements. The BART project manager explained that the project's progress through the FTA funding process is an indication of the confidence that the oversight contractor has that VTA is successfully addressing concerns. We concluded our audit fieldwork in April 2024. A report by the CFO to the board indicates that VTA submitted its application for the engineering phase of the federal funding process in March 2024. In that report, VTA estimated the project to cost $12.7 billion with an estimated date to begin service of March 2039. According to the report, if FTA accepts VTA's application for the engineering phase, VTA may then submit a final application to FTA for a full funding grant agreement.

We conducted this performance audit in accordance with generally accepted government auditing standards and under the authority vested in the California State Auditor by Government Code section 8543 et seq. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on the audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Respectfully submitted,



GRANT PARKS
California State Auditor

June 11, 2024

Staff: Bob Harris, Audit Principal
Ralph M. Flynn, Senior Auditor
Amanda Millen, MBA, Senior Auditor
Mike Carri
Nathan Drake
William Goltra
Alexis Hankins
Roxanna Jarvis
Lily Nuñez, MPP

Legal Counsel: Abigail Maurer

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Appendix A

Status of VTA's Implementation of Our Prior Audit Recommendations

The Audit Committee requested that we evaluate VTA's implementation of recommendations from our July 2008 audit of VTA.[9] In Table A, we present these audit recommendations and their current implementation status.

Table A
Status of VTA's Implementation of Recommendations From Audit Report 2007-129

2007-129 AUDIT RECOMMENDATION		CURRENT IMPLEMENTATION STATUS*
Board Structure, Governance, and Strategic Planning		
1	To promote stability in its leadership and bring the tenure of board members in line with that of comparable transit agencies, VTA should request the Legislature to amend its enabling statutes to allow for a four-year board term.	Not implemented *As discussed in this report, VTA's term length is two years and not four, and VTA has decided to encourage appointing powers to reappoint directors rather than pursue a change to its term lengths.*
2	VTA should monitor the effect of the governance changes approved by the board in May 2008 and determine whether additional changes to its governance structure are necessary. To this end, VTA should add board tenure to the performance measures it develops for its new strategic plan.	Not current practice *As this report describes, VTA's strategic plan is outdated. Further, VTA's strategic planning documents lack performance measures related to board tenure.*
3	To demonstrate that it values the expertise of its advisory committees, VTA and its board should take actions to ensure that advisory committees are involved in the development of policy solutions. Such actions should include the following: a. Reassessing and stating the purpose and role of each advisory committee. b. Reviewing work plans for advisory committees to ensure the committees have an opportunity to review and provide input on issues in the early stages of development. c. Providing the citizens committee with an opportunity to address the board at every meeting, similar to the opportunity provided to the policy committee.	Implemented *VTA has regularly updated the bylaws for each advisory committee, which include each committee's mission and purpose. The citizens advisory committee has a regular opportunity to address the board. Although our report notes that VTA did not involve advisory committees in the development of the SCIP, we noted that in most cases, committees were appropriately involved in policy review. Additionally, the board approves the meeting minutes packages for advisory committee meetings during which the workplans are established.*
4	VTA should implement its plan to create a comprehensive strategic plan and ensure that the new plan conforms to the practices recommended by the GFOA.	Not current practice *As this report describes, VTA's strategic plan is outdated and does not adhere to best practices.*
Project Management		
5	To ensure adequate control over its project planning process, VTA should develop written policies and procedures for project planning and evaluation.	Not current practice *As this report describes, VTA does not have procedures for cost estimation which is a key element of project planning and management, but it is developing a project administration manual.*

continued on next page . . .

9 *Santa Clara Valley Transportation Authority: It Has Made Several Improvements in Recent Years, but Changes Are Still Needed, 2007-129*, July 2008.

	2007-129 AUDIT RECOMMENDATION	CURRENT IMPLEMENTATION STATUS*
6	To conform to GFOA-recommended practices, VTA should create policies and procedures to clearly identify all project costs and revenues, and to estimate and have a plan for funding the operating costs resulting from capital projects.	Not current practice *VTA does not have written procedures related to identifying project operation and maintenance costs. Further, as described in this report, VTA does not identify operation and maintenance costs for all of its projects.*
7	To achieve consistency in project monitoring, VTA should ensure that its project managers follow the construction administration manual or document when management has agreed to an exception.	Not current practice *According to VTA, it no longer uses its construction administration manual.*
Financial Planning and Oversight		
8	To make best use of its resources, VTA should create regular processes in which fiscal resources communicates with other VTA divisions—especially the Engineering and Construction Division—regarding the cash needs of projects and activities. This communication process should include estimates of yearly project expenditures and regular updates to those projections based on actual results.	Not current practice *According to VTA, it had begun but has since stopped holding meetings between its fiscal team and project staff for these purposes.*
9	VTA should update its capital budget to more fully report planned spending by year, capital carryover by source, and expected total project costs.	Implemented *As this report discusses, VTA presents this information to the board as part of its budget.*
10	To better monitor capital spending, VTA should regularly compile and report to management information that tracks all capital projects and compares spending and project progress to original projections. Information should be broken down by project but should also include total project progress and spending by source of funds.	Not current practice *VTA does not compare its capital project costs to its original estimates or report variances from the original estimates to the board.*
11	To ensure realistic long-term financial planning, VTA should continue to update its planning tools and methodology and clearly explain assumptions that have material effects on overall forecasts.	Implemented *As noted in this report, VTA describes the major assumptions that impact its financial forecasts.*

Source: Audit report 2007-129; VTA documents and processes.

Note: This table does not include three recommendations from the report. All three of these recommendations asked VTA to continue plans it had to implement recommendations made by a consultant hired by VTA. Because the core of these recommendations were actions recommended by a third party and not the California State Auditor, we did not follow up on them during this audit.

* We describe the implementation status as *Not current practice* in cases where VTA had previously demonstrated that it had addressed the recommendation, but this audit determined that VTA is not following the practices described in the recommendation.

Appendix B

Scope and Methodology

The Audit Committee directed the California State Auditor to conduct an audit of VTA in relation to its governance structure, project planning and management, financial viability, and fiscal oversight. Table B lists the objectives that the Audit Committee approved and the methods we used to address them. Unless otherwise stated in the table or elsewhere in the report, statements and conclusions about items selected for review should not be projected to the population.

Table B

Audit Objectives and the Methods Used to Address Them

	AUDIT OBJECTIVE	METHOD
1	Review and evaluate the laws, rules, and regulations significant to the audit objectives.	Reviewed relevant state and federal laws and regulations related to the objectives listed below.
2	Assess VTA's governance structure and practices to determine whether: a. The roles and responsibilities of the VTA's board are comparable to that of other local transportation authorities. b. The VTA's board and management appropriately carry out their governance-related roles and responsibilities, including their oversight of agency funds and their implementation of management controls designed to detect and prevent waste, fraud, abuse, illegal conduct, mismanagement, and conflicts of interest. c. The VTA board member selection and tenure practices are effective and whether they align with state law and best practices. Determine the effectiveness of current statutes and whether the VTA could increase transparency related to the selection of its board members. Consider whether state law should be changed to improve performance. d. The VTA uses committees effectively and the extent to which advisory committees are involved in the development of policy. e. The VTA relies on alternate board members, the extent to which it did so, and whether the use of alternates reduced board member attendance and engagement. Further, assess the extent to which the VTA's use of alternates aligns with best practices and good governance policies. f. VTA board members perform their fiduciary duties with a focus on the county overall or on the city they may represent and the extent to which members representing cities confer with respective city staff and councils prior to votes.	• Interviewed VTA staff and identified documentation outlining the board's roles and responsibilities. • Identified five peer agencies to VTA based on service population, operating expenses, number of directors, director selection method, director term lengths, and services provided. Compared their boards' responsibilities with those of VTA's board. • Interviewed VTA staff and reviewed best practices related to standards of ethics as well as conflict-of-interest prevention and detection. • Reviewed VTA board directors' compliance with conflict-of-interest requirements and policies. • Interviewed VTA staff and reviewed best practices related to board tenure requirements. Reviewed board directors' tenure data and the peer agencies' tenure data. • Interviewed VTA staff and reviewed VTA's and peer agencies' board member selection practices. • Attempted to review four appointing authority meetings, during which appointments were discussed or made, to determine the extent to which the appointments were transparent. One of these meetings was not public and therefore we only reviewed three meetings. • Reviewed the roles and responsibilities for each standing and advisory committee. Identified five board-approved policies by reviewing significant policy actions taken by the board and choosing policies that represented the range of VTA's responsibilities. Reviewed the five board-approved policies to determine whether relevant committees received the policies for consideration prior to board adoption. • Interviewed VTA staff and reviewed VTA's use of alternate directors. • Reviewed VTA's attendance data to determine director attendance rates for January 2020 through June 2023. • For each of the five peer agencies, reviewed publicly available documentation and interviewed their staff to determine whether they have alternate board members. • Interviewed VTA staff and reviewed best practices for ensuring that board members are aware of and adhere to their fiduciary duties. • Reviewed city council meetings occurring before five VTA policy decisions to determine whether VTA policy was discussed at the council meetings. • Interviewed directors to determine whether they discuss VTA policy with city staff or city council members.

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	AUDIT OBJECTIVE	METHOD
3	Review the VTA's strategic planning by evaluating the following: a. VTA's strategic planning process, including how goals, objectives, and priorities are set and how performance is measured. b. Whether the VTA consistently met its strategic planning goals and objectives.	• Interviewed VTA staff and reviewed best practices related to strategic planning, including how VTA sets strategic goals, objectives, and priorities. • Because VTA's strategic plan did not include measurable objectives, we could not assess the extent to which VTA met its goals or objectives.
4	Evaluate the VTA's project planning and oversight by determining the following: a. The adequacy of the VTA's policies, procedures, and practices related to project planning, management, and monitoring. b. The extent to which the VTA provided adequate planning for a selection of large projects. c. The accuracy of the VTA's estimates for project costs and timelines. d. Whether the VTA could more efficiently and effectively achieve project objectives through the application of best practices.	• Interviewed VTA staff and reviewed best practices related to project planning and oversight of cost estimates, schedule estimates, and change control processes. • Selected two capital projects to review VTA's approach to project selection. Compared VTA's project selection practices against identified best practices. • Selected six capital projects by considering the status of project development, project cost with a focus on choosing higher cost projects, and type of project. Reviewed the six VTA capital projects to determine whether VTA applied best practices for project planning and oversight, including whether the projects' cost and schedule estimates were accurate. • Reviewed project documents related to Phase II of the BART project and interviewed VTA staff to determine the progress that VTA has made in addressing project risks identified in the FTA contractor's 2021 assessment.
5	Assess the VTA's financial viability by determining the following: a. The VTA's revenues, expenditures, and ridership for the last four years. b. Operating costs per trip for the last four years, the number of passenger trips per revenue hour, and farebox recovery. Compare the VTA's results in these categories to those of other similarly situated local transit agencies. c. The extent of financial planning for the next five and ten years and whether the VTA considered relevant factors during related planning.	• Interviewed VTA staff and reviewed best practices related to financial planning, including long-term financial forecasting. • Reviewed and assessed VTA financial planning documents and processes to determine the extent of VTA's financial planning and whether VTA considered relevant factors during the planning process. • Reviewed the ACFRs for VTA and the five peer agencies for fiscal years 2017–18 through 2022–23 to identify revenues and expenditures. • Obtained National Transit Database data to calculate the trips per hour, cost per trip, and farebox recovery for VTA and the five peer agencies for fiscal years 2009–10 through 2021–22.
6	Review the VTA's fiscal oversight by assessing the following: a. Its financial planning, reporting, and oversight structure and processes. b. The adequacy of its policies and procedures concerning fiscal transparency. c. The extent to which the capital budget reports include data on total project costs, unspent funds, and funding sources. d. Whether VTA officials review quarterly reports adequately and what actions the VTA takes when it does not achieve forecasted financial results.	• Interviewed VTA staff, reviewed VTA's practices for budget oversight, and compared them to best practices. • Reviewed VTA's fiscal transparency practices and compared them to established best practices. • Reviewed capital budget reports in the annual budget document to determine the extent to which they include data on total project costs, unspent funds, and funding sources. • Reviewed quarterly reports to determine how staff and the board respond to deviations between quarterly reports and financial forecasts.
7	To the extent possible, determine the extent to which the VTA has created an agency culture focused on effective and efficient performance and compliance.	• Interviewed VTA staff and reviewed best practices regarding board and agency actions that encourage effective and efficient performance and compliance. • Determined how VTA updates the board and relevant standing committees regarding the agency's financial health and performance measures. • Reviewed VTA's CEO evaluation process and compared it to best practices.

	AUDIT OBJECTIVE	METHOD
8	Evaluate the VTA's implementation of recommendations made as a result of the 2008 audit by the California State Auditor and whether implementation issues remain.	• Reviewed our July 2008 VTA audit and our subsequent status reviews. • Identified and documented recommendations made in our July 2008 audit. Omitted three recommendations made in our 2008 report. These recommendations asked VTA to continue plans to implement recommendations from a third party. Because the core of these recommendations were actions recommended by a third party and not the California State Auditor, we did not follow up on them during this audit. Using VTA material collected as part of answering the audit objectives above and our July 2008 audit recommendations, determined whether implementation issues remain.
9	Review and assess any other issues that are significant to the audit.	None identified.

Source: Audit workpapers.

Assessment of Data Reliability

The GAO, whose standards we are statutorily obligated to follow, requires us to assess the sufficiency and appropriateness of the computer-processed information that we use to support our findings, conclusions, or recommendations.

In performing this audit, we relied on the FTA's National Transit Database transit agency data to determine the operating costs, ridership, fares collected, and service levels for VTA and the peer agencies. We then used these data to calculate the operating cost per vehicle revenue hour, farebox recovery ratio, and operating cost per passenger trip for each agency. Because FTA collects these data from transit agencies throughout the county by reports that those agencies submit, it was not feasible to assess their reliability.

Further, we relied on VTA board director tenure data to determine the tenure of VTA's directors who served from 2013 through 2023. To gain assurance that the data contained a complete and accurate list of VTA's directors and their time in their positions, we compared the director tenure data with VTA board of directors meeting attendance roll call sheets and meeting minutes from January 2013 through December 2023 and found no material differences. We found the VTA data to be sufficiently reliable for purposes of determining the tenure of VTA's board directors.

We also obtained the board tenure data from three of the five peer agencies we reviewed—LA Metro, OCTA, and SacRT. However, because the peer agencies were not the subject of this audit, we did not assess the reliability of their data.

In addition, we relied on the VTA's director attendance data to determine the attendance rate for directors at board meetings and committee meetings from January 2020 through June 2023. To assess both the completeness and accuracy of VTA's attendance data, we reviewed a total of 29 meetings—14 board meetings and 15 committee meetings—and compared the director attendance data against independent information about these meetings. To assess for completeness, we compared the attendance data against the calendar of board and committee meetings

on VTA's website and found no issues. To assess the data for accuracy, we compared the attendance data against meeting roll call sheets and traced key data elements. We identified only a single discrepancy in the record of attendance for directors. Consequently, we found these data to be sufficiently reliable for the purposes of determining VTA board director attendance at board and committee meetings.

Santa Clara Valley Transportation Authority

May 20, 2024

Grant Parks, California State Auditor*
621 Capitol Mall, Suite 1200
Sacramento, California 95814

Re: Response to Draft Report No. 2023-101-- Santa Clara Valley Transportation Authority

Dear Mr. Parks and Professional Staff:

We are grateful for the time and attention you took to conduct a thorough audit.

On behalf of the Santa Clara Valley Transportation Authority (VTA) Board of Directors ("Board"), this is to indicate that the VTA Board and Administration have reviewed California State Auditor (CSA) Draft Report 2023-101 ("Report").

VTA has a strong and long-term commitment to continuous improvement. Given this, VTA takes this process and all independent evaluations, both internal and external, very seriously and with an open mind. The high priority that VTA places on this process is demonstrated in many ways, two key examples being:

(A) To ensure that the Board is fully engaged in reviewing and addressing the Report's recommendations, a special closed session meeting was convened on May 16, 2024, as provided under Government Code Section 54956.75. This allowed VTA's governing body to discuss the recommendations and collaboratively evaluate VTA Administration's recommended responses and corresponding commitments to corrective action.

(B) VTA has since 2009 employed the expert risk advisory services of an independent Auditor General (AG) to assist the Board in fulfilling its fiduciary responsibilities of monitoring and managing risks and controls in financial reporting, financial integrity, program activities, and reputational risks. The outsourced AG is selected by and reports to the Board. This is a transparent process whereby AG reports and corresponding commitments to corrective action are reviewed and discussed in open session of the Board and publicly available.

The Report provided to VTA included 16 recommendations to VTA. Overall, VTA generally agrees with the recommendations stated in the Report and has committed to implement them. Several of the recommendations had been previously identified by VTA during the approximately one-year duration it took to complete this audit and thus are already underway. VTA's responses and commitment to corrective action for each of the 16 recommendations, which were unanimously approved by the VTA Board of Directors in closed session on May 16, 2024, are shown on Attachment A.

* California State Auditor's comments begin on page 77.

In addition, we would like to share our perspectives about the two recommendations for the State Legislature and thus provided our input on them (Item #2.1 and #2.2 on Attachment A).

VTA will utilize its Auditor General to monitor and provide input on development and implementation of the corrective actions to help ensure they are both effective and incorporate best practices.

Lastly, in keeping with our continuous commitment to transparency, the Report will be included for public review at a future VTA Board meeting following CSA issuance of the final report scheduled for June 18, 2024. It will also be available on the VTA website.

Thank you for your careful consideration of our response.

Sincerely,



Cindy Chavez, Chairperson
VTA Board of Directors

Santa Clara Valley Transportation Authority
Solutions that move you

Santa Clara Valley Transportation Authority (VTA)
Responses to California State Auditor (CSA) Audit 2023-101 of VTA

Chapter 1 - *VTA Can Strengthen Its Planning and Oversight Of Capital Projects and Better Inform the Board About Cost and Schedule Changes*

	CSA Recommendation		VTA Response
1.1	To ensure that VTA's board is fully informed when approving projects, VTA should update its planning procedures by December 2024 to do the following: a) Establish a threshold estimated project cost that defines when project planning must include the performance of a cost benefit analysis. b) Conduct a cost benefit analysis for all capital projects that meet or exceed that cost threshold.		VTA agrees. VTA will define and implement a cost threshold for when a cost-benefit analysis must be completed. In addition, VTA will continue to follow Caltrans' Value Analysis process and prepare value analysis studies for projects that are $25 million and higher. Target Date: 12/31/2024
1.2	To help ensure that it develops reliable cost estimates for its capital projects, VTA should develop procedures by December 2024 to do the following: a) Document the methodology for developing its capital project cost estimates, including costs other than those directly related to the design and construction of the project. b) Estimate the anticipated operation and maintenance costs for capital projects in development.		VTA agrees. a) VTA will document our methodology for developing our capital project cost estimates including costs for all phases of the project. b) VTA includes anticipated operating and maintenance costs in our Capital Project Request Forms required for every project and will document the procedures in estimating these costs. ① Target Date: 12/31/2024

Chapter 1 (continued)			
	CSA Recommendation		**VTA Response**
1.3	To help ensure that the board can monitor cost and project schedules, VTA should develop procedures by December 2024 to monitor project costs and schedules against pre-construction estimates and present this information as part of its semi-annual report to both the Capital Program Committee and the board. This report should provide status updates on the agency's existing capital projects and identify deviation from projects' preconstruction estimates.		VTA agrees. VTA currently monitors project costs and schedule and is currently enhancing its project status reporting to the Capital Program Committee and board. The project budget and schedule at the time of contract award will be monitored and reported, and procedures documenting this process will be developed. Target Date: 12/31/2024

Chapter 2 - *Legislative Changes Could Increase the Transparency and Effectiveness of VTA's Board*			
	CSA Recommendation		**VTA Response**
2.1	(State legislature) To ensure that VTA's appointing powers appoint directors based on their relevant qualifications, the Legislature should amend state law to require that VTA's appointing powers make public, consistent with applicable privacy protections, their rationales for the appointments they make to VTA's board, including a description of the appointee's relevant experience and qualifications related to transit and transportation.		This recommendation to amend state law for this requirement is not supported by VTA. Although the importance for requiring appointing authorities to make public the rationales for their VTA Board appointments is strongly supported, VTA feels that the same results can be accomplished via a simpler, faster method and thus instead recommends amending the VTA Administrative Code to add a provision requiring appointees to the VTA Board to complete a questionnaire before they can be sworn in. This public facing questionnaire will document their qualifications, availability, relevant experience (including business, finance, project management, and any other pertinent areas). In addition, the questionnaire will require an attestation from the appointee confirming their understanding and willingness to perform the responsibilities and requirements of a VTA Board Member. Furthermore, the appointing authority will be required to provide attestation indicating review and understanding of the considerations, requirements, and for serving on the VTA Board as well as the questionnaire from its appointee. ②

Chapter 2 (continued)

	CSA Recommendation		VTA Response
③	2.2 (State legislature) To make VTA's term lengths more consistent with those of its peer transit agency boards and to help increase the overall experience and stability of board membership, the Legislature should amend state law to increase the length of VTA directors' terms to four years.		We have concerns with the ability for this recommendation to be implemented due to the following: • Term limit variations between VTA's 16 appointing authorities (the 15 cities in Santa Clara County and the County of Santa Clara) • Variations in appointment cycles and lengths of the numerous appointing authorities • Four-year term could discourage qualified applicants unable to fulfill entire extended term • Could adversely impact jurisdictions sharing one seat – doubles rotational interval if that appointment method is utilized • Two current 2-year terms = one proposed 4-year term
④			Also, VTA, as a transportation agency (transit, state-required congestion management agency (CMA), and sales tax implementing authority) has somewhat different responsibilities and priorities from a transit-only Board but was only compared against transit-only boards.
③			VTA will continue its ongoing but recently enhanced efforts to illuminate the advantages and encourage appointing authorities to appoint individuals able to serve multiple terms.
③			VTA will also continue its practice of encouraging appointing bodies to reappoint members to successive terms, wherever feasible. In addition, VTA will strengthen our engagement with alternate board members by including them in appropriate board activities, including educational opportunities.

Chapter 2 (continued)

	CSA Recommendation		VTA Response
2.3	To ensure that VTA receives stakeholder input on the SCIP, the agency should ensure that it presents all subsequent updates to the SCIP to the appropriate advisory committees, solicits their input, and presents that input to the board.		VTA agrees. Target Date: The Strategic Capital Investment Plan (SCIP) update is anticipated for late 2025.
2.4	To ensure that it more effectively safeguards against a breach of fiduciary duty, VTA should complete the following by December 2024: a) Establish a policy requiring relevant staff, including the secretary's office, to report to the FPPC those directors who do not submit their Form 700s in a timely manner. b) Establish a process for verifying whether directors have completed their biennial ethics training and following up to remind those who have not done so to complete the training.		VTA agrees. a) VTA staff, in consultation with Santa Clara County Filing Officer, will develop the policy and procedures to ensure timely reporting of Board Member Form 700 non-filers to the Fair Political Practices Commission (FPPC). b) VTA staff will develop a comprehensive solution that will monitor the submission of Board Member biennial ethics training and that will include a reminder system. Target Date: 12/31/2024 for both

Chapter 3 - *VTA Should Adopt Several Additional Practices to Optimize Its Financial Health and Strategic Direction*			
	CSA Recommendation		**VTA Response**
3.1	To help ensure financial viability, VTA should determine by June 2025 the extent to which it can rely on revenue sources that are less uncertain than sales tax revenue. In reaching this determination, VTA should consider taking action to increase its farebox recovery ratio by, for example, raising fares or cutting expenses. VTA should then pursue any additional revenue sources it identifies to the extent possible.		VTA agrees. VTA is in the process of finalizing a comprehensive Long Range Financial Plan that will review the viability of all VTA's revenues and their sustainability, inclusive of operating cost efficiencies to improve financial metrics such as farebox recovery. Target Date: 6/30/2025
3.2	To improve VTA's forecast of future financial scenarios, VTA should begin forecasting multiple expense scenarios for its transit fund by December 2024 and use those scenarios to create a projection of expenses to present to the board. Further, it should incorporate into these projections any anticipated increases in operational costs because of capital projects.		VTA agrees. VTA is nearly complete in developing a more robust modeling tool to assist in long range financial planning. The Long-Range Financial Plan will enable VTA to understand the external economic factors and the risk they pose to our major revenue sources, like sales tax. We will be able to run scenarios based on various internal cost assumptions, revenue trends and external economic factors and how they all impact VTA's fiscal position. This plan will also address total cost of ownership for capital projects and include assumptions for operating costs related to those projects. Target Date: 12/31/2024

Chapter 3 (continued)

	CSA Recommendation		VTA Response
3.3	To ensure that VTA is consistent in its budget monitoring and oversight, VTA should adopt documented procedures by December 2024 that include, at a minimum, the following: a) A process that VTA will use to examine variances between budgeted and actual amounts of revenues and expenses. b) The use of quarterly variance reports by both the board and VTA staff, and expectations for appropriate actions to be taken when the significant deviations are identified. c) Assignments that show which staff will be responsible for performing and reviewing variance analyses, and ensure continuity of these reviews when there is turnover in key management positions.		VTA agrees. Although VTA has been following this practice and presenting variance reports to internal stakeholders, finance committees, and the VTA board, we have not had documented procedures guiding the process of quarterly variance reviews with internal divisions. ⑤ We are working on finalizing a procedure for the budget office that will document the aforementioned process, use of the reports, and staff responsible for this recommendation. Target Date: 12/31/2024
3.4	To ensure that it is informed about VTA's performance against key financial indicators, the board should require VTA staff to regularly report on specified financial metrics---including its farebox recovery ratio, trips per revenue hour, and operating cost per revenue hour---beginning in December 2024 or sooner.		VTA agrees. VTA is in the process of identifying the various metrics to share and the cadence of reporting. Certain operational metrics, which have financial implications, are presently shared with committees and will be incorporated in full Board reports. It is anticipated that this will be an iterative process as VTA and the Board refine the reporting needs. Target Date: 12/31/2024

Chapter 3 (continued)

	CSA Recommendation		VTA Response
3.5	To ensure that VTA has a current strategic plan that incorporates best practices, VTA should create a comprehensive strategic plan by December 2025 that includes goals, measurable objectives, strategies, and performance measures to track progress. It should also adopt procedures to ensure monitoring of progress on the strategic plan and regular reporting to the board.		VTA agrees. VTA will prepare a comprehensive strategic plan. VTA staff will develop a workplan and schedule for the development of the five-year strategic plan for Board approval by the end of 2024. The strategic plan will be completed according to the schedule adopted by the Board. Target Date: Strategic Plan development work plan and schedule by 12/31/24. Completion schedule for Strategic Plan will be determined and defined in Board-approved work plan, and that timetable will be communicated to the State Auditor immediately following Board approval of the schedule.
3.6	To help ensure that the CEO is guiding VTA to achieve its goals, the board should formally adopt by June 2025 the new evaluation process for its CEO and amend VTA's Administrative Code to document the process. The evaluation process should include performance expectations for its CEO based on the agency's objectives, including the goals in VTA's most current strategic plan. All subsequent updates to the evaluation process and its goals and metrics should be formally approved by the board.		VTA agrees. Development of a revised evaluation process for the GM/CEO that includes expectations, goals, and performance metrics is underway and any subsequent updates to the evaluation process will be formally approved by the board. In addition, the VTA Administrative Code will be updated accordingly to reflect the revised process. Target Date: 6/30/2025

Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

To provide clarity and perspective, we are commenting on VTA's response to our audit. The numbers below correspond to the numbers we have placed in the margin of its response.

VTA asserts that it includes anticipated operating and maintenance costs in its request forms for every capital project. However, as we discuss on pages 15 and 16 of our report, for the three capital projects we reviewed in which VTA expected to incur operation and maintenance costs, we did not identify such estimates in the request forms. Moreover, as we describe on page 16, we found that VTA could not clarify which of its divisions was responsible for estimating operation and maintenance costs. (1)

VTA's suggested alternative to our recommendation, which it had not proposed to us before submitting its response letter, would create a split set of responsibilities that is not advisable. If adopted, VTA's approach would result in a situation in which appointing powers would continue to be responsible for selecting, to the extent possible, individuals who met the experience requirement we describe in the text box on page 24, and the appointees would be responsible for public disclosures of their experience levels. Because VTA's proposal would separate responsibility for making an appointment decision from the accountability for why appointing powers make these decisions, we believe the proposal is less preferred than our recommendation. Under our recommendation, the responsibility to appoint and the responsibility to describe the rationale for that appointment would belong to the same entities: the appointing powers. For this reason, we stand by our recommendation on page 36 that the Legislature amend state law to require specific disclosures from the appointing powers. (2)

VTA indicates that several factors would make implementing a four-year term for its directors difficult. Most of these factors were among the reasons VTA decided not to pursue a four-year term in response to the 2019 study of VTA's structure we describe on page 29 or were shared with us by VTA during this audit. Accordingly, we were aware of these factors during our audit, did not find them persuasive, and still made our recommendation that the Legislature amend state law to increase VTA directors' term lengths. (3)

Moreover, VTA's response to our recommendation is generally the same as its response to a similar recommendation we made in 2008. At that time, we found that VTA directors' tenure was shorter than the tenures of directors at comparable transit agencies. In response, VTA stated that it would encourage appointing powers to reappoint directors to consecutive terms. However, as Figure 6 on page 27 shows, VTA's directors continue to average shorter tenures compared to their peers. The fact that VTA's prior corrective action has not had the effect VTA desired over this nearly 16-year period was a key component of the analysis that led us to make our recommendation to the Legislature.

④ VTA is incorrect in its assertion that we compared it against boards of agencies with only transit responsibilities. As referenced in Figure 6 on page 27, we compared the average tenure of a VTA director against the average tenure of directors at three peer agencies, including the Orange County Transportation Authority (OCTA), which is also a congestion management agency (CMA). Moreover, Table 5 on page 28 explains the reason why it was not possible to compare VTA and OCTA with respect to their term lengths. Finally, VTA's response does not make clear why having different responsibilities from other agencies is a reason why its term lengths should be shorter than most of its peers.

⑤ VTA asserts that it is following the practice of presenting variance reports to internal stakeholders. However, our review determined otherwise. As we state on page 47, we attempted to review evidence of variance report meetings over a period of two fiscal years for three of VTA's divisions, for 24 total reports. However, VTA could provide evidence of only two of these reports. Nonetheless, we look forward to VTA's implementation of our recommendation to document procedures that detail its variance review process.

From:	Harry Neil
To:	Public Comments; R "Ray" Wang; Liang Chao; Kitty Moore; Sheila Mohan; J.R. Fruen
Subject:	Public Comment 7/15 - Item 13 - Stevens Creek Corridor Vision Study
Date:	Tuesday, July 15, 2025 11:42:49 AM
Attachments:	Stevens Creek Vision Phase 2 Coalition Letter.pdf Stevens Creek Vision Petition.pdf

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

Dear Mayor and City Councilmembers,

Attached are the coalition letter and petition in support of adoption of the Stevens Creek Corridor Vision Study.

I hope you will take the input of residents, local businesses, and community leaders to heart.

Thank you,
Harry

To:

Cupertino Mayor and City Councilmembers

Santa Clara Mayor and City Councilmembers

San José Mayor and City Councilmembers

Santa Clara County Board of Supervisors

Santa Clara Valley Transportation Authority Board of Directors

Stevens Creek Boulevard is one of Santa Clara County's most important corridors – not only a major road but also a place for people to live, work, shop, study, play, and worship. All residents, young or old, drivers or pedestrians, transit riders or cyclists, rich or poor, deserve a corridor that works for them. Travel on Stevens Creek should be safe, easy, and efficient for all while also helping reduce our community's carbon emissions. To realize this vision, the cities of Cupertino, Santa Clara, and San José, along with Santa Clara County and the Santa Clara Valley Transportation Authority formed the Stevens Creek Corridor Steering Committee which spent two years reviewing the best possible options for the future of the corridor with extensive community input. **The Committee *unanimously approved a "Recommended Plan"* that would transform Stevens Creek to support the safe, efficient, sustainable mobility that all users deserve.**

We, the undersigned, urge the County of Santa Clara, VTA, and the Cities of Cupertino, Santa Clara, and San José to approve and implement the Stevens Creek Corridor Steering Committee's Recommended Plan. The plan includes physical infrastructure improvements that allow significantly more people to travel the corridor. These include enhanced sidewalks and street trees, safer pedestrian crossings, protected bike/mobility lanes, and simple transit speed and reliability upgrades that will improve the passenger experience and attract more riders. All these improvements will make Stevens Creek Boulevard truly work for everyone and make it easier for more people to get where they need to go, all while improving safety, reducing traffic, and avoiding pollution.

The recommended improvements are proven tools for enhancing safety and quality of life on suburban corridors. They also align with Cupertino's General Plan goals of promoting walking and biking, better local and regional transit connections, and building an attractive Heart of the City. Cupertino's section of Stevens Creek Blvd is already home to some protected bike infrastructure. By separating cyclists and drivers, both now travel in greater safety and comfort. However, Stevens Creek is still a major high-injury corridor, as identified by Cupertino's Vision Zero Action Plan and Local Road Safety Plan. Right now, the corridor is dangerous to cross on foot or with a mobility device – over 20 collisions resulting in death or severe injury occurred on or near Stevens Creek in Cupertino between 2012 and 2021. Bus and car traffic currently are

intermingled, slowing both down and creating congestion and frustration for users of both modes. The Stevens Creek Corridor Steering Committee's Recommended Plan tackles these problems to help the corridor fully realize its potential as a space for all.

The corridor is shared between the cities of Santa Clara and San José between I-880 and San Tomas Expressway the Stevens Creek Corridor transitions from an urban boulevard to a suburban arterial as it continues towards Cupertino. As this section is further developed, providing strong infrastructure to support mode shift away from automobiles is extremely important. One of the county's most patronized destinations, Santana Row and Valley Fair, is shared between the two cities and sees the second highest ridership of all existing stops on the corridor, with hundreds of people boarding and deboarding at the stops in the area. Today, this section of the Stevens Creek Corridor is a traffic-clogged, car-dependent surface highway where all users are unsafe and cyclists and pedestrians are unwelcome. Just last September, a pedestrian was killed in this section due in part to the corridor's unsafe design. Implementing dedicated bus lanes, protected bike lanes, and safe crossing measures from the Recommended Plan would ensure we stop traffic deaths, by transforming the area into an efficient and sustainable multimodal corridor built with safety as the top priority.

As Stevens Creek Blvd becomes San Carlos St in Midtown San José, the corridor takes a different form. The neighborhood is older, more urban, and denser. These attributes make it more transit supportive and conducive to sustainable modes of transportation. Much of this section already has high quality street crossings with pedestrian median islands. The City of San José must go further to encourage mode shift in this part of the corridor with protected bike lanes and dedicated bus lanes that make the neighborhood more efficient and more sustainable for all.

The Stevens Creek Corridor Steering Committee's Recommended Plan is the result of years of staff outreach to the community and study. The implementation of the plan will build a Stevens Creek Corridor where there are no traffic deaths, and everyone can travel more easily and more sustainably regardless of who they are and how they choose to get around. We urge you to take this excellent, thoroughly-vetted plan, and make it a reality.

Sincerely,

Harry Neil, Transbay Coalition

Adina Levin, Friends of Caltrain

Alex Shoor, Catalyze Silicon Valley

Ash Kalra, California State Assemblymember

Marc Berman, California State Assemblymember

Patrick Ahrens, California State Assemblymember

Andrew Siegler, SURJ Santa Clara County

Cynthia Kaufman, Vasconcellos Institute for Democracy in Action

Elif Ipekci, President, De Anza College Zero Waste Club

Daniel Strokis, SCC4Transit

Dr. Omar Torres, President, De Anza College

Dr. Alicia De Toro, Chair, Environmental Studies, De Anza College

Anna Cebrian, Illusive Comics & Games

Yvonne Thorstenson, Cupertino For All

Katelyn Gambarin, San Jose State University Associated Students

Cassandra Magana, West Valley Community Services

Seema Lindskog, Chair, Walk Bike Cupertino

Chitra Dhingra, Director and Owner, Leapstart After School

Jaria Jaug, President, Silicon Valley Young Democrats

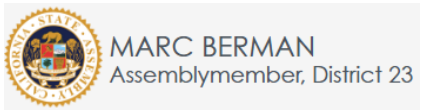
Joyce Cheung, Silicon Valley Youth Climate Action Cupertino Action Team

Jorge Pacheco Jr., Santa Clara County Board of Education Trustee *(Title For Identification Purposes Only)*

Sophia Commisso, Campbell Civic Improvement Commission Member (*Title For Identification Purposes Only*)

Rob Moore, Vice Mayor, Town of Los Gatos (*Title For Identification Purposes Only)*

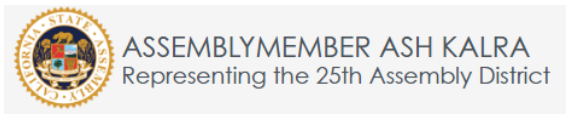
TRANSBAY COALITION CATALYZE SV FRIENDS OF CALTRAIN


MARC BERMAN
Assembymember, District 23


SVYD
SILICON VALLEY YOUNG
DEMOCRATS


ASSEMBLYMEMBER
DISTRICT 26
Patrick Ahrens


SCC
4TRANSIT


ASSEMBLYMEMBER ASH KALRA
Representing the 25th Assembly District


ASSOCIATED STUDENTS
SAN JOSÉ STATE UNIVERSITY


51 YEARS!
CELEBRATING
HEALTH • HOME • HEART
West Valley Community Services


Walk Bike
Cupertino
walkbikecupertino.org


ZERO WASTE &
CLIMATE AWARENESS CLUB




SURJ
SHOWING UP FOR RACIAL JUSTICE
SANTA CLARA COUNTY


DE ANZA COLLEGE
ViDA
Vasconcellos Institute for Democracy in Action


Leapstart
After School


ILLUSIVE
COMICS
&
GAMES

Mayors & City Councils of Cupertino, Santa Clara, and San Jose; Santa Clara County Board of Supervisors & VTA Board of Directors,

204 people have signed a petition on Action Network telling you to We Need A Safer & More Transit-Friendly Stevens Creek Blvd NOW!.

Here is the petition they signed:

> Stevens Creek Boulevard is one of Santa Clara County's most important corridors – not only a major road but also a place for people to live, work, shop, study, play, and worship. All residents, young or old, drivers or pedestrians, transit riders or cyclists, rich or poor, deserve a corridor that works for them. Travel on Stevens Creek should be safe, easy, and efficient for all while also helping reduce our community's carbon emissions. To realize this vision, the Stevens Creek Corridor Steering Committee which is composed of elected representatives from the cities of Cupertino, Santa Clara, and San Jose, along with Santa Clara County and the Santa Clara Valley Transportation Authority unanimously approved a "Recommended Plan" that would transform the corridor to support the safe, efficient, environmentally friendly mobility that all users deserve.
>
> We, the undersigned, urge the Cities of Cupertino, Santa Clara, and San Jose as well as Santa Clara County and VTA to implement the Stevens Creek Corridor Steering Committee's Recommended Plan. The plan includes physical infrastructure improvements that allow significantly more people to travel the corridor. These include enhanced sidewalks and street trees, safer pedestrian crossings, protected bike/mobility lanes, and simple transit speed and reliability upgrades that will improve the passenger experience and attract more riders . All these improvements will make Stevens Creek Boulevard truly work for everyone and make it easier for more people to get where they need to go, all while improving safety, reducing traffic, and avoiding pollution.
>
> The Stevens Creek Corridor Steering Committee's Recommended Plan is the result of years of staff outreach to the community and study, and will make a Stevens Creek Corridor where there are no traffic deaths, and where everyone can get around more easily, regardless of who they are and how they choose to get around. We urge you to take this thoroughly-vetted, excellent plan and implement it.

You can view each petition signer and the comments they left you below.

Thank you,

Transbay Coalition

---

1. Carter Lavin (*ZIP code: 94610)*

2. Sandhana Siva (*ZIP code: 950124)*

3. Filip Buca (*ZIP code: 95124)*

4. Anton Zhou (*ZIP code: 95070)*

5. Teri Scott (*ZIP code: 95014-2148)*
Yes better pedestrian

6. DUC ANH TUAN LE (*ZIP code: 95132)*

7. zoltan Earnst (*ZIP code: 95070)*

8. Richard MacDonald (*ZIP code: 95129)*

9. An anonymous signer (*ZIP code: 95014)*
Please have more public transportation we need jt

10. Zeynep Sen (*ZIP code: 94087)*
I want faster bus service!!!!!

11. Rukiye Sen (*ZIP code: 94087)*

12. michael sun (*ZIP code: 95014)*
pretty please

13. Fatih Sen (*ZIP code: 94087)*

14. Yvonne Thorstenson (*ZIP code: 95014)*

15. Robin Fintz (*ZIP code: 95014)*

16. Donald Van Buren (*ZIP code: 95014)*

17. Nicole Phan (*ZIP code: 95014)*

18. Katina Yong (*ZIP code: 95070)*

19. Vance Miller (*ZIP code: 95014)*

20. Grant Miller (*ZIP code: 95014-2629)*

21. Neil Park-McClintick (*ZIP code: 95014)*

22. Kendra Toy (*ZIP code: 94536)*
Because I try to limit my car trips and carefully consider if driving is worth it (usually I try to only drive as a necessity), although there are things I might like to do in Santa Clara County, oftentimes I will

stay home or choose a closer option. I would visit more if it were more transit and bike accessible. I believe Stevens Creek has a lot to offer, but until it is safer to get to outside of a personal vehicle, it won't see much of my business.

23. Aaron Baucom (*ZIP code: 94122)*
I work in Cupertino and am discouraged from biking due to the lack of safe east west corridors with robust protective infrastructure.

24. Daniel Perry (*ZIP code: 95014)*
Love the bus

25. Philip Nguyen (*ZIP code: 94089)*

26. Rachel Shaw (*ZIP code: 95126)*

27. Joaquin Domingo (*ZIP code: 90604)*

28. Martin Horwitz (*ZIP code: 94122)*

29. JL Angell (*ZIP code: 95672)*

30. Andrew Siegler (*ZIP code: 95112)*

31. Martha Booz (*ZIP code: 94803)*

32. Victor Silva (*ZIP code: 95129)*

33. Damaris Triana (*ZIP code: 94089)*

34. Caephren McKenna (*ZIP code: 94609)*

35. Paarth Varshney (*ZIP code: 95129)*

36. Haojun Li (*ZIP code: 95110)*

37. Alejandra Bellavance (*ZIP code: 95037)*

38. Savita Nataraj (*ZIP code: 95118)*

39. thalia lubin (*ZIP code: 94062)*
Anything that makes our paths and roadways safer for bikes, pedestrians and the disabled is a good idea!

40. An anonymous signer (*ZIP code: 94112)*

41. Serena Myjer (*ZIP code: 95125)*

42. Michael Wang (*ZIP code: 95014)*

43. Toby hyun (*ZIP code: 95008)*

44. Chris Ferderer (*ZIP code: 95118)*

45. Andrea Horbinski (*ZIP code: 94708)*

46. Holly Hodges (*ZIP code: 94087)*
I am on Stevens Creek multiple times a week for shopping and leisure and hope for safer bicycle lanes and more buses! The redesign with cycle lanes and bus lanes will make it even more accessible.

47. Gui Andrade (*ZIP code: 94110)*
Biking on Stevens Creek Boulevard has always felt nerve-wracking for me, with cars speeding past and barely any protection for cyclists. Whenever I've taken the bus, it's been painfully slow, stuck in the same traffic as cars with no way to move faster. It's frustrating that it feels unsafe and inefficient no matter how you try to get around—I'd love to see real changes that make it safer and quicker for everyone.

48. Margaret Okuzumi (*ZIP code: 94087)*
Please advance this important Measure A project that was promised to voters.

49. Mitchell Evans (*ZIP code: 95129)*

50. Truman Lindsey (*ZIP code: 95125)*

51. Kevin Ma (*ZIP code: 94040)*

52. Ann Dorsey (*ZIP code: 91325-3844)*

53. Ann Wawrose (*ZIP code: 95112)*

54. Andrea Gera (*ZIP code: 95120)*

55. An anonymous signer (*ZIP code: 90043)*

56. Paul Williams (*ZIP code: 94608)*

57. Pranavi Gandham (*ZIP code: 95128)*

58. Zach Kimble (*ZIP code: 95128)*

59. Hailee Baluta (*ZIP code: 95136)*

60. Eileen Conner (*ZIP code: 94041)*

61. Daniel Strokis (*ZIP code: 95128)*

62. Jason Roberts (*ZIP code: 94086)*

63. David Wang (*ZIP code: 95014)*
Please help make the streets safer.

64. Seth Barberee (*ZIP code: 95117)*

65. Moss Goguen (*ZIP code: 95120)*

66. Saydee Rich (*ZIP code: 95123)*

67. Ryan Globus (*ZIP code: 95126)*

68. AJ cho (*ZIP code: 94579)*

69. Lauren Murdock (*ZIP code: 93110)*

70. David Sanchez Godinez (*ZIP code: 94107)*
My partner's family lives in Saratoga and we use Steven's Creek regularly when we visit. The street is not designed for anyone outside of a high speed vehicle to use, limiting both its capacity and the desire of people to use the road in other ways. Making the road safer for cyclists, pedestrians, and public transit users will have a massively positive effect for everyone, including people driving personal vehicles.

71. Kevin Nilhoan (*ZIP code: 94030)*
I have previously lived on Bascom and Stevens creek. I rode my bike often, but it was very not safe. I would have used my bike much more if there were protected bike lanes.

72. An anonymous signer (*ZIP code: 94133)*

73. Nader Elziq (*ZIP code: 95051)*

74. Tracie Johnson (*ZIP code: 95050)*

75. Hermione Ma (*ZIP code: 95014)*
I bike a lot and would really enjoy more protections for bikers on the road.

76. Cindy Guan (*ZIP code: 95014)*

77. Nicole Feskanich (*ZIP code: 95014)*
I also think various signs with bike laws/rules would be nice.

78. Pamela Wells (*ZIP code: 95070)*

79. Andrew Wagner (*ZIP code: 95126)*

80. L Nelson (*ZIP code: 95038)*

81. Ryan Parimi (*ZIP code: 95054)*

82. David Griffith (*ZIP code: 95192)*
I urge for implementing common sense improvements to sidewalks and adding street trees, safer pedestrian crossings, protected bike/mobility lanes, and simple transit speed and reliability upgrades that will improve the passenger experience and attract more riders to mass transit.

83. Daisy Castillo (*ZIP code: 94063)*

84. Jane Holt (*ZIP code: 94024)*

85. Nicholas Laskowski (*ZIP code: 95112)*
My family relies on the 23 corridor daily. Our breadwinner and provider takes an hour-and-a-half commute each way daily just to get between downtown SJ and Cupertino. We bike and use transit and bought a home in the most transit-dense part of the county on purpose. Please bring our mommy home for dinner earlier!

86. Dani Habtom (*ZIP code: 95014)*

87. Milla Bynakon (*ZIP code: 94087)*

88. Deltha Sisophon (*ZIP code: 95118)*

89. Giselle Baez (*ZIP code: 95126)*

90. RAJUL AVALANI (*ZIP code: 95014)*

91. Matthew Liu (*ZIP code: 95129)*

92. Annie Zhou (*ZIP code: 94538)*

93. Owen Yang (*ZIP code: 95014)*

94. Leland Bell (*ZIP code: 95014)*

95. Marley Williams (*ZIP code: 94086)*

96. Avery Tan (*ZIP code: 94086)*

97. Hlyam Wai Yan (*ZIP code: 95129)*

98. Arlette Velazquez (*ZIP code: 95126)*

99. Evan Kim (*ZIP code: 95132)*

100. Khaing Thwel (*ZIP code: 95129)*

101. Kevinson Tran (*ZIP code: 95035)*

102. Natasha Muller (*ZIP code: 95008)*

103. Marisa Fritts (*ZIP code: 94043)*

104. Emily Chang (*ZIP code: 95111-1364)*

105. Annamarie Hernandez (*ZIP code: 95132)*

106. Diana Martinez (*ZIP code: 95117)*
Safer bike routes and more buses within the schedule.

107. Fanny Ceballos (*ZIP code: 95035)*

108. Emiliano A Diaz (*ZIP code: 95123)*

109. Salman Khan (*ZIP code: 95051)*

110. Andrew Luu (*ZIP code: 95035)*

111. Jovannah Uribe (*ZIP code: 95117)*

112. Dat Giang (*ZIP code: 95148)*

113. Lillian Prion (*ZIP code: 94086)*

114. Tati Tashjian (*ZIP code: 94024)*

115. Ariel Shalev (*ZIP code: 94087)*

116. Camille Villa (*ZIP code: 95125)*

117. Zoe Zandbergen (*ZIP code: 95125)*

118. Lawrence Deng (*ZIP code: 95132)*

119. Rachel Gilbert (*ZIP code: 94043)*

120. C S (*ZIP code: 95134)*

121. Cam Coulter (*ZIP code: 95123)*
My partner works on Stevens Creek, and about once a week, I take the bus down Stevens Creek to get to her workplace. I can attest that this is an important street that we need to make more transit friendly.

122. Milli Blom (*ZIP code: 95120)*
This is a crucial corridor and absolutely needs better pedestrian, bike, and transit access.

123. Ivy L (*ZIP code: 94022)*
Enhanced walkways and improved protection for both bikers and pedestrians greatly improves the appeal of an area as a place where I want to regularly visit and become a patron of businesses nearby, especially if there is a fast and reliable transit network as part of it.

124. Thomas Delgado (*ZIP code: 95132)*

125. Debra Timmers (*ZIP code: 95014)*

126. Jean Bedord (*ZIP code: 95014)*
Cupertino needs better transportation to meet senor needs. Please support this Recommended Plan.

127. Calley Wang (*ZIP code: 95014)*

128. Margaret Butko (*ZIP code: 95014)*

129. Elena Shvetsky (*ZIP code: 95008)*

130. Arya Somu (*ZIP code: 95129)*
YES NEW BUSES

131. George Huang (*ZIP code: 94087)*

132. Arthur Poon (*ZIP code: 95014)*

133. Aurelio Cardenas (*ZIP code: 95111)*
Make it safer

134. Chris Lepe (*ZIP code: 95051)*

135. Jennifer Cortes (*ZIP code: 95116)*

136. Weishu Zhang (*ZIP code: 95014)*

137. Gabriela Fajardo (*ZIP code: 95110)*

138. Hongyi He (*ZIP code: 95014)*

139. neil park-mcclintick (*ZIP code: 95126)*

140. Htoo Tint Tal (*ZIP code: 95014)*

141. Hamza Zafer (*ZIP code: 95130)*

142. Jaria Jaug (*ZIP code: 95132)*

143. Terry Long (*ZIP code: 95126)*

144. Tianyi Guan (*ZIP code: 95014)*

145. Bethlehem Wolka (*ZIP code: 95125)*

146. Sebastian Castillo (*ZIP code: 95112)*

147. Landon Brooks (*ZIP code: 95123)*

148. Hang Liu (*ZIP code: 95014)*

149. bella Eydel (*ZIP code: 95129)*

150. Wei Xi Kum (*ZIP code: 95014)*

151. Melisa Arslan (*ZIP code: 94087)*

152. Ashley C (*ZIP code: 95129)*

153. Jeyson M (*ZIP code: 95050)*

154. Lupe Navarro (*ZIP code: 95127)*

155. Ernesto Sanchez (*ZIP code: 95127)*

156. Nam Nguyen (*ZIP code: 95148)*
Make our Streets Safe Again ?

157. Clare Sanchez (*ZIP code: 95116)*

158. Rowan Schmieder-Frank (*ZIP code: 94086)*
A lot of people use public transit to get around and we want to be more environmentally conscious by supporting public transit and biking. Additionally, making roads safer is important for everyone, but especially children who haven't learned how to pay careful attention to their surroundings yet.

159. Hector Estrada (*ZIP code: 94089)*

160. Andrew Monrreal (*ZIP code: 95123)*

161. Alexander Miller (*ZIP code: 94087)*

162. Jasmine Pavao (*ZIP code: 95117)*

163. Nathaniel Reindl (*ZIP code: 94086)*
While the stock text of this petition talks about attracting riders and promoting equity in transportation, I want to lean on three areas in my comment here.

Behind firearms, cars are the biggest killer of kids nationwide. The effort here to redesign Stevens Creek is part of a continuing larger effort to cut down on child deaths across Santa Clara County.

I would also urge my electeds who consult their first responders. Ask them how much of a hassle it is to navigate Stevens Creek to an emergency when it's especially congested. Additionally, ask EMTs, paramedics, and ER doctors about the calls and intakes they see that were transported in when they could have been seen in a clinic served by other transportation options.

Finally, consider that a single traffic lane has a carrying capacity of around 2000 cars/hour. I haven't taken my own measurements, but with some quick back-of-the-envelope numbers, I'd hazard a guess that Stevens Creek doesn't touch that. For a surface street, the limiting factor is the intersections, and it's likely that Stevens Creek is presently overbuilt (and, hence, also overburdened by maintenance costs), and in the face of not being able to raise property taxes and in the face of a retail economy in recession making sales taxes less effective, this redesign effort might be the thing to begin lessening the municipal budget concerns across Santa Clara County.

164. Jing Wang (*ZIP code: 95129)*

165. Cindy Huang (*ZIP code: 95014)*

166. Kunyao Zhang (*ZIP code: 95014)*

167. Indresh Arora (*ZIP code: 95035)*
Let’s drive to improve safety for pedestrians

168. Jade Chen (*ZIP code: 95014)*

169. Jade Yang (*ZIP code: 94089)*

170. Yuchen Hsu (*ZIP code: 95111)*

171. Aseem Nerlekar (*ZIP code: 95117)*

172. Naim Pichori (*ZIP code: 95117)*
None

173. VJ Lukka (*ZIP code: 95035)*

174. Eliza Lyon (*ZIP code: 94086)*

175. Sayon Biswas (*ZIP code: 95014)*

176. Ian Crosby (*ZIP code: 95112)*

177. Juniper Astle (*ZIP code: 95014)*
more transit less car infrastructure PLEASE

178. Tapasya Suman (*ZIP code: 95014)*

179. Cam Miller (*ZIP code: 95125)*

180. Anthony Arias (*ZIP code: 95117)*
yo we need more busses lwk

181. Abhi N (*ZIP code: 95070)*

182. satheessh chinnusamy (*ZIP code: 95014)*
Supporting bike safety on Stevens Creek blvd

183. Siva Annamalai (*ZIP code: 95014)*
A safe and transit friendly Stevens Creek blvd would do wonders for people who want to bike or walk

to the various retail and restaurants that line this corridor. It will help reduce car traffic and make Cupertino a lively place. People have always complained about the lack of a downtown in Cupertino, if we had a safe Stevens Creek Blvd that connected from Stelling all the way to Tantau avenue it has the potential to transform this entire stretch into a vibrant downtown area.

184. DORON DRUSINSKY (*ZIP code: 95014)*
Keep separated bike lanes!

185. Al Park (*ZIP code: 95111)*

186. Estelle Gackiere (*ZIP code: 95014)*

187. Yingfeng Su (*ZIP code: 95129)*
I ride bike for work commute so I don't have to buy a 2nd car for the family. And my kids and I bike together to various places. Stevens creek is an important part of our bike reachability. Why would anyone not care about biker's safety?

188. Angeline Su (*ZIP code: 95129)*
I bike a lot, I support safe bike lanes on Stevens Creek

189. Helen Wiant (*ZIP code: 95014)*

190. Catherine Crockett (*ZIP code: 95014)*

191. Beck Poltronetti (*ZIP code: 95014)*
Remember; bikes are good for EVERYONE, because people who want to bike can bike, and people on the road have less other cars to worry about because the other car drivers are now biking.

192. Rebecca Smith (*ZIP code: 95014-2811)*

193. Yassin Bouali (*ZIP code: 94086)*

194. Alex Lee (*ZIP code: 94087)*

195. Keith Le (*ZIP code: 95112)*

196. Khoa Pham (*ZIP code: 95135)*

197. Lawrence Huang (*ZIP code: 91709)*

198. Miguel Legaspi (*ZIP code: 95008)*
lets win

199. Elif Ipekci (*ZIP code: 95129)*

200. Angel Luna (*ZIP code: 95122)*
We demand a better corridor for the people.

201. hannah zhong (*ZIP code: 95120)*

202. Lilly Leal (*ZIP code: 95110)*

203. Jyotsna Lakhanpal (*ZIP code: 95014)*

204. Justin Khylle La Morena (*ZIP code: 95035)*
If the public feels safe in the places they live in, they are more likely to seek out alternatives to current modes of transportation.

From:	Santosh Rao
To:	City Council; City Clerk; Chad Mosley; David Stillman; Matt Schroeder; Tina Kapoor
Subject:	Please include in written communications for SCB corridor agenda item.
Date:	Tuesday, July 15, 2025 7:38:04 AM
Attachments:	PC-Minutes-SCB-05_2025.pdf

Dear City Clerk,

Could you please include the below in written communication for the 07/15/25 city council agenda item on SCB corridor.

Dear Mayor Chao and Council,

Included below are the minutes from the 05/13/25 Planning Commission meeting on SCB corridor. While staff report reflects the PC recommendation the minutes below will show you more specifics on the motion and the vote from PC in addition, should it be useful to you in your consideration.

https://cupertino.legistar.com/View.ashx?M=M&ID=1249171&GUID=F7218FFB-B6AA-4E15-8B85-CBDF08A8A081

Thank you.

Santosh Rao
Chair, Planning Commission
SRao@cupertino.gov

MINUTES
CUPERTINO PLANNING COMMISSION
Tuesday, May 13, 2025

At 6:45 p.m. Chair Santosh Rao called the Regular Planning Commission meeting to order and led the Pledge of Allegiance in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

ROLL CALL

Present: Chair Santosh Rao, Vice Chair Tracy Kosolcharoen, and Commissioners David Fung, Steven Scharf and Seema Lindskog. Absent: None.

APPROVAL OF MINUTES

1. Subject: Approval of the April 22, 2025 Planning Commission Minutes
Recommended Action: Approve the April 22, 2025 Planning Commission Minutes

Chair Rao opened the floor for Commissioner comments.

MOTION: Scharf moved and Lindskog seconded to approve the April 22, 2025 Planning Commission Minutes. The motion passed with the following vote: Ayes: Rao, Kosolcharoen, Fung, Scharf, Lindskog. Noes: None. Abstain: None. Absent: None.

POSTPONEMENTS – None

ORAL COMMUNICATIONS

No members of the public spoke.

CONSENT CALENDAR- None

STUDY SESSION

2. Subject: Multifamily and Residential Mixed-Use Objective Design Standards
Recommended Action: That the Planning Commission provide feedback and recommendations regarding objective design standards for new multifamily and residential mixed-use development.

Planning Manger Ghosh introduced the City's Consultant, Greg Goodfellow from Placeworks, who gave a presentation.

Commissioners asked questions toward the end of the presentation, which staff and the Consultant responded to.

The Consultant continued the presentation.

Commissioners continued to make comments and asked questions, which staff and the presenter responded to.

Chair Rao opened the public comment period and the following people spoke during public comment:

- Jennifer Griffin

Chair Rao closed the public comment period.

The presentation continued, and Commissioners continued their discussion. The Chair made a request to have additional meetings on this item. Staff said they would consider options available in light of budgetary limitations.

PUBLIC HEARINGS – None

NEW BUSINESS –

3. Subject: Stevens Creek Boulevard Corridor Vision Study
Recommended Action: Recommend that the City Council accept the Stevens Creek Boulevard Vision Study.

Planning Manager Ghosh introduced Senior Transportation Planner Schroeder , who gave a presentation, along with Public Words Director Mosley, and Transportation Manager Stillman.

Chair Rao opened the floor to Commissioner questions.

Commissioners asked questions, which the presenters responded to.

Chair Rao opened the public comment period and the following people spoke:

- Jennifer Griffin
- Harry Neil
- Emily Poon
- Betsy Maze
- Danny Hapton
- Tally Raim
- Sandra Sava

Chair Rao closed the public comment period.

The Commissioners made comments and asked questions which staff and the presenters responded to.

Chair Rao opened the floor to Commissioner discussion.

Commissioners made comments, asked questions and discussed common ground for purposes of drafting a motion for Council.

MOTION: Rao moved and Fung seconded to recommend the City Council to accept the Stevens Creek Boulevard Corridor Vision Study and Steering Committee Action and reaffirm the Bicycle Pedestrian Commission recommendation, with the following additional recommendations:

- Prioritize investments in identity and maintenance
- Prioritize investments in safety, with a focus on, but not limited to, technology and innovation such as adaptive traffic signalization and active pedestrian detection
- Prioritize cost by limiting corridor up to Westport, and limiting study of transit alternatives to grade-separated transit
- Invest in off-corridor bicycle and pedestrian networks such as, but not limited to, the Lawrence Mitty Trail and Tamien Innu Trail

FRIENDLY AMMENDMENT: Scharf made a friendly amendment to change the language substituting Westport with Bubb Road (The Chair and Fung accepted the friendly amendment).

The motion passed with the following vote. Ayes: Rao, Kosolcharoen, Fung, Scharf, Lindskog. Noes: None. Abstain: None. Absent: None.

STAFF AND COMMISSION REPORTS - None

FUTURE AGENDA SETTING – None

ADJOURNMENT

At 10:13 p.m. Chair Rao adjourned the Regular Planning Commission Meeting.

Minutes prepared by:

Lindsay Nelson

Lindsay Nelson, Administrative Assistant

July 14, 2025

Mayor, Vice Mayor, and Councilmembers
City of Cupertino
10300 Torre Avenue
Cupertino, California 95014

RE: Item 13: Stevens Creek Boulevard Corridor Vision Study

Dear Honorable Mayor Chao, Vice Mayor Moore, and Councilmembers,

As you consider the adoption of the Stevens Creek Corridor Vision Study, I want to express my strong support for this shared effort between our cities. This study reflects a meaningful collaboration between our Public Works teams and our mutual commitment to shaping a corridor that is safer, more sustainable, and more vibrant for all of our communities.

In San José, we deeply value our partnership with Cupertino and neighboring cities. Our residents and small businesses frequently express their desire to see us working together on regional issues that impact us all—especially around traffic safety, economic development, and environmental sustainability. The Stevens Creek Corridor is a key example of where collaboration can truly make a difference.

Adopting the Vision Study does not obligate any city to specific projects or funding commitments at this time. However, it does position all of us to be more competitive when seeking regional, state, or federal funding for future improvements. It sends a clear message that our cities are united in our vision for this corridor and committed to creating a seamless, multimodal experience that meets the needs of our communities now and into the future.

It's important that we strengthen our regional ties and continue working together toward solutions that benefit the broader South Bay. I'm optimistic about what we can accomplish when we align around shared goals, and I hope to see the study adopted without modification.

Thank you for your continued partnership. I look forward to the work ahead.

Sincerely,

Rosemary Kamei

Councilmember, City of San José

Rosemary Kamei
Councilmember
City of San José

Council District 1, 18th floor
200 East Santa Clara Street
San José, CA 95113

(408) 535-4901
district1@sanjoseca.gov
www.sjdistrict1.com

CC 07-15-2025

Item No. 13

Stevens Creek Corridor Vision Study

Written Communications

From: Kim Guptill
To: Public Comments
Subject: Public Comment 7/15 - Item 13 - Stevens Creek Boulevard Corridor Vision Study
Date: Tuesday, July 15, 2025 6:26:54 PM

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

Dear Mayor and City Council,

My name is Kim Guptill and I'm a Cupertino commuter.

As you know, Stevens Creek Boulevard is our city's most important corridor for jobs, housing, and transportation, but the current design of the corridor isn't up to the task. Its current design encourages speeding, putting everyone at risk, especially those of us who are unable to drive like children, seniors, or mobility device users.

The current design is also deeply unsustainable, both environmentally and financially. With the state forcing us to plan for more development along Stevens Creek, we must ensure the transportation options along the corridor can mitigate the traffic impacts of new projects for a less congested and more livable future.

The Stevens Creek Vision Study's Recommended Plan includes proven measures to improve safety and reduce traffic, and respects the independence of our city by not forcing any projects that Cupertino residents object to. It was approved UNANIMOUSLY by the Planning Commission and the Bicycle and Pedestrian Commission. By accepting the study, the city will be reaffirming our commitment to safe streets and strong regional partnerships **without binding the city to any new financial obligations.**

Please vote to accept the study so we can all enjoy the safe and sustainable Stevens Creek Boulevard that we deserve.

Sincerely,

Kim Guptill
San Jose

From: Andrea Lund
To: City Council
Cc: City Clerk; Cupertino City Manager"s Office
Subject: Stevens Creek Corridor Vision Study
Date: Tuesday, July 15, 2025 5:48:33 PM

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

Hello,

I'm a resident of Cupertino writing in strong support of the Stevens Creek Corridor Vision Study, which is being discussed at tonight's council meeting. Stevens Creek Boulevard is an essential thoroughfare for my family and I, as we live near the post office in the Monta Vista neighborhood. We use Stevens Creek to access highway 85 for our commutes, to go shopping for groceries and other necessities and to walk to the farmers market at De Anza College on Sunday mornings.

Participating in a joint vision for Stevens Creek Boulevard with the other cities through which this important thoroughfare runs should be a no-brainer for the City of Cupertino. It does not mandate any specific changes, and doing so will position Cupertino and its neighbors to benefit from state and county grant funding. Buy-in has already been secured from other cities, and I see no reason for Cupertino to not accept the study results.

Additionally, I encourage the Council to consider extending the corridor vision study to include Steven Creek Boulevard all the way to Foothill Boulevard, rather than stopping at Bubb Road. This is the most important segment of Stevens Creek Boulevard for my family and our neighbors and also affects folks who may use Stevens Creek to get to work along Bubb Road from Foothill. Our end of Stevens Creek Boulevard may be quieter than other segments, but it is still full of activity at nearby businesses, schools and parklands.

Thank you for your consideration and for keeping the interests of Cupertino residents at the forefront of your deliberations.

Sincerely,
Andrea Lund

From: Daniel Strokis
To: Public Comments
Subject: Public Comment 7/15 - Item 13 - Stevens Creek Boulevard Corridor Vision Study
Date: Tuesday, July 15, 2025 4:53:54 PM

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

Dear Mayor and City Council,

My name is Daniel Strokis. I work in Cupertino and live close to Stevens Creek Boulevard.

Stevens Creek Boulevard is our city's most important corridor for jobs, housing, and transportation, but the current design of the corridor isn't up to the task. Its current design encourages speeding, putting everyone at risk, especially those of us who are unable to drive like children, seniors, or mobility device users.

The current design is also deeply unsustainable, both environmentally and financially. With the state forcing us to plan for more development along Stevens Creek, we must ensure the transportation options along the corridor can mitigate the traffic impacts of new projects for a less congested and more livable future.

The Stevens Creek Vision Study's Recommended Plan includes proven measures to improve safety and reduce traffic, and respects the independence of our city by not forcing any projects that Cupertino residents object to. It was approved UNANIMOUSLY by the Planning Commission and the Bicycle and Pedestrian Commission. By accepting the study, the city will be reaffirming our commitment to safe streets and strong regional partnerships without binding the city to any new financial obligations.

Please vote to accept the study so we can all enjoy the safe and sustainable Stevens Creek Boulevard that we deserve.

Sincerely,
Daniel Strokis

From: Dolly Sandoval
To: City Council
Cc: City Clerk; Cupertino City Manager"s Office
Subject: SCC Vision Study - item 13
Date: Tuesday, July 15, 2025 4:20:36 PM

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

Thank you City Councilmembers for placing item 13 o n tonight's agenda, the Stevens Creek Corridor Vision Study. I hope you will take staff's advice and adopt a resolution accepting the report as well as the additional comments by the Bike Ped Commission and Planning Commission. There is one comment from the Planning Commission I disagree with - this plan should cover SCB from end-to-end, so should include planning for improvements from Bubb road to Foothill Expressway..

Collaborating with our neighborhood stakeholders is vitally important and I hope the City of Cupertino will join Valley Transportation Authority and the cities of Santa Clara and San Jose, as well as the SCC Board of Supervisors, in moving forward with enhanced transportation options. A well-thought-out community vision for motorists, pedestrians, bicyclists, and transit riders can only improve our mobility through Cupertino.

I would like my email to be included in the public record for this topic.
Thank you,
Dolly

Dolly Sandoval

From: E. Poon
To: City Council; City Clerk
Subject: 65 signatures against Bus Only Lanes, SC Blvd, Dec 18, 2024
Date: Tuesday, July 15, 2025 7:35:37 PM
Attachments: EmilyEmailsGillmor.docx
signature_against_bike_lane-1.pdf

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

Attached is a letter I wrote to the Santa Clara City Council in June 2025 and the 65 signatures collected in Dec. 2025.

Emily Poon
Cupertino Resident

Emiy Poon's 6/10/2025 email

Dear Mayor Gillmor and Council Members,

I have been a Cupertino resident for 18 years. I heard that at the May 27, 2025 Santa Clara City Council meeting, the Stevens Creek Blvd Corridor Vision Study (SCBCVS) was not discussed, and it was placed on the Consent Calendar.

I have followed the Vision Study, and feel that the case I have heard so far for Bus-Only Lanes on Stevens Creek Blvd is one-sided. There are many stakeholders whose livelihood and daily activities are impacted by any changes to the use of traffic lanes on Stevens Creek Blvd. And they have been left out.

In December 2024, I teamed up with a volunteer from Santa Clara to visit a number of car dealerships along Stevens Creek Blvd, with San Jose and Santa Clara addresses. We collected a total of 65 signatures against Bus-Only Lanes. I submitted these signatures to the Vision Study Steering Committee in the meeting on December 18, 2024.

Attached are the 65 signatures. I think that you should have access to these signatures.

At the meeting, Scott Jobe, managing partner of Chevrolet-Cadillac spoke. In his 1-minute speech Scott explained how his two dealerships had not been included in any consultant outreach, as he heard about the Vision Study only as a result of our volunteer visit.

Despite the two-year effort of the consultants, most of the car dealerships were not notified. Such an omission is serious, as car dealerships bring in much revenue to the cities and any changes should ensure that they are not negatively impacted.

Stevens Creek Auto Row is well known in our region. The Boulevard needs to provide space in the center median for the big rigs that transport new cars to be unloaded. The street parking on both sides is needed for the sales staff, for them to park their own cars when they arrive for work. Most of the time, the dealership parking lots are reserved for inventory.

If it works well, why change it?

The Vision Study's ideal of "complete streets", with shade trees, medians for pedestrian crossings, may not even make sense in this part of the Boulevard.

Instead of placing the Vision Study on the Consent Calendar, please take the time at your convenience to go through the Study, to find if it has relevance for your City. Mayor Lisa Gillmor said it well in the closing remarks on December 18. Santa Clara has the premier shopping mall in our region, the important car dealerships, as well as the legacy small businesses. She used the word "customize" to describe the task.

The City of Cupertino is far along in its path of such customization, as two committees in April and May have deliberated and are ready with recommendations for our City Council. The latest I have heard is that our City Council will look into it in September. I was in the audience at these lower level advisory committee meetings, where committee members asked how the neighboring cities are receiving the Study.

Thanks for looking into the petitions and bringing the proper balance, allowing all stakeholders of the Stevens Creek Blvd to voice their opinion.

Petition Against Bus-Only Lane on Stevens Creek Boulevard

We live and work near Stevens Creek Blvd and will be adversely affected by hasty changes in the design of the traffic lanes. We just heard about the Stevens Creek Boulevard Vision Steering Committee's activities and would like to let you know that despite your outreach efforts, we have not been informed of your meetings.

By signing this petition, we oppose taking out car lanes, to be replaced by bus-only lanes. This will be submitted to the Dec 18, 2024 Stevens Creek Corridor Committee Meeting at Santa Clara City Hall (10 am-12 noon), and future meetings discussing the issue.

(1)

Signature _____ Date 12/13/24 email address nawabij@autonation.com

Print name: Jabar (First) Nawabi (Last) Mercedes Benz of Stevens Creek Company Represented (if applicable) San Jose City

(2)

Signature _____ Date 12/13/24 email address Shaghas85@Gmail.com

Print name: Obidullah (First) Shaghasi (Last) MB Company Represented (if applicable) San Jose City

(3)

Signature _____ Date 12/13/24 email address dauriziod@autonation.com

Print name: Dominick (First) Daurizio (Last) Mercedes-Benz of Stevens Creek Company Represented (if applicable) San Jose City

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident
408-256-2113

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(1)

Signature _____ Date 12/13/2024 email address bradshawc@autonation.com

Print name: Chris (First) Bradshaw (Last) Mercedes Benz Stevens Creek (Company Represented (if applicable)) San Jose (City)

(2)

Signature _____ Date 12/13/2024 email address tt1315@att.net

Print name: Tiffany (First) Slagle (Last) MBSC (Company Represented (if applicable)) San Jose (City)

(3)

Signature _____ Date 12/13/24 email address martinezm41@autonation.com

Print name: Marcelo (First) Martinez (Last) MBZSC (Company Represented (if applicable)) San Jose (City)

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident
408-256-2113

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(1)

Signature _____ 12/13/24 (Date) erikavillalobos557@gmail.com (email address)

Print name: Erika (First) Villalobos (Last) _____ (Company Represented (if applicable)) San Jose (City)

(2)

Signature _____ 12/13/2024 (Date) dannyboi@icloud.com (email address)

Print name: Daniel (First) Wilson (Last) Mercedes Benz (Company Represented (if applicable)) Santa Clara (City)

(3)

Signature _____ 12/13/24 (Date) ADRIAN FIELDS@GMAIL.COM (email address)

Print name: ADRIAN (First) FIELDS (Last) MERCEDES (Company Represented (if applicable)) SAN JOSE. (City)

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident
408-256-2113

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(1)

Signature M. J. 12/13/24 Date Johnsonm29@autonati email address

Print name: Makayla (First) Johnson (Last) MB @ Steven Creek Company Represented (if applicable) San Jose City

(2)

Signature 12/13/24 Date tonum2@gmail.com email address

Print name: Tyler (First) Lam (Last) MB @ Stevens Creek ST Company Represented (if applicable) City

(3)

Signature 12/13/24 Date email address

Print name: ERICA (First) Flores (Last) MB0 Stevens Creek Company Represented (if applicable) San Jose City

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident
408 - 256 - 2113

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(1)

Signature _____ Date _____ email address wengd@autonation.com

Print name: D'i (First) WAN (Last) MB of Stevenscreek (Company Represented (if applicable)) San Jose (City)

(2)

Signature _____ Date 12/13/24 email address bateshagh@autonation.com

Print name: KAMIL (First) bateshagh (Last) M.B of S.C (Company Represented (if applicable)) S.J (City)

(3)

Signature alexis mesa Date 12/13/24 email address mesa03@gmail.com

Print name: Alexis (First) mesa (Last) MB of Stevenscreek (Company Represented (if applicable)) San Jose (City)

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident
408-256-2113

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(1)

Signature _____ Date 12/12/24 email address Baigzads1@autonation.com

Print name: Shaheen (First) Baigzad (Last) Auto Nation (Company Represented (if applicable)) San Jose (City)

(2)

Signature _____ Date 12/12/24 email address WAREJ1@AUTONATION.com

Print name: JANIS WARE (First) (Last) MBZ STEVENS CRK (Company Represented (if applicable)) SAN JOSE (City)

(3)

Signature _____ Date 12-12-24 email address muffic@autonation.com

Print name: Goran (First) Muffic (Last) MBZ Stevens Creek (Company Represented (if applicable)) San Jose (City)

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident
408-256-2113

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(1)

Signature _____ Date 12/13/24 email address HodgeA@autonation.com

Print name: Archie (First) Hodge (Last) Autonation (Company Represented (if applicable)) _____ (City)

(2)

Signature _____ Date 12.12.24 email address kirkseys@autonation

Print name: Steve (First) Kirksey (Last) _____ (Company Represented (if applicable)) SJ (City)

(3)

Signature _____ Date 13DEC24 email address NATHANIEL.JONES2@[illegible]

Print name: NATHANIEL (First) JONES (Last) AUTONATION (Company Represented (if applicable)) SJ (City)

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident
408-256-2113

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(1)

Signature _____ Date 12-13-24 email address KURTE@autonation.com

Print name: ETHAN (First) KURTZ (Last) KURTZE@AUTONATION.COM Company Represented (if applicable) SJ City

(2)

Signature _____ Date 12/13/24 email address DufferT@autonation.com

Print name: Tom Duffer (First) (Last) Company Represented (if applicable) SJ City

(3)

Signature _____ Date 12/13/24 email address RenteriaLopezB@autonation

Print name: Bianca (First) Renteria (Last) Company Represented (if applicable) SJ City

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident
408-256-2113

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(1)

Signature _____ Date 12/13/24 email address THAND@autonotion.com

Print name: DIANA (First) THAN (Last) _____ Company Represented (if applicable) _____ City

(2)

Signature _____ Date 12/13/24 email address MURILLOMJ@AUTONOTION.COM

Print name: MARCO (First) MURILLO (Last) _____ Company Represented (if applicable) _____ City

(3)

Signature _____ Date 12/13/24 email address CUERASC@autonotion.com

Print name: Cesar (First) Cueras (Last) _____ Company Represented (if applicable) _____ City

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident

408-256-2113

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(1)

Signature _____ 12/12/24 Date TBQ0256@gmail.com email address

Print name: Frankie (First) Huey (Last) _____ Company Represented (if applicable) SJ. City

(2)

Signature _____ 12/12/24 Date Sunyi@attmail.com email address

Print name: Chiyee (First) Sun (Last) _____ Company Represented (if applicable) SJ City

(3)

Signature _____ 12/12/2024 SIDDIQS@ATTMAIL.COM email address

Print name: SULTAN (First) SIDDIQ (Last) _____ Company Represented (if applicable) Fremont City

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident
408-256-2113

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(1)

Signature _____ Date 12/13/24 email address hama@autonation.com

Print name: Audrey (First) Ham (Last) _____ Company Represented (if applicable) SJ City

(2)

Signature _____ Date 12/13/24 email address tallerico m@autonation.com

Print name: Ma H (First) Tallerico (Last) _____ Company Represented (if applicable) SJ City

(3)

Signature _____ Date 12/13/24 email address _____

Print name: Hector (First) Cruz (Last) MBSC Company Represented (if applicable) SJ City

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident

408-256-2113

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(1)

Signature _____ Date 12-13-24 email address cthom@automation.com

Print name: Tony (First) Chan (Last) _____ Company Represented (if applicable) S.J City

(2)

Signature _____ Date 12/13/24 email address huangy1@automation.com

Print name: Yusham (First) Huang (Last) _____ Company Represented (if applicable) SJ City

(3)

Signature _____ Date 12/13/24 email address _____

Print name: MARIUS (First) COROIU (Last) _____ Company Represented (if applicable) _____ City

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident
408-256-2113

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(1)

Signature: Samuel Burns — Date: 12/13/24 — email address: BurnsS1@AutoNationCar

Print name: Samuel (First) Burns (Last) — Company Represented (if applicable): — City: SJ

(2)

Signature: [illegible] — Date: 12/13/24 — email address: abbasi@autonation.com

Print name: Vinaya (First) Abbasi (Last) — Company Represented (if applicable): — City: San Jose

(3)

Signature: Luan N — Date: 12/13/24 — email address: nguyenL5@autonation.com

Print name: Luan (First) Nguyen (Last) — Company Represented (if applicable): — City: San Jose

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident
408-256-2113

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(1)

Signature _____ Date 12/12/24 email address _____

Print name: _____ (First) _____ (Last) MB of Heart Foundation Company Represented (if applicable) San Jose City

(2)

Signature _____ Date 12/13/24 email address _____

Print name: Mark (First) Arnold (Last) MBSC Company Represented (if applicable) S.J. City

(3)

Signature _____ Date 12/13/2024 email address signismagnificent@gmail.com

Print name: Mark (First) Sigris (Last) _____ Company Represented (if applicable) _____ City

Comments by (1) (2) (3):

2. No one rides the buses! Almost empty every time I see one!

Circulator: Emily Poon, Cupertino Resident
408-256-2113

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(1)

Signature _____ 12/13/24 sulimanis@autonation.com
Date email address

Print name: Susan (First) Sulimani (Last) MBSC / autonation (Company Represented (if applicable)) San Jose (City)

(2)

Signature _____ 12/13/24 Richard.A.Rubalcaba @Gmail.
Date email address

Print name: Richard (First) Rubalcaba (Last) _____ (Company Represented (if applicable)) San Jose (City)

(3)

Signature _____ 12/13/24
Date email address

Print name: [illegible] (First) [illegible] (Last) _____ (Company Represented (if applicable)) San Jose (City)

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident
408 - 256 - 2113

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(1)

Signature: Giselle Miranda — Date: 12/13/24 — email address:

Print name: GISELLE (First) MIRANDA (Last) — MBSC (Company Represented (if applicable)) — San Jose (City)

(2)

Signature: Danielle Black — Date: 12/13/24 — email address: dblack@automation.com

Print name: Danielle (First) Black (Last) — MBSC (Company Represented (if applicable)) — San Jose (City)

(3)

Signature: TJ Terhaar — Date: 12/13/24 — email address:

Print name: TJ (First) TERHAAR (Last) — MBSC (Company Represented (if applicable)) — San Jose (City)

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident

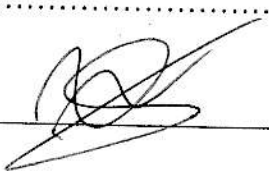
408 - 256 - 2403

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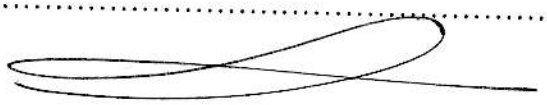
By signing this petition, we oppose taking out car lanes, to be replaced by bus-only lanes. This will be submitted to the Dec 18, 2024 Stevens Creek Corridor Committee Meeting at Santa Clara City Hall (10 am-12 noon), and future meetings discussing the issue.

(1)

Signature  12/13/24 (Date) UlissesSanchez408@gmail.com (email address)

Print name: Ulisses (First) Sanchez (Last) MB of Stevens Creek (Company Represented (if applicable)) San Jose (City)

(2)

Signature  12/13/24 (Date) bcaverone@yahoo.com (email address)

Print name: ALEJANDRO (First) MORALES (Last) MB OF STEVENS CREEK (Company Represented (if applicable)) SAN JOSE (City)

(3)

Signature _____ Date _____ email address _____

Print name: _____ (First) _____ (Last) _____ Company Represented (if applicable) _____ City

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident
408-256-2113

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(1)

Signature: Victor Cruz | Date: 12/13 | email address: cruzvecautomation

Print name: Victor (First) | Cruz (Last) | Company Represented (if applicable): MASC | City: San Jose

(2)

Signature: Yesenia Ruiz | Date: 12/13 | email address: yesmiatnas24@gmail.com

Print name: Yesenia (First) | Enas (Last) | Company Represented (if applicable): MBSC | City:

(3)

Signature: [signature] | Date: 12/13/24 | email address: [illegible]@yahoo.com

Print name: Jorge (First) | Salinas (Last) | Company Represented (if applicable): | City:

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident
408-256-2113

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(1)

Signature _____ 12-16-24 _____
Date

email address

Print name: PAT DAVIS _____ SAN JOSE

(First) (Last) Company Represented (if applicable) City

(2)

Signature _____ 12-16-24 michaelanthonynieve@gmail.com

Date email address

Print name: Michael Nieve _____ Santa Clara

(First) (Last) Company Represented (if applicable) City

(3)

Signature _____ 12/16/24 genericsreyes@gmail.com

Date email address

Print name: Generis Reyes _____ Santa Clara

(First) (Last) Company Represented (if applicable) City

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident

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---

(1)

Signature _____ 12-16-24 (Date) Lalovilla24@yahoo (email address)

Print name: Gerardo (First) Villa (Last) Freedom Burrito (Company Represented (if applicable)) Santa Clara (City)

---

(2)

Signature Shilah Villa 12/16/24 (Date) Rosie0725@gmail (email address)

Print name: Shilah (First) Villa (Last) Freedom burrito (Company Represented (if applicable)) Santa Clara (City)

---

(3)

Signature _____ 12/16/24 (Date) menchaca.luis@iclaud (email address)

Print name: Luis (First) Menchaca (Last) Freedom burrito (Company Represented (if applicable)) Santa clara (City)

Comments by (1) (2) (3):

.....

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.....

.....

Circulator:

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(1)

Signature _____ 12/13/24 (Date) connor@mcnulty.org (email address)

Print name: Connor (First) McNulty (Last) _____ (Company Represented, if applicable) cupertino (City)

(2)

Signature Mimi Giannini 12/13/24 (Date) mimi@yahoo.com (email address)

Print name: Mimi (First) Giannini (Last) Saratoga (Company Represented, if applicable) Los Gatos (City)

(3)

Signature _____ 12/15/24 (Date) KRUZMAN@HOTMAIL.COM (email address)

Print name: ANATOLIY (First) KRUZMAN (Last) _____ (Company Represented, if applicable) CUPERTINO (City)

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident

408-256-2113

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(1)

Signature: Madhusmita Nayak | Date: 12/15/2024 | email address: madhu09438@yahoo.com

Print name: MADHUSMITA (First) | NAYAK (Last) | Company Represented (if applicable): | City: Cupertino

(2)

Signature: Ron Poon | Date: 12/18/2024 | email address: spaul4u@yahoo.com

Print name: RON (First) | POON (Last) | Company Represented (if applicable): | City: Cupertino

(3)

Signature: Emily Poon | Date: 12/18/2024 | email address: spaul_4u@yahoo.com

Print name: EMILY (First) | POON (Last) | Company Represented (if applicable): n. a. | City: Cupertino

Comments by (1) (2) (3):

Circulator: Emily Poon, Cupertino Resident

From:	Tina Kapoor
To:	City Clerk
Subject:	Fwd: Proposed Resolution for Stevens Creek Blvd Corridor Vision Study
Date:	Tuesday, July 15, 2025 5:32:23 PM
Attachments:	Liang - Cupertino 2025 SCB Vision Study Resolution Draft.docx Kitty - Cupertino 2025 SCB Vision Study Resolution Draft.docx

---

Begin forwarded message:

Tina Kapoor
Interim City Manager
City Manager's Office
TinaK@cupertino.gov
(408)777-7607

From: Liang Chao <LChao@cupertino.gov>
Date: July 15, 2025 at 5:29:50 PM PDT
To: Tina Kapoor <TinaK@cupertino.gov>, Kitty Moore <KMoore@cupertino.gov>
Cc: Floy Andrews <fandrews@awattorneys.com>, Chad Mosley <ChadM@cupertino.gov>, Benjamin Fu <BenjaminF@cupertino.gov>
Subject: Proposed Resolution for Stevens Creek Blvd Corridor Vision Study

Attached is the proposed resolution, combining the staff's draft resolution with Vice Mayor's draft.

I removed any mention of BPC or planning since the Council either accept or not accept their recommendations. It makes no sense to quote their specific recommendations in a city council resolution.

I have also attached Vice Mayor's draft for reference.

Please enter this as a desk item (or late written communication) so that the council has a copy of the proposed resolution in writing.

Thanks!

Liang

Liang Chao
Mayor
City Council
LChao@cupertino.gov
408-777-3192

Resolution No. [Insert Cupertino Resolution Number]

A RESOLUTION OF THE COUNCIL OF THE CITY OF CUPERTINO REGARDING THE STEVENS CREEK BOULEVARD CORRIDOR VISION STUDY

WHEREAS, Cupertino staff and Councilmembers have participated in discussions with neighboring communities since a multijurisdictional group was established by the San Jose City Council on August 8, 2017, comprised of the cities of Cupertino, Santa Clara, San Jose, Santa Clara County and the Santa Clara Valley Transportation Authority (VTA) to discuss key regional issues affecting the Stevens Creek Boulevard Corridor with a focus on transportation and circulation; and (comment: from draft resolution)

WHEREAS, as part of the Metropolitan Transportation Commission's 2018 Horizon Initiative, San Jose, Santa Clara, Cupertino, and VTA jointly proposed a high-capacity transit line from Diridon Station in San Jose to De Anza College in Cupertino, securing inclusion in Plan Bay Area 2040; and (comment: from draft resolution)

WHEREAS, the Mobility Element of the City of Cupertino General Plan (Community Vision 2015-2040) supports the participation in regional transportation planning processes and working with neighboring cities to develop programs consistent with the goals and policies of Cupertino's General Plan, to minimize adverse impacts on the City's circulation system, and to address regional transportation and land use issues of mutual interest through Policy M-1.1, Regional Transportation Planning; and (comment: from draft resolution)

WHEREAS, on July 26, 2019, the Cupertino City Council adopted Resolution 19-089 supporting the study of transit efficiency and streetscape improvements for the Stevens Creek Boulevard Corridor in partnership with the City of San Jose, City of Santa Clara, the County of Santa Clara, and VTA; and (comment: from draft resolution)

WHEREAS, the process of completing the Stevens Creek Boulevard Corridor Vision Study (Vision Study) was launched in January 2023 and guided by the Stevens Creek Boulevard Corridor Steering Committee, comprised of elected officials from the participating jurisdictions, and with input from a working group of participating agency staff and a community advisory group; and (comment: from draft resolution)

WHEREAS, the Vision Study was completed in December 2024 and is being presented to the governing body of each jurisdiction for acceptance; (comment: from draft resolution)

WHEREAS, the 2016 Cupertino Bicycle Master Plan and the 2018 Pedestrian Master Plan identify separated bike paths along Stevens Creek Boulevard as a top priority. Cupertino has been improving safety along the corridor through annual Capital Improvement Projects. (comment: added)

WHEREAS, Cupertino prioritized safety with the adoption of the Local Road Safety Plan in January 2023 and the Vision Zero Plan in July 2024, both of which identified safety projects along Stevens Creek Boulevard. (comment: added)

WHEREAS, California Government Code Section 65088 establishes the framework for Congestion Management Programs and emphasizes the need for VTA to develop and implement transportation investment priorities based on regional needs; (comment: from Moore's draft)

NOW, THERE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CUPERTINO THAT:

1. The City of Cupertino accepts the Stevens Creek Boulevard Corridor Vision Study as one of many valuable planning documents for consideration.
2. The City wishes to ensure the following:
    A. The City reaffirms its commitment to the provisions contained within Resolution 19-089, specifically that "high-capacity transit service along the corridor on City surface streets would not use general purpose travel lanes or adversely impact vehicular capacity", and that it should "be grade separated, and time- competitive with auto travel". (comment: part of BPC recommendation)
    B. The City continues to advocate for a study, as stated in Resolution 19-089, of "an alternate alignment in Cupertino along I-280, continuing to DeAnza College at the junction of SR85 and Stevens Creek Boulevard, ensuring service to areas of high employment density and De Anza College, while connecting the Cities of San Jose, Santa Clara, and Cupertino, supported by, and developed in collaboration with, the Santa Clara Valley Transportation Authority. " (comment: in line with BPC recommendation)
    C. The City maintains final decision-making authority regarding any projects or recommendations contained in the Vision Study. (comment: part of BPC recommendation)
    D. All projects within the City of Cupertino, including any intersection modifications, will conform to the City's standard processes, plans, and

procedures for public outreach and approval. (comment: from BPC recommendation)

3. The City remains committed to:
    A. Improving safety along Stevens Creek Boulevard and other corridors throughout the City by implementing the Vision Zero Plan, the Local Roadway Safety Plan, and the Bicycle and Pedestrian Master Plans.
    B. Prioritizing investments in safety, with a focus on—but not limited to—technology and innovation such as adaptive traffic signalization and active pedestrian detection.
    C. Considering cost-effective options to maintain prudent fiscal management and responsible allocation of public resources.
4. The City conditionally supports the Vision Study as a planning tool, while emphasizing the need to prioritize projects based on documented regional need and cost estimates—especially given the funding demands of projects like the BART Phase 2 Extension. (comment: from Moore's draft)
5. The City does not support immediate funding or implementation of costly high-capacity transit in the 9-mile Stevens Creek Corridor without clear regional need and VTA prioritization under Government Code §65088. Future support will depend on VTA designating the corridor as a top regional investment priority. (comment: from Moore's draft)
6. The City urges VTA and MTC to develop a regionally prioritized transportation investment plan that allocates funding based on demonstrated need, and to evaluate the costs and benefits of any Stevens Creek high-capacity transit proposal in light of BART Phase 2 budget lessons. (comment: from Moore's draft)
7. The City directs staff to collaborate with VTA, MTC, and other agencies to advocate for a data-driven, needs-based approach to transportation planning, ensuring taxpayer funds are allocated responsibly and with clear benefit. (comment: shortened from Moore's draft)

PASSED AND ADOPTED by the Council of the City of Cupertino this [Date of Adoption] day of [Month, Year], by the following vote:

AYES:
NOES:

ABSENT:
ABSTAIN:
[Mayor's Signature]
Mayor of the City of Cupertino

Resolution No. [Insert Cupertino Resolution Number]

A RESOLUTION OF THE COUNCIL OF THE CITY OF CUPERTINO REGARDING THE STEVENS CREEK BOULEVARD CORRIDOR VISION STUDY

WHEREAS, the City of Cupertino participated in the Stevens Creek Boulevard Corridor Vision Study, a multi-jurisdictional effort to develop a shared vision for mobility along a 9-mile stretch of the road, from Foothill Boulevard in Cupertino to Diridon Station in San José; and

WHEREAS, the Vision Study explored various transportation options including potential high-capacity transit; and

WHEREAS, the City acknowledges the importance of regional transportation planning and supports the exploration of mobility enhancements within the Stevens Creek Boulevard Corridor; and

WHEREAS, the City is committed to prudent fiscal management and the responsible allocation of public resources;

WHEREAS, the BART Silicon Valley Phase 2 Extension Project, a six-mile extension of BART service from Berryessa/North San José Station to the City of Santa Clara, originally estimated to cost around $4 billion, has seen its estimated project cost increase to $12.75 billion with an anticipated opening in 2036, a change reflecting updated engineering, risk assessments, and significant market shifts since the initial estimate in 2020;

WHEREAS, the estimated costs for potential high-capacity transit options within the Stevens Creek Boulevard Corridor, including a separate transit line, range from $1.7 billion to $2.8 billion, with a timeline of at least 20 years for completion, indicating a substantial future investment;

WHEREAS, California Government Code Section 65088 establishes the framework for Congestion Management Programs and emphasizes the need for VTA to develop and implement transportation investment priorities based on regional needs;

WHEREAS, the City believes that substantial investments in high-capacity transit must be

carefully evaluated within the context of county-wide transportation priorities and documented need, taking into account the factors that have influenced the cost and schedule of similar major infrastructure projects like the BART Phase 2 Extension;

WHEREAS, the City supports strategically investing in expensive transit where it is most needed in the county;

WHEREAS, the City desires to express its conditional support for the Vision Study, recognizing its value as a planning document while advocating for careful prioritization based on demonstrated regional need and documented cost estimates, especially in light of the significant funding requirements of projects like the BART Phase 2 Extension;

WHEREAS, the Cupertino Bicycle Pedestrian Commission has reviewed the Vision Study and recommended safety improvements such as protected bike lanes, recognizing Stevens Creek Boulevard as a top priority in the City's Vision Zero plan;

WHEREAS, the Cupertino Planning Commission has recommended acceptance of the Vision Study, recognizing the need for continued study while acknowledging the aspirational nature of certain elements and the significant funding required;

NOW, THERE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CUPERTINO THAT:

1. The City of Cupertino accepts the Stevens Creek Boulevard Corridor Vision Study as a valuable planning document.
2. The City Council acknowledges the recommendations of the Bicycle Pedestrian Commission regarding the importance of safe pedestrian and bicycle infrastructure and recognizes Stevens Creek Boulevard as a top priority for safety improvements in the City's Vision Zero plan.
3. The City Council acknowledges the Planning Commission's motion to recommend acceptance of the Vision Study, recognizing the need for further study.
4. The City recognizes the significant financial implications of high-capacity transit projects, as demonstrated by estimated costs within the Stevens Creek Corridor and changes experienced by the BART Phase 2 Extension Project.
5. The City does not endorse or commit to advocating for the immediate funding or implementation of expensive, high-capacity transit options within the 9-mile

Stevens Creek Boulevard Corridor, without a clear demonstration of regional need and documented prioritization by VTA in accordance with California Government Code Section 65088.

6. The City supports the concept of aspirational future high-capacity transit projects within the Stevens Creek Corridor, but only when VTA has clearly demonstrated that this corridor is a top priority for regional transportation investment, based on a comprehensive evaluation and documented in accordance with California Government Code Section 65088.
7. The City urges VTA and MTC to develop a regional prioritized plan for transportation investments that strategically allocates resources to projects demonstrating the greatest need, and to carefully evaluate the costs and benefits of any proposed high-capacity transit project within the Stevens Creek Corridor in light of the experiences with the BART Phase 2 Extension and factors influencing its budget adjustments.
8. The City directs staff to work with the participating agencies, including VTA and MTC, to advocate for a data-driven and prioritized approach to regional transportation planning and investment, ensuring that the allocation of taxpayer dollars is prudent and aligned with regional needs, and to carefully evaluate the costs and benefits of any proposed high-capacity transit project within the Stevens Creek Corridor.

PASSED AND ADOPTED by the Council of the City of Cupertino this [Date of Adoption] day of [Month, Year], by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
[Mayor's Signature]
Mayor of the City of Cupertino