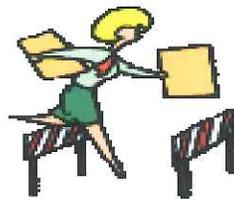




# CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479  
GENERAL INFORMATION: 408-586-3000, [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov)

City Council Meeting  
01/15/2013



## Attachment Related to Agenda

**Item #3**

## After Agenda Packet Distribution



City Clerk's Office

JAN 10 2013

RECEIVED



Sunnyhills Neighborhood Association

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Milpitas CA 95035-0581

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SNA@electric-bikes.com

Member of United Neighborhoods  
a 501(c)(3) Corporation

[www.neighborhoodlink.com/milpitas/sunnyhills](http://www.neighborhoodlink.com/milpitas/sunnyhills)

President

Bill Ferguson

Vice President

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Rob Means

Member at large

Guy Haas

Newsletter Editor

Melanie Lewert

Milpitas City Council

455 E. Calaveras Blvd.

Milpitas, CA 95035-5479

January 9, 2013

Re: Jan. 15 Council review of Circulation Element

Dear Council Members:

Since July 2009, SNA has been on record supporting the goal of an advanced transportation feeder from our neighborhood at the northeast end of Milpitas to the Transit Center (BART, LRT and buses) in the southwest. Because such Automated Transit Networks (ATN) are a new technology, SNA has, and continues, to call for beginning with a minimal system of two stations and a loop connecting them to enable cyclists and pedestrians to cross a local barrier.

New sources of funding are appearing for advanced transit projects that could reduce or eliminate the standard requirement that a city contribute 20% of the cost of transportation projects. However, to be eligible for such funding, projects must be on the Regional Transportation Plan (RTP) and local Capital Improvement Program (CIP). Therefore, we urge you to include four projects that are also supported by the Milpitas Cool Cities Team:

1. a crossing of the railroad tracks to connect Yosemite Dr. and Curtis Avenue
2. a gap closure of the Hetch-Hetchy linear trail at the northern city limit
3. a bike/pedestrian crossing of I-880 near the 237 interchange
4. a circulator around the BART station

As staff time required to insert these four projects onto the RTP and CIP is minimal, and the potential benefit to Milpitas is large, we urge you to take advantage of this opportunity to ensure that Milpitas becomes eligible for potential funding.

Sincerely,

Bill Ferguson, President

JAN 14 2013

## Sierra Club Milpitas Cool Cities Team

### Comments on the Circulation Element of the Milpitas General Plan REMOVED

**Short story: The draft Circulation Element is weak in two areas: bicycle infrastructure and advanced transit options. A weak response by the City to the aggressive environmental impacts of global warming could be challenged on fiduciary grounds. Several options are provided to mitigate this weakness.**

Updates proposed by staff improve the “complete streets” approach largely implemented in the previous Circulation Element by adding extra emphasis for seniors, the disabled, multi-modal transportation in general, and bicycle/pedestrian infrastructure in particular. We agree with and support all the proposed changes.

**What is missing concerns us.** Although Milpitas has a good record at painting stripes for bicycle lanes, it lags other cities in building large infrastructure projects that support cyclists, pedestrians and public transit. As a document that guides development of the Capital Improvement Program (CIP) for the next 25 years, this Circulation Element makes **no mention of advanced transit or four projects** with the potential to substantially reduce peak hour traffic congestion in accordance with section 3.4.<sup>1</sup>

First, and most obvious, is 1) a bike/pedestrian crossing of the railroad tracks to connect Yosemite Drive with Curtis Avenue. Other needed bicycle/ped connections include 2) an east-west crossing near the 880/Calaveras Boulevard interchange, 3) a north-south crossing of Scott Boulevard for users of the Hetch-Hetchy right-of-way, and 4) a public transit circulator around the new BART/LRT/bus transit center that provides easy access from the Great Mall and housing developments in the Transit Area Specific Plan (TASP) including those on Piper Drive.

#### **BICYCLE INFRASTRUCTURE OPTIONS**

**The Yosemite/Curtis crossing has been on City and regional plans for 15 years.** Although the Trails Master Plan calls for a crossing of the RR tracks on pages 13 and 27<sup>2</sup>, this Circulation Element makes no mention of it. A crossing is also identified in the Milpitas Midtown Specific Plan under Street System Policies (Figure 4.4, Bicycle and Pedestrian Trail, page 4-6) as an “Off Street Path”. The crossing was listed in the previous Bikeway Master Plan (1999), VTP's Countywide Bicycle Plan (2000), and as a “keystone project” in the Midtown Specific Plan (2002). (See Notes.) Although still in the Trails Master Plan, all references have been deleted from the documents updated during the time our previous Traffic Engineer was employed with the City. *Removal of this project from the Bikeway Master Plan was particularly egregious because, in reviewing the draft in 2009, every member of the BPAC requested that the overcrossing be included.*

<sup>1</sup> Section 3.4 Transportation Demand Management: Reduce peak hour traffic congestion by reducing the number of single-occupant vehicle trips associated with commuting by providing travelers with alternate mobility choices;

<sup>2</sup> Trails Master Plan: OFF-STREET TRAIL SYSTEM - Yosemite Drive and East Curtis Avenue (page 27)

Trail users walking or riding west on Yosemite Drive will cross over Highway 680 to reach the Berryessa Creek Trail. Continuing in a westerly direction along Yosemite Drive, trail users will enter a high tech campus that abuts Wrigley Creek and the Union Pacific Railroad Trail. **A grade-separate pedestrian and bicycle crossing of the railroad tracks is proposed in this location** to connect the neighborhoods in the eastern portion of the City with the retail opportunities of the Great Mall, the employment centers west of Highway 880 and the transportation facilities provided by the Tasman Light Rail. Upon crossing the railroad tracks, trail users will continue along East Curtis Avenue to reach Abel Street and the Penitencia Creek Trail. These routes will provide access to three Tasman Light Rail stations and the employment centers west of Highway 880 via bicycle lanes and sidewalks on the Tasman Road overcrossing.

Why this crossing has been so popular is apparent from a quick look at Figure 3-1 Bikeways (page 3-17). There you will see an unusually long stretch between Calaveras Boulevard and Montague Expressway where no bikeways go east-west. Only one other area of the City is so lacking in bicycle routes (the 237/880 interchange area). Furthermore, this crossing complements a Goods Movement implementation policy<sup>3</sup> and is key to sections 3.d-G-1,<sup>4</sup> 3.d-G-2,<sup>5</sup> 3.d-G-5<sup>6</sup>, 3.d-I-1,<sup>7</sup> 3.d-I-2,<sup>8</sup> 3.d-I-4,<sup>9</sup> and 3.d-I-22.<sup>10</sup>

Regarding the **880/237/Calaveras Boulevard interchange**, although complete streets requirements created a pedestrian path including crosswalks to navigate through that interchange, it is not convivial to cyclists or pedestrians and presents a risk at each crossing of a freeway on-ramp (two westbound and one eastbound). Ten years ago, a bike/ped crossing of 880 linking Valley Way (off Heath Street) to Ranch Drive at McCarthy Ranch was considered but deferred until after construction of the carpool flyovers. A re-consideration of that crossing is now appropriate, especially since the new HOT lane has increased the commute time of west-bound Milpitas motorists.

An at-grade north-south crossing of Scott Boulevard for users of the **Hetch-Hetchy right-of-way** is impractical due to Federal Interstate highway regulations. However, a simple horizontal elevator or "ferry" with small cabs to carry people up and over Scott Boulevard is practical, and less expensive than a standard steel-and-concrete pedestrian bridge. Although complicated by multiple players (Milpitas, Fremont, Alameda County), this crossing will close a gap in a heavily-used recreational corridor.

A public transit **circulator around the new BART/LRT/bus transit center** was suggested by the City Manager, Tom Williams, to address the TASP policy requirement for two bike/ped crossings of Montague Expressway, one over the railroad/BART tracks, and one over Capitol Avenue. At an estimated \$5M each and \$20M for all four, the economics and utility of over two miles of Automated Transit Network (ATN) circulator for the same price is attractive. Furthermore, such a circulator would support TASP Policy 3.10<sup>11</sup> by reducing the number of pedestrian crossings which are an "impediment to free flow" along Montague Expressway.

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3 3.7 Circulation Principles and Policies, e. Goods Movement - Implementing Policies

3.e-1-3 Minimize conflicts with pedestrians where feasible by creating parallel corridors for truck routes.

4 3.d-G-1 Implement the goals, objectives, and benchmarks of the Bikeways Master plan.

5 3.d-G-2 Promote walking and bicycling for transportation and recreation purposes by providing a comprehensive system of sidewalks, bicycle lanes and routes and offstreet trails that connects all parts of the City.

6 3.d-G-5 Encourage a mode shift to non-motorized transportation by expanding and enhancing current pedestrian and bicycle facilities to accommodate casual and experienced cyclists and pedestrians.

7 3.d-I-1 Complete the on-street bicycle and the off-street circulation systems as depicted and described in the Bikeways and Trails Master Plans.

8 3.d-I-2 Develop connections between the off-street trail system and on-street bicycle system to fully integrate these facilities.

Maximize linkages to other trail and bikeway systems to provide alternative transportation routes for pedestrians and bicyclists.

9 3.d-I-4 Encourage walking, biking and transit use by improving bicycle and pedestrian connections to transit centers, specifically the Great Mall transit centers and light rail stations and the proposed commuter/passenger rail stations.

10 3.d-I-22 Consider building bridges or under-crossings across creek channels, railroad lines and roadways to facilitate bicycling and walking. (page 3-26)

11 TASP Policy 3.10: Maintain Montague Expressway and Great Mall Parkway/Capitol Avenue as regional arterials. Impediments to through traffic flow along arterial roadways will be minimized. Signalized intersections and at-grade crossings will be kept to a minimum, and retail and parking access will be off of the main travel lanes.

## ROAD BIAS

Of the entire \$83.5M Capital Improvement Program (2012-2017) projected funding needs, \$12.3M will be spent over the next 5 years on "Streets Projects" which include bike/ped projects. Funding will come from "Gas Tax Fund" (\$6M), "Vehicle Licensing Fund" (\$2M), "Traffic Impact Fee Fund" (\$0.5M), and "Unidentified Funding" for the remainder (\$28M for the entire CIP). Of the \$12.3M, only 1.4% of the budget (\$168,000) is scheduled for "Bicycle Facility Improvements". **That is a recipe for continuing to underperform the County average for trips by bicycle (2.9% vs. 3.5%) and to fail in our moral and legal responsibilities to reduce CO2 emissions.**

Also noteworthy are CIP projects 4258 (Calaveras Blvd Widening Project - \$75M) and 4179 (Montague Expwy Widening at Great Mall Pkwy - \$7M). Project 4170 (Hwy 237/I-880 Interchange) was mostly completed in 2004 at a cost of \$20M.

After noting our poor performance relative to the County, this draft states that "Measures aggressively promoting and accommodating alternative mode choice should prove to increase this percentage in the future." (page 3-13) Based on the CIP, the time for aggressive measures has not yet arrived. We believe it has, and that the City should embrace section 3.d-I-6: Use funds from the Streets budget for bicycle and pedestrian projects as appropriate.

## ADVANCED TRANSIT

In Table 3-1, notice that Milpitas lags the County average for cyclists and pedestrians by 20% - and generates only half the public transit usage per capita. Based on the experiences of other cities, neither more conventional mass transit nor expanding our current car/road system offers much prospect for transportation improvement.

City planning staff has included a new paragraph to address AB 1358 California Complete Streets Act of 2008. Contained therein is the directive that "**transportation planners must find innovative ways to reduce vehicle miles traveled (VMT)** and to shift from short trips in the automobile to biking, walking and use of public transit."

The Sierra Club believes that advanced transit technologies may should be included in transportation plans. A four-page resolution calling for inclusion of advanced transit options into the Sierra Club Conservation Policy on Transportation was approved in September by the San Diego Chapter. The format of the resolution includes Background Information, Arguments in Favor, Arguments in Opposition, Resources, and Strategies and Action Plans. That last section hopes to support Club members and their representatives "to consider the inclusion of advanced transit technologies that might help reduce GHGs and promote equity for non-drivers."

Point #6 in the Club resolution makes the case that Personal Rapid Transit (PRT), a sub-type of ATN, can do what conventional mass transit cannot do – cut the SOV (single occupant vehicle) rate in half.<sup>12</sup>

The potential outlined in the Club resolution combined with the dangers of too little or too slow a response to global warming begs the question "**why are no advanced transit options envisioned for the next 25 years?**" In addition to TASP Policy 3.23,<sup>13</sup> the following sections of the Circulation

12 As a transportation mode, PRT is highly competitive to the automobile, highly complementary to public transit, and extends the reach of walking and bicycling. PRT superbly supports intermodality by nearly eliminating transfer and waiting times. PRT will gain market share because it takes people where and when they want to go quicker, cheaper, safer and more reliably than the alternatives. For example, while most transit planners struggle to reduce single-occupancy vehicle (SOV) miles by a few percent, PRT combined with existing transit options and modern technology can reduce SOV rates by 50% according to a study of Stanford Business Park in Palo Alto, CA. [http://www.cities21.org/silver\\_bullet.htm](http://www.cities21.org/silver_bullet.htm)

13 Policy 3.23: Encourage children to walk or bike to school by expanding existing safe walking and bicycling routes to schools into the Transit Area.

Element all lend support to investigating the potential benefits of advanced transit options: 3.b-G-1,<sup>14</sup> 3.c-G-1,<sup>15</sup> 3.c-I-1,<sup>16</sup> and 3.d-G-4.<sup>17</sup>

As outlined in the attached e-mail exchanges, a low-risk approach to ATN is a simple “ferry” crossing of the railroad tracks at Yosemite/Curtis. Likewise, either of the two barrier crossings mentioned above and the BART circulator are potential applications for advanced transit options.

## **FIDUCIARY RESPONSIBILITY**

The City has a fiduciary responsibility to protect the public's investments and limit its risks. Global warming poses a huge financial risk that could cost the City dearly. The number of billion dollar climate-related disasters has been trending up for years. Superstorm Sandy is just the latest in a growing list. Although estimates of the financial cost of climate change run into the billions of dollars annually, health costs and costs due to rising sea levels are not included in the estimates or public policy discussions. Extra efforts to reduce CO2 emissions will mitigate any fiduciary risks.

## **SUMMARY**

The draft Circulation Element is weak in two areas. The bicycle infrastructure description omits a crossing that has been in City plans for 15 years, and overlooks three others. The second weak area is the absence of any advanced transit options in a document that supposedly foresees needs and opportunities for the next 25 years. Given the rapid advances and deployment of such systems throughout the world, combined with 10 years of local PRT advocacy by a local resident, such an oversight should be corrected. Without these pieces, this Circulation Element is a weak response by the City to the aggressive environmental impacts of global warming that could be challenged on fiduciary grounds. Several attractive options are available to mitigate this weakness.

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## **Notes**

### **Bikeway Master Plan**

Prepared by Alta Planning + Design . June 2009

[no mention of a Yosemite/Curtis crossing is made.]

The following was in the September 1999 copy of the Bikeway Master Plan:

Proposed Bikeway Projects

Pedestrian/Bicycle Bridges

\* Connecting Curtis Avenue to Yosemite Drive over the UPRR railroad tracks. [page 21]

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14 b. Street Network and Classification Principles and Policies - Guiding Principles

3.b-G-1 Develop a street network integrated with the pattern of living, working and shopping areas, and which provides for safe, inviting, convenient, and efficient intermodal vehicular movement within the City and to other parts of the region.

15 c. Transportation Demand Management - Guiding Principles

3.c-G-1 Promote measures that increase transit use and other non-motorized travel modes and that lead to improved utilization of the existing transportation system.

16 3.c-I-1 Actively support regional planning efforts for the development of mass transit facilities generally along either the Union Pacific or Southern Pacific Railroad corridors.

17 3.d-G-4 Promote intermodal commuting options by developing connected system of streets, roads, bridges, and highways that provides continuous, efficient, safe and convenient travel for all users regardless of age or ability.

The following was in the 2004 copy of the Bikeway Master Plan:

6.4.2. Class I Bike Paths – Transit Area Specific Plan Crossings

The fifth location in Table 6-3, the Curtis Avenue-Yosemite Drive Crossing is not identified as a project in the Transit Area Specific Plan but included as a location that should be considered for deployment of a static Bicycle/pedestrian overcrossing as future redevelopment opportunities become available. [page 6-7]

–

**Valley Transportation Plan 2020**

December 2000

Tier #1, ID # B11, Union Pacific Bicycle/Pedestrian Overcrossing, \$3,000,000

*VTP 2020 Santa Clara Countywide Bicycle Plan, pages 5-6 and 6-3 include and elaborate on B11*

–

**Santa Clara Countywide Bicycle Plan (2008)**

August 7, 2008, page 4-6, the RR crossing is listed as project #5: UPRR 5. Calaveras and Montague Expy

–

**Milpitas Midtown Specific Plan**, in addition to showing the proposed crossing as an "Off Street Path" in Figure 4.4: Bicycle and Pedestrian Trail, includes two policies that encourage a crossing at the proposed location.

**Policy 4.2: Provide pedestrian connections between the transit stations and commercial, employment and residential destinations that are direct, attractive and interconnected with the larger city sidewalk and pedestrian path system.**

Over the long-term, opportunities to provide a connection (on- or off-street) between the Montague Station and the Penetencia and Berryessa Creek Trails should be explored. (page 4-7 of the Milpitas Midtown Specific Plan)

**Policy 4.13: Establish an interconnected Sidewalk system of sidewalks and pedestrian paths that provides safe and convenient pedestrian access between the transit stations and other destinations within the Midtown Area.**

The circulation framework associated with new development planned around the Great Mall/Main Street Station should promote pedestrian and bicycle accessibility through an interconnected system of sidewalks and paths. ... Over the long-term, opportunities to provide a connection (on- or off-street) between the Montague Station and the Penetencia and Berryessa Creek Trails should be explored.

–

**Transit Area Specific Plan**

In the 2008 version, page 4-11, the location of project #5 is at the proposed railroad crossing to link Yosemite Dr. with Curtis Avenue.

The Transit Area Specific Plan (2011), Trails section (page 3-9) cites MSP Policy 4.13 before stating: "This Specific Plan builds on these policies to ensure that pedestrian access is pervasive, with multiple links to the trail system and bridges to provide safe crossings over regional arterial roads."

Page 3-24: Pedestrian and bike connections should be as direct as possible and will be accomplished through a pervasive and consistent network of sidewalks, bike lanes, and crosswalks, which will include pedestrian bridges ...

*Policy 3.56: Connections shall be created across Montague Expressway with overhead bridges or undercrossings to create a continuous trail network; allow pedestrians and bicyclists to cross safely; and connect neighborhoods, schools, and parks.*

One connection will be where the Penitencia Creek East Channel crosses Montague, via ramps in the creek channel area or on adjacent park land, and another will be at Piper Drive, connected to the BART station, **with elevators at both ends.** (page 3-38)

From: Rob Means [<mailto:rob.means@electric-bikes.com>]  
Sent: Thursday, August 25, 2011 11:46 AM  
To: Sheldon AhSing  
Subject: CAP suggestion: build a Personal Rapid Transit (PRT) network to connect most of Milpitas

Sheldon,  
Please pass the following recommendation along to the consultants drafting our CAP.

--  
Because global climate change is progressing faster than the scientists predicted, I believe that our current goals for the CAP are behind the curve. To catch up, we need to try something new rather than refine what we are already doing.

Let me suggest an approach that would make a big difference in our carbon emissions - build a Personal Rapid Transit (PRT) network to connect most of Milpitas to the Great Mall transit hub and new BART station. PRT offers efficient electric, demand-responsive publicly-available transit with automated non-stop service available 24 hours a day. PRT costs far less to build and operate than other transit options, while helping solve the related problems of congestion, dependence on foreign oil, and planetary climate change. Learn more at <http://www.electric-bikes.com/prt>

The 11-mile BART extension to Berryessa is predicted to cost over \$2B (\$2000 million). For 1/20th that sum, \$100M, we could build a PRT network like the one pictured at <http://www.electric-bikes.com/prt/prt-sna.html> that could do provide quick, on-demand personal service like the auto.

In addition to making BART and the transit terminal a convenient non-auto trip from most places in Milpitas, cross-town commuters and shoppers would also use the system. Here is a model ( <http://abqtransp.org/app/ModelInput.aspx> ) that predicts transit mode-split. It can model network service such as PRT, just by changing the transfer times. After you test it by entering data about our existing transit services, use it to estimate the percent of all travel that would use a PRT/transit network versus driving. This is a high level (non-detailed) model to be used only in these early stages of planning our CAP to make sure the PRT network will basically achieve our desired goals of GHG reductions, cost-effectiveness and feasibility.

I realize that this is likely the first time that a PRT system has been suggested for any CAP in the nation. As such, you may be reluctant to seriously consider it for Milpitas. That would be a mistake in a world already wracked by weather events generated by a one degree rise in global temperature. Even if we are successful in substantially reducing GHG emissions soon, global temperature is likely to rise another full degree before retreating. The stakes are high, and our situation requires courage and innovation to win.

If I can be of further service, please contact me.

--  
Rob Means  
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**From:** Rob Means <[rob.means@electric-bikes.com](mailto:rob.means@electric-bikes.com)>  
**To:** Kathleen Phalen <[kphalen@ci.milpitas.ca.gov](mailto:kphalen@ci.milpitas.ca.gov)>  
**Subject:** PRT crossing of the RR tracks  
**Date:** Fri, 18 May 2012 17:43:46 -0700

Kathleen,

In addition to the PRT Ferry introduction at <http://electric-bikes.com/prt/ferry.html>, below are a few e-mails outlining the background on this project. Further information (including some that is outdated) is contained in grant request format at <http://electric-bikes.com/prt/prt-grant.html>. What is not included in that grant proposal are a pair of letters and two CIP pages:

- 1) letter from Dave Cortese suggesting to start with a feasibility study (rather than an EIR as Traffic Engineer Arlene DeLeon recommended 10 years ago)
- 2) letter from the property owner, Westcorp, offering their tentative support for the project
- 3) a page from the 2002 CIP outlining the original POC proposal
- 4) a page from the 2004 CIP with a bit more detail.

Back on August 18, 2009, the City Council voted to authorize sending a letter from the City of Milpitas to the Santa Clara Valley Transportation Authority regarding funding for PRT/ATN (Automated Transit Network) for the Curtis/Yosemite overcrossing. [I don't have a copy of that letter.]

Potential ways to expand beyond the initial crossing can be found at <http://electric-bikes.com/prt/prt-milp.html>

Here is my stock introduction to PRT:  
PRT offers clean, quiet, responsive public transit with automated non-stop service available 24 hours a day. In addition to these service benefits, PRT costs far less to build and operate than other transit options.

PRT is one segment of various advanced transit options that are, generally, computer-controlled, lighter weight than other transit options, and operated on a dedicated guideway. Depending upon the system, advanced transit speeds range from about-town speeds (20-40 mph) up through higher-speeds systems of 150 mph and more.

A quick introduction to PRT technology is this excellent 3-minute video that shows PRT at the Microsoft campus. (<http://snipurl.com/23gtfdr>)

Folks in Santa Cruz, CA have been working to get a PRT system for years. This 15-minute video is their next step and, among other topics, reviews recent advances in PRT installations worldwide:  
<http://snipurl.com/23gtgay>

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**From:** Rob Means <[rob.means@electric-bikes.com](mailto:rob.means@electric-bikes.com)>  
**To:** John Ristow <[John.Ristow@VTA.org](mailto:John.Ristow@VTA.org)>  
**Cc:** Felix Reliford <[freliford@ci.milpitas.ca.gov](mailto:freliford@ci.milpitas.ca.gov)>, Steve Chan <[schan@ci.milpitas.ca.gov](mailto:schan@ci.milpitas.ca.gov)>, Tom Williams <[twilliams@ci.milpitas.ca.gov](mailto:twilliams@ci.milpitas.ca.gov)>, Peter (Primo) McHugh <[pmchugh@ci.milpitas.ca.gov](mailto:pmchugh@ci.milpitas.ca.gov)>, Hans Larsen <[Hans.Larsen@sanjoseca.gov](mailto:Hans.Larsen@sanjoseca.gov)>  
**Subject:** automated transit network (ATN) questions for VTA  
**Date:** Fri, 20 Jul 2012 18:17:39 -0700

John,

In my continuing efforts to get a safe crossing of the railroad tracks near my home, I enjoyed an hour-long conversation today with acting Planning Director Felix Reliford and Traffic Engineer Steve Chan. While discussing an ATN "ferry" over the railroad tracks near the Great Mall (<http://www.electric-bikes.com/prt/ferry.html>), questions arose that require VTA input.

We three meeting attendees agree that cross-railroad access for cyclists and pedestrians at the Yosemite/Curtis location is valuable regardless of whether Milpitas can ante-up the 20% of a project costing \$3M (ATN) to \$5M (POC). Thus, Steve is investigating how to put a standard POC for that location back into the General Plan and onto the RTP.

However, he and Felix balked at using PRT-like technology to create a "ferry" for three main reasons: 1) the City does not want to incur the operations and maintenance (O&M) expenses of an active system; 2) the City does not want to incur the liability of an active system; and 3) such a "ferry" is a transit system and, as such, is the exclusive purview of the VTA.

VTA answers to these questions will help Milpitas on our path forward:

1. Does VTA consider an automated, single-loop, two-station, one-pod "ferry" to be a transit system? Does that answer change with three pods? Does it change with three stations and a guideway merge where pod collisions could occur?
2. If VTA considers this ATN crossing a transit system, will it be subjected to the cost/benefit analysis of a transit system including projected passenger load? Or could the standard for a POC apply, i.e. it must simply provide access for cyclists and pedestrians regardless of current demand levels?
3. If VTA considers this ATN crossing a transit system, should VTA be the lead agency for the project? If not, can you cite any examples of cities operating their own transit system?
4. Regardless of whether VTA considers this "ferry" to be a transit system, would VTA consider paying for the first 10 years of O&M expenses and/or assuming any liability incurred by building such a system? Because VTA and San Jose are proposing an automated transit network (ATN) for the airport, both may see the value in supporting an ATN pilot project in Milpitas.
5. Apparently the California Public Utilities Commission regulates LRT projects. Would they also regulate any ATN system? Or could an ATN "ferry" be considered a "permanent amusement park ride" or a "aerial tramway" and thus subject to regulation by the California Department of Industrial Relations' Division of Occupational Safety and Health (Cal-OSHA)?

Thanks in advance for your attention to this matter. As you know, the Bay Area has yet to devise a strategy for reducing its transportation sector CO2 emissions by 55% before 2035. ATNs may make that possible – and save our grandchildren from the

worst effects of Climate Change.

--

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**From:** Rob Means <[rob.means@electric-bikes.com](mailto:rob.means@electric-bikes.com)>  
**To:** Kathleen Phalen <[kphalen@ci.milpitas.ca.gov](mailto:kphalen@ci.milpitas.ca.gov)>  
**Cc:** Tom Williams <[twilliams@ci.milpitas.ca.gov](mailto:twilliams@ci.milpitas.ca.gov)>, Felix Reliford <[freliford@ci.milpitas.ca.gov](mailto:freliford@ci.milpitas.ca.gov)>, Steve Chan <[schan@ci.milpitas.ca.gov](mailto:schan@ci.milpitas.ca.gov)>  
**Subject:** including PRT crossing of RR tracks in General Plan, CIP and RTP  
**Date:** Fri, 07 Sep 2012 16:21:11 -0700

Kathleen,

Your name came up during my meeting with Tom and Felix today. Tom thinks a simple \$3M crossing of the RR tracks is not cost-effective in terms of capital expense per rider. Using some Fed number of \$30,000 per daily rider, I estimate a \$3M crossing would require 100 patrons a day to be competitive with other transportation projects.

As an alternative, Tom proposed a PRT loop connecting the new BART station with the Great Mall, the Piper Drive housing, and somewhere south of the BART station. Doing so will satisfy the need to cross Montague and Capitol Avenue. He thinks that would be more cost-effective and, therefore, fundable. I agree with him about the viability of such a circulator. (We may also look at extending it to cover all four crossings proposed in the TASP.) Given the current interest in transit (and BART in particular), I also agree that funding may be easier to get for this \$15M project than that \$3M one. I see advantages, but no substantial disadvantages, to putting both projects on the GP, CIP and RTP. Do you?

As a reminder, here is the RR crossing project: <http://www.electric-bikes.com/prt/ferry.html>

--

Rob Means  
ATRA Legislative Advisor  
[www.advancedtransit.org](http://www.advancedtransit.org)  
[rob.means@electric-bikes.com](mailto:rob.means@electric-bikes.com)  
408-262-8975 work, 408-230-2585 cell  
1421 Yellowstone Ave., Milpitas, CA 95035

# MEMORANDUM

*Office of the City Manager*

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**To:** Honorable Mayor and City Council  
**From:** Tom Williams, City Manager  
**By:** Steven McHarris, Planning & Neighborhood Services Director  
**CC:** Michael J. Ogaz, City Attorney  
**Subject:** Revised Resolution to City Council Agenda Item 3  
**Date:** January 15, 2013

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Attached is a revised Resolution for the subject item. This revision adds a section excluding certain geographic areas in the City from a proposed policy in the Land Use Element. The exhibits to the Resolution remain unaffected. Property owners in these geographic areas have approached the City regarding long range planning for their properties and Staff concurs that the City will benefit by excluding them from the proposed policy. The text of the revision is below:

“Implementing Policy 2.1-I-2 shall not apply to General Plan Amendment applications for properties west of McCarthy Boulevard north of Highway 237 and for properties between the east side of California Circle and Penitencia Creek.”

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING GENERAL PLAN AMENDMENT NO. GP12-0005, AMENDMENTS TO THE LAND USE AND CIRCULATION ELEMENTS**

**WHEREAS**, on August 21, 2012, the City Council initiated a General Plan Amendment to update the policies of the Land Use and Circulation Elements; and

**WHEREAS**, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project exempt; and

**WHEREAS**, on November 14, 2012, the Planning Commission held a duly noticed public outreach hearing on the subject application, and considered evidence presented by City staff, and other interested parties; and

**WHEREAS**, on December 12, 2012, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, and other interested parties and recommended approval of General Plan Amendment No. GP12-0005 by no less than a majority of its total membership; and

**WHEREAS**, on January 15, 2013, the City Council held a duly noticed public hearing on the project and considered evidence presented by City staff and other affected parties, including but not limited to the materials and evidence previously presented to the Planning Commission.

**NOW, THEREFORE**, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the project is exempt pursuant to Section 15061(b)(3).
3. The proposed amendments are internally consistent with those portions of the General Plan which are not being amended and do not constitute substantial amendments.
4. The proposed amendments will not adversely affect the public health, safety, and welfare in that the amendments enhance public health, safety and welfare.
5. Therefore, based upon the findings contained herein, General Plan Amendment No. GP12-0005, Land Use and Circulation Element Amendments, as set forth in Exhibits 1 and 2, is approved.
6. Effective Date: This Resolution shall not apply to projects where complete submittals have been filed in conjunction with the project application prior to the effective date. The effective date of this amendment shall be 30 days after its date of adoption of January 15, 2013.
7. Implementing Policy 2.1-I-2 shall not apply to General Plan Amendment applications for properties west of McCarthy Boulevard north of Highway 237 and for properties east side of California Circle to Penitencia Creek.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

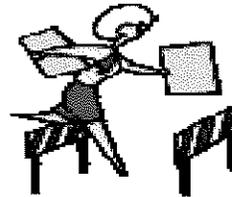
\_\_\_\_\_  
Michael J. Ogaz, City Attorney



# CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479  
GENERAL INFORMATION: 408-586-3000, [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov)

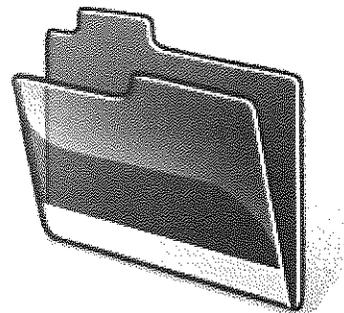
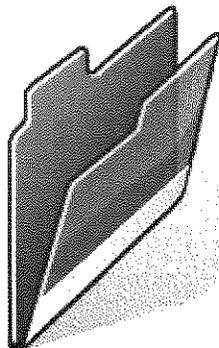
City Council Meeting  
01/15/2013



## Attachment Related to Agenda

### Item #8

## After Agenda Packet Distribution



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING A TEMPORARY REDUCTION IN FORCE WITHIN THE MILPITAS FIRE DEPARTMENT**

**WHEREAS**, the approved Milpitas Fire Department overtime pay allocation for the Fiscal Year 2012-13 budget was \$523,484, however, from July 1, 2012 through November 30, 2012, the Fire Department monthly overtime pay has averaged \$180,517; and

**WHEREAS**, if the current monthly average of Fire Department overtime pay expenditures continues through the end of the 2012-13 Fiscal Year, it would result in a Fire Department budget deficit greater than \$1.6 Million; and

**WHEREAS**, in order to ensure the Fire Department's overtime pay expenditures do not exceed the budgeted allocation, it is necessary to implement a temporary reduction in Fire Department staff by way of a "brown-out" or reduced staffing of a fire apparatus; and

**WHEREAS**, during this temporary reduction in force, emergency service delivery to the community would be maintained with response apparatus continued in place at every Milpitas Fire Station; and

**WHEREAS**, the City of Milpitas has met its requirement to meet and confer with the International Association of Firefighters, Local 1699, regarding the temporary reduction in force.

**NOW, THEREFORE**, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. In order to balance the budget for fiscal year 2012-2013, it has been necessary to assume as part of the budget solution the previous elimination of a number of authorized positions within the City service; and

Information establishing the current budget situation and steps to be taken to present a balanced City Budget has been presented during this meeting of January 15, 2013; and

It is the judgment of the City Council that it has become necessary in the interest of economy that the number of authorized positions within the Milpitas Fire Department service be temporarily reduced without the right of appeal of the decision to reduce the number of authorized positions; and

It is found that this decision is a fundamental managerial policy decision of the City Council.

3. Any provision of any resolution adopted prior to the date of adoption of this resolution that is inconsistent with the intent of, or the language of, or which would thwart the immediate implementation of this budget resolution, is hereby repealed and rendered null and void to the extent of any such inconsistency, as an impediment and barrier to the current direction, intent and will of the City Council.

4. There is no potential impact on the environment from this action per Section 15061(b)(3) of the CEQA Guidelines.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
Mary Lavelle, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

APPROVED:

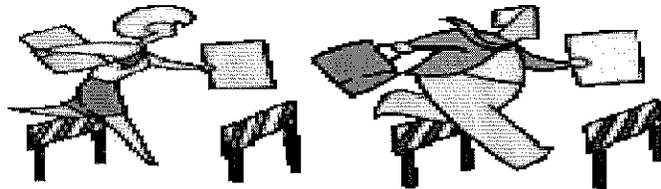
\_\_\_\_\_  
Jose S. Esteves, Mayor



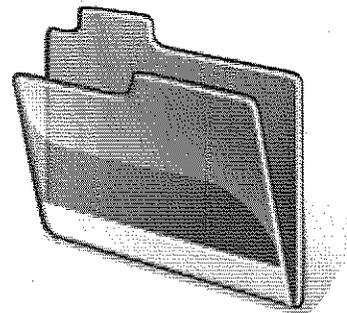
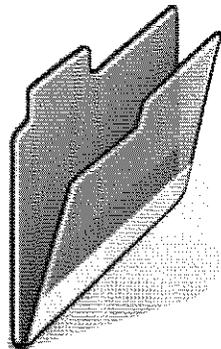
# CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479  
GENERAL INFORMATION: 408-586-3000, [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov)

01/15/2013  
Agenda Item No. 9



## ATTACHMENT RELATED TO AGENDA ITEM AFTER AGENDA PACKET DISTRIBUTION



**INDEPENDENT ACCOUNTANT'S REPORT ON  
APPLYING AGREED UPON PROCEDURES FOR  
COMPLIANCE WITH THE PROPOSITION 111  
2011-2012 APPROPRIATIONS LIMIT INCREMENT**

Honorable Mayor and Members of the City Council  
City of Milpitas, California

We have performed the procedures below to the Appropriations Limit Worksheet which were agreed to by the City of Milpitas for the year ended June 30, 2012. These procedures, which were suggested by the League of California Cities and presented in their Article XIII B Appropriations Limitation Uniform Guidelines were performed solely to assist you in meeting the requirements of Section 1.5 of Article XIII B of the California Constitution. Management is responsible for the Appropriations Limit Worksheet. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of the City. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures you requested us to perform and our findings were as follows:

- A. We obtained the Appropriations Limit Worksheet and determined that the 2011-2012 Appropriations Limit of \$69,082,283 and annual adjustment factors were adopted by Resolution of the City Council. We also determined that the population and inflation options were selected by a recorded vote of the City Council.
- B. We recomputed the 2011-2012 Appropriations Limit by multiplying the 2010-2011 Prior Year Appropriations Limit by the Total Growth Factor.
- C. For the Appropriations Limit Worksheet, we agreed the Per Capita Income and City and County Population Factors to California State Department of Finance Worksheets.

We were not engaged to, and did not, conduct an audit, the objective of which would be the expression of an opinion on the Appropriations Limit Worksheet. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information of management and the City Council; however, this restriction is not intended to limit the distribution of this report, which is a matter of public record.

*Maze & Associates*

May 24, 2012