

# Grand Jury Slams BART-San Jose

## POLITICAL FALLOUT CONTINUES ON P.B. CONTRACT

by **Richard F. Tolmach**

Santa Clara County's civil grand jury called June 18 for a halt of the \$4.3 billion, 16.3 mile BART extension to San Jose and replacement of the Valley Transportation Authority (VTA) board of directors. The VTA board, composed of local elected officials, has approved a \$170 million expenditure on BART engineering, despite the concurrent collapse of its own revenue sources.

The 19-member grand jury criticized the VTA board as being "too occupied with other duties to provide direction and effective oversight" for the Authority. The report of the civil grand jury came after the watchdog group, appointed by county judges, spent a year reviewing VTA operations. Grand jury members concluded that the VTA board "is too large, too political, too dependent on staff, too inexperienced in some cases, and too removed from the financial and operational performance of VTA."

The grand jury also criticized the practice of appointing board members who are also city council members or county supervisors as causing neglect of VTA issues and responsibilities. The report suggests the board be pared to five to seven elected or appointed members. If appointed, the report recommended that transportation be the members' "main public service responsibility."

The grand jury report paints a devastating picture of VTA missteps: "low recovery of transit costs from fares; high employee costs per service rendered; over-promising of programs to voters; inefficient timing of expenditures; financial forecasts designed to support program plans rather than evaluate options (and as a consequence not identifying more optimal approaches); and decisions influenced by benefits to local districts rather than to the ... transportation system."

The report says the "overriding financial problem facing VTA at present is that it cannot afford the cost to build and operate a BART system to San Jose. Spending limited resources on BART could squander an opportunity to build, maintain, and operate a far larger network of transit options throughout the county as enabled by voters approving the 1/2 cent Measure A sales tax in 2000."

"The Grand Jury would have been delighted to have received a logical and financially compelling justification for putting BART at the head of its priority and funding list from VTA. It did not," the report said.

The federal government rated the cost-effectiveness of the BART extension as one of the worst in the country, and refused to give it funding earlier this year. "Voters need to be more demanding of information before voting for financially unrealistic promises," the report said. The Grand Jury noted that VTA has legal authority to suspend the BART project and use the money raised by the half-cent sales tax on other eligible projects, including Caltrain electrification.

While the report carries no legal weight, it triggers a requirement for VTA to file a formal response. The report could also be fatal to the Authority's lobbying effort for billions of state and federal dollars to help pay for the pork-filled BART extension.

The report also criticized VTA for holding back relevant data from public discussion. It suggested voters support BART because VTA has failed to share details regarding the ineffectiveness of the extension at providing congestion relief. According to VTA ridership projections, BART trains on the extension in 2025 would average only one-third capacity. Even during rush hours, passengers would fill only two-thirds of all seats. Rail experts suggest this is because of the slow travel speeds

and circuitous routing of the extension. Instead of taking the shortest route to Silicon Valley, it loops eastward via Milpitas and East San Jose before beginning a fish-hook back to San Jose and Santa Clara.

Sup. Jim Beall, a VTA board member and a Metropolitan Transportation Commissioner formerly favorable to the BART project, viewed the grand jury report as an accurate picture of finances. "Unless voters approve additional funds, we'll have to lower expectations," said Beall. "We can only spend as much money as we collect."

"We should stop spending money designing something we can't afford to build," said Greg Perry, a Mountain View councilmember also quoted by the Chronicle. He called on VTA to cancel its \$170 million engineering contract with Parsons Brinckerhoff.

BART to San Jose is "collapsing under its own financial weight," said Stuart Cohen, executive director of BATLUC, a transit and land use issue group. Even the interim \$634 million extension to Fremont-Warm Springs, is threatened, according to a subsequent Oakland Tribune article by Sean Holstege.

He points out that the Warm Springs project depends upon \$145 million from San Mateo County, expected from profits on the new SFO line. SFO trains are so empty that the line is losing \$20 million a year. Alameda County ballot measure language prevents Warm Springs from being constructed until all the money for a "rail connection" into Santa Clara County has been secured. The grand jury report also notes VTA's view that Warm

Springs "was in jeopardy."

Because Santa Clara County voters raised only half the funds needed for the BART to San Jose extension, federal transit funds were denied for the line, and state funding is in limbo, the grand jury report found that "VTA does not have the funds to complete BART anytime in the next 20 years."

BART San Jose extension advocates have been thrown onto the defensive. San Jose Mayor Ron Gonzales, known as the project's "Godfather," has not issued any formal response to the grand jury report, but used intermediaries to try to blunt its impact. The San Jose Mercury News reported that VTA General Manager Peter Cipolla declined comment on the report. "We're just not prepared to respond to it at this time," he said.

Santa Clara County Supervisor Don Gage, who chairs the VTA board, admitted to the Mercury News two days later that the civil grand jury was "pretty much on the right track" on concerns about cost of the project.

"The worst case is you don't do it at all, but I think there's something in between," Gage said. "It may be a modified program, it might be BART-to-Milpitas and then connect to light rail. Or it may be you do everything you want to do, but in phases."

Gage indicated VTA will consider the report, along with economic issues and long-range strategy, to decide whether planning will continue on the extension. By December, Gage thought VTA would have enough data to prioritize the BART San Jose extension and other projects through 2030.

## Carrizo Gorge Rail Returns

by **R. Mitchel Beauchamp**  
**General Manager, Ferrocarriles Peninsulares del Noroeste**

On 21 February 2004 a group of company friends and politicians road the first train in twenty years and the first passenger train in about 50 years through the famous Carrizo Gorge from Jacumba, eastern San Diego County to Coyote Wells, western Imperial County. The day prior to this historic trip, several double-stack and auto-transport cars, supplied by Union Pacific, were hauled through the 16 tunnels of the Gorge as a test of curvature and height issues. The test indicated that a minor dropping of the tracks in a few selected tunnels would allow movement of anything that Union Pacific can send from Imperial Valley. Since this historic ride, the gorge has seen the almost daily transport of sand that had to be removed from the right of way as it crosses the county line, an area historically called "Silica!"

The line will be used for freight movement, with Union Pacific offering very attractive rates to switch customers from BN/SF that use the Coast line between Los Angeles and San Diego. This should free up more space for passenger service on the Surfliner route between Los Angeles and San Diego. With insurance matters in place and interchange agreements settled with UP, revenue service on the Desert Line that also runs through Mexico is anticipated to start about 1 July. Maintenance in the Carrizo Gorge will be constant, with rock falls being a persistent issue.

The railway has a police force that will start to cite trespassers on railway right of way with both criminal trespass and civil restitution for damages. The issue is complicated by the fact that the route passes through a wilderness area of a state park so the right-of-way will soon be posted with trespassing signs.

Operations on the Mexican portion of the line, which is also run by Carrizo Gorge Railway and its sister Mexican Company, Ferrocarriles Peninsulares del Noroeste, are soon expected to include a tourist and commuter passenger contract, to be operated when freight movement is not active or as a mixed train. That activity will run between Tijuana and Tecate. Access to the Tijuana Depot involves a ride on the San Diego Trolley to San Ysidro and about a 5-block walk or short cab ride across the border to the station. Rail tourism in the Carrizo Gorge and on the Coronado Belt Line, between National City and Chula Vista, is anticipated once insurance requirements by the San Diego transit agency that owns the rail line (Metropolitan Transit System) are met.

The railroad company (Carrizo Gorge Railway) is now dealing with the issue of endangered Peninsular Bighorn Sheep in the gorge. Environmental groups are raising concerns about activation of the line and the presence of the prime population of the Sheep in the gorge, particularly around Tunnel #16, next to the famous Goat Canyon Trestle. A dialogue between the U. S. Fish and Wildlife Service, the California Department of Fish and Game and Anza-Borrego Desert State Park is now in progress with the Railway's biological consultant coordinating the effort. One of the prime objectives of the Railway's President, Gary R. Sweetwood, is to have rail tourism opportunities in the Gorge that will allow the public to see the Peninsular Bighorn Sheep from the controlled environment of the train. Presently the area is a free-for-all with hikers, paramilitary types, nudists and bikers roaming freely about Sheep habitat without any control. A travel field guide is in preparation by the Company's consulting biologist and geologist that will explain the natural resources along the Gorge and other portions of the line, including the Mexican segment.