

MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

FROM: Kurt Evans, Government Affairs Manager
Santa Clara Valley Transportation Authority

DATE: September 14, 2009

SUBJECT: Weekly Legislative Update: Week of September 7, 2009

FEDERAL

Congressional Session: As lawmakers returned to Washington, D.C., after a month-long recess, they were confronted with a pile-up of pressing legislation that has been eclipsed by the all-consuming battle over health care. Many pending issues, such as climate change and new Wall Street regulations, are priorities for President Barack Obama, but they have had to compete for attention as the White House and Congress work to pass health care reform legislation by the end of the year. It is expected that health care will continue to dominate the congressional agenda at least through the fall as the President takes a more active role in prodding his plan along.

In the case of new financial regulations, which include a proposal to create an agency dedicated solely to protecting consumers from fraud and abuse by mortgage and credit card companies, the House has made significant progress, but movement in the Senate has been much slower. One key player, Senate Banking Committee Chairman Christopher Dodd (D-CT), was thrust into the health care debate earlier this year after Sen. Edward Kennedy (D-MA), chairman of the Health Committee, was diagnosed with brain cancer. As the second-ranking Democrat on the Health Committee behind Kennedy, Dodd had to step in and assume Kennedy's responsibilities. This situation has taken Dodd's attention away from working on the financial regulation bill.

Meanwhile, climate change legislation has twice been delayed in the Senate after narrowly passing the House in June. Although a draft of the Senate bill was expected in July, Environment and Public Works Committee Chairwoman Barbara Boxer (D-CA) says it will not be ready until late September, partly because of the health care debate. Meanwhile, Senate Finance Committee Chairman Max Baucus (D-MT), whose panel will play an important role in drafting elements of the climate change bill, has been leading a group of senators privately negotiating a bipartisan solution on health care. That process is supposed to result in a bill by mid-September, but the group has missed a number of deadlines in the past.

Other legislative priorities that are getting squeezed because of the health care debate are as follows:

- Immigration reform, which re-emerged as a top issue during the 2008 presidential election, will have to wait until next year, according to President Obama.
- The FY 2010 appropriations bills, which are supposed to be done by September 30, are lagging. While the House has completed work on all of its measures, the Senate has finished only four of 12, and Senate Majority Leader Harry Reid (D-NV) has indicated that more time will be needed. As a result, it is likely that Congress will have to pass a stopgap continuing resolution in order to keep the federal government running in the meantime.
- Unless Congress acts this year, the estate tax, which is paid by people who inherit property and money, will expire in 2010 and then return in 2011 at higher rates. The tax falls under the purview of the Senate Finance Committee, which is heavily involved in the development of health care legislation.

Health Care: After months of protests and Republican pushback on his plan to reform the nation's health care system, President Obama appeared before a rare joint session of Congress to try to cut through what he called "a blizzard of charges, counter-charges and misinformation." The President said it was time to end the bickering and pass a health care plan that would give "security and stability" to those with health insurance and that would provide a chance to buy affordable coverage for those who do not.

During his address to Congress, President Obama reiterated some of his core principles for reform, such as: (a) people would not lose coverage if they find themselves unemployed; (b) there would be a cap on out-of-pocket expenses; and (c) people would not be denied coverage because of a pre-existing medical condition. In addition, the President highlighted a handful of other issues, including:

Public Option: President Obama and Democratic congressional leaders support a government-run insurance plan, believing it would put pressure on private insurers to keep their policies affordable and treat their customers better. However, GOP lawmakers argue that a public option would put private companies out of business. In his address to Congress, the President reiterated his support for the idea, but he was careful not to make it an ultimatum. Because the White House knows that it may not be able to get the votes to create a public insurance plan, the President has never said he would veto legislation that did not include it.

Malpractice Reform: Republicans in Congress contend that limiting medical malpractice lawsuits will help drive down costs. Democrats, on the other hand, believe such a change would not have a significant impact on costs. On this issue, President Obama voiced support for changes that would reduce the financial impact of medical malpractice claims, telling senators and House members, "I don't believe malpractice reform is a silver bullet, but I have talked to enough doctors to know that defensive medicine may be contributing to unnecessary costs."

Medicare Advantage Program: Top on the list of proposed cuts is the Medicare Advantage Program, which allows seniors to purchase Medicare coverage through a private insurance company. Critics, including President Obama, argue that the program has been able to offer lower premiums than regular Medicare because it is subsidized by taxpayers at a rate that is 14 percent higher per patient. The Congressional Budget Office says eliminating the disparity would save \$150 billion over 10 years.

Budget Deficits: President Obama reiterated that his health care plan would not result in an increase to the federal deficit. In fact, he told the joint session of Congress, “I will not sign a plan that adds one dime to our deficits—either now or in the future. Period. And to prove that I’m serious, there will be a provision in this plan that requires us to come forward with more spending cuts if the savings we promised don’t materialize.”

Workers’ Retirement: Noting the toll that the recession has taken on extra income and savings accounts, President Obama said the federal government is trying to make it easier for Americans to save for retirement. New steps being implemented by the Obama Administration along these lines that do not require congressional action include:

- Making it easier for small companies to set up 401(k) retirement savings plans in which all employees are automatically enrolled unless they ask to be omitted. Employers would be able to set default amounts for each worker’s pay that would automatically be deposited into the accounts without being taxed. Employees could raise or lower the contribution levels, and they could choose how to invest the money. They would pay taxes on the money only when they withdraw it as retirees, when their tax rates are likely to be lower than when they are working full-time.
- Allowing such plans to automatically increase the amount that a worker would save over time unless he or she objects.
- Allowing individuals to check a box on their federal income tax returns asking that any refund be sent as a savings bond. More than 100 million U.S. households receive refund checks each year, and many are promptly cashed and spent.
- Allowing workers, when leaving a job, to direct unused vacation pay to a retirement savings account, rather than taking it in cash.

In announcing these steps, President Obama noted, “Tens of millions of families have been, for a variety of reasons, unable to put away enough money for a secure retirement. Half of America’s work force doesn’t have access to a retirement plan at work. And fewer than 10 percent of those without workplace retirement plans have one of their own.”

STATE

Tax Commission: The Commission for the 21st Century released a draft plan that is intended to re-engineer the state’s tax structure. Its final report is scheduled to be submitted to Gov. Arnold Schwarzenegger and the Legislature no later than September 20.

The panel was created by Gov. Schwarzenegger through an executive order that was issued last October. It consists of 14 members—seven appointed by the Governor and seven by the legislative leadership. It was specifically tasked with coming up with recommendations to:

- Establish a 21st century tax structure that fits with California's 21st century economy.
- Stabilize state revenues and reduce volatility.
- Promote the long-term economic prosperity of the state and its citizens.
- Improve California's ability to successfully compete with other states and nations for jobs and investments.
- Reflect principles of sound tax policy, including simplicity, competitiveness, efficiency, predictability, stability, and ease of compliance and administration.
- Ensure that the tax structure is fair and equitable.

The commission's draft plan revolves around two key elements, which when taken together, are intended to be "revenue-neutral" in terms of their impact on the General Fund:

1. Lowering personal income taxes for all filers, which would be phased in over three years through 2014. Single filers would have an automatic deduction of \$22,500. For joint filers, it would be \$45,000. Filers would pay 2.75 percent on taxable income up to \$28,000 single and \$56,000 joint. They would pay 6.5 percent on all taxable income above those levels. The only itemized deductions would be for mortgage interest, property taxes and charitable contributions. While all would pay lower taxes, the new lower tax brackets would make the system less progressive in nature. The drop to 6.5 percent from 9.55 percent is most significant for higher-income earners, who already pay most of the state's personal income taxes. While filers earning between \$50,000 and \$75,000 would get a 14 percent break on their taxes, those earning \$75,000 and above would get roughly a 30 percent reduction.
2. Reconfiguring business and sales taxes. Under the commission's draft plan, the state would eliminate the corporation tax immediately in 2012, and phase out the 5 percent state sales tax from 2012 to 2016. Retailers would still charge local sales taxes. To make up for the loss of corporation and sales tax revenues, as well as to cover any revenue loss resulting from the changes to personal income taxes, the state would impose a new business net receipts tax—essentially a value-added tax that firms doing business in California would pay on all revenues minus capital expenditures. The proposed rate is 4.2 percent, lower than the current corporation and state sales tax rates. This tax would be phased in over five years, starting at 2 percent in 2012. The policy dilemma facing the commission is that service industries are becoming more dominant in California, but they currently are not subject to the sales tax. To get at this issue, the panel ultimately decided that a business net receipts tax would be more politically palatable than trying to extend the sales tax to services.

Commissioners are still working on a proposal for a constitutional amendment to create a stronger rainy-day fund, and are still chewing on the notion of allowing more offshore oil drilling in exchange for royalties. However, they have shelved the idea of imposing an 18-cent-per-

gallon “pollution” tax to pay for transportation bond debt service, state highway and local roadway maintenance, and projects/programs designed to help California meet its greenhouse gas emission reduction goals.

Any final plan submitted by the commission will need to be approved by the Legislature and, in some cases, by the voters in order to take effect. For those pieces of the commission’s plan that do not have to go to the ballot, Gov. Schwarzenegger has said he wants an “all-or-nothing” vote, with no changes by the Legislature. But the commission cautioned that its package should be considered more of a starting point than a finished product.

High-Speed Rail Authority: The California High-Speed Rail Authority scrapped a staff recommendation to award a \$9 million, five-year public relations contract to a firm with connections to Gov. Arnold Schwarzenegger and, instead, instructed staff to re-advertise the contract and start the selection process from scratch.

After voters approved the issuance of \$10 billion in bonds last November for high-speed and passenger rail in California, the High-Speed Rail Authority initiated a process for a new public relations contractor to coordinate statewide outreach, particularly in communities where the high-speed train route may be constructed. A three-member staff panel recommended that Mercury Public Affairs be selected for the contract. Two of the staff panelists work or have worked for Gov. Schwarzenegger. Jeffery Barker was the Governor’s deputy communications director until September 1, while Mike Bowman is currently a deputy secretary of the Business, Transportation and Housing Agency, a gubernatorial appointment. The firm they chose, Mercury, also has close connections to Gov. Schwarzenegger. Adam Mendelsohn is the Governor’s current political adviser and former communications director, while Steve Schmidt ran his 2006 re-election campaign. The firm’s third Sacramento partner is former Assembly Speaker Fabian Núñez.

Authority board members said they had too little information about Mercury’s bid to award the contract to the firm. Their objections seemed less focused on Mercury’s ties to Gov. Schwarzenegger than on the fact that they were given few details on the company’s communications plan and that they did not have an opportunity to personally interview the top contenders.

State Prisons: State attorneys said they will try to take the issue of prison overcrowding to the U.S. Supreme Court, rather than obey a court order to come up with a plan to reduce inmate population. The lawyers, on behalf of Gov. Schwarzenegger and corrections officials, are asking the three judges who issued the order to put it on hold while the state seeks a high-court review.

On August 4, the three-judge panel ordered the state to submit by September 18 a plan to reduce the population of its 33 adult prisons by up to 46,000 inmates within two years. The system is operating at 190 percent of its 79,828 design capacity. The judges found that overcrowding is the primary reason that the care of sick and mentally ill inmates has degenerated to unconstitutional levels.

The state’s motion argues that a stay should be granted on the following grounds:

- The three-judge court was improperly convened.
- Its finding regarding health care was erroneous.
- The order to reduce the population by more than 25 percent goes way beyond what is necessary.
- Since the order is the first such prisoner release order to be issued under recently enacted federal law, the U.S. Supreme Court should have the opportunity to weigh in.

“The population level at which prisons can deliver the minimal level of medical and mental health care required by the (U.S.) Constitution has never at any time been investigated, much less established at trial,” the motion states. “The lack of factual support for the population cap selected by (the) court and the tenuous nexus between the size of the cap and the federal violations sustained by the (inmates) create the likelihood of reversal on appeal.”

The three judges said in their August 4 order they would “look with disfavor upon any effort to postpone or delay an expeditious resolution of the terms of the population reduction plan.” They further noted that “the court will not grant any stay of the proceedings prior to the issuance of the final population reduction plan, but will entertain motions to stay implementation of that plan pending the resolution of any appeal to the Supreme Court.”

REGIONAL

Metropolitan Transportation Commission (MTC): At its September 9, 2009, meeting, MTC’s Programming and Allocations Committee reviewed an overall framework to guide upcoming discretionary funding decisions. While the exact funding categories in the next federal surface transportation authorization bill are not yet known, MTC anticipates that future funding programs will overlap to a large extent with projects that are currently eligible under Title 23 of the U.S. Code. The starting point for making these funding decisions is the strategic delivery of investments described in the recently adopted Regional Transportation Plan (RTP). The plan identifies investments for the following core programs for the next six years: (a) Freeway Performance Initiative = \$222 million; (b) Climate Initiatives = \$93 million; (c) Regional Bicycle Program = \$44 million; (d) Transportation for Livable Communities = \$174 million; (e) Transit Capital Rehabilitation = \$119 million; and (f) Local Streets and Roads Rehabilitation = \$169 million. The draft framework has generated much debate concerning which program areas to fund first. MTC staff will be taking public comment on the proposal during the rest of September and plans to bring a final recommendation back to the committee in either October or November.

NOTE: Also contributing to this report were Susan Lent with Akin Gump Strauss Hauer & Feld; Mark Watts with Smith, Watts & Company; and Scott Haywood, VTA’s Policy and Community Relations Manager.

From: Board.Secretary
Sent: Friday, September 18, 2009 3:13 PM
To: Board.Secretary
Subject: Notice of Intent for the Capitol Expressway Light Rail Project

To VTA Board of Directors:

Attached for your review and comment is the Notice of Intent (NOI) to Prepare a Supplemental Draft Environmental Impact Statement (EIS) for the proposed 2.3 mile extension of light rail along Capitol Expressway from the existing Alum Rock Station to Eastridge Transit Center in the City of San Jose, California. The NOI was published in the Federal Register on Wednesday, September 16, 2009. Written comments on the scope of the Supplemental Draft EIS should be sent to VTA by October 19, 2009. A Scoping Meeting will be held on September 30, 2009, as detailed in the attached NOI.

The Federal Transit Administration and the Santa Clara Valley Transportation Authority appreciate your time in providing comments on the NOI for the Capitol Expressway Light Rail Project.

Christina Jaworski, Senior Environmental Planner
Santa Clara Valley Transportation Authority
Environmental Programs and Resources Management
P: 408.321.5751
F: 408.321.5787

Federal Register

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Intent to Prepare a Supplemental Draft Environmental Impact Statement for the Capitol Expressway Light Rail Project in the City of San Jose and County of Santa Clara, California.

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT)

ACTION: Notice of Intent to prepare a Supplemental Draft Environmental Impact Statement (EIS)

SUMMARY: The Federal Transit Administration and the Santa Clara Valley Transportation Authority (VTA) are planning to prepare a Supplemental Draft Environmental Impact Statement (EIS) for the proposed 2.3 mile extension of light rail along Capitol Expressway from the existing Alum Rock Station to Eastridge Transit Center in the City of San Jose. Pursuant to 23 C.F.R 771.129 (a) and 771.130, the Supplemental Draft EIS will replace the Draft EIS that was made available for public review in April 2004. The Final EIS required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et. seq.*) (NEPA) was never completed for this project as a result of limited opportunities for securing federal funds at that time. Due to dramatic declines in local and state funding sources as a result of the global economic recession, VTA is now preparing a Supplemental Draft EIS in order to be eligible for federal funds

for this project. A Supplemental Draft EIS is needed to address major changes to the project since April 2004.

The Supplemental Draft EIS will be prepared in accordance with regulations set by the NEPA as well as the provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. The purpose of this Notice of Intent is to alert interested parties about the plan to prepare the Supplemental Draft EIS, to invite public participation in the scoping process and to announce that a public scoping meeting will be conducted.

DATES: Written comments on the scope of the Supplemental Draft EIS should be sent to Tom Fitzwater, VTA Environmental Programs and Resources Management Manager, by **October 19, 2009**. A Public scoping meeting will be held on **September 30, 2009** from 6:00 p.m. to 7:30 p.m. at the location indicated under ADDRESSES below.

ADDRESSES: Written comments on the scope of the Supplemental Draft EIS should be submitted via mail, email, fax, or the project website, with attention to:

Tom Fitzwater, Manager

VTA Environmental Programs and Resources Management

3331 North First Street, Building B-2

San Jose, CA 95134-1927

Email: Tom.Fitzwater@vta.org

Fax: (408) 321-5787

Project Website: <http://www.vta.org>

Comments may also be offered at the public scoping meeting. The address for the public scoping meeting is in the Community Room on the second floor of Eastridge Shopping Center located at 2200 Eastridge Loop Road in San Jose California (Old Navy/JC Penney's entrance). The meeting facility will be accessible to persons with disabilities. If special translation or signing services or other special accommodations are needed, please contact VTA Customer Service five days prior to the meeting at (408) 321-2300, or email community.outreach@vta.org.

FOR FURTHER INFORMATION CONTACT: For additional information about the proposed project, environmental review process, or to be placed on the project mailing list, contact Tom Fitzwater, VTA Environmental Programs and Resources Management, at VTA, 3331 North First Street, Building B-2, San Jose, CA 95134-2709, (408) 321-5789 or Eric Eidlin, Community Planner, at Federal Transit Administration, San Francisco Regional Office, 201 Mission Street, Room 1650, San Francisco, CA 94105-1926, (415) 744-2502.

SUPPLEMENTARY INFORMATION:

I. Scoping

Scoping is the process of determining the scope, focus and content of an EIS. FTA and VTA invite all interested individuals and organizations, public agencies, and Native American Tribes to comment on the scope of the Supplemental Draft EIS, including the project's purpose and need, the alternatives to be studied, the impacts to be evaluated, and the evaluation methods to be used. Comments should focus on: alternatives that may be less costly or have less environmental or community impacts

while achieving similar transportation objectives, and the identification of any significant social, economic, or environmental issues relating to the alternatives.

NEPA “scoping” has specific and fairly limited objectives, one of which is to identify the significant issues associated with alternatives that will be examined in detail in the document, while simultaneously limiting consideration and development of issues that are not truly significant. It is in the NEPA scoping process that potentially significant environmental impacts—those that give rise to the need to prepare an environmental impact statement—should be identified; impacts that are deemed not to be significant need not be developed extensively in the context of the impact statement, thereby keeping the statement focused on impacts of consequence. Transit projects may also generate environmental benefits; these should be highlighted as well—the impact statement process should draw attention to positive impacts, not just negative impacts.

Once the scope of the environmental study, including significant environmental issues to be addressed, is settled, an annotated outline of the document will be prepared and shared with interested agencies and the public. The outline serves at least three worthy purposes, including (1) documenting the results of the scoping process; (2) contributing to the transparency of the process; and (3) providing a clear roadmap for concise development of the environmental document.

II. Description of Project Study Areas and Need

Purpose of the Supplemental Draft EIS: The original Notice of Intent to prepare a Draft Environmental Impact Statement/Environmental Impact Report

(EIS/EIR) was issued on September 18, 2001. Following the circulation of the Draft EIS/EIR in April 2004, it was determined that the opportunity for securing federal funds at that time was limited. As a result, a Final EIS was never completed.

A Final EIR was prepared to comply with the state process (California Environmental Quality Act) and was certified by the VTA Board of Directors in May 2005. A Final Supplemental EIR was later prepared to address changes to the project and was certified by the VTA Board of Directors in August 2007.

Due to dramatic declines in local and state funding sources as a result of the global economic recession, a Supplemental Draft EIS will be prepared in order to be eligible for federal funds. The purpose of the Supplemental Draft EIS is to fully disclose the environmental consequences of building and operating the Project in advance of any federal decisions to commit substantial financial or other resources towards its implementation. The Supplemental Draft EIS explores the extent to which project alternatives and design options result in environmental impacts and will discuss actions to reduce or eliminate such impacts as required by current federal (NEPA) environmental laws and current Council on Environmental Quality and FTA guidelines.

Project Description: The proposed project will extend light rail along Capitol Expressway between the existing Alum Rock Light Rail Station and Eastridge Transit Center, a distance of approximately 2.3 miles. Light rail will operate primarily in the median of Capitol Expressway within exclusive and semi-exclusive rights-of-way. Property acquisition for the project will be minimized through the removal of two High Occupancy Vehicle (HOV) lanes on Capitol Expressway. The alignment will include an elevated section north of Capitol Avenue and south of Story Road, and an elevated

crossing of Tully Road. The project will include new light rail stations at Story Road (aerial), Ocala Avenue (optional, at-grade) and Eastridge Transit Center (at-grade and aerial options). At Eastridge Mall, the existing transit center and park-and-ride lot will be modified and expanded to accommodate the project. The project will also include traction power substations at Ocala Avenue and Eastridge Transit Center.

Approximately seven 115-kilovolt electrical transmission towers and two tubular steel poles (TSPs) will require relocation from the median of Capitol Expressway to the east side of Capitol Expressway in order to accommodate the project. While the project will cross over Silver Creek, no work is anticipated below the top of the bank.

Project Purpose and Need: The Capitol Expressway Light Rail Project is needed to:

- improve public transit service in the Capitol Expressway Corridor by providing increased capacity and faster, convenient access to downtown San Jose and major employment and activity centers;
- make transit an attractive alternative to the automobile for travel along the expressway; enhance regional connectivity through expanded, interconnected transit services along some of the primary travel corridors in Santa Clara County, including U.S. 101 (Guadalupe Corridor) and I-680 (Tasman East, Capitol Avenue, and Capitol Expressway Corridors);
- improve regional air quality by reducing the growth in automobile emissions;
- improve mobility options to employment, education, medical and retail centers for all corridor residents and in particular, low-income, transit dependent, youth, elderly, disabled, and ethnic minority populations; and

- support local economic and land development goals.

III. Proposed Project Alternatives

The No-Build Alternative represents conditions that would be reasonably expected to occur in the foreseeable future if the proposed build alternative were not implemented. This includes existing transit conditions and programmed transportation projects that will be constructed by 2035. A Baseline Alternative representing the optimal level of bus service that could be provided in the corridor without an investment in major new infrastructure is not proposed. VTA is not only currently operating Line 522 Rapid Bus service in the Capitol Expressway Corridor, but is also proposing to improve this service with Bus Rapid Transit (BRT). BRT will provide more frequent headways, upgraded facilities, real-time information, transit priority, and specialized vehicles. VTA will also analyze any reasonable alternatives that are uncovered during public scoping.

IV. Probable Effects

The Supplemental Draft EIS will explore the extent to which project alternatives and design options result in environmental impacts and will discuss actions to reduce or eliminate such impacts. Environmental issues to be examined may include: changes in the physical environment (natural resources, air quality, climate change, noise, water quality, geology, aesthetics); changes in the social environment (land use, business and neighborhood disruptions); changes in traffic and pedestrian circulation; changes in transit service and patronage; associated changes in traffic congestion; and impacts on parklands and historic resources. Impacts will be identified both for the construction period and for the long-term operation of the alternatives. Based on the findings of the

Final and Supplemental EIR, it is anticipated that the project will result in adverse noise, vibration, and traffic impacts.

V. FTA Procedures

The regulations implementing NEPA, as well as provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), call for public involvement in the EIS process. Section 6002 of SAFETEA-LU requires that FTA and VTA do the following: (1) Extend an invitation to other Federal and non-Federal agencies and Native American tribes that may have an interest in the proposed project to become “participating agencies;” (2) provide an opportunity for involvement by participating agencies and the public to help define the purpose and need for a proposed project, as well as the range of alternatives for consideration in the EIS; and (3) establish a plan for coordinating public and agency participation in, and comment on, the environmental review process. An invitation to become a participating or cooperating agency, with scoping materials appended, will be extended to other Federal and non-Federal agencies and Native American tribes that may have an interest in the proposed project. It is possible that FTA and VTA will not be able to identify all Federal and non-Federal agencies and Native American tribes that may have such an interest. Any Federal or non-Federal agency or Native American tribe interested in the proposed project that does not receive an invitation to become a participating agency should notify at the earliest opportunity the Project Manager identified above under ADDRESSES.

A comprehensive public involvement program and a Coordination Plan for public and interagency involvement will be developed for the project and posted on

<http://www.vta.org>. The public involvement program includes a full range of activities including the development and distribution of project newsletters, and outreach to local officials, community and civic groups, and the public. Specific activities or events for involvement will be detailed in the public involvement program.

The Paperwork Reduction Act seeks, in part, to minimize the cost to the taxpayer of the creation, collection, maintenance, use, dissemination, and disposition of information. Consistent with this goal and with principles of economy and efficiency in government, it is FTA policy to limit insofar as possible distribution of complete printed sets of environmental documents. Accordingly, unless a specific request for a complete printed set of environmental documents is received (preferably in advance of printing), FTA and its grantees will distribute only the executive summary of the environmental document together with a Compact Disc of the complete environmental document. A complete printed set of the environmental document is available for review at the grantee's offices and elsewhere; an electronic copy of the complete environmental document is also available on <http://www.vta.org>.

The Supplemental Draft EIS will be prepared in accordance with NEPA and its implementing regulations issued by the Council on Environmental Quality (40 CFR parts 1500–1508) and with the FTA/Federal Highway Administration regulations “Environmental Impact and Related Procedures” (23 CFR part 771). In accordance with 23 CFR 771.105(a) and 771.133, FTA will comply with all Federal environmental laws, regulations, and executive orders applicable to the proposed project during the environmental review process to the maximum extent practicable. These requirements

include, but are not limited to, the environmental and public hearing provisions of Federal transit laws (49 U.S.C. 5301(e), 5323(b), and 5324); the project-level air quality conformity regulation of the U.S. Environmental Protection Agency (EPA) (40 CFR part 93); the section 404(b)(1) guidelines of EPA (40 CFR part 230); the regulation implementing section 106 of the National Historic Preservation Act (36 CFR part 800); the regulation implementing section 7 of the Endangered Species Act (50 CFR part 402); section 4(f) of the Department of Transportation Act (23 CFR 771.135); and Executive Orders 12898 on environmental justice, 11988 on floodplain management, and 11990 on wetlands.

Related Documents: The Final Environmental Impact Report (April 2005), and the Final Supplemental Environmental Impact Report (April 2007) for the Capitol Expressway Corridor are available by contacting Tom Fitzwater at the address and phone number given above.

Issued on: **SEP 9 2009**, 2009.



Raymond Sukys

Acting Regional Administrator

From: Board.Secretary
Sent: Friday, September 18, 2009 3:17 PM
To: Board.Secretary
Subject: Board Member Kishimoto Response

To VTA Board of Directors:

Attached is a memorandum from Carolyn Gonot, Chief SVRT Program, regarding the Milpitas BART Station Mode Split Data.

Deborah Harrington
Board Secretary
Santa Clara Valley Transportation Authority
408.321.5773

MEMORANDUM

Writer's Direct Telephone: 321-5623

DATE: September 16, 2009

TO: Santa Clara Valley Transportation Authority
Board of Directors

FROM: Carolyn M. Gonot
Chief SVRT Program Officer

SUBJECT: Milpitas BART Station Mode Split Data

In response to Board Member Kishimoto's request at the September 5, 2009 VTA Board of Director's Meeting, the information regarding access to the Milpitas BART Station is provided below. The information on mode of access data is from the VTA Travel Demand Model. Data in the tables were included in the Silicon Valley Rapid Transit Corridor Administrative Final Environmental Impact Statement. This data was also utilized to develop mode split figures (Attachment) included in the Draft Milpitas Station Profile.

Year 2030 mode split data for the Milpitas BART Station

Berryessa Extension Project (BEP) and Silicon Valley Rapid Transit (SVRT) Corridor Alternatives

BEP Alternative - Two-Station Mode of Access

| From/To | BART | Walk | Bus | LRT | PNR | KNR |
|---------|-------|------|-------|-------|-----|-----|
| BART | - | 693 | 3,199 | 3,221 | - | - |
| Walk | 473 | - | - | 397 | - | - |
| Bus | 982 | - | - | 514 | - | - |
| LRT | 818 | 505 | 399 | - | - | - |
| PNR | 2,501 | - | - | - | - | - |
| KNR | 496 | - | - | - | - | - |

SVRT Alternative – Six-Station Mode of Access

| From/To | BART | Walk | Bus | LRT | PNR | KNR |
|---------|-------|-------|-------|-------|-----|-----|
| BART | - | 1,112 | 3,207 | 1,832 | 0 | 0 |
| Walk | 798 | - | - | 339 | - | - |
| Bus | 1,314 | - | - | 434 | - | - |
| LRT | 577 | 415 | 335 | - | - | - |
| PNR | 3,452 | - | - | - | - | - |
| KNR | 682 | - | - | - | - | - |