

Date: July 3, 2007Committee Meeting Date: April 18, 2007Board Meeting Date: August 2, 2007**BOARD MEMORANDUM**ACTION X DISCUSSION INFO

TO: Transit Planning & Operations
 Santa Clara Valley Transportation Authority
 Board of Directors

THROUGH: Michael T. Burns
 General Manager

FROM: John Ristow
 Acting Chief CMA & Planning Officer

SUBJECT: Downtown East Valley Capitol Expressway Light Rail Project
 Final Supplemental Environmental Impact Report

RECOMMENDATION:

Approve the changes to the Downtown East Valley (DTEV) Capitol Expressway Light Rail Project (Project) through the following actions:

1. Certify that the Final Supplemental Environmental Impact Report (SEIR):
 - a. Meets the requirements of the California Environmental Quality Act (CEQA);
 - b. Represents the independent judgment of the Santa Clara Valley Transportation Authority (VTA) as the Lead Agency; and
 - c. Was presented to the VTA Board of Directors for review and consideration.
2. Adopt:
 - a. Findings of Fact; and
 - b. Statement of Overriding Considerations.
3. Adopt a Mitigation Monitoring and Reporting Program
4. Amend the Capitol Expressway Light Rail Project as described in the Final SEIR.

BACKGROUND:

The planning process for the DTEV Capitol Expressway Project began in early 1999 with the initiation of a Major Investment Study (MIS) for the DTEV Study Area as required by the Intermodal Surface Transportation Efficiency Act of 1991. VTA evaluated 17 alternatives for improving transit service in the DTEV Study Area. On August 3, 2000, the VTA Board identified light rail transit (LRT) in the Capitol Expressway Corridor as the Preferred Investment Strategy. On September 7, 2000, the VTA Board adopted a resolution stating that DTEV was VTA's next priority after completion of the currently planned and funded 1996 Measure B Transportation Improvement Program.

On November 7, 2000, voters in Santa Clara County approved the 2000 Measure A, a 30-year, ½-cent sales tax for transit purposes. The sales tax measure included DTEV among the projects described as eligible for funding.

Valley Transportation Plan (VTP) 2020, the countywide transportation plan adopted in December 2000, included the Capitol Expressway Light Rail Project from Alum Rock Station to State Route (SR) 87. However, the expenditure plan identified only the segment to Eastridge to receive funding from the 2000 Measure A sales tax. The extension from Eastridge to SR 87 would be one of seven candidate corridors to be considered as a future light rail corridor. This basic funding concept for the Capitol Expressway Corridor was continued in VTP 2030, the update of VTP 2020, with a slight modification. The extension from Eastridge to Nieman Boulevard was added to the recommended allocation amounts and priorities for the VTP 2030 Program for incorporation into Transportation 2030, the Metropolitan Transportation Commission's long-range regional transportation plan.

VTA certified the Final Environmental Impact Report (EIR) and approved the Capitol Expressway Light Rail Project (CELR) in May 2005. The approved project extends light rail by 3.1 miles along Capitol Expressway from the existing Alum Rock Station to Eastridge Transit Center in its first phase and to Nieman Boulevard in a future phase.

In the 2000 Measure A Revenue and Expenditure Plan approved by the VTA Board of Directors in June 2006, the Eastridge extension was programmed for completion in 2012 and the Nieman extension was programmed for completion in 2024.

VTA has prepared a Final SEIR in accordance with the California Environmental Quality Act (CEQA). The Final SEIR augments the previously certified Final EIR to the extent necessary to address changed conditions and to examine environmental effects, mitigation measures, and design options. Changes to the approved project were proposed as a result of Preliminary Engineering (PE) in order to respond to agency comments, improve operations, minimize right-of-way acquisition, reduce environmental concerns, and lower costs.

DISCUSSION:

Due to the phasing of the Eastridge and Nieman extensions, the Final SEIR does not evaluate changes to the Nieman Extension, which will be reviewed at a later time in a separate SEIR. The major design changes to the Capitol Expressway Light Rail that are the subject of this SEIR are as follows:

- Changes in right-of-way acquisition near Capitol Avenue, Story Road, Ocala Avenue, and Eastridge Transit Center.
- Station design changes at Story Road, Ocala Avenue, and Eastridge Transit Center.
- Shift in the locations of the electrical transmission facilities between Ocala Avenue and Quimby Road.
- Change from a tunnel to an aerial structure at Tully Road.

As revised, the Project alignment will transition to an aerial structure in the vicinity of Capitol Avenue/Capitol Expressway. The alignment will continue on an aerial structure in the median of Capitol Expressway until Story Road where it will transition to an at-grade alignment. North of Tully Road, the light rail will again transition to an aerial structure, which will cross over the southbound lanes of Capitol Expressway and Tully Road to the west side of Capitol Expressway before returning to grade at Eastridge Station.

The initial phase of the Project includes three new stations: (1) Story Road (aerial station with two pedestrian overcrossings); (2) Ocala Avenue (at-grade station with a pedestrian walkway to Cunningham Avenue); and (3) Eastridge Transit Center (at-grade station with a transit center and expanded Park & Ride Lot with 250 spaces). Traction power substations are located on the southwest corner of the Capitol Expressway/Ocala Avenue intersection and at Eastridge Transit Center.

To accommodate light rail with minimal right-of-way acquisition, the Project would require removal of the two High Occupancy Vehicle (HOV) lanes from Capitol Expressway between Capitol Avenue and Quimby Road. Electrical transmission towers between Ocala Avenue and Quimby Road would also need to be relocated.

The Project would also incorporate attractive, urban design elements that include improved pedestrian and bicycle facilities, landscaping, and public art. These urban design elements would transform the corridor from an auto-oriented expressway to a landscaped multi-modal boulevard.

The Notice of Preparation for the Draft SEIR was issued on August 23, 2006, and a Public Scoping Meeting was held on September 6, 2006. The Draft SEIR was released on January 19, 2007. The Notice of Availability (NOA) was advertised in the San Jose Mercury News on January 18, 2007 and the Evergreen Times on January 26, 2007. The NOA was sent to 250 agencies, community organizations, residents, and businesses. Flyers were sent to over 5,000 properties located within 1/8 mile of the corridor. An Open House and Public Meeting was held on February 8, 2007.

The Draft SEIR determined that the Project would have new significant impacts as a result of new information and new guidance for noise and vibration impact assessment. Even with mitigation, the following significant impacts were identified as unavoidable:

- **Energy:** Since the project will increase demand for electricity, the project will have a significant impact on electrical transmission during peak periods due to constraints in California's electrical transmission infrastructure. Until improvements recommended in the California Energy Commission's *2005 Integrated Energy Policy Report* are implemented, this impact is significant and unavoidable.
- **Noise and Vibration from Operations:** As a result of revisions to the Federal Transit Administration's (FTA) guidelines on *Transit Noise and Vibration Impact Assessment* in May 2006 and changes in the operational characteristics of the Project, new significant impacts to noise and vibration were identified. These include 8 severe and 41 moderate noise impacts, which will be mitigated with various noise control measures, such as sound barriers and noise insulation. These also include 26 vibration impacts, which have been determined to be potentially significant and unavoidable at 11 residences even with mitigation of tire-derived aggregate.
- **Noise and Vibration from Construction:** As a result of the pile driving that will be necessary to place the columns for the aerial structure between Capitol Avenue and Story Road, new significant impacts to construction noise and vibration have been identified. FTA's recommended construction noise criteria will be exceeded for more than 3 days at 54 residential buildings and 5 nonresidential buildings. FTA's construction vibration criteria to avoid damage to buildings during pile driving would be exceeded at 43 residential and 1 nonresidential building. Because it is not known whether it will be feasible or reasonable to mitigate these impacts, VTA has determined that these impacts are potentially significant and unavoidable. VTA will conduct building surveys before and after pile driving, and repair any damage attributed to VTA's construction activities.
- **Environmental Justice:** Adverse noise impacts from construction and adverse vibration impacts from operation and construction of the Project will disproportionately affect minority and low-income populations located along the corridor. Therefore, the project has been determined to have a significant and unavoidable impact to environmental justice.
- **Cumulative Effects:** When considered with past, present, and reasonably foreseeable future projects, the project will have a cumulative effect on energy, vibration from operations, and environmental justice.

VTA received 5 written comments and 7 verbal comments on the Draft SEIR from interested individuals, agencies, and organizations. The Final SEIR includes all of the comments received on the Draft SEIR and responses to those comments. All commentors were mailed a copy of the Final SEIR on April 18, 2007.

VTA received comments on the following issues:

- Need for soundwalls in several locations along Capitol Expressway,
- Removal of carpool lanes, and
- Cumulative traffic impacts from planned development.

The actions required to complete the environmental review process and approve the Capitol Expressway Light Rail Project are listed below. Supporting information is provided in the specified attachments.

- Certification of the Final SEIR as adequately addressing the environmental impacts.
- Adoption of Findings of Fact and Statement of Overriding Considerations (Attachment A).
- Adoption of the Mitigation Monitoring and Reporting Program to ensure that the mitigation measures in the Final SEIR are implemented (Attachment B).
- Approval of the revisions to the Project.

ALTERNATIVES:

The VTA Board could decide not to approve the changes to the project and to proceed with the project as approved in May 2005. However, this action would not substantially lessen the significant impacts that were identified in the Final SEIR. These impacts were not a result of the changes themselves, but of new information and new guidance on noise and vibration impact assessment. This action would also increase project costs by \$45 million from \$334 million to \$379 million and delay the schedule by 24 months from 2012 to 2014.

The other alternative is to adopt mitigation for vibration from operations. Significant vibration from operations occurs at 11 locations between 6:00am and 7:00am on weekdays. If these impacts cannot be mitigated by a thicker layer of tire-derived aggregate, the Board could decide to install a specially-designed floating slab trackbed that is estimated to increase project costs by \$1.2 million for a 1600 foot section. Another option is to modify operations (lower speeds, operate fewer than 3 cars per train, or provide less frequent service) that would affect travel time and system efficiency.

No alternatives or mitigation have been identified to substantially lessen significant impacts to energy, and to noise and vibration from pile driving. Impacts to energy cannot be mitigated since they are the result of cumulative conditions that can only be reduced through infrastructure improvements that are outside of VTA jurisdiction. Impacts to noise and vibration from pile driving cannot be mitigated because existing technologies have not been identified that would substantially reduce significant construction noise and vibration.

FISCAL IMPACT:

The Project from Alum Rock to the Eastridge Transit Center is part of the 2000 Measure A Transit Improvement Program approved by voters. In June 2006, the VTA Board adopted a revenue and expenditure plan, which included allocations to CELR to Eastridge for completion by 2012. The project changes evaluated in the Final SEIR are consistent with the cost assumptions in the revenue and expenditure plan.

If the Board does not approve the changes to the project and proceeds with the approved project, costs would be \$45 million greater than programmed.

Please contact the Board
Secretary's Office for
Attachments.