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# Chapter 1

## Executive Summary

### Section 1.1 Why Are We Preparing a Supplemental Environmental Impact Report?

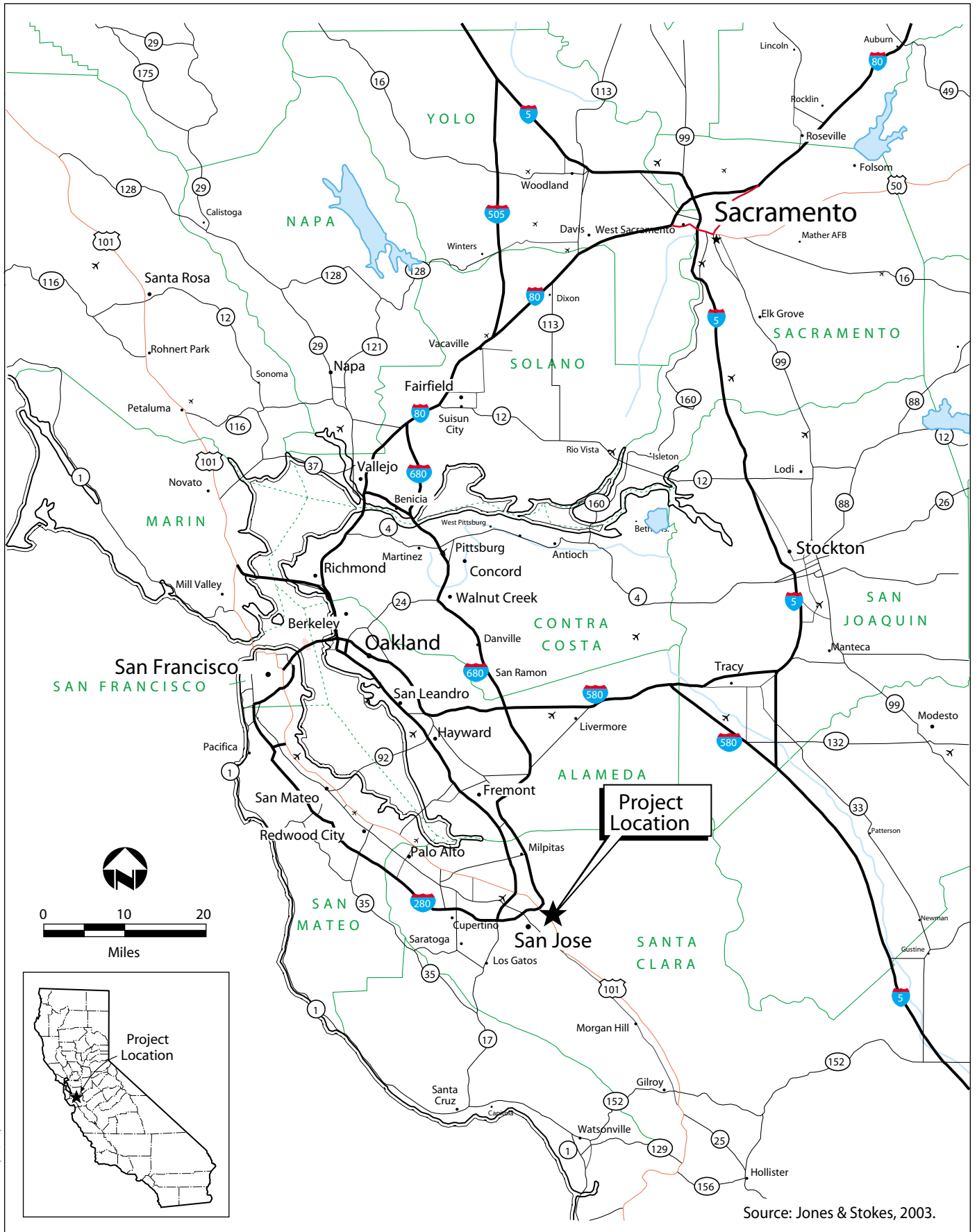
In May 2005, the Santa Clara Valley Transportation Authority (VTA) certified the Final Environmental Impact Report (Final EIR) and approved the Capitol Expressway Light Rail Project (CELR). Following project approval, work began on Preliminary Engineering (PE), which advanced designs to a greater level of detail. During PE, changes to the project were proposed to respond to comments by the City of San Jose, Santa Clara County, and other agencies. In addition, other changes were proposed to improve operations, minimize right-of-way acquisition, reduce environmental concerns, and lower costs.

Under Section 15162(b)(2) of the California Environmental Quality Act (CEQA) Guidelines, the Lead Agency may choose to prepare a supplement to an EIR if only “minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed condition”. Because of the nature of the design changes, VTA determined that additional environmental review would be necessary that would require minor changes to specific sections of the Final EIR. As a result, VTA considered a Supplemental EIR to be the appropriate level of documentation.

### Section 1.2 General Description of the Approved Project

The CELR project is a 3.1 mile extension of light rail along Capitol Expressway in the City of San Jose from the existing Alum Rock Station to Eastridge Transit Center in its first phase and to Nieman Boulevard in a future phase. Figure 1-1 depicts the regional location of the Capitol Expressway Light Rail Corridor.

**Figure 1.1 Regional Location**



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While the Final EIR evaluated an 8.2 mile extension of light rail to State Route (SR) 87, the VTA Board of Directors decided to defer all project-level decisions, including design options and project phasing, on the segment between Nieman Boulevard and State SR 87, until land use and transportation decisions associated with the U.S. 101 Central Corridor Study and Evergreen Smart Growth Strategy have been further developed and approved. As a result, the light rail alignment between Nieman Boulevard and SR 87 is not an approved project and would require additional environmental review and approval before VTA could proceed with implementation.

### **Section 1.3 Proposed Changes to the Approved Project**

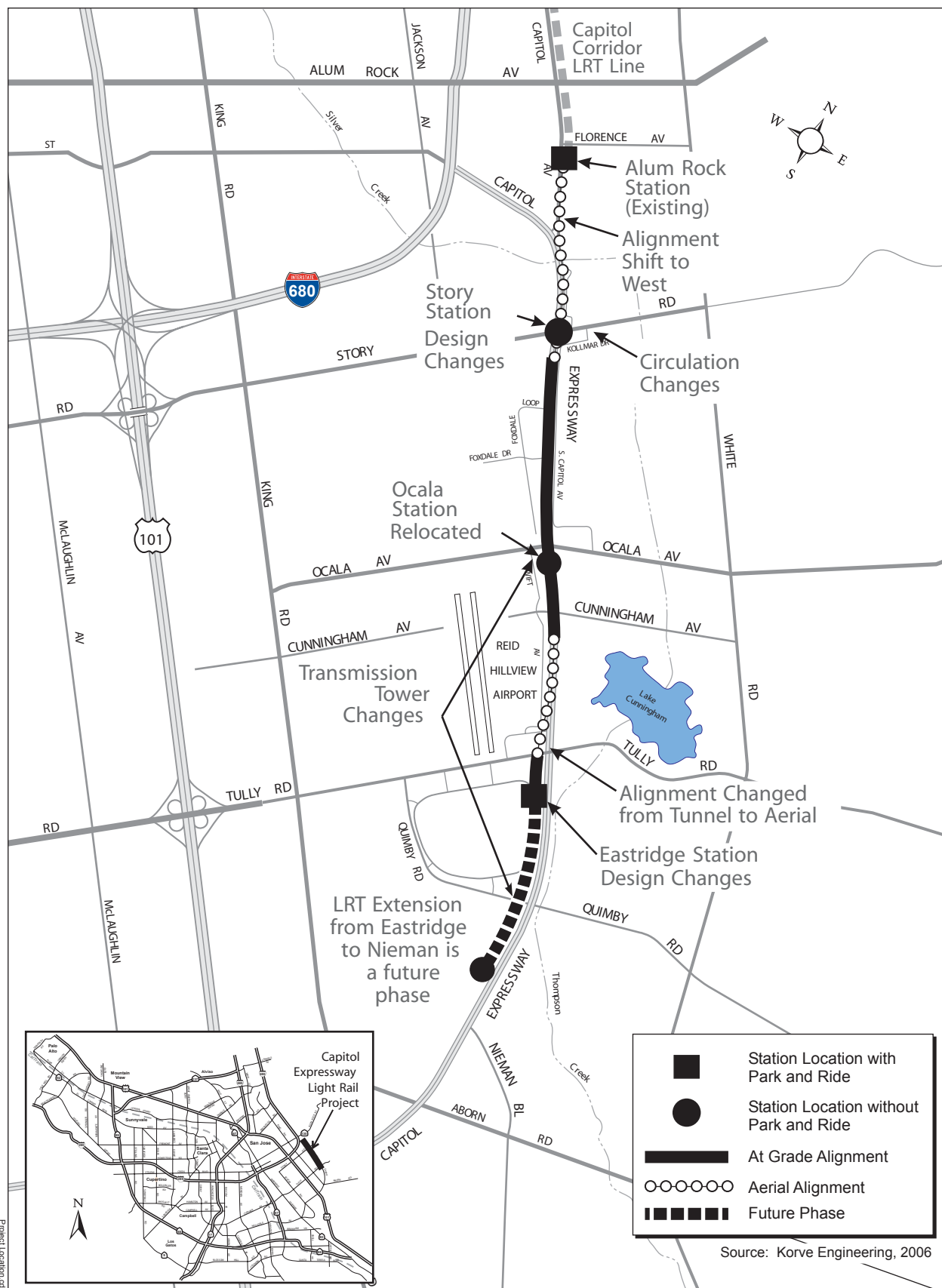
The changes to the approved project are proposed between the Alum Rock Light Rail Station and Quimby Road. According to the 2000 Measure A Revenue and Expenditure Plan approved by the VTA Board of Directors in June 2006, the schedule for design and construction of the light rail alignment between Eastridge Transit Center and Nieman Boulevard has been revised, with revenue service of the Nieman extension planned for 2024. As a result, changes to the Nieman Extension will be addressed at a later time in a separate Supplemental EIR.

The proposed changes to the approved project are illustrated in Figure 1-2 and are described in more detail in Chapter 5. The changes can be summarized 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 cut-and-cover tunnel to an aerial structure at Tully Road.

While the light rail alignment will terminate at Eastridge Transit Center for the initial phase of the project, urban boulevard improvements, the new roadway configuration, and intersection modifications will be included between Eastridge Transit Center and Quimby Road to provide a smooth transition between the 6-lane and 8-lane facility to the south, and to ensure good pedestrian and bicycle access to and from Eastridge Transit Center.

**Figure 1-2 Changes to the Approved Project**



## Section 1.4 Summary of Environmental Impacts

Table 1-1 contains a summary of the significant environmental impacts resulting from the proposed changes to the project as compared to the Final EIR, the mitigation measures to reduce these impacts, and the level of significance if mitigation is reasonable and feasible. A more complete discussion of impacts and mitigation can be found in Chapter 5.

### Significant and Unavoidable Impacts

In the Supplemental EIR, the following new significant and unavoidable impacts were identified

- **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 CELR, new significant impacts to noise and vibration have been identified. These include 8 severe and 41 moderate noise impacts, which will be mitigated with various noise control measures. These also include 26 vibration impacts, which have been determined to be potentially significant and unavoidable at 11 residences even with mitigation.
- **Noise and Vibration from Construction:** As a result of the pile driving that will be necessary to place the columns for the aerial structure, 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, these impacts have been determined to be potentially significant and unavoidable.
- **Environmental Justice:** Since the adverse noise impacts from construction and the adverse vibration impacts from operation and construction of CELR will disproportionately affect minority and low-income populations, 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.

## Mitigation Measures

There have been the following changes to mitigation measures from the Final EIR:

- **TRN-2c: Maintain HOV Lane on Capitol Expressway as an HOV Bypass Lane at Tully Road**

In order to improve the level of mitigation provided, this mitigation measure has been changed from an HOV (carpool) Bypass Lane to a General Purpose Bypass Lane that allows this lane to be used by all vehicles.

- **TRN-8a: Addition of Shared Left-Turn and Through Lane on Capitol Avenue at Capitol Expressway**

Since the Final EIR, this change in geometry at Capitol Avenue and Capitol Expressway was implemented by another project. Based on the Transportation Study for the Supplemental EIR, there is no longer a significant impact at this intersection in 2025 and mitigation is no longer required.

- **CR-5A: Retain Qualified Archaeologist and Native American Archaeologist to Monitor Surface-Disturbing Construction Activities and CR-5b: Develop and Implement a Historic Properties Treatment Plan Prior to Construction Activities**

These mitigation measures were merged and expanded to detail the scope of the Historic Properties Treatment Plan.

**Table 1- 1 Summary of Significant Environmental Effects and Mitigation Measures**

<b>Significant Impact</b>	<b>Mitigation Measures</b>	<b>Level of Significance Final EIR</b>	<b>Level of Significance Supplemental EIR</b>
<i>Transportation</i>			
TRN-2a (Traffic Impact at Capitol Expressway/Story Road in 2010)	No mitigation is feasible	<b>Significant and Unavoidable</b>	<b>Significant and Unavoidable</b>
TRN-2b (Traffic Impact at Capitol Expressway/Ocala Avenue in 2010)	No mitigation is feasible	<b>Significant and Unavoidable</b>	<b>Significant and Unavoidable</b>
TRN-2c (Traffic Impact at Capitol Expressway/Tully Road in 2010)	TRN-2c (Maintain eight lanes on Capitol Expressway at Tully Road intersection)	Less than Significant with Mitigation	Less than Significant with Mitigation
TRN-8a (Traffic Impact at Capitol Expressway/Capitol Avenue in 2025)	TRN-8a (Addition of Shared Left-Turn and Through Lane)	Less than Significant with Mitigation	Less than Significant. <b>No mitigation required.</b>
TRN-8b (Traffic Impact at Capitol Expressway/Story Road in 2025)	No mitigation is feasible	<b>Significant and Unavoidable</b>	<b>Significant and Unavoidable</b>
TRN-8c (Traffic Impact at Capitol Expressway/Ocala Avenue in 2025)	No mitigation is feasible	<b>Significant and Unavoidable</b>	<b>Significant and Unavoidable</b>
TRN-8d (Traffic Impact at Capitol Expressway/Tully Road in 2025)	TRN-2c (Maintain eight lanes on Capitol Expressway at Tully Road intersection)	Less than Significant with Mitigation	Less than Significant with Mitigation
TRN-8e (Traffic Impact at Capitol Expressway/Quimby Road in 2025)	No mitigation is feasible	<b>Significant and Unavoidable</b>	<b>Significant and Unavoidable</b>

<b>Significant Impact</b>	<b>Mitigation Measures</b>	<b>Level of Significance Final EIR</b>	<b>Level of Significance Supplemental EIR</b>
<i>Biological Resources</i>			
BIO-7 (Permanent Loss of Habitat and Disturbance to Species)	BIO-7 (Conduct Preconstruction Surveys for Western Burrowing Owls and Implement Measures to Avoid or Minimize Adverse Effects if Owls Are Present)	Less than Significant with Mitigation	Less than Significant with Mitigation
BIO-8 (Temporary Disturbance of Riparian Forest)	BIO-8a (Conduct Preconstruction Surveys to Identify Environmentally Sensitive Habitat Areas) and BIO-8b (Compensate for Disturbed Riparian Forest)	Less than Significant with Mitigation	Less than Significant with Mitigation
BIO-10 (Temporary Degradation of Water Quality)	BIO-10 (Implement Water Quality Control Measures)	Less than Significant with Mitigation	Less than Significant with Mitigation
BIO-11 (Loss or Disturbance of California Red-Legged Frog Habitat)	BIO-11a (Avoid and Minimize Effects to California Red-Legged Frog) and BIO-11b (Compensate for Loss of Aquatic Habitat for California Red-Legged Frog)	Less than Significant with Mitigation	Less than Significant with Mitigation
BIO-12 (Permanent Loss of Aquatic Habitat, Temporary Disturbance of Riparian Habitat, and Temporary Disturbance of Southwestern Pond Turtle)	BIO-12 (Conduct Preconstruction Surveys for and Implement Measures to Avoid or Minimize Adverse Effects to Southwestern Pond Turtles if Present)	Less than Significant with Mitigation	Less than Significant with Mitigation

<b>Significant Impact</b>	<b>Mitigation Measures</b>	<b>Level of Significance Final EIR</b>	<b>Level of Significance Supplemental EIR</b>
BIO-14 (Temporary Disturbance of Nesting Raptors)	BIO-14a (Conduct a Preconstruction Survey for Nesting Raptors) and BIO-14b (Avoid Active Raptor Nests)	Less than Significant with Mitigation	Less than Significant with Mitigation
BIO-15 (Temporary Disturbance to Nesting Habitat for Migratory Birds)	BIO-15 (Conduct Preconstruction Surveys for Nesting Migratory Birds and Stop Construction until the Young have Fledged or the Nest is Removed in Accordance with CDFG Approval)	Less than Significant with Mitigation	Less than Significant with Mitigation
BIO-18 (Loss of Trees)	BIO-18a (Conduct a Tree Survey) and BIO-18b (Replace Trees)	Less than Significant with Mitigation	Less than Significant with Mitigation
<i>Cultural Resources</i>			
CR-5 (Direct or Indirect Impacts to an Archaeological Resource)	CR-5a (Develop and Implement a Historic Properties Treatment Plan Prior to Construction Activities)	Less than Significant with Mitigation	Less than Significant with Mitigation
<i>Energy</i>			
E-9 (Increase Demand on Electricity Transmission Infrastructure)	No Mitigation is Feasible	No impact	<b>Significant and Unavoidable</b>

<b>Significant Impact</b>	<b>Mitigation Measures</b>	<b>Level of Significance Final EIR</b>	<b>Level of Significance Supplemental EIR</b>
<i>Environmental Justice</i>			
EJ-1 (Result in disproportionately high and adverse health or environmental effects on minority and low-income populations related to NV-4, NV-Con-2, NV-Con-3, NV-Cum-4)	No Mitigation is Feasible	No impact	<b>Significant and Unavoidable</b>
<i>Geology, Soils, and Seismicity</i>			
GEO-4 (Risk Caused by Strong Seismic Ground Shaking)	GEO-4 (Incorporate Caltrans Seismic Design Criteria)	Less than Significant with Mitigation	Less than Significant with Mitigation
GEO-5 (Risk Caused by Seismic-Related Ground Failure, Including Liquefaction)	GEO-5 (Incorporate Liquefaction Minimization Methods)	Less than Significant with Mitigation	Less than Significant with Mitigation
GEO-6 (Risks from Lateral Spreading, Subsidence, and Collapse)	GEO-6 (Minimize Risk of Lateral Spreading, Subsidence, and Collapse)	Less than Significant with Mitigation	Less than Significant with Mitigation
GEO-7 (Risk Caused by Expansive Soil)	GEO-7 (Minimize Risk of Soil Expansivity)	Less than Significant with Mitigation	Less than Significant with Mitigation

<b>Significant Impact</b>	<b>Mitigation Measures</b>	<b>Level of Significance Final EIR</b>	<b>Level of Significance Supplemental EIR</b>
<i>Hazardous Materials</i>			
HAZ-9 (Hazard Caused by the Release of Hazardous Materials)	HAZ-9a (Conduct Subsurface Investigations in Areas that may be Contaminated) and HAZ-9b (Control Contamination)	Less than Significant with Mitigation	Less than Significant with Mitigation
<i>Hydrology and Water Quality</i>			
HYD-11 (Violation of Water Quality Standards or Waste Discharge Requirements)	HYD-11 (Comply with Water Quality Control Regulations and Permit Programs)	Less than Significant with Mitigation	Less than Significant with Mitigation
HYD-12 (Creation of Additional Runoff)	HYD-12 (Maintain Operational Water Quality)	Less than Significant with Mitigation	Less than Significant with Mitigation
HYD-14 (Exposure to Flood Hazards)	HYD-14 (Minimize Flood Impacts)	Less than Significant with Mitigation	Less than Significant with Mitigation
<i>Noise and Vibration</i>			
NV-1 (Noise Levels from Transit Operations that Exceed FTA Criteria for a Severe Impact)	NV-1a (Construct Soundwalls) and NV-1b (Provide Noise Insulation)	No Impact	<b>Less than Significant with Mitigation</b>
NV-4 (Vibration Levels from Transit Operations that Exceed FTA Criteria for a Severe Impact)	NV-4a (Consider Followup Vibration Mitigation Assessments), NV-4b (Use Vibration Dampening Track Construction Materials), and NV-4c (Review Modifications to Light Rail Operations)	No Impact	<b>Significant and Unavoidable</b>

<b>Significant Impact</b>	<b>Mitigation Measures</b>	<b>Level of Significance Final EIR</b>	<b>Level of Significance Supplemental EIR</b>
<i>Safety and Security</i>			
SS-3 (Pedestrian and/or Bicycle Safety Risks at Gated Crossings)	SS-3 (Incorporate Pedestrian-Friendly Features)	Less than Significant with Mitigation	Less than Significant with Mitigation
SS-4 (Inadequate Lighting or Visual Obstructions at Park-and-Ride Lots)	SS-4a (Implement Measures to Deter Crime), SS-4b (Use Lighting, Cameras, and Security Patrols to Enhance Safety), and SS-4c (Define Fire and Life Safety Procedures and Develop Evacuation Plans)	Less than Significant with Mitigation	Less than Significant with Mitigation
<i>Socioeconomics</i>			
SOC-16 (Displacement of Existing Businesses or Housing)	SOC-16a (Comply with Legislation for Acquisition and Relocation) and SOC-16b (Inform Residents and Businesses of Project Status)	Less than Significant with Mitigation	Less than Significant with Mitigation
<i>Utilities</i>			
UTIL-3 (Require Construction of New Stormwater Drainage Facilities or Expansion of Existing Facilities)	HYD-14 (Maintain Operational Water Quality)	Less than Significant with Mitigation	Less than Significant with Mitigation
<i>Visual Quality</i>			
VQ-1 (Creation of Substantial Light or Glare)	VQ-1 (Minimize Light and Glare)	Less than Significant with Mitigation	Less than Significant with Mitigation

<b>Significant Impact</b>	<b>Mitigation Measures</b>	<b>Level of Significance Final EIR</b>	<b>Level of Significance Supplemental EIR</b>
VQ-3 (Degradation of Existing Visual Quality)	VQ-3 (Involve Public in Station Design) and VQ-4 (Incorporate Landscaping)	Less than Significant with Mitigation	Less than Significant with Mitigation
<i>Construction</i>			
TRN-1 (Long-Term Street or Lane Closure)	TRN-2a (Prepare Traffic Management Plan), TRN-2b (Inform Public of Traffic Detours), TRN-2c (Inform Public of Transit Service Changes)	Less than Significant with Mitigation	Less than Significant with Mitigation
TRN-2 (Long-Term Loss of Parking or Access Essential for Business Operations)	TRN-2a (Prepare Traffic Management Plan), TRN-2b (Inform Public of Traffic Detours), TRN-2c (Inform Public of Transit Service Changes)	Less than Significant with Mitigation	Less than Significant with Mitigation
AQ-1 (Increase in Construction-Related Emissions)	AQ-1 (Implement Dust and Emission Control Measures)	Less than Significant with Mitigation	Less than Significant with Mitigation
CS-1 (Disruption of Emergency Access)	CS-1 (Coordinate with Emergency Service Providers)	Less than Significant with Mitigation	Less than Significant with Mitigation
E-1 (Wasteful Consumption of Nonrenewable Energy Resources)	E-1 (Adopt Energy Conservation Measures)	Less than Significant with Mitigation	Less than Significant with Mitigation
GEO-1 (Lateral Spreading, Subsidence, and Collapse)	GEO-1 (Minimize Lateral Spreading, Subsidence, and Collapse)	Less than Significant with Mitigation	Less than Significant with Mitigation

<b>Significant Impact</b>	<b>Mitigation Measures</b>	<b>Level of Significance Final EIR</b>	<b>Level of Significance Supplemental EIR</b>
GEO-2 (Presence of Expansive Soil)	GEO-2 (Minimize Risk of Soil Expansivity)	Less than Significant with Mitigation	Less than Significant with Mitigation
HAZ-1 (Release of Hazardous Materials into the Environment)	HAZ-1a (Conduct Subsurface Investigations), HAZ-1b (Control Contamination), HAZ-1c (Conduct Lead and Asbestos Surveys prior to Building Demolition or Renovation)	Less than Significant with Mitigation	Less than Significant with Mitigation
HYD-1 (Impair Water Quality)	HYD-1 (Implement Water Quality Control Measures)	Less than Significant with Mitigation	Less than Significant with Mitigation
HYD-2 (Depletion of Groundwater Supplies)	HYD-2 (Use Non-Potable Water)	Less than Significant with Mitigation	Less than Significant with Mitigation
HYD-13 (Alterations in Existing Drainage Patterns)	HYD-1 (Implement Water Quality Control Measures)	Less than Significant with Mitigation	Less than Significant with Mitigation
NV-1 (Generate Noise and Vibration)	NV-1a (Notify Residents of Construction Activities), NV-1b (Construct Temporary Noise Barriers During Construction), NV-1c (Restrict Pile Driving), NV-1d (Use Noise Suppression Devices), NV-1e (Locate Stationary Construction Equipment as Far as Possible from Sensitive Receptors), NV-1f (Reroute Construction-Related Truck Traffic), NV-1g (Develop Construction Noise Mitigation Plan)	Less than Significant with Mitigation	Less than Significant with Mitigation

<b>Significant Impact</b>	<b>Mitigation Measures</b>	<b>Level of Significance Final EIR</b>	<b>Level of Significance Supplemental EIR</b>
NV-2 (Generate Noise from Pile Driving)	NV-2 (Develop Construction Noise Mitigation Plan For Pile Driving Activities)	Less than Significant with Mitigation	<b>Significant and Unavoidable</b>
NV-3 (Generate Vibration from Pile Driving)	NV-3 (Develop Construction Vibration Mitigation Plan For Pile Driving Activities)	Less than Significant with Mitigation	<b>Significant and Unavoidable</b>
SS-1 (Safety Risks During Construction)	SS-1 (Implement Construction Best Management Practices)	Less than Significant with Mitigation	Less than Significant with Mitigation
UTL-1 (Disruption of Utility Service)	UTL-1 (Coordinate with Utility Providers)	Less than Significant with Mitigation	Less than Significant with Mitigation
VQ-1 (Creation of New Source of Light or Glare)	VQ-1 (Direct Lighting Toward Construction Area)	Less than Significant with Mitigation	Less than Significant with Mitigation
<i>Cumulative Effects</i>			
See Transportation			
E-Cum-9 (Increase Demand on Electricity Transmission Infrastructure)	No Mitigation is Feasible	No impact	<b>Significant and Unavoidable</b>
See Environmental Justice			
See Noise and Vibration			
NV-Cum-2 (Generate Noise from Pile Driving) NV-Cum-3 (Generate Vibration from Pile Driving)	NV-Cum-2 and NV-Cum-3 (Coordinate activities with other construction projects where feasible and reasonable)	No impact	<b>Less than Significant with Mitigation</b>

