

## CHAPTER 4.0: REVISIONS TO THE DRAFT EIS/EIR

This chapter contains the revisions to the Draft EIS/EIR, which are included in Volume I of the Final EIR. Text that has been deleted from the draft document is shown ~~with a red line through the deleted text~~. Text that has been added is shown with **bold red type**. The locations of the revisions are indicated by the headings, subheadings, paragraph numbers, page numbers, or other reference to assist the reader in locating the changes in Volume I. Where a revision is in response to a comment, it has been noted. Typographical errors identified during the public review period have been corrected in Volume I but are not reprinted in this chapter.

### 4.1 REVISIONS TO CHAPTER 1.0, EXECUTIVE SUMMARY

Section 1.1, Executive Summary, the first paragraph has been revised and a fourth paragraph has been added to reflect that subsequent to the public review period for the Draft EIS/EIR, VTA choose to pursue federal and state environmental clearance of the project on independent paths. Therefore, the Executive Summary includes edits to reflect the change in document type from an EIS/EIR to an EIR only. Minor edits are not reprinted in this chapter.

The ~~Federal Transit Administration (FTA) and the~~ Santa Clara Valley Transportation Authority (VTA) ~~has have~~ prepared this Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) in accordance with the ~~National Environmental Policy Act (NEPA) and the~~ California Environmental Quality Act (CEQA). The Final EIR EIS/EIR addresses the environmental impacts resulting from has been developed for the proposed San Francisco Bay Area Rapid Transit (BART) Extension to Milpitas, San Jose, and Santa Clara in the Silicon Valley Rapid Transit Corridor (SVRTC).

It should be noted that this EIR was initially written as a combined federal/state document (Environmental Impact Statement/Environmental Impact Report [EIS/EIR]) in accordance with the requirements of the National Environmental Policy Act and the California Environmental Quality Act. However, subsequent to the public review period for the Draft EIS/EIR, VTA choose to pursue federal and state environmental clearance of the project on independent paths. Therefore, this Final EIR contains information that is applicable to the federal environmental review process. The Final EIS, to be completed at a later date, will require Federal Transit Administration review and approval.

Section 1.4.3, BART Extension Alternative, the last sentence has been revised to clarify that there are two options for the potential future connection of the BART Alternative with the Norman Y. Mineta San Jose International Airport:

The Santa Clara Station also has options for a pedestrian overcrossing or undercrossing connecting with the existing Caltrain station. An at-grade or lowered vertical profile option has been developed to accommodate a potential future connection to the Norman Y. Mineta San Jose International Airport (SJIA).

In response to comments R6.4, L3.13, L4.19, L5.3, P30.23, and P60.4, various parts of Table 1.5-1, Summary of Long-Term Impacts, Design Requirements/Best Management Practices, and Proposed Mitigation Measures, and Table 1.5-2, Summary of Construction Impacts, Design Requirements/Best Management Practices, and Proposed Mitigation Measures, have been revised. As these tables include summarized information, applicable sections of the EIR have also been revised based on these comments. The tables have also been revised to reflect updated information.

**Table 1.5-1: Summary of Long-Term Impacts, Design Requirements/Best Management Practices, and Proposed Mitigation Measures**

Impact Category	No-Action Alternative	New Starts Baseline Alternative	BART Extension Alternative
Transportation and Transit	<p><u>Impacts:</u> Increased transit use from corridor growth and planned projects. Traffic growth would cause increased congestion on most freeways, with unacceptable levels of service at half of study intersections.</p>	<p><u>Impacts:</u> Beneficial effects; 6,800 new transit trips would result in 2025. Average travel time improvement on selected transit trips would be less than two minutes. Traffic growth from other sources would cause increased congestion on most freeways, with unacceptable level of service at half of study intersections.</p> <p><u>Mitigation Measures:</u> None required.</p>	<p><u>Impacts:</u> Beneficial effects; 39,000 new transit trips would result, with 78,000 new BART boardings in 2025. Average travel time improvement on selected transit trips would be 14 minutes. Improved pedestrian and bicycle facilities would be provided. Parking demand at BART Core System stations would be accommodated with additional parking facilities. 30 of 121 intersections would have more congestion in 2025; 22 of 29 freeway segments would have less congestion; increases in congestion on the remaining seven segments would be slight.</p> <p><u>Design Requirements/Best Management Practices:</u> VTA will continue to coordinate with agencies, cities and communities to develop parking policies and programs as appropriate. BART and VTA guidelines will be used to provide bicycle parking facilities.</p> <p><u>Mitigation Measures:</u> Addition of through and/or turning lanes to improve intersection level of service. Impacts at 13 intersections can be mitigated; mitigation is not feasible for 17 intersections. <u>However, VTA will provide a fair share contribution to traffic improvements at these locations - --Great Mall Parkway and Abel Street, Milpitas Boulevard and Montague Expressway, Landess Avenue and Dempsey Road, Oakland Road and Brokaw Road, McKee Road and King Road, San Carlos Street and Almaden Boulevard, San Carlos Street and Market Street, Park Avenue and Race Street, Auzerais Avenue and Delmas Avenue, El Camino Real and San Tomas Expressway, Lafayette Street and Central Expressway, Homestead Road and Monroe Street, and Monroe Street and San Tomas Expressway. In addition, if the South Calaveras Future Station were constructed, the following intersections would also be impacted - --Calaveras Boulevard and Abel Street, Calaveras Boulevard and Milpitas Boulevard, and Milpitas Boulevard and Jacklin Road. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the County of Santa Clara and cities of Milpitas, San Jose, and Santa Clara, as applicable, to develop agreements at the time that the mitigation is required.</u></p>
Biological Resources: Special Status Species	<p><u>Impacts:</u> No impacts anticipated.</p>	<p><u>Impacts:</u> Up to 13 acres of suitable habitat for Congdon’s tarplant and 13 acres for Western burrowing owl would be affected. Habitat losses could affect Cooper’s hawk, white-tailed kite, and various bat species. Possible effects on loggerhead shrike from loss of grassland.</p> <p><u>Mitigation Measures:</u> Species-specific mitigation measures will be determined through pre-construction surveys and, finalized if necessary, in consultation with USFWS, NOAA Fisheries, and the California</p>	<p><u>Impacts:</u> Up to 14.9 acres of suitable habitat for Congdon’s tarplant and <del>15.6</del><sup>14.9</sup> acres for burrowing owl would be affected. In addition, 2.6 acres of Central Coast Cottonwood Sycamore riparian forest (riparian corridor) would be affected, resulting in potential impacts to California red-legged frog, southwestern pond turtle, Cooper’s hawk, white-tailed kite, non-special status raptors, swallows, and various bat species. Sub-optimal habitat for Chinook salmon and steelhead may be affected by construction of the Parking Structure Southwest and Northeast Options for the Berryessa Station and the Railroad/28<sup>th</sup> Street Option for the Alum Rock Station. Possible effects on loggerhead shrike from loss of grassland.</p> <p><u>Design Requirements/Best Management Practices:</u> To the maximum extent practicable, keep construction activities and facilities outside aquatic/riparian habitat to avoid impacts to steelhead and Chinook salmon fisheries. Tunneling under Coyote Creek and the</p>

**Table 1.5-1: Summary of Long-Term Impacts, Design Requirements/Best Management Practices, and Proposed Mitigation Measures**

Impact Category	No-Action Alternative	New Starts Baseline Alternative	BART Extension Alternative
		<p>Department of Fish and Game (CDFG) to minimize harm to and ensure the continuation of special status species.</p> <p>No compensatory mitigation required for impacts to loggerhead shrike habitat.</p>	<p>Guadalupe River will avoid impacts to fisheries. Best management practices may be stipulated as conditions of the 401 and 404 permit and CDFG Streambed Alteration Agreement.</p> <p><u>Mitigation Measures:</u> Mitigation measures to minimize harm to and ensure the continuation of special status species will be determined through pre-construction surveys for the species and, if necessary, formulated through consultations with USFWS, National Oceanic and Atmospheric Administration (NOAA Fisheries), and CDFG.</p> <p>No mitigation required for impacts to loggerhead shrike habitat.</p>
<p>Cultural and Historic Resources</p>	<p><u>Impacts:</u> No impacts anticipated.</p>	<p><u>Impacts:</u> Zones of moderate archaeological sensitivity identified in vicinity of busway connectors.</p> <p><u>Mitigation Measures:</u> Subsurface trenching will be conducted in select areas along the Warm Springs Station to I-880 connector and along the Montague Expressway to I-880 connector. If a significant, buried archaeological deposit is encountered, subsequent controlled subsurface excavations will be completed.</p>	<p><u>Impacts:</u> Eight prehistoric and historic archaeological sites are recorded within the archeological Area of Potential Effect (APE). In addition to the recorded sites, there are numerous other locations where archaeological resources may lie within the APE. Zones of high and moderate archaeological sensitivity were identified in each of the five BART Alternative segments.</p> <p>Entrance elevator, bike parking, and ventilator shaft options at the Market Street Station would have an adverse effect on one historic property, depending on the options selected. Two of the three pedestrian linkage options at the Santa Clara Station would have an adverse effect on one historic property.</p> <p><u>Design Requirement/Best Management Practices:</u> Continue to coordinate with historic preservation interests, including owners of historic properties potentially affected by the project, throughout the Final Design and construction phases of the project, and ensure the dissemination of information to all interested and affected parties in a timely manner regarding anticipated construction activities.</p> <p><u>Mitigation Measures:</u> A Memorandum of Agreement (MOA) and supporting Cultural Resources Treatment Plan (CRTP) will be developed for the archaeological sites in consultation with the Native American community, Hispanic historical organizations, appropriate city and county historic preservation bodies, SHPO, and ACHP. Mitigation measures may include subsurface excavations, focused archival research, site protection, on-site monitoring, following procedures in CRTP, curation, and public interpretation.</p> <p>Mitigation measures for the historic properties will be set forth in a MOA to be executed with ACHP, SHPO, and appropriate city and county historic preservation bodies. Mitigation measures may include <u>avoidance</u>, design standards and guidelines, protective measures, recordation, interpretive display, and opportunities for salvage.</p>

**Table 1.5-2: Summary of Construction Impacts, Design Requirements/Best Management Practices, and Proposed Mitigation Measures**

Impact Category	No-Action Alternative	New Starts Baseline Alternative	BART Extension Alternative
Hazardous Waste	<p><u>Impacts:</u> No impacts anticipated.</p>	<p><u>Impacts:</u> Possible worker exposure to small amount of contaminated soil.</p> <p>Evaporation of volatile organic compounds (VOCs) upon excavation and exposure to ambient air.</p> <p>Possible surface water contamination due to rainwater runoff, contaminated soil, spilled hazardous materials, or spills of untreated contaminated groundwater generated during dewatering.</p> <p><u>Design Requirements/Best Management Practices:</u> Train personnel in HAZWOPER per the OSHA. Develop and implement worker health and safety plan. Segregate soil according to contaminant and follow proper disposal procedures. Spray soil with dust control water or other dust palliatives. Notify emergency response teams when hazardous materials or wastes are or are not present on-site.</p> <p>Minimize amount of hazardous materials at construction sites. Adhere to conditions of General Construction Permit including a Storm Water Pollution Prevention Plan (SWPPP). Periodically inspect sites to identify releases.</p> <p><u>Mitigation Measures:</u> Characterize soil contaminant levels before excavation.</p> <p><a href="#">Comply with the "Site Management Plan Former Ford Automobile Assembly Plant Formerly 1100 South Main Street Milpitas, California" (SMP) and RWQCB requirements for ongoing and future development activities at the Great Mall.</a></p>	<p><u>Impacts:</u> Possible worker exposure to existing contamination from both near-surface and deeper soil.</p> <p>Evaporation of VOCs upon excavation and exposure to ambient air.</p> <p>Possible worker exposure to asbestos, PCBs, and lead in renovation or demolition of structures.</p> <p>Possible worker contact with contaminated groundwater including chlorinated solvents, heavy metals, and petroleum hydrocarbons.</p> <p>Possible surface water contamination due to rainwater runoff, contaminated soil, spilled hazardous materials, or spills of untreated contaminated groundwater generated during dewatering.</p> <p><u>Design Requirements/Best Management Practices:</u> Train personnel in HAZWOPER per OSHA. Develop and implement worker health and safety plan. Segregate soil according to contaminant and follow proper disposal procedures. Spray soil with dust control water or other dust palliatives. Notify emergency response teams when hazardous materials or wastes are or are not present on-site.</p> <p>Follow proper handling procedures for asbestos, lead-based paint, lighting ballasts containing PCBs, or other hazardous materials built into existing structures.</p> <p>Employ HAZWOPER-trained personnel using site-specific health and safety plan and personal protective equipment.</p> <p>Minimize amount of hazardous materials at construction sites. Adhere to conditions of General Construction Permit including a SWPPP. Periodically inspect sites to identify releases.</p> <p><u>Mitigation Measures:</u> During Final Design, a Phase Two site assessment will be performed for areas where hazardous material contamination is anticipated. Prior to the start of excavation, a detailed characterization of soil contamination levels in all soil to be excavated will be performed. The detailed characterization will serve to identify the lateral and vertical extent of contamination, characterize contaminated material for disposal, evaluate all chemicals of concern in each area, and determine the potential for any health and safety effects and the remediation requirements per local, state, and federal regulations.</p> <p>Best management practices for hazardous materials encountered during demolition or renovation operations of existing structures will focus on proper handling of hazardous building materials, such as asbestos, lead-based paint, or lighting ballasts containing PCBs. Prior to the start of demolition, properly certified personnel will perform a detailed evaluation of building materials to determine if any hazardous materials are present. The evaluation will identify suspect building materials and samples will be collected and analyzed for the presence of hazardous materials of concern.</p> <p>If at least 100 square feet of hazardous materials are found to have asbestos content of</p>

**Table 1.5-2: Summary of Construction Impacts, Design Requirements/Best Management Practices, and Proposed Mitigation Measures**

Impact Category	No-Action Alternative	New Starts Baseline Alternative	BART Extension Alternative
			<p>more than 0.1 percent, abatement must be performed by a certified California Asbestos Contractor (Title 8 CCR Section 1529). Asbestos abatement includes proper personal protective equipment for workers and negative pressure to prevent the emission of fibers. Also, asbestos levels in worker breathing zones must be maintained below permissible exposure limits defined by OSHA. Abatement of other hazardous building materials is usually performed at the same time as asbestos abatement. Through the adoption of these mitigation measures, the net impact of hazardous materials encountered in demolition or renovation operations can be reduced to near zero.</p> <p>As with soil contamination, groundwater contaminant levels in each area will be characterized and this information will be used to design groundwater treatment systems for use during project construction. Both the ACFWCD and the SCVWD require permits for monitoring well installation.</p> <p>Contaminated groundwater collected during dewatering will be treated prior to discharge under an appropriate discharge permit. A site-specific NPDES permit or a functionally equivalent permit will be required.</p> <p>Measures will be taken to ensure that the volume of water discharged does not overwhelm the water drainage system, especially in storm drains or sewer pipes. Treatment necessary before discharge and other measures to mitigate impacts will be consistent with regulatory agency input and consolidation.</p> <p><a href="#">Comply with the "Site Management Plan Former Ford Automobile Assembly Plant Formerly 1100 South Main Street Milpitas, California" (SMP) and RWQCB requirements for ongoing and future development activities at the Great Mall.</a></p>
Utilities	<p><u>Impacts:</u> No impacts anticipated.</p>	<p><u>Impacts:</u> No impacts anticipated.</p> <p><u>Design Requirements/Best Management Practices:</u> Coordinate with utility providers during construction to minimize utility conflicts. Detailed plans will be submitted to utility providers for review and comment prior to any utility relocation work. Utility disruptions will be short-term and carefully scheduled with advance notice to customers.</p>	<p><u>Impacts:</u> Relocation and disturbance of utilities resulting in <del>possible</del> disruption of service.</p> <p><u>Design Requirements/Best Management Practices:</u> Coordinate with utility providers during construction to minimize utility conflicts. Detailed plans will be submitted to utility providers for review and comment prior to any utility relocation work. Utility disruptions will be short-term and carefully scheduled with advance notice to customers.</p> <p><u>Mitigation Measures:</u> Underground utilities that do not need to be relocated either temporarily or permanently will be uncovered and reinforced, if necessary, and supported in place during construction by hanging from support beams spanning across the excavation.</p> <p>It is anticipated that the recently constructed 72-inch trunk sanitary sewer line near the center of 6<sup>th</sup> Street in San Jose will be supported in place during construction, rather than being relocated. The support could be a temporary overhead bridge with suspended cables, or a permanent beam under the pipe spanning the BART subway. Alternatively, a detour or "shoo-fly" could be constructed adjacent to the pipe while the subway is excavated, and the pipe replaced after the subway is complete. The precise method will be investigated during later design stages of the project.</p>

Section 1.9.1, Public Circulation of Draft EIS/EIR, the section has been revised to provide updated information. Language applicable to the EIS remains.

The ~~Draft EIS/EIR is environmental document will bewas~~ circulated for public comments for a period of 60 days, beginning March 16, 2004 and ending May 14, 2004. Public hearings ~~will bewere~~ held on April 12, 14, and 19, and May 10, 2004 at the locations noted below to take comments from interested parties and the public regarding the alternatives, impacts, and proposed mitigation measures. The times and locations of the public hearings ~~will bewere~~ announced in direct mailings, in display advertisements in local newspapers of general circulation in the SVRTC, and in the Federal Register. All substantive comments received in writing prior to the close of the public comment period or entered into the public record at the public hearings ~~will have include a~~ written responses in Volume II of the Final EIS/EIR. ~~Written comments should be sent to the individual identified on the title page of this document.~~ VTA and FTA will consider all of the public comments in concert with the information presented in this document prior to approval of a Preferred Investment Strategy/Locally Preferred Alternative for the SVRTC.

The times and locations of the public hearings ~~are were~~:

Santa Clara Public Hearing  
April 12, 2004  
6:00 – 8:00 p.m.  
Santa Clara Senior Center  
1303 Fremont Street  
Santa Clara, CA

San Jose Public Hearings  
April 14, 2004 and May 10, 2004  
6:00 – 8:00 p.m.  
First Methodist United Church  
24 North 5<sup>th</sup> Street  
San Jose, CA

Milpitas Public Hearing  
April 19, 2004  
6:00 – 8:00 p.m.  
Joseph Weller Elementary  
School  
345 Boulder Street  
Milpitas, CA

Section 1.9.2, Preferred Investment Strategy/Locally Preferred Alternative, the section has been revised to provide updated information. Language applicable to the EIS remains:

As previously stated, the VTA Board of Directors selected the BART Extension to Milpitas, San Jose, and Santa Clara (BART Alternative) as the Preferred Investment Strategy/Locally Preferred Alternative for the SVRTC following completion of a MIS/AA in November 2001. Multiple alignment and station options for the BART Alternative are currently being considered in the ~~Draft~~ EIS/EIR. Furthermore, a No-Action Alternative and a Baseline Alternative are being evaluated in comparison to the BART Alternative.

The ~~Draft~~ EIS/EIR alternatives and associated design options were developed to provide the policy-makers and the public with information of how different project components would affect the environment. As a result, the policy-makers could select the alternatives/design options for the Preferred Investment Strategy/Locally Preferred Alternative based on information provided in the ~~Draft~~ EIS/EIR. A decision on the alternatives/design options to be included in the Preferred Investment Strategy/Locally Preferred Alternative would be made between the publication of the Draft and Final EIS/EIR. The public ~~will would have had~~ the opportunity to comment on the alternatives/design options at four CWG meetings and ~~three-four p~~Public ~~h~~Hearings ~~to be~~ held during the circulation of the Draft ~~EIS~~R/EIR. Once the Preferred Investment Strategy/Locally Preferred Alternative ~~is was~~ identified and approved, the Final EIS/EIR ~~was would be~~ prepared ~~and circulated~~.

On Wednesday, May 26, 2004, after the circulation of the Draft EIS/EIR, the PAB approved the selection of recommended alignment and station options for the refinement of the Preferred Investment Strategy/Locally Preferred Alternative. The recommended alternatives/design options

are included in the Locally Preferred Alternative for the Final EIS/EIR. The refined Locally Preferred Alternative is described in Volume II, Chapter 2.0, Recommended Project.

After the VTA Board of Directors certifies the EIR and approves the project, ~~and certifies the EIR~~ the FTA would issue a Record of Decision on the EIS. The Record of Decision is a separate document from the EIS itself. This document states the decision, states the reasons for the decision, identifies all alternatives, identifies all adopted mitigation measures, and states compliance with applicable laws.

## 4.2 REVISIONS TO CHAPTER 2.0, INTRODUCTION

In response to comment R1.4, Section 2.4.2, Associated Needs, the part under Existing Transportation System and Deficiencies, second to last paragraph, the first sentence has been revised:

Table 2.4-5 illustrates population and employment growth within the entire SVRTC from 2000 to 2025, as forecast by Association of Bay Area Governments (ABAG).

## 4.3 REVISIONS TO CHAPTER 3.0, ALTERNATIVES

Table 3.2-1, VTA Bus and LRT Services, has been revised to show that the Monday through Friday service for limited stop bus routes is six, not zero:

<b>Service</b>	<b>Total Routes</b>	<b>Monday - Friday</b>	<b>Saturday</b>	<b>Sunday</b>
Local Bus Routes	56	55	48	41
Limited Stop Bus Routes	6	<del>0</del> 6	0	0
Express Bus Routes	11	10	2	2
Light Rail Transit	3	3	3	3
Inter-County Bus Service	2	2	0	0

*Source: VTA, effective July 2002.*

In response to comment F1.3, Section 3.2.1.2, Regional Transportation Plan Improvements through 2025, the second paragraph has been added to further clarify the relationship between the BART Extension to Warm Springs and SVRTC projects:

The BART Extension from Fremont to Warm Springs (BART Extension to Warm Springs) Project is one of the projects in the RTP. The project was approved by the BART Board of Directors in 1992 after several years of recognition as a project by state and regional agencies. Modifications and updates to the project were approved by the BART Board in 2003. The approval of the project was based on the purpose and need of alleviating traffic congestion, improving air quality and reducing energy consumption related to travel demand within BART's service area. The project has logical termini. The terminus at Fremont connects the project to the existing BART system, and the terminus at Warm Springs was directed by state legislation (S.B. 1715) and established by the 1992 project approval. The BART Extension to Warm Springs Project is not related to, or dependent on, the approval or construction of the SVRTC.

In response to comment P30.2, Section 3.4.1.1, Alignment, the fifth to the last paragraph has been revised to clarify the UPRR lead track relocation in the Great Mall area:

South of Curtis Avenue (Figures A-19 and A-20), the BART alignment would descend into a retained cut 16 to 20 feet deep to allow a UPRR freight lead track to cross over the BART line on

a 440-foot-long bridge and gain access to several major industries south of the UPRR Milpitas Yard and east of the ROW. To accommodate this UPRR lead track, approximately 20 feet of additional ROW would need to be acquired from the easternmost portion of the Great Mall Shopping Center and the Parc Metropolitan condominium complex, including a park area to be dedicated to the City of Milpitas (Section 3.7.3). The UPRR lead track would need to be relocated up to 22 feet to the west to accommodate the BART alignment. The 20-foot-wide strip of land acquired to accommodate the lead track and construction of the retained cut would continue for approximately 1,800 feet along Great Mall Drive until the lead track crossed over the BART alignment near the southeast corner of the existing parking structure. At that point, a 20-foot-wide strip extending south for 800 feet would be acquired on the eastern side of the ROW.

Section 3.4.1.2, Station Locations, the second to the last paragraph has been revised to correct the acreage:

Vehicular access would occur from Milpitas Boulevard on the northeast, Montague Expressway and Gladding Court on the north, and Capitol Avenue on the west. The station area, including a plaza situated on a triangular parcel between the mezzanine and Capitol Avenue, would encompass up to ~~212~~ acres. Existing uses, including research and development industries to the east and a storage area for a trucking company on the west, would be removed.

In response to comment R11.11, Section 3.4.2.1, Segment 2 – Trade Zone Boulevard to Mabury Road, under the subheading Alignment, the second paragraph has been revised to identify the SCVWD 66-inch-diameter central pipeline along the BART alignment:

North of Berryessa Road, BART would transition from below grade to an elevated configuration, first on retained fill extending 550 feet and then on an aerial structure 22 feet above grade just north of the Berryessa Station. The aerial alignment would cross Berryessa Road, Upper Penitencia Creek, and Mabury Road, which would remain in their present configurations. The aerial alignment would pass over and not affect the ~~planned subsurface~~ Santa Clara Valley Water District (SCVWD) planned subsurface drainage bypass structure crossing under the ROW south of Berryessa Road or the existing 66-inch-diameter central pipeline storm drain that parallels the BART alignment south of Berryessa Road and crosses to the west under the existing railroad north of Mabury Road.

In response to comment P49.3, Section 3.4.2.2, Station Locations, the bullet labeled Parking Structure Northeast Option, the first sentence has been revised to reflect the larger acquisition area applicable to the Parking Structure Northeast Option for the Berryessa Station:

- **Parking Structure Northeast Option** (Figures B-18 and B-19). This option would locate station facilities on approximately ~~28-43~~ acres to the east and west of the station.

In response to comment P49.3, Section 3.4.2.2, Station Locations, the bullet labeled Parking Structure Southeast Option, the first sentence has been revised to reflect the larger acquisition area applicable to the Parking Structure Southwest Option for the Berryessa Station:

- **Parking Structure Southwest Option** (Figures B-20 and B-21). This option would involve up to ~~3143~~ acres, on the west side of the ROW.

Section 3.4.3.1, Alignment, the first paragraph has been revised to reflect the depths provided in Appendix A, BART Alternative Plan and Profiles:

South of Mabury Road, the BART line would continue elevated on retained fill for 940 feet before descending into a short (840-foot) retained cut north of US 101. The line would continue to

descend into a cut-and-cover tunnel (extending 640 feet) as it diverted from the railroad ROW under Marburg Way, which parallels the east side of US 101 in this area. The depth of the tunnels as measured from the ground or street level to the top, or crown, of the tunnels varies from 20 feet to 60 feet. The tunnels ~~are would always at least~~ generally be 40 feet deep when they pass beneath residences and businesses. To construct these tunnels, property easements would be required.

Section 3.4.4.1, Alignment, the first paragraph has been revised to reflect the depths provided in Appendix A, BART Alternative Plan and Profiles:

BART would continue in a subway under East Santa Clara Street, passing below Coyote Creek, Los Gatos Creek, and the Guadalupe River to the vicinity of the HP Pavilion (aka San Jose Arena) and San Jose Diridon Caltrain Station, a distance of 2.4 miles. The subway would be constructed using a TBM. The depth of the tunnels, measured from the ground or street level, to the top, or crown, of the tunnel generally varies from 20 feet to 60 feet (Section 4.19, *Construction*). The tunnels are at their deepest when they pass under Coyote Creek between 19<sup>th</sup> and 17<sup>th</sup> streets, and are at their shallowest when they pass under Stockton Avenue between Lenzen Avenue and McKendrie Street. The tunnels would generally be at least 40 feet deep when they pass beneath residences and businesses. Construction would occur within the 100-foot-wide public ROW of East/West Santa Clara Street, which includes the 68-foot-wide street and 16-foot-wide sidewalks on each side. To construct these tunnels, property easements would be required. The BART subway would encounter multiple subsurface utility lines in the downtown area at the three downtown subway stations (Section 3.4.4.2). These subway stations would be constructed using cut-and-cover methods; thus, the utilities would have to be supported in place/reinforced or relocated.

Section 3.4.4.1, Station Locations, the last paragraph has been revised to clarify that a surface lot is also included:

To replace lost parking for the Caltrain Station and the HP Pavilion, and to add 1,500 to 2,200 new park-and-ride spaces for the BART station at this location, two large multi-level parking structures would be built. One would be located on a parking area adjacent to and immediately west of the HP Pavilion and north of West Santa Clara Street, and another east of the Diridon Station and south of West San Fernando Street (Figures B-34, B-35, B-37, and B-38). The parking structure and surface lot south of West San Fernando Street may also contain a bus transit center that would replace the VTA bus transit facility located south of West Santa Clara Street and immediately east of the Diridon Station.

Section 3.4.5.2, Station Locations, the last paragraph has been revised to clarify that there are two options for the potential future connection of the BART Alternative with the Norman Y. Mineta San Jose International Airport:

A proposed APM would link the BART and Caltrain/ACE/Capitol Station with the SJIA terminals (Section 3.7.1). To accommodate any future extension of BART beyond the Santa Clara Station and into the SJIA, two options have been identified. The At-grade Profile Beyond De La Cruz Boulevard Option would maintain the tail tracks at grade. The A Lowered Profile for a Potential Future Airport Connection design Option has been identified that would lower the BART profile ~~to accommodate any future BART extension into the SJIA~~ (Figure A-45).

In response to comment P60.13, Section 3.4.6.1, BART Alternative Ancillary Facilities, under the subheading Subway Support Facilities, the first bullet has been revised to provide additional information on the ventilation structures:

- **Ventilation Structures.** Tunnel vent shafts would be located at various points along the underground alignment. Ventilation structures would typically be approximately 20 x 35 feet in size and 10 to 15 feet in height. However, each ventilation structure's final configuration and size would be a function of the specific design issues at each site. In Segment 3, three or four vent structures are proposed depending on the option. In Segment 4, ten vent structures are proposed. The locations are described below.

Section 3.4.6.1, BART Alternative Ancillary Facilities, under the subheading New BART Maintenance Facility, the first sentence has been revised to provide the correct acreage:

A new BART maintenance and storage facility would be located on approximately 5059 acres in the eastern portion of the UPRR Newhall Yard and the western portion of the Food Machinery Corporation (FMC) manufacturing facility in San Jose and Santa Clara and south of I-880 (refer to Figures A-42 and 4-43).

In response to comments R7.7 and P39.3, Section 3.7.1, Transportation/Transit Related Projects, the fifth bullet has been revised and the sixth bullet has been added to provide further information about Caltrain projects:

- **Caltrain Track Improvements and Caltrain Equipment Maintenance and Operations Facility (CEMOF) (North of Diridon Station)** (Figure 3.7-1, #5 and Figures A-40 and A-41). The Peninsula Corridor Joint Powers Board is negotiating with UPRR to expand the number of Caltrain tracks north of the Diridon Station. The CEMOF consists of the design and construction of a new centralized maintenance facility for Caltrain's locomotives and passenger cars. The new facility will accommodate many critical activities including daily inspections, scheduled maintenance, running repairs, train washing and storage. CEMOF will consolidate Caltrain's existing maintenance facilities and provide the capacity to complete additional types of maintenance and improve the efficiency and quality of Caltrain maintenance operations. The BART Alternative plans and profiles assume that both the track improvements and the CEMOF project~~this work~~ will be completed.
- **Caltrain Electrification Program** (Figure 3.7-1, along the existing Caltrain corridor). The Peninsula Corridor Joint Powers Board Caltrain Electrification Program would provide for the conversion from diesel-hauled to electric-hauled trains along the approximately 80 mile long Caltrain corridor from San Francisco to the north through San Mateo County terminating in the City of Gilroy in southern Santa Clara County. The BART Alternative would provide transfers to Caltrain at the Diridon/Arena and the Santa Clara stations.

In response to comments S5.1, S5.2, R11.12, and L4.14, Section 3.7.2, Water Resources Related Projects, the first, second, and fourth bullet have been added to include the Berryessa Creek Flood Protection Project and Mid-Coyote Creek Flood Protection Project:

- **Joint SCVWD/U.S. Army Corp of Engineers Berryessa Creek Project.** The SCVWD is studying various alternatives to increase the conveyance capacity of Berryessa Creek from Calaveras Boulevard to Old Piedmont Road in San Jose to provide flood protection to the surrounding area from a 100-year flood event. Project features include setback levees and flood walls. The Montague/Capitol Station for the BART Alternative is in the vicinity of the flood control protection project.
- **Lower Berryessa Creek Flood Protection Project (Berryessa Creek Levees Project).** The SCVWD is studying various alternatives to increase the conveyance capacity of Berryessa Creek to provide flood protection to residents, businesses, and public facilities in Milpitas and San Jose from a 100-year flood event. The alternatives under consideration

include increasing levee heights, replacing one levee with a flood wall, widening Berryessa Creek, straightening the double 90-degree curve at the railroad crossing, and constructing a bypass channel. The project also includes channel improvements on Calera Creek to mitigate against the increased water surface elevation created by the improvements on Berryessa Creek.

The BART Alternative would pass over Berryessa Creek on a new bridge. New at-grade bridges would also be constructed over Calera Creek and Berryessa Creek for the UPRR.

- **Mid-Coyote Creek Flood Protection Project.** The Mid-Coyote Creek Flood Protection Project is located in the central portion of the Coyote Watershed. Its limits extend approximately 6.1 miles between Montague Expressway and I-280, all in the City of San Jose. The purpose of the Mid-Coyote Creek Flood Protection Project is to increase the conveyance capacity of Coyote Creek to provide flood protection to homes, schools, businesses, and highways from a 100-year flood event.
- The Mid-Coyote Creek Flood Protection Project would reduce the likelihood of flooding issues associated with the BART Alternative in the Berryessa Station area. Where Coyote Creek crosses East Santa Clara Street between 17th and 19th streets, the BART Alternative is in a twin-bore tunnel, approximately 30 feet below the bed of the creek. Therefore, the BART Alternative would not affect the SCVWD Mid-Coyote Creek Flood Protection Project or Coyote Creek.

## **4.4 REVISIONS TO CHAPTER 4.0, ENVIRONMENTAL ANALYSIS**

### **4.4.1 REVISIONS TO SECTION 4.1, INTRODUCTION**

In response to comment F1.4, Section 4.1, Introduction, the fifth and sixth paragraphs have been added to expand upon the No-Action Alternative discussion:

For clarification, the No-Action Alternative consists of the existing SVRTC roadway system and transit networks, as well as programmed improvements identified in the San Francisco Bay Area Regional Transportation Plan (RTP), including the BART Warm Springs Extension. The 2001 RTP EIR discusses the impacts and identifies mitigation measures of the transportation improvements currently programmed. The impacts of the No-Action Alternative, as discussed, are based on the RTP EIR and are analyzed in relation to the proposed project and the study corridor. Specific mitigation measures required for each project included in the No-Action Alternative will be determined as each individual project goes through its environmental review. Mitigation measures for the BART Warm Springs Extension were identified in the 1992 EIR and in the 2003 Supplemental EIR. These measures are also included in the 2004 EIS for the Warm Springs Extension.

Many of the topic areas discussed in this chapter (Biological Resources and Wetlands; Community Services and Facilities; Cultural and Historic Resources; Electromagnetic Fields; Energy; Geology, Soils, and Seismicity; Hazardous Materials; Land Use; Noise and Vibration; Security and System Safety; Visual Quality and Aesthetics; Water Resources, Water Quality, and Floodplains; and Construction) are site specific. A qualitative analysis was conducted and concluded that under the No-Action Alternative, conditions of the site specific-topic areas within the corridor would not change. Therefore, no adverse impacts would occur to these topic areas under the No-Action Alternative. Any impacts and mitigation measures resulting from a project included in the No-Action Alternative would be identified in the project specific environmental analysis. Other topic areas were analyzed in a comparative manner.

#### 4.4.2 REVISIONS TO SECTION 4.2, TRANSPORTATION AND TRANSIT

In response to comment R12.2, Section 4.2.2.1, Alameda County Congestion Management Agency Level of Service Policies, the first paragraph has been revised:

The Alameda County Congestion Management Agency (ACCMA) Land Use Analysis Program requires a level of service analysis for roadway segments within a study area if 100 evening peak hour vehicle trips are generated by a proposed project (see Section 4.2.6.2 for definitions of level of service). For the purposes of level of service monitoring of the CMP roadway segments, ACCMA's level of service standard is LOS E, except where LOS F was the level of service originally measured, in which case the standard remains LOS F.

In response to comment R8.1, Section 4.2.3.1, Existing System, under the subheading Rail and Bus Services, the fourth paragraph has been revised:

Other transit operators in the corridor include BART, AC Transit, Caltrain, ACE, Capitols, and Amtrak. BART's terminus in the corridor is the Fremont BART Station. Bus service between Fremont and Milpitas is provided by AC Transit. The 217 bus line provides service from the Fremont BART Station to the Milpitas-Alder LRT Station via Mission Boulevard on a 30-minute headway. Caltrain operates a commuter rail service seven days a week between San Jose and San Francisco with 15- to 30-minute headways during commute hours. During weekday commuting hours, Caltrain also serves the south county including Gilroy, San Martin, and Morgan Hill. Caltrain provides shuttle service to businesses in the Silicon Valley and on the Peninsula. Potential expansion includes extending Caltrain service further south to Pajaro, Castroville, and Salinas, ~~Monterey, and Santa Cruz~~. The Diridon Caltrain Station, located near the Montgomery Street/Santa Clara Street intersection, provides service to the downtown area via connections with bus lines 63, 64, 65, and 68. The ACE provides commuter rail service between the Central Valley and Diridon Station. The City of Santa Clara is also served by two ACE stations - the Great America ACE/Amtrak Station and Santa Clara Caltrain/ACE Station. Three trains are in operation during weekday commuting hours. ACE also provides an ACE/Amtrak bus 3910 for late commuters. Shuttle service from the stations to employment centers are provided by various public transit agencies. The Capitols provide rail service between Sacramento and San Jose, with four daily round trips. The train serves the Diridon Station.

In response to comment P38.6, Section 4.2.3.2, 2025 Transit Services, under the subheading No-Action Alternative, the seventh bullet has been revised to reflect an expansion of the VTA bus fleet to 600 vehicles (not 650):

- Expansion of VTA bus fleet to 6500 vehicles

Table 4.2-6, Total Weekday Transit Trips Between Other Counties and Santa Clara County in 2025, has been revised:

<b>Table 4.2-6: Total Weekday Transit Trips Between Other Counties and Santa Clara County in 2025</b>				
<b>Performance Measure</b>	<b>Alternatives</b>			
	<b>No-Action</b>	<b>Baseline</b>	<b>BART Extension</b>	<b>MOS-1E</b>
Total Weekday <del>Trips</del> Riders	8,97525,038	20,72830,577	55,24564,888	54,46066,037
Change from No-Action	N/A <sup>[1]</sup>	11,7535,539	46,26939,850	47,48540,999
Change from Baseline	-11,753 N/A <sup>[1]</sup>	N/A <sup>[1]</sup>	34,51634,311	35,73235,460
Note: <sup>[1]</sup> N/A = Not Applicable Source: Travel Demand Forecasts Report, Hexagon Transportation Consultants, Inc., 2003.				

Table 4.2-14, 2025 Park-and-Ride Space Requirements, Table Note #3, has been revised to clarify the potential shift of 1,000 spaces from the Alum Rock Station to the Berryessa Station to address community concerns about site impacts at the Alum Rock Station:

<b>Table 4.2-14: 2025 Park-and-Ride Space Requirements</b>					
<b>Station Name</b>	<b>Modeled 2025 PNR Demands <sup>[1]</sup></b>	<b>Additional Spaces for Spares and Surges (10% of Model)</b>	<b>Number of Surface Parking</b>	<b>Number of Structured Parking</b>	<b>Total Spaces</b>
Montague/Capitol	1,480	148	356	1,272	1,628 <sup>[2]</sup>
Berryessa <sup>[3]</sup>	2,273	227	160	2,340	2,500
Alum Rock <sup>[3]</sup>	2,273	227	0	2,500	2,500
Diridon/Arena	2,056	206	0	2,262	2,262
Santa Clara	970	97	0	1,067	1,067
<b>Total</b>	<b>9,052</b>	<b>905</b>	<b>516</b>	<b>9,441</b>	<b>9,957</b>
Notes: <sup>[1]</sup> PNR = park-and-ride <sup>[2]</sup> The South Calaveras Future Station would have 990 spaces based on demand and would reduce the parking demand at Montague/Capitol by 605 spaces. <sup>[3]</sup> <u>Does not include</u> a shift of 1,000 spaces from Alum Rock to Berryessa Station. <u>With a shift, Berryessa Station would have 3,500 spaces and Alum Rock Station would have 1,500 spaces.</u> Source: Hexagon Transportation Consultants, Inc., February 2003.					

In response to comment L4.17, Section 4.2.5, Pedestrians and Bicycles, under the subheadings Existing Conditions/City of Milpitas, has been revised as follows:

- Escuela ~~Road~~Parkway, between Milpitas Boulevard and Jacklin Road

In response to comment L3.13, Section 4.2.5, Pedestrians and Bicycles, under the subheadings Existing Conditions/City of Santa Clara, has been revised as follows:

Pedestrian facilities in the station area consist primarily of sidewalks along the streets in most residential and commercial areas. With the exception of the ~~east~~west side of Lafayette Street

north of the station, sidewalks are found along virtually all previously described local roadways in the study area and along the local residential streets and collectors near the site.

In response to comment S2.9, Table 4.2-18, Freeway Traffic Volumes and Levels of Service for 2000 Existing, 2025 No-Action and 2025 BART Alternative Conditions, a table note has been added:

<sup>[1]</sup> Links projected to experience traffic impacts from the BART Alternative as well as those that improve.

In response to comment S2.9, Section 4.2.6.6, 2025 BART Alternative Traffic Level of Service, Impacts, and Mitigation Measures, under the subheading Freeways, the first and second paragraphs have been revised:

Year 2025 BART Alternative traffic volumes for the subject freeway segments were obtained from the traffic model. The number of freeway segments projected to be impacted by the BART Alternative, as well as those projected to improve with the BART Alternative, are experience an unacceptable level of service of LOS F out of the total freeway segments analyzed was by station area ~~are is~~ as follows:

- Montague/Capitol ~~134~~ of 20 studied (4 improve)
- Berryessa ~~82~~ of 10 studied
- Alum Rock ~~127~~ of 20 studied
- Diridon/Arena ~~169~~ of 18 studied (1 improves)
- Santa Clara ~~240~~ of 26 studied (2 improve)

In response to comments L4.19, L4.24, and L4.25, Section 4.2.6.6, under the subheadings Intersections/City of Milpitas, and under Calaveras Boulevard and Abel Street (No Feasible Mitigation) (*Map location #3*), the mitigation measure has been revised:

**Mitigation Measure:** No further feasible improvements can be made beyond those described for 2025 No-Action conditions to mitigate project impacts. The necessary addition of a southbound free-right-turn on North Abel Street to mitigate project impacts would require the widening of Calaveras Boulevard to four lanes in the westbound direction. The widening of Calaveras Boulevard to this extent is not feasible due to ROW constraints. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of Milpitas to develop an agreement at the time that the mitigation is required.

In response to comments L4.19, L4.24, and L4.25, Section 4.2.6.6, under the subheadings Intersections/City of Milpitas, and under Calaveras Boulevard and Milpitas Boulevard (No Feasible Mitigation) (*Map location #4*), the mitigation measure has been revised:

**Mitigation Measure:** No further feasible improvements can be made beyond those described for 2025 No-Action conditions to mitigate project impacts. The addition of a third eastbound lane on Calaveras Boulevard and a northbound left-turn lane on Milpitas Boulevard to mitigate project impacts is not feasible due to ROW constraints. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement.

VTA will work with the City of Milpitas to develop an agreement at the time that the mitigation is required.

Section 4.2.6.6, under the subheadings Intersections/City of Milpitas, and under Calaveras Boulevard and Park Victoria Drive (*Map location #6*), the mitigation measure has been revised:

**Mitigation Measure:** The necessary improvement to mitigate the project impact at this intersection will consist of the addition of a second southbound left-turn lane on Park Victoria Drive. The implementation of this improvement would improve intersection level of service to LOS D.

In response to comments L4.19, L4.24, and L4.25, Section 4.2.6.6, under the subheadings Intersections/City of Milpitas, and under Milpitas Boulevard and Jacklin Road (No Feasible Mitigation) (*Map location #7*), the mitigation measure has been revised:

**Mitigation Measure:** No further feasible improvements can be made beyond those described for 2025 No-Action conditions to mitigate project impacts. The addition of a second southbound left-turn lane on Milpitas Boulevard is not feasible due to ROW constraints. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of Milpitas to develop an agreement at the time that the mitigation is required.

In response to comments L4.19, L4.24, and L4.25, Section 4.2.6.6, under the subheadings Intersections/City of Milpitas, and under Milpitas Boulevard and Montague Expressway (No Feasible Mitigation) (*Map location #11*), the mitigation measure has been revised:

**Mitigation Measure:** As identified for 2025 No-Action conditions, there are no feasible improvements, beyond those planned, which can be made at this intersection. The required widening of Montague Expressway is not feasible due to ROW constraints. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the County of Santa Clara and the City of Milpitas to develop an agreement at the time that mitigation is required.

In response to comments L4.19, L4.24, and L4.25, Section 4.2.6.6, under the subheadings Intersections/City of Milpitas, and under Great Mall Parkway and Abel Street (No Feasible Mitigation) (*Map location #5*), the mitigation measure has been revised:

**Mitigation Measure:** No further feasible improvements can be made beyond those described for 2025 No-Action conditions to mitigate project impacts. Right-of-way constraints along Great Mall Parkway prohibit the necessary widening to accommodate a southbound free-right-turn-lane from Abel Street to mitigate project impacts. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of Milpitas to develop an agreement at the time that the mitigation is required.

In response to comments L4.19, L4.24, and L4.25, Section 4.2.6.6, under the subheadings Intersections/City of Milpitas, and under Milpitas Boulevard and Montague Expressway (No Feasible Mitigation) (*Map location #13*), the mitigation measure has been revised:

**Mitigation Measure:** As identified for 2025 No-Action conditions, there are no feasible improvements, beyond those planned, which can be made at this intersection. The required

widening of Montague Expressway is not feasible due to ROW constraints. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the County of Santa Clara and the City of Milpitas to develop an agreement at the time that mitigation is required.

In response to comments R6.4, L4.19, L4.24, and L4.25, Section 4.2.6.6, under the subheadings Intersections/City of Milpitas, and under Landess Avenue and Dempsey Road (No Feasible Mitigation) (*Map location #14*), the mitigation measure has been revised:

**Mitigation Measure:** No further feasible improvements can be made beyond those described for 2025 No-Action conditions to mitigate project impacts. The necessary improvement consists of the addition of a fourth westbound lane on Landess Avenue, which is not feasible due to ROW constraints. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the County of Santa Clara and the City of Milpitas to develop an agreement at the time that the mitigation is required.

In response to comments L4.19, L4.24, and L4.25, Section 4.2.6.6, under the subheadings Intersections/City of Milpitas, and under Great Mall Parkway and Abel Street (No Feasible Mitigation) (*Map location #5*), the mitigation measure has been revised:

**Mitigation Measure:** No further feasible improvements can be made beyond those described for 2025 No-Action conditions to mitigate project impacts. Right-of-way constraints along Great Mall Parkway prohibit the necessary widening to accommodate a southbound free-right-turn lane from Abel Street to mitigate project impacts. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of Milpitas to develop an agreement at the time that the mitigation is required.

In response to comments L4.19, L4.24, and L4.25, Section 4.2.6.6, under the subheadings Intersections/City of Milpitas, and under Milpitas Boulevard and Montague Expressway (No Feasible Mitigation) (*Map location #13*), the mitigation measure has been revised:

**Mitigation Measure:** As identified for 2025 No-Action conditions, there are no feasible improvements beyond those planned, which can be made at this intersection. The required widening of Montague Expressway is not feasible due to ROW constraints. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the County of Santa Clara and the City of Milpitas to develop an agreement at the time that mitigation is required.

In response to comments L4.19, L4.24, and L4.25, Section 4.2.6.6, under the subheadings Intersections/City of Milpitas, and under Landess Avenue and Dempsey Road (No Feasible Mitigation) (*Map location #14*), the mitigation measure has been revised:

**Mitigation Measure:** No further feasible improvements can be made beyond those described for 2025 No-Action conditions to mitigate project impacts. The necessary improvement consists of the addition of a fourth westbound lane on Landess Avenue, which is not feasible due to ROW constraints. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the County of

Santa Clara and the City of Milpitas to develop an agreement at the time that the mitigation is required.

Section 4.2.6.6, under the subheadings Intersections/City of San Jose, and under Hedding Street and 13<sup>th</sup> Street (*Map location #6*), the mitigation measure has been revised:

**Mitigation Measure:** The necessary improvement to mitigate the project impact at this intersection will consist of the addition of a second westbound left-turn lane on Hedding Street. The implementation of this improvement will improve intersection level of service to LOS D. This mitigation measure would not be necessary for MOS-1E.

Section 4.2.6.6, under the subheadings Intersections/City of San Jose, and under Oakland Road and Brokaw Road (No Feasible Mitigation) (*Map location #10*), the mitigation measure has been revised:

**Mitigation Measure:** No further feasible improvements can be made to mitigate project impacts. The necessary improvements include the widening of Brokaw Road to four lanes in each direction and the addition of third left-turn lanes on Brokaw Road. The widening of Brokaw Road is not feasible due to ROW constraints. The addition of left-turn lanes along Brokaw Road would require the widening of Oakland road to three lanes to receive left-turn lanes. No mitigation would be necessary for MOS-1E. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of San Jose to develop an agreement at the time that the mitigation is required.

Section 4.2.6.6, under the subheadings Intersections/City of San Jose, and under Julian Street and 28<sup>th</sup> Street (*Map location #2*), the mitigation measure has been revised:

**Mitigation Measure:** The necessary improvements to mitigate the project impact at this intersection will consist of the addition of exclusive northbound right-turn lanes and exclusive southbound left-turn lanes on 28<sup>th</sup> Street, and, on Julian Street, eastbound right-turn lanes, ~~exclusive southbound and~~ eastbound left-turn lanes, and a second westbound left-turn lane. The implementation of these improvements will improve intersection level of service to LOS C. However, the intersection would only improve to LOS D under MOS-1E due to the added kiss-and-ride trips to the Alum Rock Station.

Section 4.2.6.6, under the subheadings Intersections/City of San Jose, and under Julian Street and US 101 (*Map location #3*), the mitigation measure has been revised:

**Mitigation Measure:** The necessary improvements to mitigate the project impact at this intersection will consist of the addition of a second westbound left-turn lane and exclusive eastbound right-turn lane on Julian Street. The implementation of these improvements will improve intersection level of service to LOS B.

Section 4.2.6.6, under the subheadings Intersections/City of San Jose, and under McKee Road and King Road (No Feasible Mitigation) (*Map location #5*), the mitigation measure has been revised:

**Mitigation Measure:** No further feasible improvements can be made beyond those described for 2025 No-Action conditions to mitigate project impacts. Right-of-way constraints along McKee Road prohibit its widening to four lanes in each direction to mitigate project impacts. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to

construct the improvement. VTA will work with the City of San Jose to develop an agreement at the time that the mitigation is required.

Section 4.2.6.6, under the subheadings Intersections/City of San Jose, and under San Antonio Street and King Road (*Map location #17*), the mitigation measure has been revised:

**Mitigation Measure:** The necessary improvement to mitigate the project impact at this intersection will consist of the addition of a second southbound left-turn lane on King Road. The implementation of this improvement will improve intersection level of service to LOS D.

Section 4.2.6.6, under the subheadings Intersections/City of San Jose, and under Santa Clara Street and Autumn Street (*Map location #5*), the mitigation measures has been revised:

**Mitigation Measure:** The necessary improvement to mitigate the project impact at this intersection will consist of the conversion of the northbound through lane to a shared through-left-turn lane on Autumn Street. The implementation of this improvement will improve intersection level of service to LOS D.

Section 4.2.6.6, under the subheadings Intersections/City of San Jose, and under San Carlos Street and Meridian Avenue (*Map location #10*), the mitigation measure has been revised:

**Mitigation Measure:** The necessary improvement to mitigate the project impact at this intersection will consist of the addition of an exclusive eastbound right-turn lane on San Carlos Street. The implementation of this improvement will improve intersection level of service to LOS D.

Section 4.2.6.6, under the subheadings Intersections/City of San Jose, and under San Carlos Street and Lincoln Avenue (*Map location #12*), the mitigation measure has been revised:

**Mitigation Measure:** The necessary improvement to mitigate the project impact at this intersection will consist of the addition of a second northbound left-turn lane on Lincoln Avenue. The implementation of this improvement will improve intersection level of service to LOS D.

Section 4.2.6.6, under the subheadings Intersections/City of San Jose, and under San Carlos Street and Bird Avenue (*Map location #13*), the mitigation measure has been revised:

**Mitigation Measure:** The necessary improvement to mitigate the project impact at this intersection will consist of the addition of second eastbound and westbound left-turn lanes on San Carlos Street. The implementation of this improvement will improve intersection level of service to LOS E.

Section 4.2.6.6, under the subheadings Intersections/City of San Jose, and under San Carlos Street and Almaden Boulevard (No Feasible Mitigation) (*Map location #16*), the mitigation measure has been revised:

**Mitigation Measure:** No further feasible improvements can be made beyond those described for 2025 No-Action conditions to mitigate project impacts. Right-of-way constraints along Almaden Boulevard prohibit the widening of Almaden Boulevard to the necessary four lanes in each direction to mitigate project impacts. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of San Jose to develop an agreement at the time that the mitigation is required.

Section 4.2.6.6, under the subheadings Intersections/City of San Jose, and under San Carlos Street and Market Street (No Feasible Mitigation) (*Map location #17*), the mitigation measure has been revised:

**Mitigation Measure:** No further feasible improvements can be made beyond those described for 2025 No-Action conditions to mitigate project impacts. Right-of-way constraints along San Carlos Street prohibit the widening of San Carlos Street to the necessary three lanes in each direction to mitigate project impacts. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of San Jose to develop an agreement at the time that the mitigation is required.

Section 4.2.6.6, under the subheadings Intersections/City of San Jose, and under Park Avenue and Race Street (No Feasible Mitigation) (*Map location #18*), the impact and mitigation measure have been revised:

**Impact:** The level of service would be LOS C in the AM and LOS F in the PM peak hours under 2025 No-Action with Improvements conditions. ~~and the~~ The intersection would degrade to LOS F in the AM peak hour and would experience an increase in critical-movement delay of four or more seconds and an increase in the V/C of 0.01 or more during the PM peak hour under 2025 BART Alternative conditions. This constitutes ~~an~~ adverse impact by/under City of San Jose standards.

**Mitigation Measure:** As identified for 2025 No-Action conditions, there are no feasible improvements that can be made at this intersection. The required widening of Park Avenue and Race Street is not feasible due to ROW constraints. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of San Jose to develop an agreement at the time that the mitigation is required.

Section 4.2.6.6, under the subheadings Intersections/City of San Jose, and under Almaden Boulevard and San Fernando Street (*Map location #25*), the mitigation measure has been revised:

**Mitigation Measure:** The necessary improvement to mitigate the project impact at this intersection will consist of the addition of a second southbound left-turn lane on Almaden Boulevard. The implementation of this improvement will improve intersection level of service to LOS C.

Section 4.2.6.6, under the subheadings Intersections/City of San Jose, and under Auzerais Avenue and Delmas Avenue (No Feasible Mitigation) (*Map location #29*), the mitigation measure has been revised:

**Mitigation Measure:** No further feasible improvements can be made beyond those described for 2025 No-Action conditions to mitigate project impacts. Necessary improvements include the widening of the SR 87 on-ramp. The widening will be ineffective operationally due to ramp metering and congested conditions on SR 87 and is considered infeasible. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of San Jose to develop an agreement at the time that the mitigation is required.

In response to comment L3.13, Section 4.2.6.6, 2025 BART Alternative Traffic Level of Service, Impacts, and Mitigation Measures, under the subheadings Intersections/City of Santa Clara/Level of Service with Santa Clara Station, the first paragraph has been revised:

The results of the level of service analysis under 2025 BART Alternative conditions are shown in Figure 4.2-6. The results show that, measured against applicable level of service standards, ten of the signalized study intersections would operate at an unacceptable level under 2025 BART Alternative conditions. Note that, of the ten signalized intersections projected to operate at unacceptable levels, only seven would be adversely impacted by the project during at least one of the peak hours according to impact criteria: The level of service at three of the ten intersections will degrade to unacceptable levels due to regional traffic growth under the No-Action alternative. The ten signalized study intersections include:

In response to comments R6.4 and L3.13, Section 4.2.6.6, under the subheadings Intersections/City of Santa Clara, and under El Camino Real and San Tomas Expressway (No Feasible Mitigation) (*Map location #1*), the mitigation measure has been revised:

**Mitigation Measure:** As identified for 2025 No-Action conditions, there are no feasible improvements that can be made at this intersection beyond the planned county widening of San Tomas Expressway to four lanes in each direction. Further widening of San Tomas Expressway is infeasible due to ROW constraints. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the County of Santa Clara and the City of Santa Clara to develop an agreement at the time that the mitigation is required.

In response to comment L3.13, Section 4.2.6.6, under the subheadings Intersections/City of Santa Clara, and under El Camino Real and Monroe Street (*Map location #2*), the mitigation measure has been revised:

**Mitigation Measure:** The necessary improvement to mitigate the project impact at this intersection will consist of the addition of ~~third-exclusive~~ eastbound and westbound ~~right-turnthrough~~ lanes on El Camino Real. The implementation of these improvements will improve intersection level of service to LOS E.

In response to comments R6.4 and L3.13, Section 4.2.6.6, under the subheadings Intersections/City of Santa Clara, and under Lafayette Street and Central Expressway (No Feasible Mitigation) (*Map location #6*), the mitigation measure has been revised:

**Mitigation Measure:** No further feasible improvements can be made beyond those described for 2025 No-Action conditions to mitigate project impacts. Further widening of Central Expressway is not feasible due to ROW constraints. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the County of Santa Clara and the City of Santa Clara to develop an agreement at the time that the mitigation is required.

In response to comment L3.13, Section 4.2.6.6, under the subheadings Intersections/City of Santa Clara, and under Coleman Avenue and Brokaw Road (*Map location #12*), the mitigation measure has been revised:

**Mitigation Measure:** The necessary improvement to mitigate the project impact at this intersection will consist of the addition of a second eastbound left-turn lane on Brokaw Road. The implementation of this improvement will improve intersection level of service to LOS D.

In response to comment L3.13, Section 4.2.6.6, under the subheadings Intersections/City of Santa Clara, and under Central Expressway and De La Cruz Boulevard (*Map location #15*), the mitigation measure has been revised:

**Mitigation Measure:** The necessary improvement to mitigate the project impact at this intersection will consist of the addition of a third eastbound left-turn lane on Central Expressway. The implementation of this improvement will improve intersection level of service to LOS E.

In response to comment L3.13, Section 4.2.6.6, under the subheadings Intersections/City of Santa Clara, and under Homestead Road and Monroe Street (No Feasible Mitigation) (*Map location #20*), the mitigation measure has been revised:

**Mitigation Measure:** As identified for 2025 No-Action conditions, there are no feasible improvements that can be made at this intersection due to ROW constraints and residential development along both Monroe Street and Homestead Road. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of Santa Clara to develop an agreement at the time that the mitigation is required.

In response to comments R6.4 and L3.13, Section 4.2.6.6, under the subheadings Intersections/City of Santa Clara, and under Monroe Street and San Tomas Expressway (No Feasible Mitigation) (*Map location #21*), the mitigation measure has been revised:

**Mitigation Measure:** As identified for 2025 No-Action conditions, there are no feasible improvements that can be made at this intersection beyond the planned county widening of San Tomas Expressway to four lanes in each direction. Further widening of San Tomas Expressway is not feasible due to ROW constraints. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the County of Santa Clara and the City of Santa Clara to develop an agreement at the time that the mitigation is required.

#### **4.4.3 REVISIONS TO SECTION 4.3, AIR QUALITY**

There are no revisions to this section.

#### **4.4.4 REVISIONS TO SECTION 4.4, BIOLOGICAL RESOURCES**

Section 4.4.2.1, Existing Setting, under the subheadings Vegetation and Wildlife Communities/Non-Native Grassland, the second paragraph has been revised to indicate that non-native grassland is found at four sites within the BART Alternative project area:

The non-native grassland in the SVRTC is similar to non-native grassland communities found in the valleys and foothills throughout much of California. Within the SVRTC, non-native grassland was found in the vicinity of the busway connectors proposed to be constructed under the Baseline Alternative between I-680 and the planned BART Warm Springs Station, as well as between that station and I-880. In addition, non-native grassland was identified within ~~three~~ four locations relevant to the BART Alternative: at the site of the proposed Locomotive Wye

Fremont Option; in the vicinity of the proposed South Calaveras Future Station; ~~and~~ at the Sno-boy site proposed for relocation of the rail-truck tank car transfer facility; and to the west and north of the proposed TPSS #5 site. Altogether, approximately 28.6 acres of non-native grassland with the potential to be affected were identified within the SVRTC.

In response to comment F1.8, Section 4.4.2.1, Existing Setting, under the subheading Special Status Species, the sixth paragraph has been added:

Steelhead and Chinook salmon are special-status fish species that occur in the study area. The Central California Coast steelhead evolutionarily significant unit (ESU) has been listed as threatened under the ESA (62 FR 159, August 18, 1997). Critical habitat for steelhead was initially designated but has since been rescinded pending further review. NOAA Fisheries considers the Chinook salmon in the study area to be part of the Central Valley fall and late-fall run Chinook salmon ESU. NOAA Fisheries has determined that the Central Valley fall and late-fall run Chinook salmon ESU does not warrant listing, but the ESU is considered a candidate species (64 FR 50394, September 16, 1999). In addition, study area streams are considered essential fish habitat for Chinook salmon, a commercial species. The Magnuson-Stevens Fishery Conservation and Management Act defines "essential fish habitat" as waters and substrate necessary for fish to spawn, breed, feed, and grow to maturity. (See Section 4.4.2.2 for a discussion of the Magnuson-Stevens Fishery Conservation and Management Act.)

In response to comment R11.14, Section 4.4.2.1, Existing Setting, under the subheading California Red-legged Frog, the fourth paragraph has been revised:

The project area is not located within an area designated as critical habitat for the California red-legged frog. However, ~~t~~The riparian and aquatic habitat in Guadalupe River, Coyote Creek, Upper Penitencia Creek, and Lower Silver Creek may provide suitable habitat for California red-legged frog, and some of the smaller streams may function as dispersal corridors for this species when they contain water. H.T. Harvey and Associates (1997) concluded that while the California red-legged frog is not believed to inhabit urbanized areas of San Jose, known occurrences of red-legged frogs in Alum Rock Park indicate that they may potentially be transported downstream and reach the project area. Four individuals were observed in July 2000 in Upper Penitencia Creek in Alum Rock Park approximately 4.5 miles east of where the project crosses Upper Penitencia Creek (CNDDDB 2003).

Section 4.4.2.1, Existing Setting, under the subheadings Special Status Species/Western Burrowing Owl, the last paragraph has been revised to indicate that suitable habitat for Western burrowing owl is found at four sites within the BART Alternative project area:

Three burrowing owls were observed on December 3, 2002 and/or January 8, 2003 in ruderal/disturbed (fallow agricultural) habitat at the Sno-boy site proposed for relocating the rail-truck tank car transfer facility under the BART Alternative. The burrow complex used at this location did not show evidence of long-term residency. Therefore, these individuals may have been transient or wintering birds. Additionally, suitable habitat for wintering or breeding birds may be present in the vicinity of the busway connectors to be constructed under the Baseline Alternative between I-680 and the planned BART Warm Springs Station, as well as between this station and I-880, and at ~~two-four~~ additional sites proposed for construction of facilities under the BART Alternative: at the site of the proposed Locomotive Wye Fremont Option; in the vicinity of the proposed South Calaveras Future Station; at the Sno-boy site proposed for relocation of the rail-truck tank car transfer facility; and to the west and north of the proposed TPSS #5 site. ~~at the proposed Locomotive Wye Fremont Option, and west and north of the proposed TPSS #5 site.~~—The habitat in these areas is degraded and fragmented by agricultural conversion and

urban development. Altogether, approximately ~~28~~28.6 acres of burrowing owl habitat occurs within the SVRTC at these various locations.

In response to comment F1.8, Section 4.4.2.2, Regulatory Setting, under the subheading Federal Laws and Regulations, a new subheading and text have been added:

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with NOAA Fisheries on all actions or proposed actions (permitted, funded, or undertaken by the federal agency) that may adversely affect fish habitats. Under the provisions of the Act, Congress mandated the identification of habitats essential to managed species (e.g., commercial species) and measures to conserve and enhance these habitats. The Act requires cooperation among NOAA Fisheries, Regional Fishery Management Councils, fishing participants, and federal and state agencies to protect, conserve, and enhance "essential fish habitat," defined as those waters and substrate necessary to fish for spawning, breeding, feeding, and growth to maturity.

Section 4.4.2.2, Regulatory Setting, under the subheading State Laws and Regulations, California Fish and Game Code, has been revised to reflect updated regulatory information:

*Lake or Streambed Alteration Agreements (Section 1600 ~~et seq~~to 1616.)*

The Fish and Game Code regulates activities that interfere with the natural flow of, or substantially alter the channel, bed, or bank of a lake, river, or stream. Lakebed and streambed alteration activities are covered under Section 1602~~1~~ for public and private agencies/entities and Section 1603 for private parties. Requirements to protect the integrity of biological resources and water quality are often conditions of Streambed Alteration Agreements administered under Section 1600 ~~et seq~~to 1616.

In response to comment S1.1, Section 4.4.2.2, Regulatory Setting, under the subheading State Laws and Regulations, Porter-Cologne Water Quality Control Act, the second paragraph has been revised:

The SWRCB and San Francisco Bay RWQCB have taken the position that the Porter-Cologne Act and basin plans developed pursuant to the Act provide independent authority to regulate discharge of fill material to wetlands outside the jurisdiction of ACOE. This applies specifically to isolated wetlands considered non-jurisdictional based on the *Solid Waste Agency of Northern Cook County (SWANCC) v. United States Army Corps of Engineers* decision (121 S.Ct. 675, 2001), which limited ACOE's jurisdiction over isolated wetlands. The SWRCB and RWQCB also regulate activities on creek banks that are above the ordinary high water mark. For example, clear span bridges with abutments above the ordinary high water mark would not need a Section 401 permit, but may require issuance of waste discharge requirements from RWQCB. In addition, SWRCB recently adopted General Waste Discharge Requirements for activities that occur in waters of the state that are outside of ACOE jurisdictional waters. Coverage under these requirements can be obtained by filing a Notice of Intent (NOI) with RWQCB.

In response to comment R11.15, a table note has been added to Table 4.4-3, Impacts to Vegetation Communities with the Baseline and BART Alternatives, to indicate that impacts to the riparian forest at Berryessa Station may differ depending on the alternative chosen for the Upper Penitencia Creek Flood Control Project. Also, to update information on non-native grassland and Western burrowing owl habitat acreages, the table has been revised accordingly:

<b>Vegetation Community (and Species Potentially Affected) or Jurisdictional Area <sup>[1]</sup></b>	<b>Baseline Alternative</b>	<b>BART Alternative</b>
<b>Non-native Grassland</b> Congdon's tarplant Western burrowing owl Loggerhead shrike	Up to 13 acres, total Up to 13 acres Up to 13 acres Up to 13 acres	Up to <del>14.9</del> <b>15.6</b> acres, total 14.9 acres <del>11.4</del> <b>15.6</b> acres 14.9 acres
<b>Seasonal and Freshwater Emergent Wetlands (Marsh)</b> Without South Calaveras Future Station With South Calaveras Future Station	-	0.128 acres 1.243 acres
<b>Central Coast Cottonwood-Sycamore Riparian Forest (riparian corridor)</b>	-	2.6 acres <sup>[2]</sup>
<p>Note:</p> <p><sup>[1]</sup> Ruderal/disturbed areas predominate throughout the SVRTC and, apart from developed areas and the vegetation communities listed in the table above, constitutes the remainder of the corridor's habitat. However, although likely to be affected to some extent by either build alternative under various design options, the acreage is not quantified because this habitat type typically reestablishes itself on its own.</p> <p><sup>[2]</sup> <u>Impacts at the Berryessa Station location, included in this total, may differ depending on the alternative chosen for the Upper Penitencia Creek Flood Control Project.</u></p> <p>Source: Parsons Corporation, 2003.</p>		

Section 4.4.3.1, Impacts to Vegetation Communities, under the subheading BART Alternative, the first sentence has been revised to indicate that non-native grassland is found at four sites within the BART Alternative project area:

Non-native grassland would be affected by construction of the replacement rail-truck tank car transfer facility at the Sno-boy site (8.3 acres), by the construction of the Locomotive Wye Fremont Option (3.1 acres), ~~and~~ by construction of the South Calaveras Future Station (3.5 acres); and to the west and north of the proposed TPSS #5 site (0.7 acres).

In response to comment R11.15, Section 4.4.3.1, Impacts to Vegetation Communities, under the subheading BART Alternative, the third paragraph has been revised:

Impacts to up to 2.6 acres of Central Coast cottonwood-sycamore riparian forest along Berryessa, Upper Penitencia, and Coyote creeks could occur during construction of the Montague/Capitol and Berryessa stations. At the Berryessa Station location, the SCVWD is considering alternatives for the Upper Penitencia Creek Flood Control Project. Depending on the alternative chosen, impacts to the riparian forest due to the BART Alternative may differ, as the design of the two projects must be coordinated by VTA and SCVWD. These impacts would be reduced or avoided by techniques to avoid encroachments into riparian areas (see Section 4.4.3.5) and by provision

of an additional riparian corridor buffer along the banks of all three creeks. Impacts to seasonal/freshwater emergent wetland are discussed in Section 4.4.3.2.

Section 4.4.3.2, Impacts to Wetlands and Other Waters of the U.S., under the subheading BART Alternative, the second paragraph has been revised:

Approximately 1.115 acres of seasonal and freshwater emergent wetlands of Wrigley Creek would be affected by construction of the South Calaveras Future Station. As shown in Figures B-2, B-4, and B-6, Wrigley Creek severely constrains the use of the property to the east of the station. With all three design options, the creek would need to be relocated approximately 120 feet to the west and would be maintained in an open earthen channel with a planting regime and performance measures established in consultation with ACOE to ensure no net loss of wetlands. Approximately 0.05 acres of delineated wetlands just south of the South Calaveras Future Station would be avoided.

Section 4.4.3.3, Impacts to Special Status Species, under the subheading BART Alternatives, fifth paragraph, the last sentence has been revised:

Construction of the BART Alternative would result in the temporary disturbance to 2.6 acres of riparian forest and up to 14.915.6 acres of non-native grassland found in the immediate vicinity of the SVRTC.

Section 4.4.3.3, Impacts to Special Status Species, under the subheading BART Alternatives, the last paragraph has been revised to indicate that suitable habitat for Western burrowing owl is found at four sites within the BART Alternative project area:

Habitat for burrowing owl, a federal and state species of special concern, may be affected by construction of the replacement rail-truck tank car transfer facility at the Sno-boy site, the proposed South Calaveras Future Station, by construction of the Locomotive Wye Fremont Option, and and the by construction of TPSS #5 site.

In response to comment R11.17, Section 4.4.3.4, Design Requirements and Best Management Practices, under the subheading Baseline and BART Alternatives, the second bullet has been revised:

- Tunneling under Lower Silver Creek (under the Alum Rock Station U.S./101 Diagonal Option), Coyote Creek, and the Guadalupe River, and Los Gatos Creek would avoid impacts to aquatic/riparian habitat and fisheries.

In response to comment S2.13, Section 4.4.3.5, Mitigation Measures, under the subheading Baseline Alternative, the fifth bullet has been revised:

- If construction activities are scheduled to occur during the nesting season of swallows and other migratory birds (generally March through August), a pre-construction survey for nesting activity will be conducted prior to commencement of construction. If active nests are identified in close proximity to construction work, a biological monitor will monitor the nests when work begins. If the biological monitor, in consultation with the California Department of Fish and Game (CDFG), determines that construction activities are disturbing adults incubating eggs or young in the nest, then a no work zone buffer will be established by the biological monitor around the nest until the young have fledged and the nest is no longer active. If a biological monitor, in consultation with CDFG, determines that construction activities occurring in proximity to active cliff swallow nests are not disturbing adults or chicks in the nest, then construction activities can continue. Nests that have been determined to be inactive (with no eggs or young) can be removed with CDFG approval.

~~construction activities are scheduled to occur during the nesting season of swallows (generally March through August), pre-construction surveys for nesting swallows will be conducted prior to commencement of construction activities. If active nests are identified within the study area, construction activities will stop (only where a nest is located) until the nests (with no eggs or young) are removed in accordance with MBTA and CDFG approval or until the young have fledged.~~

In response to comment S2.14, Section 4.4.3.5, Mitigation Measures, under the subheading BART Alternative, the thirteenth bullet has been revised:

- No activities will occur in suitable California red-legged frog habitat after October 15 or the onset of the rainy season, whichever occurs first, until May 1 except for during periods greater than 72 hours without precipitation. Activities can only resume after the 72-hour period or after May 1 following a site inspection by a qualified biologist, in consultation with USFWS. The rainy season is defined as: a frontal system that results in depositing 0.25 inches or more of precipitation in one event.

Section 4.4.3.5, Mitigation Measures, under the subheading Baseline Alternative, the twenty-second bullet has been revised:

- ~~If construction activities are scheduled to occur during the nesting season of swallows (generally March through August), pre-construction surveys for nesting swallows will be conducted prior to commencement of construction activities. If active nests are identified within the study area, construction activities will stop (only where a nest is located) until the nests (with no eggs or young) are removed in accordance with MBTA and CDFG approval or until the young have fledged. If construction activities are scheduled to occur during the nesting season of swallows and other migratory birds (generally March through August), a pre-construction survey for nesting activity will be conducted prior to commencement of construction. If active nests are identified in close proximity to construction work, a biological monitor will monitor the nests when work begins. If the biological monitor, in consultation with the California Department of Fish and Game (CDFG), determines that construction activities are disturbing adults incubating eggs or young in the nest, then a no work zone buffer will be established by the biological monitor around the nest until the young have fledged and the nest is no longer active. If a biological monitor, in consultation with CDFG, determines that construction activities occurring in proximity to active cliff swallow nests are not disturbing adults or chicks in the nest, then the construction activities can continue. Nests that have been determined to be inactive (with no eggs or young) can be removed with CDFG approval.~~

#### **4.4.5 REVISIONS TO SECTION 4.5, COMMUNITY SERVICES AND FACILITIES**

There are no revisions to this section.

#### **4.4.6 REVISIONS TO SECTION 4.6, CULTURAL AND HISTORIC RESOURCES**

Section 4.6.1, Regulatory Setting, second paragraph, the last sentence has been added to direct the reader to further information:

See Chapter 7, Final Section 4(f) Evaluation, for additional discussions on the impacts of the project on cultural resources.

Section 4.6.2, Areas of Potential Effects, under the subheading Baseline and BART Alternatives, the first paragraph has been revised to expand the discussion regarding tunneling:

Two APEs were delineated by the FTA and VTA in consultation with the SHPO, as found in Appendix E. The APE for archaeological resources is defined as the extent of proposed construction for the project alternatives, or “project footprint.” It encompasses the busways proposed under the Baseline Alternative, as well as the BART Alternative tracks, supporting physical facilities and improvements, stations, parking areas, building footprints, construction laydown areas, sound walls, retaining walls, and other tracks that would be relocated and reconfigured to accommodate the BART extension. Where the BART alignment is in a subway, parcels surrounding facilities that connect from the surface to the top of the tunnel (~~20-60-40 to 50-footfeet deep~~) are included in the archaeological APE as is, although the bored tunnel itself. is not. Where the tunnel passes under structures, the top of the tunnel would generally be 40 feet below ground level. Localized areas with a reduced depth of cover will occur as the alignment transitions from bored tunnels into cut-and-cover and at-grade structures and passes beneath localized topographic features. The locations of the components of the project alternatives are described in Chapter 3, *Alternatives*.

In response to comments L5.2 and P59.1, Section 4.6.4.1, Existing Conditions, under the subheading Baseline and BART Alternatives, the second paragraph has been revised to reflect that at least eight buildings appear to be eligible for the California Register of Historic Resources but not the National Register of Historic Places:

Of the 250 buildings, structures, and objects evaluated, 21 historic properties are listed in the NRHP, have been determined eligible for the NRHP, or appear eligible for listing in the NRHP. Two of these historic properties, the San Jose Downtown Commercial Historic District and the Santa Clara Station, are multi-component historic districts with 13 and 2 individual historic resources, respectively, for a total of 34 individual buildings, structures, or objects studied. The 21 historic properties are listed in Table 4.6-3. ~~Four-Eight~~ additional properties within the architectural APE do not appear to meet criteria for listing in the NRHP but do appear eligible as historic resources for the purposes of CEQA. These are listed in Table 4.6-4. The remaining ~~212~~ 208 historic resources do not appear to meet criteria for listing in the NRHP nor do they appear to be historical resources under CEQA.

Section 4.6.4.2, Historic Architectural Resources Impacts, under the subheading BART Alternative, first paragraph, the last sentence has been added to clarify that state environmental issues are also addressed:

CEQA impacts are also discussed below.

Section 4.6.4.2, Historic Architectural Resources Impacts, under the subheading BART Alternative, second paragraph, the last sentence has been revised to clarify the effect:

There would be no effect on the ~~4-7 of the 8~~ 4-7 of the 8 properties that are considered historical resources only under CEQA.

Table 4.6-3, Historic Properties Listed in the NRHP, Eligible for Listing in the NRHP, or Appearing Eligible for Listing in the NRHP, the Status Codes for the National Register of Historic Places for select properties have been revised (partial table reprinted here):

<b>Table 4.6-3: Historic Properties Listed in the NRHP, Eligible for Listing in the NRHP, or Appearing Eligible for Listing in the NRHP <sup>[1]</sup></b>				
<b>Address</b>	<b>APN <sup>[2]</sup></b>	<b>Year Built</b>	<b>NR Status Code <sup>[3]</sup></b>	<b>Evaluated by (if appears eligible)</b>
Church of the Five Wounds 1375-1401 East Santa Clara Street, San Jose	467-08-007 467-08-009 478-08-014	1916- 1960	<del>32</del>	Ward Hill 2002
Mayfair Theater 1191 East Santa Clara Street, San Jose	467-10-043	1949	<del>32</del>	Ward Hill 2002
B.F. Allen House 1169 East Santa Clara Street, San Jose	467-10-046	1888	<del>32</del>	Ward Hill 2002
Fox Building 40 North Fourth Street, San Jose	467-20-016	1919	<del>3S2S</del>	JRP 2002
San Jose Building and Loan 81 West Santa Clara Street, San Jose	259-34-018	1926	<del>3S2S</del>	Franklin Magi 2002 / JRP 2002
James Clayton Building 34 West Santa Clara Street, San Jose	259-40-038	1880s / 1910s / 1920s	<del>3S2S</del>	Glory Anne Laffey 1991 / JRP 2002
San Jose National Bank 101 West Santa Clara Street, San Jose	259-34-046	1942	<del>3S2S</del>	Franklin Magi 2000
The Old Spaghetti Factory 51 North San Pedro Street, San Jose	259-35-041	1901	<del>3S2S</del>	Franklin Magi 2000
151 West Santa Clara Street, San Jose	259-35-049	1877 / 1930	<del>32</del>	Franklin Magi 2000
Calpak Plant #51 50 Bush Street, San Jose	261-33-038	1914 / 1925 / 1930	<del>3B2B</del>	Glory Anne Laffey 1998
Schurra's Candy Factory 848 The Alameda, San Jose	261-33-020	ca. 1884	<del>3S2S</del>	Glory Anne Laffey 1991 / JRP 2002
176 N. Morrison Avenue, San Jose	261-01-074	ca. 1898	<del>32</del>	JRP 2002
Muirson Label and Carton Company 421-435 Stockton Avenue, San Jose	261-03-051	1913 / 1927	<del>32</del>	Ward Hill 2001

In response to comments L5.2 and P59.1, Table 4.6-4, Historic Properties that do not Appear Eligible for Listing in the NRHP, But Appear Eligible to be Considered Historic Resources under CEQA, has been revised to reflect that at least eight buildings appear to be eligible for the California Register of Historic Resources but not the National Register of Historic Places:

<b>Table 4.6-4: Historic Properties that do not Appear Eligible for Listing in the NRHP, But Appear Eligible to be Considered Historic Resources under CEQA</b>				
<b>Address</b>	<b>APN</b>	<b>Year Built</b>	<b>Status Code <sup>[1]</sup></b>	<b>Evaluated by (if appears eligible)</b>
<a href="#">884 East Santa Clara Street, San Jose</a>	<a href="#">467-30-005</a>	<a href="#">1929</a>	<a href="#">5S3</a>	<a href="#">Other</a>
43-49 East Santa Clara Street, San Jose	467-21-027	1877 / 1924	5S3	Other / JRP 2002
35-39 East Santa Clara Street, San Jose	467-21-026	1876 / 1946	5S3	Other / JRP 2002
<a href="#">17-25 East Santa Clara Street, San Jose</a>	<a href="#">467-21-024</a>	<a href="#">1896</a>	<a href="#">5S3</a>	<a href="#">Other / JRP 2002</a>
<a href="#">127-145 Post Street, San Jose</a> <a href="#">33-45 South Market Street, San Jose</a>	<a href="#">259-40-021</a> <a href="#">259-40-028</a>	<a href="#">1895 / 1903</a>	<a href="#">5S1</a>	<a href="#">Other / JRP 2002</a>
177 West Santa Clara Street, San Jose 124-126 E. Santa Clara Street, San Jose	259-35-048	1884	5S1	Other / JRP 2002
<a href="#">161-167 West Santa Clara Street, San Jose</a>	<a href="#">259-35-035</a>	<a href="#">1883 / 1930</a>	<a href="#">5S1</a>	<a href="#">Other / JRP 2002</a>
808-824 The Alameda, San Jose	261-33-023	1920s / 1930s / 1954	5S1	Other / JRP 2002
Notes: <sup>[1]</sup> Status codes: 5S1: Property is not eligible for NR listing, but is separately listed under an existing local ordinance or is eligible for such listing. 5S3: Property is not eligible for NR listing or for listing under a local ordinance, but is eligible for special consideration in local planning (such as having been evaluated as eligible to be a historical resource for the purposes of CEQA). <i>Source: Historic Resources Evaluation Report, JRP Historical Consulting Services, 2002.</i>				

Section 4.6.4.2, Historic Architectural Resources Impacts, under the subheading BART Alternative, the last paragraph (following Table 4.6-4) has been added to clarify the status of the historic resource and the location of additional information:

[Option M-4 at the Market Street Station involves the construction of a station entrance and elevator on the property at 17-25 East Santa Clara Street. The building on this property is considered a historical resource only for the purposes of CEQA. This option would require the demolition and/or substantial alteration of the building and would result in a significant impact under CEQA. Additional discussions about CEQA impacts are provided in Chapter 6, Other CEQA and NEPA Considerations.](#)

Table 4.6-5, Summary of Findings for Historic Properties within the BART Alternative APE, has been revised (partial table reprinted here):

<b>Address</b>	<b>APN</b>	<b>Effect</b>
Cahill Station and Santa Clara Underpass, San Jose	261-34-020	No adverse effects anticipated. <u>Station elements and parking would not diminish the linkage of resources at the property and would not require demolition or alteration of contributing elements. Therefore, the project would constitute no adverse effect to the property.</u>

In response to comment L1.1, Section 4.6.6.1, Archaeological Resources Mitigation, under the subheading BART Alternative, the first paragraph has been revised:

Because it is reasonable to conclude that cultural resources are likely to be discovered during implementation of this undertaking, the process for addressing impacts and avoiding, minimizing, or mitigating adverse effects on historic properties will be developed in advance and included in a Memorandum of Agreement (MOA) (or Programmatic Agreement, if determined appropriate) and supporting Cultural Resources Treatment Plan (CRTP).

Section 4.6.6.1, Archaeological Resources Mitigation, under the subheading BART Alternative, the last paragraph has been added to provide a commitment:

The particular mitigation measures to be written into the MOA and CRTP will be determined in consultation among the signatories. VTA will comply with the terms of the MOA and CRTP. A draft MOA is provided in Appendix F.

Section 4.6.6.2, Historic Architectural Resources Mitigation, under the subheading BART Alternative, the first bullet has been added to reflect that Options M-1A and M-4 are no longer being considered and the second and fourth bullets have been revised to clarify the mitigation:

- **Avoidance.** Options M-1A and M-4 at the Market Street Station would affect resources that are listed in or eligible for the NRHP and/or considered historic resources for the purposes of CEQA. These options have been deleted from further consideration.
- **Design Standards and Guidelines.** If adverse effects cannot be avoided by the selection of alternatives and/or options, VTA will ensure that the project features affecting the contributing element(s) of the San Jose Downtown Commercial Historic District and the Santa Clara Caltrain Station complex are compatible with the historic and architectural qualities of the affected historic building(s) and surrounding historic district(s) in terms of scale, massing, color, and materials. Design and specifications for these project features shall be developed under the guidance of *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings* (U.S. Department of the Interior, National Park Service, 1995).
- **Recordation.** Recordation of the adversely affected historic building(s) is recommended to ensure a permanent record of the properties' present appearance and context. Under this mitigation measure, VTA will ensure that building(s) to be demolished, relocated, or altered are recorded to Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) standards prior to any construction activities. The HABS/HAER documentation

will be filed with the SHPO and the HABS/HAER collection in the Library of Congress, the National Park Service, and copies provided to local historical agencies.

#### **4.4.7 REVISIONS TO SECTION 4.7, ELECTROMAGNETIC FIELDS**

There are no revisions to this section.

#### **4.4.8 REVISIONS TO SECTION 4.8, ENERGY**

There are no revisions to this section.

#### **4.4.9 REVISIONS TO SECTION 4.9, ENVIRONMENTAL JUSTICE**

There are no revisions to this section.

#### **4.4.10 REVISIONS TO SECTION 4.10, GEOLOGY, SOILS, AND SEISMICITY**

There are no revisions to this section.

#### **4.4.11 REVISIONS TO SECTION 4.11, HAZARDOUS MATERIALS**

There are no revisions to this section.

#### **4.4.12 REVISIONS TO SECTION 4.12, LAND USE**

In response to comment L4.29, Section 4.12.2.1, Existing Setting, under the subheading BART Alternative/Segment 1 – Planned BART Warm Springs Station to Trade Zone Boulevard/Station Locations, the first paragraph has been revised:

**South Calaveras (Future) Station Area** (Figure 4.12-2). ~~The station area is surrounded by Light Industrial uses including the UPRR Milpitas Yard, and other industrial uses. A new senior housing complex and a new library will be located to the northwest. Low, Medium and High Density Residential uses are located to the west of Railroad Avenue and to the north of the Beresford Shopping Center. The new Milpitas City Hall, Community Hall, and future Senior Center are located to the northeast. A small area of undeveloped land is situated directly south of Calaveras Boulevard. The site of the South Calaveras (Future) Station is in an existing light industrial area. The station area is surrounded by medium density residential uses, including a senior housing complex, to the northeast and northwest. Light industrial/warehouse uses are located to the northwest and southwest, directly adjacent to the rail line, and to the southeast. The new Milpitas City Hall, community hall, and library are located to the northeast. A small area of undeveloped land is situated directly south of Calaveras Boulevard.~~

Section 4.12.2.2, Regulatory Setting, under the subheading Local Development Plans and Policies /City of San Jose/Focus on the Future San Jose – 2020 General Plan, a footnote has been added to the third bullet:

<sup>1</sup> ~~In the San Jose 2020 General Plan, the "Santa Clara County Transit District" is the Santa Clara Valley Transportation Authority (VTA).~~

Section 4.12.2.2, Regulatory Setting, under the subheading Local Development Plans and Policies /City of San Jose/Focus on the Future San Jose – 2020 General Plan, the last bullet has been added:

- Preserve, protect, and restore riparian corridors and upland wetlands within the City of San Jose's Sphere of Influence.

In response to comment L5.7, Section 4.12.2.2, Regulatory Setting, under the subheading Local Development Plans and Policies/City of San Jose, a new subheading and text has been added to include a discussion of the City of San Jose Riparian Corridor Policy Study:

*City of San Jose Riparian Corridor Policy Study*

In May 1994, the San Jose City Council adopted the Riparian Corridor Policy Study to establish detailed direction on how to implement the Riparian Corridors and Upland Wetlands Policies included in the San Jose 2020 General Plan. The San Jose Riparian Corridor Policy Study includes development guidelines for development along creeks to help protect riparian habitat and minimize impacts to riparian resources. These guidelines include site design, building and fixtures design, landscaping, public recreation facilities (e.g. streamside trails), fire management, vegetation/habitat continuity, and techniques to protect water quality.

In response to comment R1.11, Section 4.12.2.2, Regulatory Setting, under the subheading Local Development Plans and Policies/Metropolitan Transportation Commission, two new subheadings and descriptive text have been added:

*Supportive Land Use Policies from MTC Resolution No. 3357*

One of the key findings of MTC's Blueprint evaluation of numerous proposed transit investments is that rail extensions capture more ridership in the densely settled urban core of the region. Last year [2000], the BART Board of Directors adopted a new system expansion policy that emphasized the need to "maximize ridership by supporting smart, efficient, and desirable growth patterns". Similarly, FTA's criteria for evaluating projects for New Starts funding recently have focused greater attention on transit-supportive land use policies. Considerations of "cost-effectiveness" (see below) will entail assumptions of ridership tied to existing or future employment and residential development within rail extension corridors.

Consequently, any evaluations of cost-effectiveness that rely on increased ridership arising from future land use patterns that differ from ABAG forecasts would require policy commitments in the form of board or council resolutions from the relevant local jurisdictions where such land use changes will occur. These resolutions must include the specific actions needed to affect the desired land uses (e.g., zoning changes, general plan amendments) and a timeline for implementing those actions. Any allocation or project approval of funds subject to MTC's discretion, and dedicated to projects stipulated under this policy, will be contingent upon the local jurisdiction's approval of the specified implementing actions. A related consideration for land use policies would be the economic benefits of new development resulting from improved access provided by the rail investment, as well as the extent to which the rail project provides access to affordable housing and jobs.

*Supportive Land Use Policies from the Transportation and Land Use Platform*

In December 2003, during Phase One of the adoption of the Transportation 2030 Plan, MTC adopted the Transportation and Land Use Platform, which states the following goals:

- Promote development of land uses adjacent to major transit extensions, to support ridership markets that will make these investments economically feasible.

- Condition the award of regional discretionary funds under MTC’s control for resolution 3434 expansion projects, on the demonstration by local government that plans are in place supporting some level of increased housing/employment/mixed use density around transit stations/transfer centers.

Section 4.12.5.1, Impacts, under the subheadings Compatibility with Existing Land Uses/BART Alternative/East Warren Avenue Alignment, the section has been revised, including a footnote to clarify the design option:

There are two design options for the crossing of BART and East Warren Avenue.

- East Warren Avenue At-Grade (BART Aerial) Option, where BART would be constructed on an aerial structure and East Warren Avenue would remain at grade, as it currently exists. The freight rail track would also remain at grade.
- East Warren Avenue Underpass (BART At-Grade) Option, where BART would remain at grade and other agencies would reconstruct East Warren Avenue as a roadway underpass. A new bridge would be constructed for BART, and others would construct a new two-track bridge for the -would be depressed and BART would be at grade. The freight rail track, which would remain at grade.<sup>2</sup>

For either option, the BART alignment would eliminate truck access from East Warren Avenue to a rail-truck tank car transfer facility located in the middle of the railroad ROW south of East Warren Avenue, remove the easternmost transfer facility track, and encroach on a related truck holding facility immediately to the east of the ROW.

<sup>2</sup> It is assumed that these improvements would be funded by either the Alameda County Transportation Improvement Agency (ACTIA) or the City of Fremont as part of their grade separation projects at Mission Boulevard and Warren Avenue.

Table 4.12-1, Consistency of the SVRTC Alternatives With Applicable Land Use Goals and Policies, has been revised to include the City of San Jose Riparian Corridor Policy Study (partial table reprinted here):

<b>Table 4.12-1: Consistency of the SVRTC Alternatives With Applicable Land Use Goals and Policies</b>			
<b>City / County / Regional Agency Policy</b>	<b>No-Action Alternative</b>	<b>Baseline Alternative</b>	<b>BART Alternative</b>
CITY OF SAN JOSE GOALS AND POLICIES <i>Focus on the Future San Jose – 2020 General Plan (SJGP) Strategy 2000</i> <u>Riparian Corridor Policy Study</u> <u>Strategy 2000</u> <i>Diridon/Arena Strategic Development Plan (DASDP)</i> <i>Midtown Specific Plan (MSP)</i> <i>Strong Neighborhood Initiatives (SNI)</i>			
<u>Riparian Corridor Policy Study: Development in the Urban Service Area should be in accordance with the policy guidelines.</u>			

Section 4.12.5.1, Impacts, under the subheading Consistency with Local and Regional Plans and Policies under the subheading BART Alternative, the third paragraph has been added to include a discussion of the City of San Jose Riparian Corridor Policy Study:

The BART Alternative would be designed to the maximum extent practicable to accommodate the guidelines contained in the San Jose Riparian Corridor Policy Study. For example, the Berryessa Station includes a 150-foot setback from the edge of the riparian corridor, a greater distance than the 100-foot setback required in the Riparian Corridor Policy Study. In addition, the BART Alternative would be designed to avoid or minimize impacts to riparian habitats where possible. Where impacts are unavoidable, VTA would work with the CDFG to mitigate for those impacts, as described in *Biological Resources and Wetlands*, Section 4.4.3.5, *Mitigation Measures*.

#### **4.4.13 REVISIONS TO SECTION 4.13, NOISE AND VIBRATION**

In response to comment L4.35, Section 4.13.4.2, Existing Vibration Conditions, under the subheading BART Alternative/Test locations, the first bullet has been revised:

- **Site SV1.** A surface vibration propagation test was conducted on Dixon Landing Road in Milpitas, ~~which runs parallel to~~near the proposed BART Alternative alignment. The test site is representative of the ground conditions for this area of the alignment.

#### **4.4.14 REVISIONS TO SECTION 4.14, SECURITY AND SYSTEM SAFETY**

Section 4.14.2.2, BART Facilities, under the subheading Security, middle of the second paragraph has been revised to show the correct average response time for the BART police to non-emergency calls:

The BART police have an average response time to emergencies of 4 minutes, and an average response time of ~~8.5~~ minutes to non-emergency calls.

#### **4.4.15 REVISIONS TO SECTION 4.15, SOCIOECONOMICS**

Section 4.15.3.2, Design Requirements and Best Management Practices, the fourth paragraph has been revised to clarify the acquisition process:

When acquisition occurs, properties are appraised at fair market value and offers are based on the approved appraised values. ~~the fair market price will reflect the current economy and is designed to be adequate to cover the cost of an alternate site of similar size and quality.~~ For relocation, the availability of alternate sites will vary; however, the current economy is characterized by a comfortable vacancy rate in the project area, which could easily accommodate the need for relocation space in a similar price range. Table 4.15-9 shows recent vacancy rate ranges for commercial properties in the SVRTC cities. In addition, with a current housing stock of over 1.5 million units in Santa Clara County, the one to five residential relocations associated with the BART Alternative will be easily accommodated.

#### **4.4.16 REVISIONS TO SECTION 4.16, UTILITIES**

In response to comments R4.3 and R11.18, Section 4.16.2, Existing Conditions, the third paragraph has been revised to acknowledge that the 60-inch storm drain is owned and managed by the Alameda County Flood Control and Water Conservation District and to include the Santa Clara Valley Water District's 66-inch central pipeline storm drain:

Of the many utilities located along the BART Alternative, Table 4.16-1 identifies 14 utilities that are 36 inches or greater in diameter. From Mission Boulevard to Auburn Court, the ~~Alameda County Flood Control and Water Conservation District~~Alameda County Water District (ACFCWCD) maintains a 60-inch storm drain. The San Francisco Water District (SFWD) has two steel water lines 72 and 90 inches in diameter between Kato Road and Curtis Avenue. These pipelines are two of the largest known to exist in the corridor. The SCVWD also maintains two 42-inch water

lines from Curtis Avenue to Trimble Road. Between Montague Expressway and Trimble Road, Pacific Gas and Electric (PG&E) owns welded steel pipes that are 24 and 36 inches in diameter. The City of San Jose has multiple sewer and storm drain pipelines stretching from the Lundy Avenue and Sierra Road intersection to downtown San Jose at 4<sup>th</sup> and East Santa Clara streets. The SCVWD maintains a 66-inch central pipeline storm drain, which parallels the BART alignment south of Berryessa Road and crosses to the west under the existing railroad north of Mabury Road. The largest is a 78-inch storm drain is located between Montague Expressway and Trimble Road.

In response to comments R4.3 and R11.18, Table 4.16-1, Major Utility Locations Along the BART Alternative, has been revised to acknowledge that the 60-inch storm drain is owned and managed by the Alameda County Flood Control and Water Conservation District and to include the Santa Clara Valley Water District's 66-inch central pipeline storm drain (partial table reprinted here):

Location Figure/Stationing	Figure / Stationing	Quantity	Type of Utility	Owner / Operator	Size (inches)	Type of Material
Mission Boulevard to Auburn Court	Figures A-5 to A-8 STA 73+90	1	Storm Drain	Alameda County <u>Flood Control and Water Conservation District</u>	60	Reinforced concrete pipe
<u>Berryessa Road to Mabury Road</u>	<u>Figure A-25 STA 520+00 to STA 549+00</u>	<u>1</u>	<u>Storm Drain</u>	<u>Santa Clara Valley Water District</u>	<u>66</u>	<u>Pre-stressed concrete or welded steel</u>

#### 4.4.17 REVISIONS TO SECTION 4.17, VISUAL QUALITY AND AESTHETICS

Section 4.17.3.1, Impacts, under the subheading BART Alternative/Landscape Unit 6 - East Santa Clara Street to I-880, the first bullet for the Diridon/Arena Station and Parking Garage has been revised to further describe the south parking structure:

- South Parking Structure.** The South Parking Structure, shown in Figure 4.17-29, is a four- to six-level parking structure located to the south of West San Fernando Street and east of the existing Diridon Caltrain Station. The structure is located outside the National Register of Historic Places (NRHP) boundary of the historic Caltrain Station, also referred to as the Cahill Station. Adjacent to the west side of this parking structure and within the NRHP boundary is an existing surface parking lot. This use would continue as a surface parking lot. During the day, the parking structure would be dominant in this view because of its height and mass; however, the structure would block views to the power station; however, resulting in improved unity and intactness.—The BART station and parking structure would be similar in use and scale to the surrounding structures such as parking lots, the Diridon Caltrain Station, and the HP Pavilion. At night, lighting from the station entrance would be minimally noticeable from this viewpoint. In addition, the lighting would be focused on the BART facilities and designed to minimize light and glare in adjacent areas. This would ensure that the station and parking structure would not be vivid at night and would not affect the intactness or unity of nighttime views. Refer to Section 4.6, *Cultural and Historic Resources*, for a discussion of the impacts of the South Parking Structure on the historic Caltrain Station.

#### 4.4.18 REVISIONS TO SECTION 4.18, WATER RESOURCES, WATER QUALITY, AND FLOODPLAINS

In response to comment R11.21, Section 4.18.2.3, Surface Water Resources, under the subheading Surface Water in Alameda County/Watercourses, the second, third, and fourth paragraphs have been revised:

**Agua Caliente Creek (Line F) and Agua Fria Creek (Line D).** Proceeding south from the UPRR Warm Springs Yard in Fremont, the railroad corridor crosses Agua Caliente Creek (Line F)<sup>1</sup> and Agua Fria Creek (Line D) just north of East Warren Avenue. These creeks drain approximately 5.1 square miles of watershed area (DKS Associates 1991). The ACFCWCD original 15-year design flow for Agua Caliente Creek is 586 cubic feet per second (cfs), and 100-year ~~peak-design~~ flow is 945 cfs<sup>2</sup>. Recent ACFCWCD studies on Agua Fria Creek (Line D) indicate the 15-year and 100-year ~~peak-design~~ flows are 434 cfs and 800 cfs, respectively.

**Toroges Creek (Line C) and Toroges Creek (Line B1).** The railroad corridor crosses Toroges Creek (Line C) to the south of Lipert Avenue in Fremont. The total watershed area drained by this creek is 4.4 square miles. The 15-year and 100-year ~~peak-design~~ flows for Toroges Creek are ~~reported as~~ 378 cfs (ACFCWCD original design flow) and 594 cfs (ACFCWCD recent study), respectively<sup>3</sup>. Another small channel, named Toroges Creek (Line B1), originates west of the railroad corridor and does not cross it. This creek drains an approximately 0.3-square mile urbanized area near the project area. The 100-year ~~design~~ flow of this creek is ~~reported as~~ 90 cfs<sup>4</sup>.

**Scott Creek (Line B) and Scott Creek (Line A).** The railroad corridor crosses Scott Creek (Line B) and Scott Creek (Line A) about 0.4 miles and 0.1 miles north of Scott Creek Road, respectively. The 15-~~design~~ year flow in Scott Creek (Line B) ~~was reported as~~ 312 cfs (ACFCWCD original design flow)<sup>5</sup>, and the 100-year ~~design~~ flow ~~was reported as~~ 555 cfs (DKS Associates 1991). Recent studies performed on Scott Creek (Line A) near I-880 indicated the 15-year and 100-year ~~design~~ flows as 440 cfs and 820 cfs, respectively.

In response to comment F1.5, Section 4.18.2.3, Surface Water Resources, under the subheading Surface Water in Alameda County/Water Quality, the second paragraph has been added to discuss federal Clean Water Act 303(d) impaired waters in Alameda County in the project area:

None of the surface waters in Alameda County in the SVRTC project is listed under Section 303(d) of the federal Clean Water Act (CWA) as impaired. Section 303(d) of the CWA is discussed in Section 4.18.3.1 below.

In response to comments R11.20 and R11.21, Section 4.18.2.3, Surface Water Resources, under the subheading Surface Water in Santa Clara County/Watercourses, the entire section, except the first paragraph, has been revised:

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<sup>1</sup> The Alameda County Flood Control and Water Conservation District refers to creeks in Alameda County as "Drainage Lines", e.g., Agua Caliente Creek as Drainage Line F. Therefore, the creeks in Alameda County within the SVRTC project study area are also referred to as "Lines."

<sup>2</sup> A letter from Development Services Department of the Alameda County Public Works Agency (ACPWA), October 21, 2002.

<sup>3</sup> A Drainage Information Letter from Development Services Department of the ACPWA, March 20, 2003.

<sup>4</sup> ACPWA, 2003.

<sup>5</sup> ACPWA, 2003.

**Lower Penitencia Creek and its Tributaries.** In 1975, Upper Penitencia Creek was diverted along Berryessa Road into Coyote Creek, separating the upper channel from the lower channel. Lower Penitencia Creek is a trapezoidal earth channel located in the northeasterly sector of Santa Clara County and bounded by Berryessa Creek to the east and Coyote Creek to the west. It flows northerly from Montague Expressway to its confluence with Coyote Creek near the intersection of I-880 and Dixon Landing Road. ~~The Lower Penitencia Creek~~ Its watershed lies in the unincorporated area of Santa Clara County and in the cities of Milpitas and San Jose. Including the watersheds of Berryessa Creek and Penitencia Channel, the only major tributaries to Lower Penitencia Creek, ~~t~~ The total watershed area of Lower Penitencia Creek is about 28 square miles, with about 16 square miles lying on the valley floor and the remainder in the hills of the Diablo Range. The major tributaries of Lower Penitencia ~~Berryessa~~ Creek are Calera Creek, Wrigley Creek, and Wrigley Ditch, and other small tributaries including Tulacitos, Arroyo del Los Coches, Piedmont, Sierra, Crosley, and Swiegert creeks. ~~Berryessa Creek, and Penitencia Channel.~~ Penitencia Channel ~~is a concrete channel that~~ originates near Lundy Place north of Montague Expressway and drains the local urban area. Penitencia Channel merges with Lower Penitencia Creek near the intersection of West Capitol Avenue and South Main Street in Milpitas.

The 100-year ~~peak-design~~ flows of Calera Creek and Wrigley Creek, upstream of the confluence with Berryessa Creek, are ~~recorded as~~ 920 cfs and 420 cfs, respectively. The 100-year ~~peak design~~ flow in Berryessa Creek downstream of the Wrigley Creek ~~confluence-discharge~~ point ~~was recorded as~~ 4,900,610 cfs and the design flow upstream of the Lower Penitencia confluence is 6,480 cfs. A peak flow of 1,000 cfs was recorded in Berryessa Creek above Calaveras Boulevard in 1980.

**Upper Penitencia Creek.** Upper Penitencia Creek is an alluvial stream that drains approximately 24 square miles from the mountains in the Diablo Range and flows generally west to its confluence with Coyote Creek. The 100-year peak flow in this creek, upstream of Coyote Creek near the BART Alternative, ~~was recorded as~~ 4,8600 cfs.

**Lower Silver Creek and its Tributary.** This is an alluvial stream that drains from the mountains in the Diablo Range southeast of the SVRTC. Miguelita Creek is the major tributary to Silver Creek. The Silver Creek watershed encompasses approximately 44 square miles in eastern Santa Clara County. ~~The~~ A 100-year design peak-flow in this creek upstream of the confluence with Coyote Creek was recorded as approximately 5,500 cfs.

**Coyote Creek and its Tributaries.** Coyote Creek is an alluvial stream that drains from the mountains in the Diablo Range and flows generally northwest toward the Bay. The major tributaries of Coyote Creek in the SVRTC are Silver Creek, Upper Penitencia Creek, and Lower Penitencia Creek. Coyote Creek is approximately 75 miles long and is located within the cities of Morgan Hill, San Jose, and Milpitas, and in the unincorporated area of Santa Clara County. Coyote Creek drains nearly 350 square miles and is the largest watershed in Santa Clara County. The 100-year ~~peak-design~~ flow for Coyote Creek near the proposed crossing of the BART Alternative along East Santa Clara Street is approximately 14,500 cfs.

**Guadalupe River and Los Gatos Creek.** The Guadalupe River is an alluvial stream that drains from the mountains of the Coast Range and flows generally north toward the Bay. Its watershed is approximately 60 square miles above the river's confluence with Coyote Creek near the Bay, where the river is known also as Alviso Slough. The watershed is bounded on the south by the Diablo Range, on the west by the Santa Cruz Mountains, on the east by Coyote Creek, and on the north by the Bay. Los Gatos Creek is the major tributary to the Guadalupe River and merges with the river in downtown San Jose between West Santa Clara and West St. John streets. The 100-year ~~peak-design~~ flows for Los Gatos Creek is 8,000 cfs near the BART crossing, and the

100-year design flow of the Guadalupe River upstream of Los Gatos Creek is 16,500 cfs. near the BART Alternative are recorded as 8,000 cfs and 14,600 cfs, respectively.

In response to comment F1.5, Section 4.18.2.3, Surface Water Resources, under the subheading Surface Water in Santa Clara County/Water Quality, the second paragraph has been added to discuss federal Clean Water Act 303(d) impaired waters in Santa Clara County in the project area:

In Santa Clara County in the SVRTC project area, Coyote and Los Gatos creeks are listed under Section 303(d) of the CWA as impaired for diazinon and Guadalupe River is listed as impaired for diazinon and mercury. The diazinon is a result of urban runoff; the mercury is a result from mine tailings. Section 303(d) of the CWA is discussed in Section 4.18.3.1 below.

In response to comments S5.1, S5.2, and R11.22, Section 4.18.2.4, Floodplains, under the subheading Floodplains in Santa Clara County, the fourth paragraph has been added to include information about the Santa Clara Valley Water District's Berryessa Creek Flood Protection Project:

The SCVWD is planning the Berryessa Creek Flood Protection Project within the BART Alternative project area to increase the conveyance capacity of the creek to convey 100-year design flow and to remove areas in the cities of San Jose and Milpitas from the 100-year floodplain. The project is divided up into the joint SCVWD/ACOE Berryessa Creek Project and the Berryessa Creek Levees Project (aka Lower Berryessa Creek Project). The joint SCVWD/ACOE Berryessa Creek Project begins at Calaveras Boulevard in Milpitas and ends at Old Piedmont Road in San Jose. The Berryessa Creek Levees Project begins at the confluence with Lower Penitencia Creek in Milpitas and ends at Calaveras Boulevard. Upon completion of these projects, flooding from overflow of Berryessa Creek within the BART Alternative project area will be eliminated.

In response to comment F1.5, Section 4.18.3.1, Federal Clean Water Act, a new section has been added:

*Section 303(d) – List of Impaired Waterbodies*

Section 303(d) of the CWA and the California Porter-Cologne Water Quality Control Act of 1969 (discussed below), the State of California is required to establish beneficial uses of state waters and to adopt water quality standards to protect those beneficial uses. Section 303(d) establishes the Total Maximum Daily Load (TMDL) process to assist in guiding the application of state water quality standards, requiring the states to identify streams whose water quality is "impaired" (affected by the presence of pollutants or contaminants) and to establish the TMDL or the maximum quantity of a particular contaminant that a waterbody can assimilate without experiencing adverse effects. Section 303(d) lists Coyote and Los Gatos creeks as impaired for diazinon and the Guadalupe River as impaired for diazinon and mercury. The proposed TMDL deadline for all listed waterbodies is 2004. The SVRTC project will need to be in compliance with all TMDL standards for diazinon and mercury that may be in effect when construction commences. The project will not contribute any detectable concentrations of diazinon and mercury to the listed waterbodies.

In response to comment S1.1, Section 4.18.3.4, Porter-Cologne Water Quality Control Act, the second paragraph has been revised:

Activities in areas defined as "waters of the state" that are outside ACOE's jurisdiction (e.g., isolated wetlands) and activities on creek banks that are above the ordinary high water mark are regulated by SWRCB and RWQCB. Such activities may require the issuance or waiver of waste discharge requirements from RWQCB. The SWRCB recently adopted General Waste Discharge Requirements for activities that occur in waters of the state that are outside of ACOE jurisdictional waters. Coverage under these requirements may be obtained by filing an NOI with

RWQCB. Any additional mitigation above and beyond the mitigation required by the ACOE, including best management practices and compensatory mitigation, may be required from RWQCB.

In response to comment S1.2, Section 4.18.3.5, Local Agencies, Laws, and Regulations, under the subheading Alameda Countywide Clean Water Program, the second paragraph has been revised:

The ACCWP has developed a Storm Water Quality Management Plan that describes the ACCWP’s approach to reducing stormwater pollution. Northern portions of the Baseline and BART alternatives are within the boundaries addressed by this plan. The Storm Water Quality Management Plan for Fiscal Years 2001/02 through 2007/08 is the ACCWP’s third to date and serves as the basis of the ACCWP’s NPDES permit (ACCWP 2001). This permit was re-issued on February 19, 2003. New development and significant redevelopment projects that are constructed after February 2005 are required to comply with the numeric standards for post construction stormwater BMPs in the re-issued permit. ~~Northern portions of the Baseline and BART alternatives are within the boundaries addressed by the Storm Water Quality Management Plan.~~

Table 4.18-1, Bridges, Stations, Drainage Crossings, Floodplains, Tunnels/Trenches Associated with SVRTC Alternatives, has been revised (partial table reprinted here):

<b>Table 4.4-2: Bridges, Stations, Drainage Crossings, Floodplains, Tunnels/Trenches Associated with SVRTC Alternatives</b>					
<b>Location Description/Segment</b>	<b>New Bridges/ Expansions</b>	<b>No. of Stations</b>	<b>Creek/ Drainage Crossings</b>	<b>Approx. % in Floodplain</b>	<b>Tunnel or Trench Section</b>
<b>Segment 3</b>					
South of Mabury Road to south of 19 <sup>th</sup> Street, BART in subway tunnel	None	None	Lower Silver Creek and Coyote Creek	15	Tunnel (4020-60 feet bgs)
<b>Segment 4</b>					
South of 19 <sup>th</sup> Street to west of I-880 – BART in subway tunnel	None	3	Guadalupe River and Los Gatos Creek	Minor encroachments	Tunnel (4020-90 feet bgs)

In response to comments F2.1 and R11.24, Section 4.18.4.1, Impacts to Groundwater Resources, under the subheading BART Alternative, the first and second paragraphs have been revised:

After construction, groundwater flow directions and pathways may be minimally affected by the retained cuts along the BART Alternative alignment and at the downtown stations. The concrete U-walls may divert the normal flow of groundwater, potentially causing the mounding of groundwater up-gradient of these obstacles. However, it is anticipated that the interception will not result in detectable changes to overall groundwater availability or total subsurface water movement. Therefore, an adverse groundwater impact would not result from the BART Alternative. VTA will perform a detailed hydrogeologic study during the design phase of the project to determine mounding of groundwater upgradient of the U-walls. Rising of the water table would be minimized by routing water underneath the U-walls by installing highly permeable preferential flow pathways underneath the walls during construction. Channels of highly permeable gravel placed perpendicularly directly beneath a U-wall, crossing from one side of the

~~U-wall to the other, would create appropriate preferential flow pathways. The frequency of placed gravel channels would be determined based on hydrogeologic analysis during design of the project. Groundwater impacts from the MOS scenarios would similarly be not adverse since no major excavation activities are planned.~~

Mounding of groundwater up-gradient of the subway tunnel is not anticipated, as the subway tunnel section would be constructed at a minimum depth of 20 feet bgs at the tunnel crown, well below the water table (approximately 15 feet bgs) in the San Jose area. Therefore, groundwater would be able to flow above and below the tunnel structure. VTA will perform hydrogeological analysis of the future conditions to determine whether mounding of groundwater occurs upgradient of tunnel structures. Highly permeable gravel channels ~~will be~~ placed in selected locations above ~~or below~~ the subway tunnel and along cut-and-cover stations in order to will facilitate drainage if fill material does not provide adequate permeability. An adverse impact would not result from this alternative.

Section 4.18.4.4, Design Requirements and Best Management Practices, under the subheading BART Alternative/Surface Water Resources, the second paragraph has been revised:

The BART Alternative and MOS scenarios stormwater treatment best management practices, which are consistent with SCVURPPP, ACCWP, and the NPDES General Industrial Storm Water Permit, will be implemented during the operational phases of the project to reduce stormwater-borne pollutants at their source. VTA will also comply with Sections 401 and 402 of the CWA, including any waste discharge requirements and NPDES permit conditions, as well as the General Waste Discharge Requirements.

#### **4.4.19 REVISIONS TO SECTION 4.19, CONSTRUCTION**

In response to comment R11.28, Section 4.19.2.2, Types of Guideways, under the subheading Tunnel Guideway, the paragraph has been revised:

**Tunnel Guideway.** The tunnel guideway configuration for the BART Alternative is entirely underground. The tunnel would be constructed using a specialized tunnel-boring machine (TBM) as described ~~in Section 4.19.2.34~~ below. Tunneling construction is designed so as not to disturb the surface above. Where the tunnel passes under ~~street or~~ structures, the top of the tunnel would generally be ~~at least~~ 40 feet ~~below the street or ground level~~bgs. Refer to Figure 4.19-10. However, localized areas with a reduced depth of cover will occur as the alignment transitions from bored tunnels into cut-and-cover and at-grade structures, where the tunnel passes beneath localized topographic features, and where soil conditions allow a shallower depth.

In response to comment R11.28, Section 4.19.2.3, Location and Construction of Guideway Types, Stations, and Other Facilities, under the subheading Tunnel Guideway, the second paragraph has been revised:

Two circular tunnels would be located approximately 20 to 60 feet ~~below ground~~bgs to the top of the tunnel (Figure 4.19-7). Under ~~streets and buildings~~structures, the top of tunnel would generally be ~~at least~~ 40 feet ~~below ground~~ levelbgs. However, localized areas with a reduced depth of cover will occur as the alignment transitions from bored tunnels into cut-and-cover and at-grade structures, where the tunnel passes beneath localized topographic features, and where soil conditions allow a shallower depth.

Table 4.19-1, Maximum Acreage Required for Station And Maintenance Facility Construction, has been revised to accurately reflect the acreage:

<b>Table 4.19-1: Maximum Acreage Required for Station And Maintenance Facility Construction</b>				
<b>Station</b>	<b>Option</b>	<b>Permanent Project Facilities</b>	<b>Potential Future Transit Facilities</b>	<b>Buildings Demolished</b>
		<i>(approximate acreage)</i>		
Future South Calaveras	• Parking Structure North	<del>12</del> 13	<del>89</del>	Yes
	• Parking Structure North with Parallel Bus Transit Center	12	<del>89</del>	
	• Parking Structure South	<del>15</del> 17	5	
Montague/Capitol	• All options	15	6	Yes
Berryessa	• Southwest Parking Structure <sup>[1]</sup>	<del>23</del> 17	<del>419</del>	No
	• Northeast Parking Structure <sup>[1]</sup>	<del>25</del> 19	<del>415</del>	Yes
Alum Rock	• US 101/Diagonal	8	9	Yes
	• Railroad/28th Street	9	9	Yes
Civic Plaza/SJSU	• Station + all entrances	0	2	Yes
Market	• Station + all entrances	1	1	Yes
Diridon/Arena	• North station + all entrances	7	4	No
	• South station + all entrances	7	4	Yes
Santa Clara Station	• North Option	7	<del>115</del>	Yes
	• South Option	6	<del>1216</del>	Yes
BART Maintenance Facility		<del>4850</del>	<del>179</del>	Yes
<b>Estimated Total Acreage (Maximum)</b>		<del>127</del> 125	<del>6366</del>	

<sup>[1]</sup> Nine acres of riparian setback would also be acquired.  
 Source: Earth Tech, Inc., 2002.

Section 4.19.2.8, Construction Staging Sites, under the subheading BART Alternative, the third, fifth, and seventh bullets have been revised:

- Four acres adjoining the rail corridor south of ~~Abel Street~~ Calaveras Boulevard overcrossing – portion of site for South Calaveras Future Station site (Figure 4.19-19).
- Seventeen acres on either side of rail corridor ~~north of~~ Mabury Road – portion of Berryessa Station optional parking area (Figure 4.19-21).
- Two plus acres on north ~~west~~ east quadrant of 54<sup>th</sup> and East Santa Clara streets – includes area for optional entrance locations for Civic Center/SJSU Station (Figure 4.19-23).

In response to comment R7.1, Section 4.19.3.5, Design Requirements and Best Management Practices for Rail and Bus Service Impacts, under the subheading BART Alternative, has been revised:

- VTA will coordinate with Caltrain and UPRR during the Preliminary Engineering, Final Design, and construction phases of the BART Diridon/Arena and Santa Clara stations to minimize construction impacts at these locations.

In response to comments F1.9 and L7.4, Section 4.19.4.1, Air Quality Impacts, under the subheading Baseline and BART Alternatives, an additional construction emissions discussion and two tables have been added after the first paragraph:

Table 4.19-5 quantifies construction emissions for the Baseline and BART alternatives. As can be seen from the table, PM<sub>10</sub> pollutant emissions can be reduced substantially by mitigation.

<b>Table 4.19-5: Construction Emissions</b>						
<b>Project Alternative</b>	<b>Criteria Pollutant Emissions (pounds per day)</b>					
	<b>CO</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>SO<sub>x</sub></b>	<b>PM<sub>10</sub> (without mitigation)</b>	<b>PM<sub>10</sub> (with mitigation)</b>
Baseline	26	5	55	5	15	8
BART Alternative	134	25	282	23	385	193

*Source: Terry A. Hayes Associates LLC, 2004.*

Pollutant concentrations at various distances from the construction sites are provided in Table 4.19-6. Ambient PM<sub>10</sub> concentrations currently exceed the state 24-hour and annual standards of 50 µg/m<sup>3</sup> and 20 µg/m<sup>3</sup>, respectively. With implementation of design requirements and best management practices, PM<sub>10</sub> concentrations during construction of the Baseline Alternative would be less than 5% over the ambient 24-hour and annual arithmetic mean concentrations. During construction of the BART Alternative, PM<sub>10</sub> concentrations would be less than 5% over the ambient 24-hour concentration at a distance of approximately 1,050 feet or more from the construction sites. PM<sub>10</sub> concentrations would be less than 5% over the ambient annual arithmetic mean concentration at a distance of approximately 500 feet or more from the construction sites. PM<sub>10</sub> contributions from construction would last for several days at various sensitive receptor locations, as construction for the BART Alternative would occur on a linear basis. According to BAAQMD, if appropriate construction controls are implemented, PM<sub>10</sub> emissions for construction activities would be considered less than significant.

**Table 4.19-6: Pollutant Concentrations Near Construction Sites**

<b>Distance from Construction Sites (feet)</b>	<b>Pollutant Concentrations</b>										
	<b>CO (ppm)</b> <small>[1] [2]</small>		<b>NO<sub>2</sub> (ppm)</b> <small>[3]</small> <small>[4] [5]</small>		<b>SO<sub>2</sub> (ppm)</b> <small>[6] [7] [8]</small>			<b>PM<sub>10</sub> without Mitigation</b> <small>(µg/m<sup>3</sup>)</small> <small>[9] [10]</small>		<b>PM<sub>10</sub> with Mitigation</b> <small>(µg/m<sup>3</sup>)</small> <small>[10]</small>	
	<b>1-Hour</b>	<b>8-Hour</b>	<b>1-Hour</b>	<b>Annual Arithmetic Mean</b>	<b>1-Hour</b>	<b>24-Hour</b>	<b>Annual Arithmetic Mean</b>	<b>24-Hour</b>	<b>Annual Arithmetic Mean</b>	<b>24-Hour</b>	<b>Annual Arithmetic Mean</b>
<b>Baseline</b>											
50	11.7	7.0	0.14	0.027	0.026	0.005	0.002	73	29	72	28
100	11.7	7.0	0.13	0.027	0.025	0.005	0.002	72	28	72	28
500	11.7	7.0	0.13	0.026	0.024	0.004	0.002	71	28	71	28
1,000	11.7	7.0	0.13	0.026	0.024	0.004	0.002	71	28	71	28
1,500	11.7	7.0	0.13	0.026	0.024	0.004	0.002	71	28	71	28
<b>BART Extension</b>											
50	11.7	7.0	0.17	0.032	0.027	0.006	0.002	139	44	105	36
100	11.7	7.0	0.15	0.030	0.025	0.005	0.002	111	37	91	32
500	11.7	7.0	0.13	0.027	0.024	0.004	0.002	81	30	76	29
1,000	11.7	7.0	0.13	0.026	0.024	0.004	0.002	76	29	73	28
1,500	11.7	7.0	0.13	0.026	0.024	0.004	0.002	75	29	72	28
<b>Notes:</b>											
<small>[1] State 1-Hour Standard: 20 ppm; State 8-Hour Standard: 9.0 ppm</small>											
<small>[2] CO concentrations include the one- and eight-hour ambient concentrations of 11.7 ppm and 7.0 ppm, respectively.</small>											
<small>[3] State 1-Hour Standard: 0.25 ppm; Federal Annual Arithmetic Mean Standard: 0.053 ppm</small>											
<small>[4] The California Ambient Air Quality Standards do not have NO<sub>2</sub> standards for the annual arithmetic mean.</small>											
<small>[5] NO<sub>2</sub> concentrations include the one-hour and annual average ambient concentrations of 0.13 ppm and 0.03 ppm, respectively.</small>											
<small>[6] State 1-Hour Standard: 0.25 ppm; State 24-Hour Standard: 0.04 ppm; Federal Annual Arithmetic Mean Standard: 0.030 ppm</small>											
<small>[7] The California Ambient Air Quality Standards do not have SO<sub>2</sub> standards for the annual arithmetic mean.</small>											
<small>[8] SO<sub>2</sub> concentrations include the one-hour, 24-hour, and annual average ambient concentrations of 0.024 ppm, 0.004 ppm, and 0.002 ppm, respectively.</small>											
<small>[9] PM10 concentrations include the 24-hour and annual average ambient concentrations of 71µg/m3 and 28 µg/m3, respectively.</small>											
<small>[10] State 24-Hour Standard: 50 µg/m3; State Annual Arithmetic Mean Standard: 20 µg/m<sup>3</sup></small>											
<small>Source: Terry A. Hayes Associates LLC, 2004.</small>											

The duration and concentrations of pollutant emissions for each phase of project construction are not available at this time, as such phasing details will not be determined until Preliminary Engineering. However, implementation of the BAAQMD construction control measures would reduce air quality impacts to acceptable levels, as stated in the BAAQMD California Environmental Quality Act Guidelines (December 1999).

In response to comments F1.9 and L7.4, Section 4.19.4.2, Design Requirements and Best Management Practices for Air Quality Impacts, suggested U.S. Environmental Protection Agency (EPA) mitigation measures have been added:

In addition to the BAAQMD construction control measures, to further reduce impacts associated with emissions of PM<sub>10</sub> and other toxics, the following measures will be implemented.

- Establish an activity schedule designed to minimize traffic congestion around the construction site.
- Utilize EPA-registered particulate traps and other appropriate controls to reduce emissions of diesel particulate matter and other pollutants at the construction site.
- Locate construction equipment and staging zones away from sensitive receptors such as children and the elderly as well as away from fresh air intakes to buildings and air conditioners.
- Use low sulfur fuel (diesel with 15 parts per million or less).
- Reduce use, trips, and unnecessary idling from heavy equipment.
- Lease newer and cleaner equipment (1996 or newer).
- Periodically inspect construction sites to ensure construction equipment is properly maintained at all times.

Section 4.19.4.3, Mitigation Measures for Air Quality Impacts, under the subheading Baseline and BART Alternatives, the section has been revised to reflect the addition of measures suggested by EPA:

With implementation of design requirements and best management practices (BAAQMD and other control measures), no mitigation is required for either the Baseline or BART alternative, or the MOS scenarios.

In response to comment S1.5, Table 4.19-7, Temporary Impacts of Construction Activities for the BART Alternative to Wetlands/Other Water of the U.S. and Vegetation Communities, has been revised:

<b>Table 4.19-7: Temporary Impacts of Construction Activities for the BART Alternative to Wetlands/Other Water of the U.S. <u>and Vegetation Communities</u></b>	
<b>Location/Type of Impact</b>	<b>Acreage Temporarily Affected</b>
<b><u>Wetlands/Other Water of the U.S.</u></b>	
Widen railroad bridge across Berryessa Creek (Waters of the U.S.)	0.001 acres
Widen railroad bridge across Wrigley Creek north of Calaveras Boulevard (Waters of the U.S.)	0.074 acres
Widen railroad bridge across Lower Silver Creek north of Alum Rock subway portal (Waters of the U.S.)	0.018 acres
<b>Total Acreage Temporarily Affected</b>	<b>0.093 acres</b>
<b><u>Vegetation Communities</u></b>	
<u>Central Coast cottonwood-sycamore riparian forest</u>	<u>2.6 acres</u>
<b>Total Acreage Temporarily Affected</b>	<b>2.6 acres</b>
<i>Source: Parsons Corporation, Earth Tech, Inc., 2003.</i>	

Section 4.19.5.1, Biological Resources and Wetlands Impacts, under the subheading BART Alternative, the first two paragraphs have been revised to indicate that non-native grassland and Western burrowing owl habitat is found at four sites within the BART Alternative project area:

Constructing the replacement rail-truck tank car transfer facility at the Sno-boy site, the South Calaveras Future Station, ~~or~~ the Locomotive Wye Fremont Option, or the TPSS #5 site could temporarily disrupt the non-native grasslands habitat that has been identified in these areas. These grasslands provide habitat for Western burrowing owls; therefore, construction noise and other activities could disturb owl burrows, affect nesting behavior, or displace juvenile owls before they are self-sufficient. Temporary effects could occur to areas immediately adjacent to construction activities or – as in the case of noise – extend over the full ~~14.915.6~~ acres of grasslands identified in the vicinity of the BART Alternative alignment and facilities. Best management practices are identified to avoid or reduce such effects.

Construction activities with the replacement rail-truck tank car transfer facility at the Sno-boy site, the South Calaveras Future Station, ~~or~~ the Locomotive Wye Fremont Option, or the TPSS #5 site have the potential to affect nesting special-status and non-special-status raptors in trees located near the non-native grasslands. Construction activities and noise could cause nesting raptors to abandon their nest causing egg failure of hatchling death. These impacts could occur within the immediate SVRTC or within the vicinity of the SVRTC. Mitigation measures are proposed to reduce these effects.

In response to comment S1.5, Section 4.19.5.1, Biological Resources and Wetlands Impacts, under the subheading BART Alternative, the ninth paragraph has been revised:

Impacts to up to 2.6 acres of Central Coast cottonwood-sycamore riparian forest along Berryessa, Upper Penitencia, and Coyote creeks could occur as a result of construction of the Montague/Capitol and Berryessa stations. Protective measures will be able to avoid

encroachment on the riparian corridor and effects on Central Coast cottonwood-sycamore riparian forest in constructing the BART aerial structure crossing Upper Penitencia Creek at the Berryessa Station, in constructing the Parking Structure Northeast Option at this station, and in using the proposed laydown area at Mabury Road. The existing Mabury Road Bridge over Coyote Creek may be widened as part of the City of San Jose and Caltrans US 101/Mabury Road Interchange Project. This could encroach upon the Coyote Creek riparian corridor. Encroachment on the riparian forests could affect nesting special-status and non-special-status raptors, nesting swallows, and roosting bats. However, this project is currently unfunded and environmental analysis has not begun. If the interchange project were to move forward in an overlapping construction schedule with the BART Alternative, mitigation measures have been proposed for impacts due to the BART Alternative.

In response to comment P30.23, Section 4.19.10.3, Mitigation Measures for Hazardous Materials Impacts, under the subheading BART Alternative/Mitigation Measures for Soil Contamination, the second paragraph has been added to address the Great Mall concerns:

In addition, the "Site Management Plan Former Ford Automobile Assembly Plant Formerly 1100 South Main Street Milpitas, California" (SMP) addresses environmental conditions, including soil and groundwater on the Great Mall property. In a letter dated April 16, 2001, the RWQCB specified several actions required for ongoing and future development activities at the Great Mall. Activities by VTA on Great Mall property will comply with the SMP and RWQCB requirements.

Section 4.19.15.3, Floodplain Impacts, under the subheading BART Alternative, the section has been revised:

~~Flood control projects are being developed in the vicinity of the BART Alternative and MOS scenarios. The SCVWD is developing the Berryessa Creek Flood Protection Project, which is scheduled for completion in the fall of 2006. The SCVWD is also developing the Upper Penitencia Creek Flood Protection Project, which is scheduled for completion in 2010. The SCVWD is working in cooperation with the Natural Resource Conservation Service and Guadalupe Coyote Resource Conservation District on the Lower Silver Creek Flood Protection Project, which is scheduled for completion in the fall of 2006. Construction of the BART Alternative and MOS scenarios would need to be coordinated with these flood control projects. The SCVWD is constructing or planning flood control projects within the BART Alternative (including MOS scenarios) project area. "Reach 1" of the Lower Silver Creek Flood Protection Project, which crosses the BART alignment, is currently under construction. In the planning and design phases are the Berryessa Creek Flood Protection Project, consisting of the joint SCVWD/U.S. Army Corp of Engineers Berryessa Creek Project, anticipated to be complete by 2010, and the Berryessa Creek Levees Project (aka Lower Berryessa Creek Project), anticipated to be complete by 2008. The Upper Penitencia Creek Flood Protection Project is anticipated to be complete by 2011; the Mid-Coyote Creek Flood Protection Project by 2016; and Reaches 3A and 3B of the Guadalupe River Park and Flood Protection Project, in the area of the BART Alternative, by December 2004. Construction of the BART Alternative and MOS scenarios would need to be coordinated with these flood control projects.~~

In response to comment S1.6, Section 4.19.15.4, Design Requirements and Best Management Practices for Water Resources, Water Quality, and Floodplains Impacts, under the subheading Design Requirements and Best Management Practices for Surface Water Impacts, a ninth bullet has been added:

- VTA will receive written authorization from RWQCB for significant discharges of groundwater into the storm sewer system or directly into waters of the state. VTA will comply with any conditions required as part of the authorization to discharge.

#### **4.4.20 REVISIONS TO SECTION 4.20, IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES**

Section 4.20, Irreversible and Irretrievable Commitments of Resources, the third paragraph, second sentence, has been revised to reflect a correction in acreage for non-native grassland impacted by the BART Alternative:

Up to ~~14.9~~15.6 acres of non-native grassland, 2.6 acres of Central Coast cottonwood-sycamore riparian forest, and up to 1.243 acres of wetlands and other waters of the U.S. would be impacted under the BART Alternative, as well as the MOS scenarios.

#### **4.5 REVISIONS TO CHAPTER 5, BART CORE SYSTEM PARKING ANALYSIS**

In response to comment R9.4, Section 5.1, Introduction, the second sentence has been added to identify the 16 stations in the BART core system that have potential for parking expansion:

The 16 existing stations include South Alameda County – San Leandro, Bay Fair, Hayward, South Hayward, Union City, and Fremont; East Alameda County – Castro Valley and Dublin/Pleasanton; Oakland/Central Alameda County – MacArthur; North Alameda County/West Contra Costa County – El Cerrito Plaza and El Cerrito Del Norte; and Central and East Contra Costa County – Lafayette, Concord, North Concord/Martinez and Pittsburg/Bay Point.

#### **4.6 REVISIONS TO CHAPTER 6, OTHER CEQA AND NEPA CONSIDERATIONS**

In response to comments R6.4 and L3.13 and to reflect a correction in acreage for non-native grassland impacted by the BART Alternative, Table 6.6-2, Summary of Impacts and Proposed Mitigation for the SVRTC Baseline and BART Alternatives, has been revised (partial table reprinted here):

**Table 6.2-2: Summary of Impacts and Proposed Mitigation for the SVRTC Baseline and BART Alternatives**

Impact	Significance	Mitigation	Significance After Mitigation
<b>4.2 TRANSPORTATION AND TRANSIT</b>			
<b>VEHICULAR TRAFFIC – INTERSECTIONS</b>			
Year 2025 vehicle travel to proposed BART stations would cause degradation to below LOS D at the following intersections:			
<b>Baseline Alternative</b>			
Similar to year 2025 projections for No-Action Alternative	LS	<b>Baseline Alternative</b> None required.	LS
<b>BART Alternative/MOS Scenarios</b>			
<b>City of Fremont:</b>			
No impacts at any intersections.	N	<b>City of Fremont:</b> None required.	N
<b>City of Milpitas:</b>			
<b>Montague/Capitol BART Station without South Calaveras Future Station:</b>			
1. Great Mall Parkway and Abel Street.	S	1. No feasible mitigation. <u>However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of Milpitas to develop an agreement at the time that the mitigation is required.</u>	SU
2. Milpitas Boulevard and Montague Expressway.	S	2. No feasible mitigation. <u>However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the County of Santa Clara and the City of Milpitas to develop an agreement at the time that the mitigation is required.</u>	SU
3. Landess Avenue and Dempsey Road	S	3. No feasible mitigation. <u>However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the County of Santa Clara and the City of Milpitas to develop an agreement at the time that the mitigation is required.</u>	SU

**Table 6.2-2: Summary of Impacts and Proposed Mitigation for the SVRTC Baseline and BART Alternatives**

Impact	Significance	Mitigation	Significance After Mitigation
<p><b>Montague/Capitol BART Station with South Calaveras Future Station <u>(two stations built)</u>:</b></p> <p><b>South Calaveras Future Station</b></p> <p>1. Calaveras Boulevard and Abel Street.</p> <p>2. Calaveras Boulevard and Milpitas Boulevard.</p> <p>3. Calaveras Boulevard and Park Victoria Drive.</p> <p>4. Milpitas Boulevard and Jacklin Road.</p> <p><u>5. Milpitas Boulevard and Montague Expressway</u></p>	<p>S</p> <p>S</p> <p>S</p> <p>S</p> <p>S</p>	<p><b>Montague/Capitol BART Station with South Calaveras Future Station:</b></p> <p>1. No feasible mitigation if station built. <u>However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of Milpitas to develop an agreement at the time that the mitigation is required.</u></p> <p>2. No feasible mitigation if station built. <u>However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of Milpitas to develop an agreement at the time that the mitigation is required.</u></p> <p>3. Add a second southbound left-turn lane <u>on Park Victoria Drive</u> to improve level of service to LOS D.</p> <p>4. No feasible mitigation if station built. <u>–However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of Milpitas to develop an agreement at the time that the mitigation is required.</u></p> <p><u>5. No feasible mitigation if South Calaveras Station is built. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the County of Santa Clara and the City of Milpitas to develop an agreement at the time that mitigation is required.</u></p>	<p>SU</p> <p>SU</p> <p>LS</p> <p>SU</p> <p><u>SU</u></p>

**Table 6.2-2: Summary of Impacts and Proposed Mitigation for the SVRTC Baseline and BART Alternatives**

Impact	Significance	Mitigation	Significance After Mitigation
<p><b>Montague/Capitol Station</b></p> <p>6. <u>Great Mall Parkway and Abel Street</u></p> <p>7. <u>Milpitas Boulevard and Montague Expressway</u></p> <p>8. <u>Landess Avenue and Dempsey Road</u></p>	<p>S</p> <p>S</p> <p>S</p>	<p>6. <u>No feasible mitigation if South Calaveras Station is built. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of Milpitas to develop an agreement at the time that the mitigation is required</u></p> <p>7. <u>No feasible mitigation if South Calaveras Station is built. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the County of Santa Clara and the City of Milpitas to develop an agreement at the time that mitigation is required.</u></p> <p>8. <u>No feasible mitigation if South Calaveras Station is built. However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the County of Santa Clara and the City of Milpitas to develop an agreement at the time that the mitigation is required.</u></p>	<p><u>SU</u></p> <p><u>SU</u></p> <p><u>SU</u></p>
<p><b>City of San Jose:</b> <b><i>Berryessa BART Station</i></b></p> <p>1. <u>Hedding Street and 13<sup>th</sup> Street.</u></p>	<p>S</p> <p>N</p>	<p><b>City of San Jose:</b> <b><i>Berryessa BART Station</i></b></p> <p>1. Add a second westbound left-turn lane <u>on Hedding Street</u> to improve level of service to LOS D.</p> <p>This intersection would not require mitigation with MOS-1E.</p>	<p>LS</p> <p>N</p>

**Table 6.2-2: Summary of Impacts and Proposed Mitigation for the SVRTC Baseline and BART Alternatives**

Impact	Significance	Mitigation	Significance After Mitigation
<p>2. Oakland Road and Brokaw Road.</p> <p><b>Alum Rock BART Station</b></p> <p>1. Julian Street and 28<sup>th</sup> Street.</p> <p>2. Julian Street and US 101.</p> <p>3. McKee Road and King Road.</p> <p>4. San Antonio Street and King Road.</p>	<p>S</p> <p>N</p> <p>S</p> <p>S</p> <p>S</p> <p>S</p>	<p>2. No feasible mitigation. <u>However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of San Jose to develop an agreement at the time that the mitigation is required.</u></p> <p>This intersection would not require mitigation with MOS-1E.</p> <p><b>Alum Rock BART Station</b></p> <p>1. Add <u>exclusive northbound right-turn lanes and exclusive southbound left-turn lanes on 28<sup>th</sup> Street, and, on Julian Street, add eastbound right-turn lanes, eastbound left-turn lanes, and a second westbound left-turn lane</u> to improve level of service to LOS C.</p> <p>This intersection would only improve to LOS D with MOS-1E.</p> <p>2. Add second westbound left-turn lane and exclusive eastbound right-turn lane <u>on Julian Street</u> to improve level of service to LOS B.</p> <p>3. No feasible mitigation. <u>However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of San Jose to develop an agreement at the time that the mitigation is required.</u></p> <p>4. Add second southbound left-turn lane <u>on King Road</u> to improve level of service to LOS D.</p>	<p>SU</p> <p>N</p> <p>LS</p> <p>LS</p> <p>LS</p> <p>SU</p> <p>LS</p>
<p><b>Diridon/Arena BART Station</b></p> <p>1. Santa Clara Street and Autumn Street.</p> <p>2. San Carlos Street and Meridian Avenue.</p> <p>3. San Carlos Street and Lincoln Avenue.</p>	<p>S</p> <p>S</p> <p>S</p>	<p><b>Diridon/Arena BART Station</b></p> <p>1. Convert northbound through lane to a shared through/left-turn lane <u>on Autumn Street</u> to improve level of service to LOS D.</p> <p>2. Add an exclusive eastbound right-turn lane <u>on San Carlos Street</u> to improve level of service to LOS D.</p> <p>3. Add a second northbound left-turn lane <u>on Lincoln Avenue</u> to improve level of service to LOS D.</p>	<p>LS</p> <p>LS</p> <p>LS</p>

**Table 6.2-2: Summary of Impacts and Proposed Mitigation for the SVRTC Baseline and BART Alternatives**

Impact	Significance	Mitigation	Significance After Mitigation
4. San Carlos Street and Bird Avenue.	S	4. Add second eastbound and westbound left-turn lanes <u>on San Carlos Street</u> to improve level of service to LOS E.	LS
5. San Carlos Street and Almaden Boulevard.	S	5. No feasible mitigation. <u>However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of San Jose to develop an agreement at the time that the mitigation is required.</u>	SU
6. San Carlos Street and Market Street.	S	6. No feasible mitigation. <u>However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of San Jose to develop an agreement at the time that the mitigation is required.</u>	SU
7. Park Avenue and Race Street.	S	7. No feasible mitigation. <u>However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of San Jose to develop an agreement at the time that the mitigation is required.</u>	SU
8. Almaden Boulevard and San Fernando Street.	S	8. Add a second southbound left-turn lane <u>on Almaden Boulevard</u> to improve level of service to LOS C.	LS
9. Auzerais Avenue and Delmas Avenue.	S	9. No feasible mitigation. <u>However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of San Jose to develop an agreement at the time that the mitigation is required.</u>	SU

**Table 6.2-2: Summary of Impacts and Proposed Mitigation for the SVRTC Baseline and BART Alternatives**

Impact	Significance	Mitigation	Significance After Mitigation
<p><b>City of Santa Clara:</b> <b><i>Santa Clara BART Station</i></b></p> <p>1. El Camino Real and San Tomas Expressway.</p> <p>2. El Camino Real and Monroe Street.</p> <p>3. Lafayette Street and Central Expressway.</p> <p>4. Coleman Avenue and Brokaw Road.</p> <p>5. Central Expressway and De La Cruz Boulevard.</p> <p>6. Homestead Road and Monroe Street.</p> <p>7. Monroe Street and San Tomas Expressway.</p>	<p>S</p> <p>S</p> <p>S</p> <p>S</p> <p>S</p> <p>S</p> <p>S</p>	<p><b>City of Santa Clara:</b> <b><i>Santa Clara BART Station</i></b></p> <p>1. No feasible mitigation. <u>However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the County of Santa Clara and the City of San Jose to develop an agreement at the time that the mitigation is required.</u></p> <p>2. Add <u>exclusive eastbound and westbound right-turn lanes on El Camino Real third eastbound and westbound through lanes</u> to improve level of service to LOS E.</p> <p>3. No feasible mitigation. <u>However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the County of Santa Clara and the City of San Jose to develop an agreement at the time that the mitigation is required.</u></p> <p>4. Add a second eastbound left-turn lane <u>on Brokaw Road</u> to improve intersection level of service to LOS D.</p> <p>5. Add a third eastbound left-turn lane <u>on Central Expressway</u> to improve level of service to LOS E.</p> <p>6. No feasible mitigation. <u>However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the City of San Jose to develop an agreement at the time that the mitigation is required.</u></p> <p>7. No feasible mitigation. <u>However, VTA will provide a fair share contribution to traffic improvement at this location. The contribution will be made only if feasible traffic mitigation is identified and substantial funding is in place to construct the improvement. VTA will work with the County of Santa Clara and the City of San Jose to develop an agreement at the time that the mitigation is required.</u></p>	<p>SU</p> <p>LS</p> <p>SU</p> <p>LS</p> <p>LS</p> <p>SU</p> <p>SU</p>

**Table 6.2-2: Summary of Impacts and Proposed Mitigation for the SVRTC Baseline and BART Alternatives**

Impact	Significance	Mitigation	Significance After Mitigation
<b>IMPACTS TO SPECIAL STATUS SPECIES</b>			
<b><u>BART Alternative/MOS Scenarios</u></b>			
<p>Up to <del>15.6</del><sup>14.9</sup> acres of suitable habitat for Congdon’s tarplant and Western burrowing owl would be affected (<del>non-native grassland</del>). This habitat is also potentially suitable for alkali milkvetch and diamond-petaled California poppy, but best available information and judgment conclude that these plants are not present in the SVRTC.</p>	S	<p><b><u>BART Alternative/MOS Scenarios</u></b></p> <p>Project-specific conservation measures will be formulated through consultation with USFWS and CDFG, if pre-construction surveys determine that they are present at the time (see Section 4.4.3.5, <i>Mitigation Measures</i> for more details).</p>	LS
<p>Up to <del>15.6</del><sup>14.9</sup> acres of habitat for the Western burrowing owl would be affected as follows:</p> <ul style="list-style-type: none"> <li>• At the Sno-boy site by the construction of the replacement rail-truck tank car transfer facility.</li> <li>• At the Locomotive Wye Fremont Option site by the construction of the tracks.</li> <li>• By construction of the proposed TPSS #5.</li> <li>• <del>In the vicinity of the proposed South Calaveras Future Station</del></li> </ul>	S	<p>Project-specific mitigation measures will be formulated through consultation with USFWS and CDFG to minimize harm to species, if pre-construction surveys determine that they are present at the time (see Section 4.4.3.5, <i>Mitigation Measures</i> for more details).</p>	LS
<b>4.5 COMMUNITY SERVICES AND FACILITIES</b>			
<b><u>Baseline Alternative</u></b>			
<p>Express bus service from the Warm Springs BART Station to Downtown San Jose would provide direct benefits for 40 community facilities within the corridor.</p>	B	<p><b><u>Baseline Alternative</u></b></p> <p>None required.</p>	B
<b><u>BART Alternative/MOS Scenarios</u></b>			
<p>51 community facilities in the SVRTC would realize direct benefits of improved transit access.</p> <p>With MOS-1E, the number of community facilities would be reduced within a ½ mile radius of the Berryessa and Civic Plaza/SJSU Stations.</p>	B	<p><b><u>BART Alternative/MOS Scenarios</u></b></p> <p>None required.</p>	B

**Table 6.2-2: Summary of Impacts and Proposed Mitigation for the SVRTC Baseline and BART Alternatives**

Impact	Significance	Mitigation	Significance After Mitigation
<p>A 20-foot-wide <u>by 100-foot long</u> strip of land that has been dedicated by the Parc Metropolitan Development to the City of Milpitas for a public park would be used for the alignment just south of the UPRR Milpitas Yard north of the Great Mall.</p>	S	<p>VTA will continue to work with the City of Milpitas to specify measures to mitigate impacts on the Parc Metropolitan parkland. Combination of following measures to be implemented:</p> <ul style="list-style-type: none"> <li>• Replace acquired portion of property immediately adjacent to parkland site;</li> <li>• Expand a nearby park;</li> <li>• Provide additional amenities at the affected parkland site; and/or</li> <li>• Assist in funding a pedestrian crossing over the railroad corridor that would link and facilitate access to the affected park, possibly at Curtis Avenue.</li> </ul>	LS
<p><b>4.6 CULTURAL AND HISTORIC RESOURCES</b></p>			
<p><b>HISTORIC ARCHITECTURAL RESOURCES</b></p>			
<p><b>Baseline Alternative</b> No impacts on historic resources.</p> <p><b>BART Alternative/MOS Scenarios</b></p> <p><b>San Jose Downtown Commercial Historic District</b> may be adversely affected by station entrance/elevator/bicycle storage/ventilation shaft options of Market Street Station Option M-1A.</p> <p><u>17-25 East Santa Clara Street, a historical resource only for the purposes of CEQA, may be significantly impacted by station entrance/elevator/bicycle storage/ventilation shaft options of Market Street Station Option M-4.</u></p> <p>The <b>Santa Clara Southern Pacific Depot</b> may be adversely affected by the Aerial Walkway South Option pedestrian linkage of BART Santa Clara Station.</p> <p>The <b>Santa Clara Southern Pacific Depot</b> may be adversely affected by the Underground Walkway Option pedestrian linkage of BART Santa Clara Station.</p>	<p>N</p> <p>S</p> <p><u>S</u></p> <p>S</p> <p>S</p>	<p><b>Baseline Alternative</b> None required.</p> <p><b>BART Alternative/MOS Scenarios</b> Project-specific mitigation measures to be established in Memorandum of Agreement (MOA) and executed among VTA, FTA, SHPO, and ACHP (see Section 4.6.6.2, <i>Historic Architectural Resources Mitigation</i> for more details). <u>Option M-1A has been eliminated from consideration.</u></p> <p><u>Option M-4 has been eliminated from consideration.</u></p> <p>Project-specific mitigation measures to be established in Memorandum of Agreement (MOA) and executed among VTA, FTA, SHPO, and ACHP (see Section 4.6.6.2, <i>Historic Architectural Resources Mitigation</i> for more details).</p> <p>Project-specific mitigation measures to be established in Memorandum of Agreement (MOA) and executed among VTA, FTA, SHPO, and ACHP (see Section 4.6.6.2, <i>Historic Architectural Resources Mitigation</i> for more details).</p>	<p>N</p> <p>LS</p> <p><u>LS</u></p> <p>LS</p> <p>LS</p>



## 4.7 REVISIONS TO CHAPTER 7, FINAL SECTION 4(f) EVALUATION

In response to comment R7.8, Section 7.1, Introduction, under the subheading Constructive Use, the second paragraph has been revised:

Section 4(f) applies to the Silicon Valley Rapid Transit Corridor (SVRTC) project because the BART Extension Alternative (BART Alternative) potentially affects 4(f) properties in three cities. The BART Alternative alignment would need to acquire a strip of land from a parcel that has been dedicated to the City of Milpitas for development as a public park. In addition, Entrance design options at the Market Street Station would affect up to two historic properties by involving the direct use of buildings within a historic district or designated as a historic resource by a local agency; and potential entrance locations to the underground Diridon/Arena Station would affect the historic Cahill Station and Santa Clara Underpass property, also referred to as the San Jose Diridon Caltrain Station, by requiring direct use of areas within the boundary of the historic property; and the walkway options to the BART Santa Clara Station would affect the Santa Clara Caltrain Station, also referred to as the historic Caltrain Depot or Santa Clara Station, by involving the direct use of areas within the boundary of the historic property and diminishing the integrity of the historic Santa Clara Station Depot and Santa Clara Tower, elements of the Santa Clara Caltrain Station. Santa Clara stations of the BART Alternative would affect up to two historic properties by affecting buildings within two historic districts. These affected properties are listed ~~on-in~~ or are eligible for listing in the National Register of Historic Places (NRHP) or are historic sites of local significance and are therefore protected under Section 4(f).

In response to comment R7.8, Table 7.3-1, Section 4(f) Resources Affected by Build Alternatives, has been revised:

<b>Alternative</b>	<b>Section 4(f) Resource Affected</b>
Baseline	Unrecorded, archaeological resources potentially eligible for the NRHP
BART (including Minimum Operating Segment scenarios 1E or 1F)	Unrecorded, archaeological resources potentially eligible for the NRHP
	Parc Metropolitan Development property future parkland
	San Jose Downtown Commercial Historic District (historic district with 13 individual resources listed in the NRHP) including 28 East Santa Clara Street (1 of the 13 resources in the District listed in the NRHP)
	<u>17-25 East Santa Clara Street, a historic building of local significance</u>
	<u>Cahill Station and Santa Clara Underpass (listed in the NRHP)</u>
	Santa Clara Caltrain Station (historic district with 2 individual resources, Santa Clara Station Depot and Santa Clara Tower, listed or previously determined eligible for listing in the NRHP)
Note: NRHP = National Register of Historic Places	

In response to comment R7.8, Section 7.3.2, BART Alternative, the sixth and seventh bullets have been revised:

- Market Street – at East/West Santa Clara Street between 1<sup>st</sup> Street and Almaden Avenue. The underground station in this area includes multiple entrance options, ~~some-one of~~

~~which that could would~~ require direct use or affect a historic buildings in the San Jose Downtown Commercial Historic District and one that would require direct use or affect a historic building of local significance.

- Diridon/Arena – south of and parallel to West Santa Clara Street between Autumn and White streets. The underground station in this area includes multiple potential entrance, elevator, and ventilation shaft locations, some of which could require direct use within the boundary of the historic Cahill Station and Santa Clara Underpass property.

In response to comment R7.8, Section 7.4, Affected Section 4(F) Properties, the first paragraph has been revised:

Section 4(f) applies to the SVRTC project because the BART Alternative potentially affects 4(f) properties in three cities. The BART Alternative would require acquisition of a strip of Parc Metropolitan Development property that is dedicated to the City of Milpitas to be developed as a public park. The BART Alternative would affect historic properties that are eligible for the NRHP: (1) the San Jose Downtown Commercial Historic District, including the property at 28 East Santa Clara Street, which has been determined eligible to the NRHP as a contributor to the historic district, (2) the Cahill Station and Santa Clara Underpass property, which is listed in the NRHP and is located above the proposed Diridon/Arena Station in San Jose; and ~~(23)~~ the Santa Clara Station, including the Santa Clara Station Depot, which is listed in the NRHP, and the Santa Clara Tower, which has been determined to be eligible for listing in the NRHP, ~~is~~ located along Railroad Avenue near Benton Street in Santa Clara. One of the Market Street Station entrance options would also affect the building at 17-25 East Santa Clara Street, a historic site of local significance.

In response to comment L4.60, Section 7.4.1, Parc Metropolitan Development Parkland, has been revised to describe the park as irregularly shaped:

The Parc Metropolitan Development residential project dedicated parkland to the City of Milpitas. The property consists of an ~~an "backwards-L" shaped~~ irregularly shaped parcel of land that is approximately ~~2080,000~~ square feet in area (see Figure A-19 in Appendix A of the SVRTC EIS/EIR). It fronts for approximately 100 feet along the railroad corridor in which the BART Alternative would be constructed. The BART Alternative would need to acquire a 20-foot-wide by 100-foot-long strip of land from the eastern end of the parcel. The parkland property is planned to be developed as an open lawn area with benches, swings, and other play equipment for general use by Milpitas citizens, although it is situated for ease of access by Parc Metropolitan Development residents.

Section 7.4.3, 28 East Santa Clara Street Building, the second sentence has been deleted since the figure was moved back in the section as Figure 7.5-3:

The building at 28 East Santa Clara Street was included among 19 contributory sites and buildings identified in the 1986 nomination for the San Jose Downtown Commercial Historic District. ~~A photo of the building is provided in Figure 7.4-1.~~

Section 7.4.4, 17-25 East Santa Clara Street, a new heading and text has been added to address this resource:

#### **7.4.4 17-25 EAST SANTA CLARA STREET**

The building at 17-25 East Santa Clara Street, also referred to as the St. Francis Block, is not eligible for inclusion in the NRHP and is not designated as a City Landmark by the San Jose City

Council. It is, however, identified as a Structure of Merit and is considered a locally significant historic building. Originally built in 1876, this building is associated with Senator Herbert C. Jones, a significant person in local history. The current two-story façade is architecturally consistent with the continued viability of the building during the 1930s and 1940s.

In response to comment R7.8, Section 7.4.5, Historic Cahill Station and Santa Clara Underpass, a new heading and text has been added:

#### **7.4.5 HISTORIC CAHILL STATION AND SANTA CLARA UNDERPASS**

The historic Cahill Station (now San Jose Diridon Caltrain Station) dates from 1935 and is listed in the NRHP. The NRHP boundary for the site includes the depot, car cleaner's shack, herder's shack, compressor house, wall and fence system, water tower, Santa Clara Underpass, two butterfly sheds, and tracks at the station as contributors to the station. The Cahill Station and Santa Clara Underpass property was determined eligible under Criterion C (embodying distinctive characteristics of a type, period, or method of construction or that possess high artistic values), specifically, in the area of architecture as a late example of the Italian Renaissance Revival style in commercial architecture in the state.

Section 7.5.3, Impacts to A Contributory Property to San Jose Downtown Commercial Historic District, the first paragraph has been revised:

The San Jose Downtown Commercial Historic District (District) would be affected by station entrance and related facility options for the Market Street Station under the BART Alternative as shown in Figure 7.5-2. One option, (Option M-1A) would place entrance, elevator, bicycle storage, and/or ventilation structures on the parcel occupied by 28 East Santa Clara Street, a property that has been determined eligible to the NRHP as a contributor to the historic district. A photo of the building is provided in Figure 7.5-3. Figure B-31 in Appendix B of the SVRTC EIS/EIR shows all of the proposed station entrance/facility location options.

Section 7.5.5, Impacts to 17-25 East Santa Clara Building, a new section and text have been added to address this resource:

#### **7.5.5 IMPACTS TO 17-25 EAST SANTA CLARA BUILDING**

This building would be affected by station entrance and related facility options for the Market Street Station under the BART Alternative. One option (Option M-4) would place entrance, elevator, and/or ventilation structures on the parcel occupied by 17-25 East Santa Clara Street, a historic building of local significance. This property is shown in Figure 7.5-4. Figure B-31 in Appendix B of the SVRTC EIS/EIR shows all the proposed station entrance/facility location options.

Construction of Option M-4 would require demolition and/or substantial alteration of this property, both of which would be a direct use of the historic building under Section 4(f).

In response to comment R7.8, Section 7.5.6, Impacts to Historic Cahill Station and Santa Clara Underpass, a new section and text have been added:

#### **7.5.6 IMPACTS TO HISTORIC CAHILL STATION AND SANTA CLARA UNDERPASS**

The BART Alternative includes six potential station entrances, four potential elevators, and six potential ventilation shafts into the underground Diridon/Arena Station. The final decision on which entrances, elevators, and ventilation shafts to be constructed will be made during

Preliminary Engineering and will be based on a number of factors including cost, constructibility, availability of land, pedestrian connectivity, and safety and security. Four potential entrances, two elevators, and four ventilation shafts are within the NRHP boundary of the Cahill Station and Santa Clara Underpass property. The three potential entrances, one elevator, and three ventilation shafts east of the railroad tracks are in areas now used for parking, as shown in Figure 7.5-5, and are separated from the depot building by an existing bus transfer facility. One potential entrance, elevator, and ventilation shaft are west of the railroad tracks and on railroad property that is vacant. The four potential entrances, two elevators, and four ventilation shafts would not physically affect the nearby Santa Clara Underpass; they would be at least 50 feet from the backside of the south retaining wall of the underpass. In addition, these station features would not physically affect the other contributing elements of the historic property. Figure B-37 in Appendix B of the SVRTC EIS/EIR shows the proposed pedestrian entrances, elevators, and ventilation shafts. Two of the six potential station entrances and two of the six potential ventilation shafts are located to the east of Cahill Street, outside the NRHP boundary.

The Diridon/Arena Station support facilities include two large multi-level parking structures. The Parking Structure North is located on a parking area adjacent to and immediately west of the HP Pavilion event center and is outside the NRHP boundary. The Parking Structure south is located east of the historic station and south of West San Fernando Street. This structure is located outside the NRHP boundary. Adjacent to this parking structure and within the NRHP boundary is an existing surface parking lot. This use would continue as a surface parking lot that supports transit.

The types of Section 4(f) uses are (a) direct use of land within the boundary of an NRHP-listed property, (b) potential temporary use of the property during construction, and (c) potential constructive use of the history property arising from alterations of setting.

The affected portion of the grounds of the historic Cahill Station and Santa Clara Underpass property currently serve transportation purposes (parking and pedestrian access to transportation service). Implementation of the proposed project would result in ongoing use of the grounds for transportation purposes. This circumstance is addressed in Department of Transportation Environmental Impact and Related Procedures, Final Rule, Section 771.135(f):

A determination of whether a resource is used under Section 4(f) is also subject to consideration of 23 CFR § 771.135(f) of the Department of Transportation guidelines for preparation of environmental documents. This section states that certain properties are excluded from 4(f) evaluation because they are already in use for transportation purposes; the project contemplates the restoration, rehabilitation, or maintenance of these properties; and the project will not adversely affect the historic qualities of these properties.

The SVRTC project would maintain the transportation functions of the historic property and would not alter the characteristics of the property that qualifies it for the NRHP. As shown in Figure 7.5-5, the areas of the potential entrances, elevators, and ventilation shafts are well removed from the historic train station. They are separated from the historic train station by the existing bus transfer facility. As noted above, the potential entrances, elevators, and ventilation shafts would also not have an adverse effect on the underpass portion of the site. Inasmuch as the project elements qualify for the above exemption, no discussions of avoidance alternatives or efforts to reduce harm are provided for the Cahill Station and Santa Clara Underpass property.

Section 7.6.2.2, Alternatives to Avoid Use of the San Jose Downtown Commercial Historic District and Its Contributory Property the Historic 28 East Santa Clara Street Building Itself, the heading and section have been revised to include this resource:

**7.6.2.2** Alternatives to Avoid Use of the San Jose Downtown Commercial Historic District and Its Contributory Property; ~~and to~~ the Historic 28 East Santa Clara Street Building Itself; and the Locally Significant 17-25 East Santa Clara Street Building

Station locations were developed during two Station Entrance Workshops with downtown property owners and members of the downtown business community in attendance. In addition, VTA met with the following project stakeholders to receive input regarding any of their concerns: the San Jose Redevelopment Agency, the City of San Jose, the Downtown San Jose Community Working Group, BART, and SHPO.

Figure 7.5-2 depicts the four current west side station entrance, elevator, bicycle parking, and ventilation shaft options. One of the options, M-1A, would have an adverse effect on a San Jose Downtown Commercial Historic District contributory property located at 28 East Santa Clara Street and has been eliminated from further consideration. Another option, M-4, is located at 17-25 East Santa Clara Street and is outside the San Jose Downtown Commercial Historic District. The property, however, is considered a historic resource for the purposes of CEQA. This option would result in a potentially significant impact under CEQA. To avoid this impact, Option M-4 has also been eliminated from consideration. Avoidance alternatives (options) to impacting M-1A and M-4 are depicted in the figure and include the following:

- **Alternative 1 (Option M-3).** Option M-3 is located at 15 East Santa Clara Street and is outside the San Jose Downtown Commercial Historic District.
- ~~□ **Alternative 2 (Option M-4).** Option M-4 is located at 17-25 East Santa Clara Street and is outside the San Jose Downtown Commercial Historic District.~~
- **Alternative 32 (Option M-1B).** Option M-1B is located at 26 South First Street and is within the San Jose Downtown Commercial Historic District. The site is bordered by Fountain Alley and a non-contributing building, and is a parking lot as shown in Figure 7.6-1. The setting and linkage of the District along the east side of South 1st Street is less cohesive and includes more open space and non-contributing elements. The construction of an entrance facility at this location would not appear to diminish the linkage of historic resources in the District and would not require demolition or alteration of contributing elements. This entrance facility option does not appear to constitute an adverse effect to this historic district because the undertakings would not alter the characteristics of the property that qualify it for listing in the NRHP.

In response to comment R7.8, Section 7.6.2.3, Alternatives to Avoid Use of the Cahill Station and Santa Clara Underpass, a new section and text have been added:

**7.6.2.3** Alternatives to Avoid Use of the Cahill Station and Santa Clara Underpass

As noted under Section 7.5.5, the Cahill Station and Santa Clara Underpass property is excluded from 4(f) evaluation and no discussions of avoidance alternatives are provided.

Section 7.6.3.1, Planning to Reduce Harm to Parc Metropolitan Development Parkland, the first sentence has been revised:

The acquisition of a 20-foot wide strip of land from the eastern edge of the proposed park would affect only ~~10-2.5~~ percent of the total area of the park.

In response to comment L4.43, Section 7.6.3.1, Planning to Reduce Harm to Parc Metropolitan Development Parkland, the following bullet has been added to the list of measures:

- Pay an in-lieu fee equivalent to the cost of replacement parkland;

Section 7.6.3.2, Planning to Reduce Harm to the San Jose Downtown Commercial Historic District and Its Contributory Property and to the Historic 28 East Santa Clara Street Building Itself, the heading has been revised:

**7.6.3.2 Planning to Reduce Harm to the San Jose Downtown Commercial Historic District and Its Contributory Property; ~~and~~ to the Historic 28 East Santa Clara Street Building Itself; and to the Locally Significant 17-25 East Santa Clara Street Building**

In response to comment R7.8, Section 7.6.3.3, Planning to Reduce Harm to the Cahill Station and Santa Clara Underpass, a new section and text have been added:

**7.6.3.3 Planning to Reduce Harm to the Cahill Station and Santa Clara Underpass**

As noted under Section 7.5.5, the Cahill Station and Santa Clara Underpass property is excluded from 4(f) evaluation and no discussions of efforts to reduce harm are provided.

In response to comment R7.8, Section 7.7, Finding, the section has been revised:

The Federal Transit Administration has determined the following:

1. There are no feasible and prudent alternatives that would avoid use of unrecorded archaeological resources that may be affected by construction of the Baseline or BART alternatives.
2. The project includes planning to minimize harm to unrecorded archaeological resources, as evidenced by contractual requirements that address unanticipated discovery of archaeological resources.
3. There is no feasible and prudent alignment alternative that would avoid use of the planned Parc Metropolitan Development ~~park~~Parkland in the City of Milpitas.
4. The project includes current and future planning to minimize harm to the planned park.
5. There are feasible and prudent Market Street Station entrance facility alternatives to avoid the direct use of the 28 East Santa Clara Street Building and the use of that building as a component of the San Jose Downtown Commercial Historic District.
6. There are feasible and prudent Market Street Station entrance facility alternatives to avoid the direct use of the 17-25 East Santa Clara Street Building.
7. The project includes current and future planning to minimize harm to the historic district.
8. Potential station entrances, elevators, and ventilation shafts to the underground Diridon/Arena Station and surface parking within the NRHP boundary of the historic Cahill Station and Santa Clara Underpass property would be ongoing transportation uses of the property and would not alter the characteristics of the property that qualify it for the NRHP and thus are exempt from Section 4(f) under 23 CFR § 771.135(f).

9. There are no feasible and prudent alternatives that would avoid use of the historic Santa Clara [Caltrain](#) Station, given the need to access the depot rail services for connections and the physical position of the historic Depot between the bus transit center and the proposed BART station and garages. Because of the need to provide safe connections among BART, Caltrain, the bus transit center, and the parking garages, pedestrians must traverse the historic Santa Clara [Caltrain](#) Station grounds.
10. The project includes current and future planning to minimize harm to the historic [Santa Clara Caltrain](#) Station.

## 4.8 REVISIONS TO CHAPTER 8, FINANCIAL CONSIDERATIONS

In response to comment R1.18, the title in Table 8.3-1 has been edited as follows:

<p><b>Table 8.3-1: Annual Operating and Maintenance Costs, Fare Revenue, and Farebox Recovery 2025 <del>and 2015</del></b></p>
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In response to comment R1.24, Section 8.5.5, Potential New Funding Sources, the seventh bullet has been deleted:

- ~~• **Bay Area Bridge Tolls.** In 2003, the State Legislature approved and the Governor subsequently signed Senate Bill No. 916. This bill authorizes a March 2004 vote to increase tolls on the seven state-owned bridges in the Bay Area by \$1 to improve transportation along the bridge corridors. If the Bay Area voters approve this ballot measure, VTA could conceivably receive transit operating funds.~~

Section 8.5.6, Potential New Funding Sources, the second paragraph has been deleted:

~~At this early phase in the development of the BART Alternative, the systemwide funding plan for VTA is based on financial projections and governmental actions that are not finalized. In addition, multiple alignment and station options are still under consideration for the BART Alternative, with a decision targeted after the release of the Draft EIS/EIR. As a result, VTA will present a more detailed financial plan for the BART Alternative in the Final EIS/EIR and in the annual update of the FTA's Section 5309 New Starts Report.~~

## 4.9 REVISIONS TO CHAPTER 9, AGENCY AND COMMUNITY PARTICIPATION

Table 9.3-1, Agency Approvals, has been revised (partial table reprinted here):

<b>Agency</b>	<b>Baseline Alternative</b>	<b>BART Alternative</b>
California Department of Fish and Game	Consultation for effects to Western burrowing owl and loggerhead shrike habitat and approve MOA and conceptual mitigation plan.	Consultation for effects to Western burrowing owl and loggerhead shrike habitat and approve MOA and conceptual mitigation plan. Execute <del>1601</del> -Streambed Alteration Agreement.
Santa Clara Valley Water District	Issue encroachment permit if construction comes within specified limits of the top of bank of any Santa Clara County stream. <u>Issue well permits for geotechnical and chemical investigations or groundwater monitoring.</u>	Issue encroachment permit if construction comes within specified limits of the top of bank of any Santa Clara County stream. <u>Issue well permits for geotechnical and chemical investigations or groundwater monitoring.</u>
Alameda County Flood Control <u>and Water Conservation</u> District (Zone 7)	Issue encroachment permit if modifying culverts or drainage channels. <u>Issue well permits for geotechnical and chemical investigations or groundwater monitoring.</u>	Issue encroachment permit if modifying culverts or drainage channels. <u>Issue well permits for geotechnical and chemical investigations or groundwater monitoring.</u>

Section 9.4.1.1, Milpitas CWG Affiliates, text has been revised:

Calprop Corporation/~~Parc Metropolitan—Homeowners Association~~

Section 9.4.1.4, Santa Clara CWG Affiliates, text has been revised:

Alviso Street Neighborhood Group

~~Alviso Homeowners Group~~

Business Owners

Santa Clara Chamber of Commerce

Historical and Landmark Commission

Hunter Properties/Tech Station

Old Quad Homeowners Association

Planning Commission

Residents

Santa Clara Unified School District

Santa Clara University

South Bay Historic Railroad Society

Transportation and Land Use Coalition

Section 9.4.2.4, Other Stakeholder and Community Meetings, the first and second paragraphs have been revised:

In addition to the public meetings, VTA continues to make presentations upon request to community groups and stakeholders. Representative groups where VTA has made presentations include the League of Women Voters, the San Jose Downtown Business Association, the Fourth Annual Neighborhood Summit, SJSU, HP Pavilion, La Raza, and the Strong Neighborhoods Initiative groups.

Individual stakeholder meetings have also been held as requested or appropriate to identify issues affecting the project definition or studies. Some of these meetings have included representatives of the following groups: Sierra Club, San Jose State University Association Student Government, Silicon Valley Manufacturing Group, Bay Rail Alliance, Transportation and Land Use Coalition (formerly the Bay Area Transportation and Land Use Coalition), California Alliance for Jobs, League of Women Voters, South Bay Labor Council, Modern Transit Society, and the San Jose Downtown Business Association.

Section 9.4.2.6, Public Meetings on the Draft EIS/EIR, a new section and text have been added to provide updated information since the release of the Draft EIS/EIR:

#### **9.4.2.6 Public Meetings on the Draft EIS/EIR**

The Draft EIS/EIR was circulated for public review and comment for 60 days from March 16, 2004 through May 14, 2004. A Notice of Completion for the draft document was sent to the State Clearinghouse on March 16, 2004 (SCH #2002022004). A Notice of Availability of the Draft EIS/EIR was filed with the Santa Clara County Clerk on March 16, 2004, published in the Federal Register on March 26, 2004, and posted on VTA's SVRTC project website. The Notice of Availability was also published on March 24 and March 25, 2004 in the following publications: Fremont Argus, Milpitas Post, San Jose Mercury News, Santa Clara Weekly, El Observador (Spanish), Sing Tao Daily (Chinese), and Thoi Boa (Vietnamese). Notices of Availability were mailed to interested agencies, organizations, and individuals, as indicated in Chapter 10, Agencies and Organizations. The Notice of Availability included information on three public hearings scheduled during the public review and comment period: Santa Clara on April 12, 2004, San Jose on April 14, and Milpitas on April 19, 2004. It also included information on where the Draft EIS/EIR could be reviewed by the general public including select local libraries, VTA's website, and VTA's Environmental Planning Department. Information on how to obtain a hard or CD ROM copy of the document was also provided. A Public Hearing Notice with much of the same information as the Notice of Availability was mailed to approximately 55,000 people in VTA's SVRTC project database and included property and business owners and tenants within 1,000 feet from the proposed corridor and one-half mile radius around the proposed stations. Following publication of the Notice of Availability, a fourth public hearing was scheduled on May 10, 2004 in San Jose.

In addition to the Draft EIS/EIR, the *Citizen's Guide to the Draft Environmental Document* provided a user-friendly overview of key environmental considerations that would result from the short-term construction and long-term operation of the BART Alternative. The publication was posted on VTA's website, mailed to interested agencies, organizations, and individuals, as indicated in Chapter 10, *Agencies and Organizations*, and made available at the public hearings. It was also available upon request by contacting VTA's Environmental Planning Department.

Additional information on the public comment and review period is included in Volume II, Chapter 1, *Introduction*. Written and oral comments received on the Draft EIS/EIR and VTA's responses

to those comments are included in Volume II, Chapter 3, Comments Received on the Draft EIS/EIR.

Section 9.4.2.7, Meetings on the Alignment and Station Design Options, a new section and text have been added to provide updated information since the release of the Draft EIS/EIR:

#### **9.4.2.7 Meetings on the Alignment and Station Design Options**

Four CWG meetings were held to present information and receive input on both the Draft EIS/EIR and the alignment and station design options for the BART Alternative. These meetings were scheduled as follows: Milpitas CWG on March 29, 2004; Santa Clara CWG on April 5, 2004; Downtown San Jose CWG on April 7, 2004; and Hostetter/Alum Rock CWG on April 8, 2004. Information on the alignment and station design options was also presented at the four public hearings on the Draft EIS/EIR.

In addition to the information presented at these meetings, VTA prepared an *Issue Summary Report for the BART Alignment and Station Design Options*. This report included a basic discussion of the 15 alignment and station options for the BART Alternative, including the pros and cons of each. The report was distributed to the members of the CWGs and was made available to the public at the public hearings.

Comments received during the CWG meetings and the public hearings on the alignment and station options were considered during the preparation of VTA staff recommendations to the PAB of the preferred options that would refine the Locally Preferred Alternative (BART Alternative). On May 26, 2004, the PAB approved these recommendations, which are listed in Volume II, Chapter 1, *Introduction*. Volume II, Chapter 2, *Recommended Project*, describes the BART Alternative in the context of the preferred alignment and station options.

Section 9.4.3, Newsletters and Fact Sheets, the first paragraph has been revised:

Newsletters are produced to describe the study, notice key milestones, report VTA's efforts to address community issues, and provide information on future activities. The newsletter is the primary tool to summarize corridor-wide issues and activities for a broad audience. Fact sheets are also developed and distributed for broad dissemination of project highlights and to respond to frequently asked questions. Three newsletters and ~~three~~ a series of formal fact sheets have been produced to date as follows:

Section 9.4.3, Newsletters and Fact Sheets, text has been added to the end of the list:

- |                       |  |
|-----------------------|--|
| <u>August 2003</u>    | <u>– Newsletter – Silicon Valley Rapid Transit Corridor "Telling the Story"</u>                  |
| May 2003              | – Fact Sheet - Frequently Asked Questions Regarding Budget Process                               |
| September 2003        | – Public Notice - Minimum Operating Segment  |
| September 2003        | – Fact Sheet - Minimum Operating Segment Scenarios   |
| <u>September 2003</u> | <u>– Fact Sheet – Frequently Asked Questions September 2003</u>                                  |
| <u>March 2004</u>     | <u>– Public Notice – Draft EIS/EIR</u>   |
| <u>March 2004</u>     | <u>– Fact Sheet – BART Alignment and Station Design Options Summary of Draft Recommendations</u> |
| <u>March 2004</u>     | <u>– Fact Sheet – Frequently Asked Questions Spring 2004</u>                                     |

<a href="#">March 2004</a>	<a href="#">– Fact Sheet – Preliminary Engineering</a>
<a href="#">May 2004</a>	<a href="#">– Public Notice – Draft EIS/EIR</a>
<a href="#">May 2004</a>	<a href="#">– BART Preliminary Engineering: Why Start Now. Spring 2004</a>
<a href="#">August 2004</a>	<a href="#">– Fact Sheet – Frequently Asked Questions Summer 2004</a>
<a href="#">August 2004</a>	<a href="#">– Fact Sheet – Preliminary Engineering Status Report</a>

Section 9.4.5, Project Information Website, the section has been revised:

The project website ([www.vtabart-vta.org](http://www.vtabart-vta.org)) provides information to the public about the SVRTC project. The website is updated on a regular basis to offer the most current project information. The site contains study information, project calendar, newsletters, presentation materials, public meeting summaries, ~~and~~ public comment summary reports, ~~and the Draft EIS/EIR~~. The site also allows the public to submit comments directly.

Section 9.5, Ongoing Public Outreach, the section has been revised:

~~A legal notice was filed with the Santa Clara County Clerk regarding the availability of the Draft EIS/EIR on March 16, 2004. A Notice of Availability of the Draft EIS/EIR was published in the Federal Register on March 26, 2004. Notices of availability were sent to affected and interested agencies, organizations, and individuals, as indicated in Chapter 10, *Agencies and Organizations*.~~

~~Direct mailings to interested parties were prepared providing information regarding the release of the Draft EIS/EIR, the timing of public hearings, the public comment period, and locations where the document would be available for public review. The environmental document has also been made available for review on VTA's website.~~

VTA will continue to conduct regular coordination meetings with the CWGs, PAB, BART, PDT, and TAC throughout ~~2003~~2004. VTA will provide periodic updates to the VTA/BART Boards of Directors at key milestones and conduct quarterly FTA coordination meetings to provide project updates. VTA will also continue to communicate with corridor property owners. Public presentations will continue to keep stakeholders, the public, and the media informed about the environmental process. Newsletters will continue to be produced to describe the EIS/EIR process, notice key milestones, report VTA's efforts to address community issues, and provide information on future activities.

Section 9.6, Chronology of Coordination, text has been added to the end of the list:

<a href="#">November 18, 2003</a>	<a href="#">– VTA/BART Monthly Coordination</a>
<a href="#">January 13, 2004</a>	<a href="#">- TAC meeting</a>
<a href="#">January 15, 2004</a>	<a href="#">- PDT meetings</a>
<a href="#">January 20, 2004</a>	<a href="#">- VTA/BART Monthly Coordination</a>
<a href="#">February 17, 2004</a>	<a href="#">- VTA/BART Monthly Coordination</a>
<a href="#">February 19, 2004</a>	<a href="#">- PDT meetings</a>
<a href="#">February 25, 2004</a>	<a href="#">- PAB meeting</a>
<a href="#">March 16, 2004</a>	<a href="#">- VTA/BART Monthly Coordination</a>

<u>March 18, 2004</u>	<u>- PDT meetings</u>
<u>March 24, 2004</u>	<u>- Published an announcement of Draft EIS/EIR and public hearings in Milpitas Post</u>
<u>March 24, 2004</u>	<u>- Published an announcement of Draft EIS/EIR and public hearings in Santa Clara Weekly</u>
<u>March 25, 2004</u>	<u>- Published an announcement of Draft EIS/EIR and public hearings in El Observador</u>
<u>March 25, 2004</u>	<u>- Published an announcement of Draft EIS/EIR and public hearings in Fremont Argus</u>
<u>March 25, 2004</u>	<u>- Published an announcement of Draft EIS/EIR and public hearings in Sing Tao Daily</u>
<u>March 25, 2004</u>	<u>- Published an announcement of Draft EIS/EIR and public hearings in San Jose Mercury</u>
<u>March 25, 2004</u>	<u>- Published an announcement of Draft EIS/EIR and public hearings in Thoi Boa</u>
<u>March 26, 2004</u>	<u>- Published Notice of Available (NOA) in Federal Register</u>
<u>March 29, 2004</u>	<u>- Milpitas CWG meeting</u>
<u>April 5, 2004</u>	<u>- Santa Clara CWG meeting</u>
<u>April 7, 2004</u>	<u>- Downtown San Jose CWG meeting</u>
<u>April 8, 2004</u>	<u>- Hostetter/Alum Rock CWG meeting</u>
<u>April 12, 2004</u>	<u>- Santa Clara Public Hearing</u>
<u>April 13, 2004</u>	<u>- TAC meeting</u>
<u>April 14, 2004</u>	<u>- San Jose Public Hearing</u>
<u>April 15, 2004</u>	<u>- PDT meetings</u>
<u>April 19, 2004</u>	<u>- Milpitas Public Hearing</u>
<u>April 28, 2004</u>	<u>- PAB meeting</u>
<u>April 30, 2004</u>	<u>- Attended La Raza Roundtable</u>
<u>May 4, 2004</u>	<u>- Attended Milpitas City Council meeting</u>
<u>May 7, 2004</u>	<u>- Joint VTA/BART Board meeting</u>
<u>May 10, 2004</u>	<u>- San Jose Public Hearing</u>
<u>May 18, 2004</u>	<u>- Attended San Jose City Council meeting</u>
<u>May 20, 2004</u>	<u>- PDT meetings</u>
<u>May 26, 2004</u>	<u>- PAB meeting</u>
<u>June 17, 2004</u>	<u>- PDT meetings</u>
<u>July 13, 2004</u>	<u>- TAC meeting</u>
<u>July 13, 2004</u>	<u>- VTA/BART Monthly Coordination</u>
<u>July 15, 2004</u>	<u>- Attended San Jose Downtown Association meeting</u>

#### 4.10 REVISIONS TO CHAPTER 10, AGENCIES AND ORGANIZATIONS

There are no revisions to this section.

#### 4.11 REVISIONS TO CHAPTER 11, LIST OF PREPARERS

There are no revisions to this section.

#### 4.12 REVISIONS TO CHAPTER 12, DEFINITIONS, ABBREVIATIONS, AND ACRONYMS

There are no revisions to this section.

#### 4.13 REVISIONS TO CHAPTER 13, BIBLIOGRAPHY

The following bibliographical references have been revised or added to the chapter:

Hexagon Transportation Consultants, Inc., **Milpitas BART Stations ~~Traffic~~-Transportation Impact Analysis Report**, May 2003.

Hexagon Transportation Consultants, Inc., **San Jose BART Stations ~~Traffic~~-Transportation Impact Analysis Report**, May 2003.

Hexagon Transportation Consultants, Inc., **Santa Clara BART Stations ~~Traffic~~ Transportation Impact Analysis Report**, May 2003.

**H.T. Harvey & Associates, Santa Clara Valley Water District: California red-legged frog distribution and status-1997. Project No. 1164-01, 1997.**

**United States Department of Transportation, Federal Transit Administration and the Santa Clara Valley Transportation Authority, Silicon Valley Rapid Transit Corridor BART Extension to Milpitas, San Jose, and Santa Clara Draft Environmental Impact Statement/Environmental Impact Report & Draft 4(f) Evaluation, March 2004.**

#### 4.14 REVISIONS TO THE FIGURES

- Figure 4.12-2 In response to comment L4.28, Figure 4.12-2, South Calaveras (Future) Station Land Uses, has been corrected.
- Figure 4.17-29 Figure 4.17-29, View of the South Parking Structure at the Diridon/Arena Station, has been corrected.
- Figure 7.4-1 Figure 7.4-1, 28 East Santa Clara Building (Option M-1A), in the Draft EIS/EIR, has been renumbered to Figure 7.5-3 in the Final EIR.
- Figure 7.5-1 In response to comment L4.60 and following the submittal of updated plans from the City of Milpitas, Figure 7.5-1, Proposed Acquisition of Dedicated Parkland for BART Alternative, has been revised to correct the park boundary and well and pump house location.

- Figure 7.5-2 Figure 7.5-2, East Side Market Station Entrance Options, in the Draft EIS/EIR has been renamed to “West Side Market Street Station Entrance Options” in the Final EIR, and red ovals have been added to note that Options M-1A and M-4 were eliminated from further consideration.
- Figure 7.5-3 Figure 7.5-3, BART Santa Clara Station Pedestrian Linkage Options, in the Draft EIS/EIR, has been renumbered to Figure 7.5-6 in the Final EIS/EIR.
- Figure 7.5-4 Figure 7.5-4, 17-25 East Santa Clara Building (Option M-4) has been added to the Final EIS/EIR.
- Figure 7.5-5 Figure 7.5-5, Area of Potential New Entrances, Elevators, and Ventiaation Shafts to Diridon Station, View Toward Cahill Station, has been added to the Final EIS/EIR.

## 4.15 REVISIONS TO THE APPENDICES

### 4.15.1 APPENDIX A: BART ALTERNATIVE PLAN AND PROFILES

- Figure A-9 A district facility has been identified as a culvert near Station 123+00 in response to a comment from the Public Works Agency of Alameda County.
- Figure A-19 The size and shape of lands identified for the Parc Metropolitan Park and planned new City of Milpitas water well and pump station have been revised in response to a comment and submittal of updated plans from the City of Milpitas.

### 4.15.2 APPENDIX B: BART ALTERNATIVE STATION DESIGN OPTIONS

- Figure B-31 Red ovals have been added to note that Options M-1A and M-4 were eliminated from further consideration.
- Figure B-34 In response to comment R7.12, three blue labels have been added to identify the parking structures and surface parking locations.
- Figure B-37 In response to comment R7.12, three blue labels have been added to identify the parking structures and surface parking locations.

### 4.15.3 APPENDIX C: AGENCY LETTERS

Two agency letters have been added.

<b>12/23/2002</b>	<b>Mr. Tom Wilson, City of Milpitas</b>	<b>Mr. Michael P. Evanhoe, VTA</b>	<b>Response to City of Milpitas Letter Regarding Issues Related to the BART Extension and City and Developer Projects</b>
<b>1/28/2003</b>	<b>Mr. Michael P. Evanhoe, VTA</b>	<b>Mr. Tom Wilson, City of Milpitas</b>	<b>BART Right of Way Acquisition Needs: Response to Your Letter of December 23, 2002</b>