

Appendix A
Notice of Preparation



NOTICE OF PREPARATION

August 12, 2010

To: Reviewing Agencies and Organizations

From: Santa Clara Valley Transportation Authority
Environmental Planning
3331 N 1st Street, Building B
San Jose, CA 95134

SUBJECT: Notice of Preparation of a Draft Supplemental Environmental Impact Report

The Santa Clara Valley Transportation Authority (VTA) will be the Lead Agency and will prepare a 2nd Supplemental Environmental Impact Report (2nd SEIR) for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. The 2nd SEIR will supplement the Final Environmental Impact Report (FEIR), and the 1st Final SEIR that were certified by the VTA Board of Directors on December 9, 2004, and June 7, 2007 respectively. Your agency will need to use the FEIR, 1st FSEIR, and 2nd SEIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, overview, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study [] is [x] is not attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Tom Fitzwater at the address shown above. We will need the name for a contact person in your agency.

Project Title: BART Silicon Valley - Phase 1 Berryessa Extension (formerly named the Silicon Valley Rapid Transit Corridor -- BART Extension to Milpitas, San Jose and Santa Clara)

Project Applicant, if any: Santa Clara Valley Transportation Authority

Project Description: See attachment

Date: 8/12/2010 Signature: [Handwritten Signature]
Name: Thomas W. Fitzwater
Title: Manager, Environmental Programs and Resources Management
Telephone: (408) 321-5789

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Section 15082(a), 15103, 15375

**NOTICE OF PREPARATION
ATTACHMENT**

**2nd Draft Supplemental Environmental Impact Report
BART Silicon Valley**

Lead Agency: Santa Clara Valley Transportation Authority

PROJECT DESCRIPTION AND LOCATION

The BART Silicon Valley Project consists of a 16.1-mile extension of the Bay Area Rapid Transit (BART) system from the planned Warm Springs Station in Fremont through Milpitas and San Jose to Santa Clara. See Exhibit 1.

Several design changes have occurred since the project was approved in 2007. The most substantial change is that the project would be constructed in phases. Although VTA is committed to building the full 16.1 mile extension, the current state of the economy requires that the project be built with a phased-construction approach.

This 2nd SEIR will address design changes applicable to the first phase of BART Silicon Valley, which is referred to as the BART Silicon Valley – Phase 1 Berryessa Extension (Phase 1). Phase 1 consists of the first 9.9 miles of BART Silicon Valley beginning from the current planned terminus (BART Warm Springs Station) in Fremont through Milpitas to near Las Plumas Avenue in San Jose, on the former Union Pacific Railroad (UPRR) right-of-way (ROW), owned by VTA. Phase 1 includes two stations: Milpitas Station (formerly Montague/Capitol Station) and Berryessa Station. Passenger service for Phase 1 would begin in 2018. The remaining 6.2 miles of BART Silicon Valley would be constructed when funding is available. Additional design changes to the remaining 6.2 miles of BART Silicon Valley will be addressed under separate environmental review.

2ND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

The VTA intends to prepare a 2nd SEIR for the BART Silicon Valley Project in accordance with the California Environmental Quality Act (CEQA).

The 2nd Draft SEIR will evaluate the proposed project design changes and changes to the regulatory and environmental settings that have occurred since the certification of the 1st Final SEIR in June 2007. Generally, the changes include: (1) phasing of the project; (2) vertical and horizontal alignment changes; (3) revised station designs and configurations; (4) refinement in systems facilities design and locations; (5) changes in the existing project setting; and (6) project schedule changes.

ENVIRONMENTAL PROCESS BACKGROUND

In February 2002, VTA initiated the environmental process by conducting scoping meetings for the SVRTC Project. In March 2004, the Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/DEIR) was released for public review in accordance with state and federal law. The FEIR was certified by the VTA Board of Directors on December 9, 2004. Following certification of the FEIR, project design continued. A Draft SEIR was released for public review in January 2007. The FSEIR was certified by the VTA Board of Directors on June 7, 2007. Since certification of the FSEIR, design continued through the preliminary engineering phase. Alterations and refinements to the project were proposed to reduce environmental concerns, improve operations, incorporate new data, or reduce costs. These proposed changes to the certified project have made it necessary to prepare a 2nd SEIR.

The federal environmental document, the EIS, was processed separately. The Federal Transit Administration signed the Record of Decision on the Berryessa Extension Project on June 24, 2010. The Berryessa Extension Project is the same 2-station extension of BART into Santa Clara County as described in this 2nd SEIR as Phase 1.

PROBABLE EFFECTS

The purpose of the 2nd SEIR is to fully disclose the environmental consequences of the proposed changes described above. The 2nd SEIR will explore the extent to which the changes result in environmental impacts and will discuss actions to reduce or eliminate such impacts. Probable effects to be examined in the 2nd SEIR include: the physical environment (air quality; biological resources and wetlands; hazardous materials; noise and vibration; utilities; visual quality and aesthetics); and transportation and transit, including parking, pedestrians, bicycles, and traffic. Impacts resulting from the project and setting changes will be identified for both the long-term operation of the project and the construction period. The proposed evaluation criteria include transportation, environmental, social, and economic measures, as required by current state (CEQA) environmental laws. To ensure that the full range of issues are addressed and all significant impacts identified, comments and suggestions are invited from all interested parties. Comments or questions concerning these issues should be directed to VTA as noted below.

COMMENT DUE DATE:

Written scoping comments must be received no later than 30 days after receipt of this notice and must be faxed to (408) 321-5787 or sent to:

Thomas W. Fitzwater, Manager, Environmental Programs and Resources Management
Valley Transportation Authority, 3331 North First Street, San Jose, CA 95134-1927

SCOPING MEETING:

Scoping will continue through correspondence and discussions with interested persons; organizations; federal, state and local agencies; and through a public meeting. A public scoping meeting will be held on:

September 1, 2010, Wednesday, at 6:30 p.m. at the East Side Union High School District, Lounge,
830 North Capitol Avenue, San Jose, CA

The modifications to the project design and changes to the regulatory and environmental settings will be presented at this meeting. Scoping material will be available at the meeting. The building used for the scoping meeting is accessible to persons with disabilities. Any individual who requires special assistance, such as a sign language interpreter, to participate in a scoping meeting should contact VTA Community Outreach at (408) 934-2662 or TDD only at (408) 321-2330.

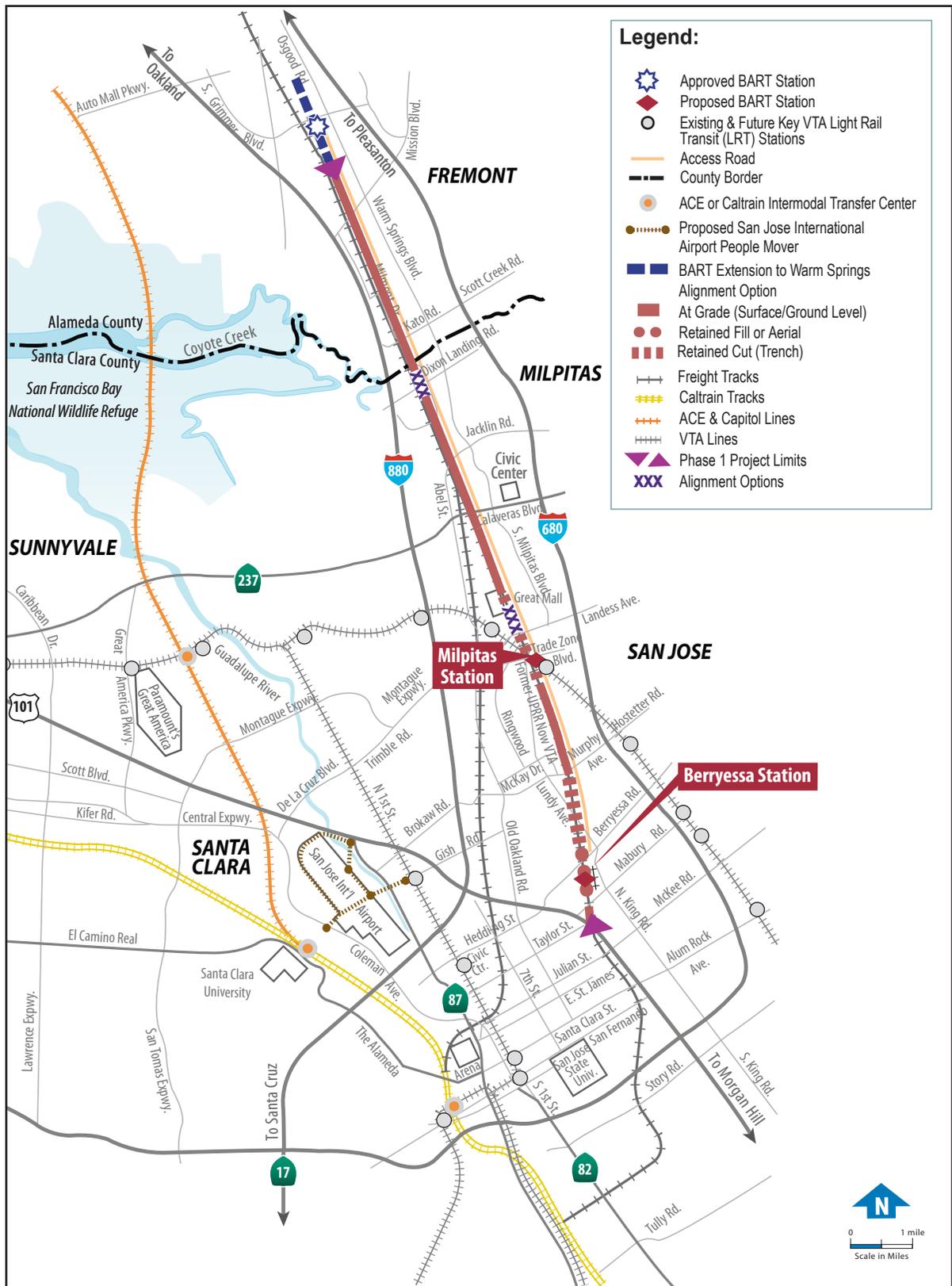
FOR FURTHER INFORMATION CONTACT:

Mr. Thomas Fitzwater, at the address above, or at (408) 321-5789. Contact Mr. Fitzwater to be placed on the project mailing list and to receive additional information about the project. People with special needs should contact VTA Community Outreach at (408) 934-2662 or TDD only at (408) 321-2330.

Issued on: 8/13, 2010.



Thomas W. Fitzwater
Manager, Environmental Programs and Resources Management



Source: VTA, 2010.

BART Silicon Valley Berryessa Station – Phase 1