

**VTA'S BART SILICON VALLEY PHASE II EXTENSION PROJECT**

**FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT/  
SUBSEQUENT ENVIRONMENTAL IMPACT REPORT  
AND FINAL SECTION 4(f) EVALUATION**

PREPARED PURSUANT TO:

National Environmental Policy Act of 1969, § 102 (42 U.S. Code [U.S.C]. § 4332); and Public Law 112-141; 49 U.S.C. § 303 (formerly Department of Transportation Act of 1966, §4(f)); National Historic Preservation Act of 1966, § 106 (16 U.S.C. § 470f); Clean Air Act (42 U.S.C. § 7401 et seq.); Clean Water Act, Section 404 (33 U.S.C. § 1344); Endangered Species Act (7 U.S.C. § 136; 16 U.S.C. § 1531 et seq.); 49 Code of Federal Regulations (CFR) § 622.101; 23 CFR Part 771 and 774; 40 CFR Parts 1500 - 1508; Executive Order 11990 (Protection of Wetlands); Executive Order 11988 (Floodplain Management); Executive Order 12898 (Environmental Justice); California Environmental Quality Act (CEQA), Public Resources Code § 21000 et seq.; and the State of California's CEQA Guidelines, California Administrative Code, § 15000 et seq.

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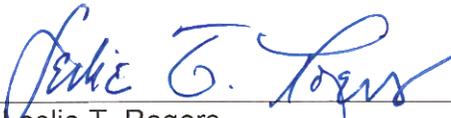
**FEDERAL TRANSIT ADMINISTRATION  
U.S. DEPARTMENT OF TRANSPORTATION**

and the

**SANTA CLARA VALLEY TRANSPORTATION AUTHORITY**

Cooperating Agencies:

San Francisco Bay Area Rapid Transit District



Leslie T. Rogers  
Regional Administrator, Region IX  
Federal Transit Administration

**FEB 16 2018**

Date of Approval



Nuria I. Fernandez  
General Manager  
Santa Clara Valley Transportation Authority

**FEB 16 2018**

Date of Approval

## ABSTRACT

VTA's BART Silicon Valley Program consists of a 16-mile extension of the Bay Area Rapid Transit (BART) system from BART's Warm Springs Station in southern Fremont in Alameda County into Santa Clara County through the Cities of Milpitas, San Jose, and Santa Clara. BART's Warm Springs Station opened in 2017~~is currently under construction and scheduled to open in 2017~~. VTA's BART Silicon Valley Program is being implemented in two phases: the Phase I Berryessa Extension Project (Phase I) and the Phase II Extension Project (Phase II). Phase I is a 10-mile extension currently under construction and scheduled to be open in late ~~2018~~2017. The remaining approximately 6-mile extension of VTA's BART Silicon Valley Program, called Phase II, is the subject of this combined ~~Draft~~Final Supplemental Environmental Impact Statement and Subsequent Environmental Impact Report (SEIS/SEIR), which includes both a National Environmental Policy Act (NEPA) and a California Environmental Quality Act (CEQA) analysis.

This Phase II NEPA SEIS is being prepared to address the remaining 6 miles of the 16-mile SVRTP Alternative that was studied in the 2010 Final EIS but not approved. In 2010, FTA issued a Record of Decision for the Phase I 10-mile extension that is currently under construction. Considerable time has passed since the prior EIS was prepared in 2008–2009; therefore, this document evaluates changes in existing conditions, regulatory requirements, and project design to the remaining 6 miles of the Silicon Valley Program from Berryessa to Santa Clara since the 2010 EIS.

A CEQA SEIR is being prepared to address substantial changes in the proposed project, including new alternatives considerably different from previous EIRs, and to consider new circumstances and information, such as new existing conditions, regulatory requirements, potential impacts, and mitigation measures. The VTA Board of Director's certified the Final EIR and approved the 16-mile project on December 9, 2004. As preliminary engineering progressed, a number of design changes were identified, and a supplemental document was prepared to evaluate the environmental impacts. The VTA Board of Directors' considered these changes and certified the Final Supplemental EIR and approved the revised project on June 7, 2007. The VTA Board of Directors' certified a second Supplemental EIR and approved the Phase I 10-mile extension (phasing of VTA's BART Silicon Valley Program) on March 3, 2011.

The alternatives analyzed in this ~~Draft~~Final SEIS/SEIR were prepared in accordance with NEPA and CEQA and are described below. There are two alternatives evaluated in this document in accordance with NEPA: the No Build Alternative and the BART Extension Alternative. The NEPA No Build Alternative consists of planned and programmed transit improvements, but does not include the 6-mile BART extension to Santa Clara. The NEPA BART Extension Alternative consists of a 6-mile extension of the BART system from the Berryessa BART Station, currently under construction, through downtown San Jose to the vicinity of the Santa Clara Caltrain Station. The SEIS is intended to satisfy the requirements of the National Environmental Policy Act of 1969 and other environmental requirements that apply to federal actions, such as Section 4(f) of the Department of Transportation Act (49 U.S.C. Section 303) and Section 106 of the National Historic Preservation Act.

There are three alternatives evaluated in this document in accordance with CEQA: the No Build Alternative, the BART Extension Alternative, and the BART Extension with Transit-Oriented Joint Development (TOJD) Alternative. The CEQA No Build Alternative is the same as the NEPA No Build Alternative described above. The CEQA BART Extension Alternative is the same as the NEPA BART Extension Alternative described above. The CEQA BART Extension with TOJD Alternative consists of the 6-mile BART Extension as described above (see CEQA BART Extension and NEPA BART Extension Alternatives) as well as TOJD at the BART Extension's four stations and two tunnel ventilation structure sites. The proposed TOJD is not

~~no federal action is involved. The proposed TOJD serves a separate purpose and need than the BART Extension Alternative as described below and has independent utility. It is included as an alternative under CEQA to support local and regional land use planning. The proposed TOJD may be constructed at the same time as the BART Extension Alternative or later in time, dependent on the availability of funding and subject to market forces. However, the design of the stations and structures would not preclude TOJD. No private developer has been identified at this time, and the proposed TOJD by VTA may be subject to refinement once a private developer is identified. Any proposed TOJD by VTA, should the Board decide to implement this alternative, would be separately funded and would not include federal funding. In early 2018, VTA staff will bring this project tot VTA's Board of Directors certification of the Final SEIR and approval of one of the three CEQA Alternatives: the No-Build Alternative, BART Extension Alternative, or BART Extension with TOJD Alternative. The proposed TOJD would be carried forward for implementation if VTA's Board of Directors approves the BART Extension with TOJD Alternative. The TOJD has independent utility and is included to support ridership and to be consistent with local and regional land use planning. No federal dollars would be used to design or construct the TOJD, and no federal approvals are required. Because no federal action is involved, VTA's TOJD, which is intended to be consistent with the City general plans and approved area plans of the Cities of San Jose and Santa Clara, as applicable, and would be is considered in the cumulative conditions for NEPA purposes.~~

This ~~Draft~~Final SEIS/SEIR evaluates and discloses the environmental effects of the alternatives. Topics of concern include transportation, air quality, cultural resources, and noise and vibration, among other topics. Mitigation measures to reduce or avoid adverse effects are identified in the document.

The project is included in the current Metropolitan Transportation Commission's financially constrained regional plan (Plan Bay Area 2040~~35~~). The current financial plan in the ~~Draft~~Final SEIS/SEIR is based on financial projections and governmental actions that are not finalized. As part of the New Starts process, an updated financial plan will be prepared in advance of the project into Final Design.

~~The FTA may issue a single Final Supplemental Environmental Impact Statement/Record of Decision document pursuant to Public Law 114-94 and 23 U.S.C. 139 (n)(2), unless the FTA determines statutory criteria or practicability considerations preclude issuance of the combined document. In that case, FTA would issue a Final Supplemental Environmental Impact Statement followed by an amendment to the Record of Decision, as needed.~~

The Draft SEIS/SEIR was available to the public on December 28, 2016. The Notice of Availability was published in local newspapers, distributed through a mass mailing, and posted on VTA's web site (<http://www.vta.org/bart/draft2016seis-seir>). Copies were also provided to local libraries. A Notice of Availability of the Draft SEIS/SEIR ~~will be~~was published in the *Federal Register* on January 7, 2017. There were several requests to extend the public comment period. As a result, the close of the public comment period was extended from ~~public comment period will end~~February 20, 2017, to March 6, 2017. ~~Written comments should be submitted to Mr. Tom Fitzwater at the address below.~~ Comments may also be submitted by email at [BARTphase2EIS-EIR@vta.org](mailto:BARTphase2EIS-EIR@vta.org), or at the public hearings noted below. Three public hearings were held during the public comment period at the following locations: East San Jose, at the Mexican Heritage Plaza on Wednesday, January 25, 2017, at 6:00 p.m.; City of Santa Clara, at the Santa Clara Senior Center on Thursday, January 26, 2017 at 6:00 p.m.; and City of San Jose, at the San Jose City Hall on Monday, January 30, 2017 at 6:00 pm. Information can also be obtained from the project web site ([www.vta.org/bart](http://www.vta.org/bart)) or from Mr. Fitzwater at (408) 321-5705.

Volume I of this Final SEIS/SEIR includes edits/changes to the Draft SEIS/SEIR as a result of public comments and changes resulting from refinement of the plans for the build alternatives. Volume II includes all of the comments received on the Draft SEIS/SEIR and response to those comments. Volume III contains the Appendices. Based on the analysis presented in Chapter 4 of the Final SEIS/SEIR and per 40 CFR 1502.9, the changes to the Draft SEIS/SEIR are not substantial changes in the proposed action that are relevant to environmental concerns and do not result in new adverse operational impacts and neither do they substantially change the intensity of impacts previously identified in the Draft SEIS/SEIR. The dates, times, and locations of the public hearings are:

~~East San Jose Public Hearing  
Wednesday, January 25, 2017 (6:00 p.m. to 8:00 p.m.)  
Mexican Heritage Plaza, Gallery Room  
1700 Alum Rock Avenue, San Jose, CA~~

~~Santa Clara Public Hearing  
Thursday, January 26, 2017 (6:00 p.m. to 8:00 p.m.)  
Santa Clara Senior Center, Room 222  
1303 Fremont Street, Santa Clara, CA~~

~~Downtown San Jose Public Hearing  
Monday, January 30, 2017 (6:00 p.m. to 8:00 p.m.)  
City of San Jose - City Hall, Rooms 118-120  
200 East Santa Clara Street, San Jose, CA~~

FOR ADDITIONAL INFORMATION CONCERNING THIS DOCUMENT, CONTACT:

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