

## Chapter 10

# Agency and Community Participation

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Over the years, a number of environmental studies have been prepared for VTA’s BART Silicon Valley Program. A combined Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) and Draft 4(f) Evaluation was released for public comment in March 2004 and addressed the 16-mile BART Extension. However, VTA suspended the NEPA process but continued the CEQA process, and the VTA Board of Directors approved the Final EIR in December 2004. VTA certified a Final Supplemental EIR for the project in June 2007. A Draft EIS was released for public comment in March 2009, and a Final EIS was published in March 2010. The Draft and Final documents included three alternatives: a no-build project, a 10-mile project, and a 16-mile project. On June 24, 2010, the Federal Transit Administration (FTA) issued a Record of Decision (ROD) approving the 10-mile project from Warm Springs to Berryessa—designated the Phase I Berryessa Extension Project. This decision formally approved Phase I to move forward into detailed design and construction. The current Supplemental EIS/Subsequent EIR (SEIS/SEIR) now analyzes the remaining 6 miles of the original 16-mile project that was analyzed in the 2009 EIS, now called Phase II. Refer to Chapter 1, *Purpose and Need*, Section 1.4, *BART Extension Project History*, for a full description of the history of the Bart Extension.

This chapter describes agency and community participation conducted for the Phase II Project during the preparation of this SEIS/SEIR. For a description of all agency and community participation conducted for prior environmental documents, refer to the documents listed in Section 1.4, *BART Extension Project History*.

This SEIS/SEIR has been prepared on the basis of consultation and coordination with applicable federal, state, and local agencies and with elected officials, community leaders, organizations, and other individuals from the neighborhoods and communities within San Jose and Santa Clara. VTA’s community outreach efforts were conducted in accordance with Title VI of the Civil Rights Act of 1964 and the principles of Environmental Justice, which promote inclusive public engagement during the transportation decision-making process.

## 10.1 Summary of Scoping

### 10.1.1 Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report

#### 10.1.1.1 Notification

The scoping process for the Phase II Project began with formal agency notification. On January 30, 2015, VTA distributed a Notice of Preparation (NOP) to advise interested

agencies and the public that VTA intended to prepare an SEIS/SEIR for the Phase II Project. VTA distributed the NOP to approximately 225 agencies, elected officials, and interested parties and organizations in the study area. VTA also notified potentially interested individuals and organizations regarding the scoping process and public scoping meetings for the Phase II Project. VTA used multiple methods to announce the scoping process and public meetings, including display advertisements in local newspapers, mailings to addresses located in the vicinity of the Phase II Project, emails sent to recipients on the VTA emailing list, news releases posted on the VTA website, and social media postings on VTA's Facebook, Twitter, and Nextdoor accounts.

The display advertisements ran in the following periodicals: *Mercury News* (published in the daily newspaper of January 30, 2015), *Santa Clara Weekly* (published in the weekly newspaper of February 4, 2015), *El Observador* (published in the weekly newspaper of February 6, 2015), *VIETNAM* (published in the weekly newspaper of February 6, 2015), *The Korea Times* (published in the weekly newspaper of February 6, 2015), *Philippines Today* (published in the weekly newspaper of February 4, 2015), and *Sing Tao Daily* (published in the daily newspaper of February 6, 2015). VTA distributed approximately 58,000 mailers to addresses located within 0.25-mile of the Phase II Project alignment and within 1-mile of Phase II Project station areas. The mailers were translated into five languages (Spanish, Vietnamese, Korean, Chinese, and Portuguese) and provided an overview of the Phase II Project, information regarding the scoping meetings, and instructions on how to submit comments. VTA also included information in the Berryessa Extension Phase I newsletter, distributed to approximately 22,000 individuals within 0.25-mile of the Phase I Project alignment. Emails were also sent to approximately 1,052 recipients on the VTA emailing list to inform recipients of the scoping meetings. Information on the Phase II Project and scoping meetings, and instructions on how to provide comments were also posted on the news releases page of VTA's website and on VTA's BART project website. Social media postings on VTA's Facebook page and Twitter account also notified the public.

### 10.1.1.2 Scoping Meetings

VTA conducted three formal environmental scoping meetings to gather input and comments prior to the development of the SEIS/SEIR. Meetings were held on February 12, 17, and 19, 2015, in Santa Clara, downtown San Jose, and east San Jose. Each public scoping meeting included a sign-in/open house portion of the meeting, where the public could view Phase II Project informational display boards of the alignment and concept exhibits for the stations, and a presentation portion of the meeting during which VTA staff provided an overview of the Phase II Project and environmental process in PowerPoint format. Following the presentation, formal public comments on the presented materials were documented. Oral comments provided at the meetings were transcribed by a court reporter. Written comments were accepted at the meetings and via mail or email to VTA until the comment deadline.

Over 200 individuals attended the three scoping meetings identified below.

- Environmental Scoping Meeting #1  
Thursday, February 12, 2015, 5:30 – 7:30 p.m.  
Santa Clara Council Chambers  
1500 Warburton Avenue, Santa Clara, CA 95050
- Environmental Scoping Meeting #2  
Tuesday, February 17, 2015, 5:30 – 7:30 p.m.  
VTA Customer Service Center  
55 West Santa Clara Street, San Jose, CA 95113
- Environmental Scoping Meeting #3  
Thursday, February 19, 2015, 5:30 – 7:30 p.m.  
Mexican Heritage Plaza  
1700 Alum Rock Avenue, San Jose, CA 95116

## **10.2 Summary of Public Agency Coordination**

VTA regularly consults with other public agencies through agency committees and through the formal process of securing approvals and permits. This section describes the function and organization of VTA agency committees and provides a record of formal consultations relating to the Phase II Project.

### **10.2.1 Agency Committees**

#### **10.2.1.1 Silicon Valley Rapid Transit Program Working Committee**

The Silicon Valley Rapid Transit (SVRT) Program Working Committee was established in 2013. The committee is a subset of the full VTA Board of Directors and reviews and recommends policies related to VTA's BART Silicon Valley Program.

#### **10.2.1.2 VTA/BART Coordination**

VTA and BART staffs meet on a regular basis to review detailed aspects of the Phase II Project, coordinate issues requiring BART review or input, and address any questions or issues relating to BART operations or requirements.

#### **10.2.1.3 VTA-City Partnership Meetings**

VTA-City Partnership meetings have been conducted throughout the environmental document processes to address local issues specific to the various geographic areas along the corridor. Meeting participants include key city staff and key VTA representatives from the Environmental, Planning, Public Affairs, and Engineering departments. The purpose of these meetings is to ensure ongoing communication and coordination with VTA and the unique issues to cities along the corridor.

## 10.2.2 Coordination Plan Process

In accordance with the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Section 6002, a coordination plan was prepared in 2007. The plan was designed to promote an efficient and streamlined environmental review process and good management through coordination, scheduling, and early identification and resolution of issues. During the preparation of the 2009–2010 EIS process, VTA, in cooperation with FTA, continued ongoing coordination with agencies throughout the process in accordance with the requirements in the 2007 Coordination Plan.

In November 2014, VTA, in cooperation with FTA, sent out letters inviting over 30 federal, state, regional, and local agencies to participate in the environmental review process for VTA’s BART Silicon Valley Phase II Project. During this time, the project description and purpose and need were available on the website. VTA and FTA will continue to coordinate with these agencies throughout this SEIS/SEIR process.

## 10.3 Consultation Pursuant to Section 106 of the National Historic Preservation Act

### 10.3.1 Agencies and Organizations Responsible for Historic Preservation

VTA, in cooperation with FTA, coordinated public participation for this project pursuant to Section 106 of the National Historic Preservation Act. At the initiation of the project, VTA contacted interested parties through a notification letter circulated in November 2002, with follow-up correspondence in January 2003. Letters were also sent to 25 local historical agencies and organizations requesting information regarding known or potential historic resources in the project vicinity. These agencies and organizations included the following:

Santa Clara County Planning Office	San Jose Historic Landmarks Commission
Alameda County Planning Department	San Jose Redevelopment Agency, East
City of San Jose Planning Department	Santa Clara Street Revitalization Committee
City of San Jose Historic Preservation Officer	Los Fundadores–Santa Clara
City of Milpitas Planning Department	Victorian Preservation Association
Alameda County Historical Society	City of Santa Clara
Santa Clara County Historical Heritage Commission	City of Santa Clara Historical and Landmarks Commission

Heritage Council of Santa Clara County	Santa Clara County Historical and Genealogical Society
Milpitas Cultural Resources Preservation Board	South Bay Historical Railroad Society
Milpitas Historical Society	California Trolley and Railroad Corporation
Historical Preservation Society of Santa Clara	National Railroad Historical Society
History San Jose and Historical Association	Central Coast Chapter
Preservation Action Council of San Jose	Caltrain/Peninsula Corridor Joint Powers Board (JPB)

Responses were received from Los Fundadores–Santa Clara and the City of Milpitas. Follow-up meetings were held with the City of San Jose Historic Preservation Officer, Preservation Action Council of San Jose, San Jose Historic Landmarks Commission, City of Santa Clara Historical and Landmarks Commission, South Bay Historical Railroad Society, and JPB. Comment letters related to the 2004 EIR and 2007 Supplemental EIR were received from the City of San Jose Planning Department, City of San Jose Historic Preservation Officer, Preservation Action Council of San Jose, San Jose Historic Landmarks Commission, City of Santa Clara Historical and Landmarks Commission, and South Bay Historical Railroad Society. Coordination with the historical agencies and organizations remains ongoing, and interested parties (as identified above) remain on the mailing list for public notices for the project.

FTA and VTA are coordinating with the State Historic Preservation Office (SHPO) regarding the inventory of cultural resources within the project area of potential effects (APE), the eligibility of these resources for listing on the National Register of Historic Places (NRHP), and the impacts of the alternatives on such eligible resources. Meetings with the SHPO were held on October 30, 2003, January 26, 2009, December 17, 2009, January 17, 2014, February 29, 2016, May 5, 2016, and June 8, 2016.

In addition, VTA, FTA, and JRP have worked closely with Ms. Lorie Garcia of the South Bay Historic Railroad Society (SBHRS), the historic preservation covenant holder for the two listed train stations within the APE, whose headquarters are located within the Santa Clara Station. VTA, principals of JRP, representatives of local communities, and Ms. Garcia also participated in a meeting and site visit on July 25, 2002, regarding both NRHP-listed railroad stations within the APE: Diridon (Cahill) Station and Santa Clara Station. The SBHRS is the covenant holder for both these stations, which are currently part of the Caltrain system.

Starting in 2015, VTA re-initiated three Community Working Groups (CWGs), one for the Alum Rock/28<sup>th</sup> Street Station area, one for the Downtown San Jose/Diridon Station area, and one for the Santa Clara Station area to communicate project information to key members of the community and provide feedback on strategies related to successfully delivering and completing the BART Extension. CWGs receive briefings on technical areas and project updates and act as a conduit for the community at large. Group members include the leaders of neighborhood and business associations, community organizations, advocacy groups, major property owners, and planning commissioners. VTA invited Mr. Jack Morash, who has been a Santa Clara CWG member since June 11, 2015, as a representative of the South Bay Historical Railroad Society. Mr. Morash provides project updates to Lorie Garcia and contributes to the CWGs by notifying VTA staff of the SBHRS concerns about the project.

Consultation with historic preservation groups for the Phase II Project is ongoing and will be updated as responses are received.

### **10.3.2 Native American Consultation**

VTA contacted the Native American Heritage Commission (NAHC) on March 4, 2015, to request a search of the Sacred Lands file and to provide a list of interested Native American representatives for the Phase II Project. The NAHC responded on March 26, 2015, stating that a search of the Sacred Lands file did not contain any records of Native American sacred sites in or adjacent to the archaeological APE.

The NAHC also provided a list of 11 Native American contacts who might have information pertinent to the Phase II Project, or have concerns regarding the proposed actions. Because the project was initiated before July 2015, California State Assembly Bill 52 (Chapter 532, Statutes of 2014) does not apply for CEQA. For Section 106, the following is a list of the Native American Identified Contacts contacted in regard to the Phase II Project.

- Jakki Kehl
- Katherine Erolinda Perez
- Linda Yamane
- Valentin Lopez, Chairperson, Amah Mutsun Tribal Band
- Edward Ketchum, Amah Mutsun Tribal Band
- Irene Zwierlein, Chairperson, Amah Mutsun Tribal Band
- Michelle Zimmer, Amah Mutsun Tribal Band of Mission San Juan Bautista
- Ann Marie Sayers, Chairperson, Indian Canyon Mutsun Band of Costanoan
- Rosemary Cambra, Chairperson, Muwekma Ohlone Indian Tribe of the SF Bay Area
- Andrew Galvan, The Ohlone Indian Tribe
- Ramona Garibay, Representative, Trina Marine Ruano Family

FTA contacted all of the above contacts on October 1, 2015, by letter. This letter provided a project description and explained that VTA was identifying and evaluating known and potential archaeological resources in the study area for eligibility for the NRHP and the California Register of Historical Resources (CRHR). On November 11, 2015, VTA staff made follow-up phone calls to the contacts listed above to determine whether they have any questions, comments, or concerns about the project.

FTA sent letters to all of the above contacts again on July 27, 2016. This letter provided an update on the project, explaining modifications to the project description since the October 2015 letters. In addition, the letter explained that many of the locations of high sensitivity for buried resources within the project APE are under existing, occupied structures or on private property, and presence/absence testing is not feasible at this time. Therefore, a Programmatic Agreement and Archaeological Resources Treatment Plan was prepared and will be implemented as a phased identification effort prior to construction. The above-listed individuals will have the opportunity to review these documents. On August 24, 2016, VTA staff made follow-up phone calls to the contacts listed above to determine whether they have any questions, comments, or concerns about the Project.

Section 4.5 *Cultural Resources* summarizes the Native American correspondence sent and received as well as phone call transcripts between VTA and Native American contacts for the Phase II Project to date. Native American consultation for the Phase II Project is ongoing and will be updated as responses are received.

## 10.4 Summary of Public Outreach

The public involvement program employs a variety of means, including individual and group contacts, targeted information meetings, workshops, fact sheets and newsletters, circulation of draft documents, and formal public meetings to incorporate the broad community outreach goals of VTA. The activities are:

- Include all the diverse communities, promoting public awareness through each phase of the project by building long-term relationships.
- Address community needs, issues and concerns.
- Provide timely and accurate project information.
- Enhance communication with schools, businesses, and other groups in the community.
- Build understanding and support for transportation and congestion management programs and projects.
- Revise outreach efforts to meet project and community needs.

This section describes the organizational structures, meetings, and media through which VTA conducts the outreach and public involvement program for the Phase II Project.

## 10.4.1 Community Working Groups

VTA established four CWGs for the project when the environmental process was originally initiated. The purpose of the CWGs is to communicate project information to key members of the community and provide feedback on strategies related to successfully delivering and completing the BART Extension. CWGs receive briefings on technical areas and project updates and act as a conduit for the community at large.

In 2015, as part of the SEIS/SEIR, three of the CWGs were re-initiated, and were established for the Alum Rock/28<sup>th</sup> Street Station area, the Downtown San Jose/Diridon Station area, and the Santa Clara Station area. The Milpitas CWG was not re-initiated as it was established to address Phase I issues.

Group members listed below include the leaders of neighborhood and business associations, community organizations, advocacy groups, major property owners, and planning commissioners.

### **Alum Rock/28<sup>th</sup> Street CWG Affiliates**

CommUniverCity  
Cristo Rey San Jose Jesuit High School  
Five Wounds/Brookwood Terrace Neighborhood Action Coalition  
Five Wounds Church  
Friends of Five Wounds Trail  
James Lick High School  
Julian St. James Neighborhood Association  
Portuguese Organization for Social Services and Opportunities  
Ride East San Jose  
Roosevelt Park Neighborhood Association  
Somos Mayfair  
Story Road Business Association  
Working Partnerships USA

### **Downtown San Jose/Diridon CWG Affiliates**

Campus Community Association (Naglee Park)  
Delmas Park Neighborhood Association  
Friends of Caltrain  
Saint James Park Association  
San Jose Chamber of Commerce  
San Jose Downtown Association  
San Jose State University  
Sharks Sports & Entertainment  
Shasta/Hanchett Park Neighborhood Association

SPUR  
Working Partnerships USA

### **Santa Clara CWG Affiliates**

Bellarmino College Preparatory  
Newhall Neighborhood Association  
Old Quad Residents' Association  
San Francisco Forty Niners  
San Jose Earthquakes  
Santa Clara Chamber of Commerce  
Santa Clara Police Department  
Santa Clara University  
South Bay Historic Railroad Society  
Transform

## **10.4.2 Public Meetings and Workshops**

Public meetings, workshops, and stakeholder meetings have been conducted and will continue throughout the environmental process to provide project information and receive input. This section summarizes some of the key activities to date. The meetings are announced through media releases, invitations to CWG members, general notification mailers, and the project website. Meeting announcements are produced in multiple languages: English, Spanish, Chinese, Portuguese, Korean, and Vietnamese. Interpreters are provided at meetings according to need. The Cities of San Jose and Santa Clara also assisted with distribution of notices.

## **10.4.3 Newsletters, Fact Sheets, Brochures, and Notices**

Newsletters are produced to describe the study, notice key milestones, report VTA's efforts to address community issues, and provide information on future activities. Newsletters are 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 a series of formal fact sheets have been produced to date as follows.

## 2014–2016 Draft Supplemental EIS/Subsequent EIR

September 2016	Fact Sheet – Alum Rock/28 <sup>th</sup> Street Station, Santa Clara Station, Downtown San Jose Station, and Diridon Station
February 2016	Fact Sheet – Alum Rock/28 <sup>th</sup> Street Station, Santa Clara Station, Downtown San Jose Station, and Diridon Station
December 2015	Fact Sheet – Construction Methods
January 2015	Fact Sheet – Environmental Process
May 2015	Fact Sheet – Travel Demand Model Process
June 2015	Public Information – Community/Stakeholder Milestone Schedule
January 2014	Fact Sheet – Frequently Asked Questions

### 10.4.4 Newspaper Distribution List

VTA distributes news releases and public notices to local media outlets with Phase II updates. The following newspapers are included in notices and distributions regarding Phase II.

*El Observador* – weekly

*Sing Tao Daily* – daily

*Mercury News* – daily

*The Korean Times* – weekly

*Philippines Today* – weekly

*VIETNAM* – weekly

*Santa Clara Weekly* – weekly

### 10.4.5 Project Information Website

The project website ([www.vta.org/bart](http://www.vta.org/bart)) provides information to the public about the Silicon Valley Rapid Transit Corridor 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, public comment summary reports, and the Final EIS. The site also allows the public to submit comments directly.

## 10.5 Ongoing Public Outreach

VTA will continue to conduct regular coordination meetings with the CWGs, Program Working Committee, BART, VTA/City Partnership meetings, and External Technical Advisory Committee throughout the environmental process. 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. 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.

## 10.6 Chronology of Coordination

This section includes a chronology of public outreach and coordination activities conducted to date during preparation of the environmental document. Outside of the periods of document preparation, coordination activities, public outreach, and public meetings continued to occur.

### 10.6.1 Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report

January 12, 2015	SVRT Program Working Committee
February 3, 2015	VTA-City Coordination Meeting – Santa Clara
February 12, 2015	Public Scoping Meeting – Santa Clara
February 17, 2015	Public Scoping Meeting – Downtown San Jose
February 19, 2015	Public Scoping Meeting – Alum Rock
February 24, 2015	VTA-BART Coordination Meeting
March 2, 2015	SVRT Program Working Committee
April 13, 2015	VTA-City Coordination Meeting – San Jose
May 4, 2015	SVRT Program Working Committee
May 11, 2015	VTA-City Coordination Meeting – San Jose
May 12, 2015	Downtown/Diridon Community Working Group
May 13, 2015	Alum Rock Community Working Group
May 14, 2015	Santa Clara Community Working Group
May 21, 2015	VTA-City Coordination Meeting – Santa Clara
June 8, 2015	VTA-City Coordination Meeting – San Jose
June 9, 2015	Downtown/Diridon Community Working Group
June 10, 2015	Alum Rock Community Working Group
June 11, 2015	Santa Clara Community Working Group
June 19, 2015	VTA-BART Coordination Meeting
July 1, 2015	VTA-City Coordination Meeting – Santa Clara
July 8, 2015	VTA-BART Coordination Meeting

July 16, 2015	VTA-City Coordination Meeting – San Jose
August 3, 2015	SVRT Program Working Committee
August 10, 2015	VTA-City Coordination Meeting – San Jose
August 11, 2015	Downtown/Diridon Community Working Group
August 12, 2015	Alum Rock Community Working Group
August 12, 2015	VTA-BART Coordination Meeting
August 13, 2015	Santa Clara Community Working Group
August 27, 2015	VTA-City Coordination Meeting – San Jose
September 9, 2015	VTA-BART Coordination Meeting
September 24, 2015	VTA-City Coordination Meeting – San Jose
September 29, 2015	VTA-Santa Clara University Coordination Meeting
October 5, 2015	SVRT Program Working Committee
October 13, 2015	Downtown/Diridon Community Working Group
October 14, 2015	Alum Rock Community Working Group
October 15, 2015	Santa Clara Community Working Group
October 23, 2015	VTA-BART Coordination Meeting
October 29, 2015	VTA-Bellarmino High School Coordination Meeting
November 19, 2015	Transportation Engineering Design Presentation at Santa Clara University
December 1, 2015	Downtown/Diridon Community Working Group
December 2, 2015	Alum Rock Community Working Group
December 3, 2015	Santa Clara Community Working Group
January 11, 2016	SVRT Program Working Committee
January 20, 2016	BART Phase II Funding Strategies Public Workshop
February 9, 2016	Downtown/Diridon Community Working Group
February 10, 2016	Alum Rock Community Working Group
February 11, 2016	Santa Clara Community Workshop Group
February 16, 2016	SAP Center Coordination Meeting
March 10, 2016	Arena Events Operations Committee Presentation
April 12, 2016	Downtown/Diridon Community Working Group

April 13, 2016	Alum Rock Community Working Group
April 14, 2016	Santa Clara Community Working Group
April 22, 2016	VTA Board of Directors Workshop
May 12, 2016	SPUR Policy Board
May 25, 2016	San Jose Arena Authority (SAP Center)
June 14, 2016	Downtown/Diridon Community Working Group
June 15, 2016	Alum Rock Community Working Group
June 16, 2016	Santa Clara Community Working Group
September 13, 2016	Downtown/Diridon Community Working Group
September 14, 2016	Alum Rock Community Working Group
September 15, 2016	Santa Clara Community Working Group
November 15, 2016	Downtown/Diridon Community Working Group
November 16, 2016	Alum Rock Community Working Group
November 17, 2016	Santa Clara Community Working Group

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