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# Chapter 2

## Introduction

### Section 2.1 Overview of Proposed Changes to the Approved Project

The Santa Clara Valley Transportation Authority's (VTA's) Eastridge to BART Regional Connector: Capitol Expressway Light Rail Project (approved project) is located in the City of San Jose. The approved project would be implemented in two distinct phases. The first phase consists of pedestrian and bus improvements, including sidewalk, landscaping, and lighting along Capitol Expressway; bus stop improvements at Story Road and Ocala Avenue; and the replacement of Eastridge Transit Center. Construction of the pedestrian and bus improvements was completed in 2012 and the replacement of Eastridge Transit Center was completed in 2015. The second phase consists of the extension of light rail along Capitol Expressway between the existing Alum Rock Light Rail Station and Eastridge Transit Center, a distance of approximately 2.4 miles.

As discussed in more detail in Chapter 3, *Changes to the Approved Project, Changes in Circumstances, and Introduction of New Information*, VTA is proposing changes to certain elements of the approved project, including the:

- Extension of the aerial guideway to grade-separate the Ocala Avenue and Cunningham Avenue intersections;
- Revisions to Capitol Expressway roadway lane configurations (including the conversion of the existing high-occupancy vehicle lanes to general purpose traffic lanes and maintaining eight lanes between Story Road and Capitol Avenue);
- Modifications to Eastridge Station platforms and track;
- Reduction in parking spaces at Eastridge Park-and-Ride lot;
- Minor shift in the location and straightening of the Story Station pedestrian overcrossing;
- Modification to Story Station pedestrian access;
- Relocation of a construction staging area;
- Relocation of Pacific Gas and Electric (PG&E) electrical transmission facilities; and
- Extension of construction duration and modification to the construction scenario.

The location and overall elements of the proposed changes to the project are shown in Figure 2-1.

The approved project with the proposed changes is anticipated to have 2,980 boardings in 2023 and 4,534 boardings in 2043. Travel time for the Light Rail Alternative between Alum Rock Station and Eastridge Transit Center is estimated to be 4.3 minutes. The capital cost of the approved project with the proposed changes is projected to be \$453 million and will be funded by the 2000 Measure A, Regional Measure 3, and the Senate Bill 1 funds. Construction would begin in 2019 with utility relocation and end in 2024 or 2025 (depending on the construction methodology) with the beginning of revenue service.

## Section 2.2 Prior Environmental Documentation

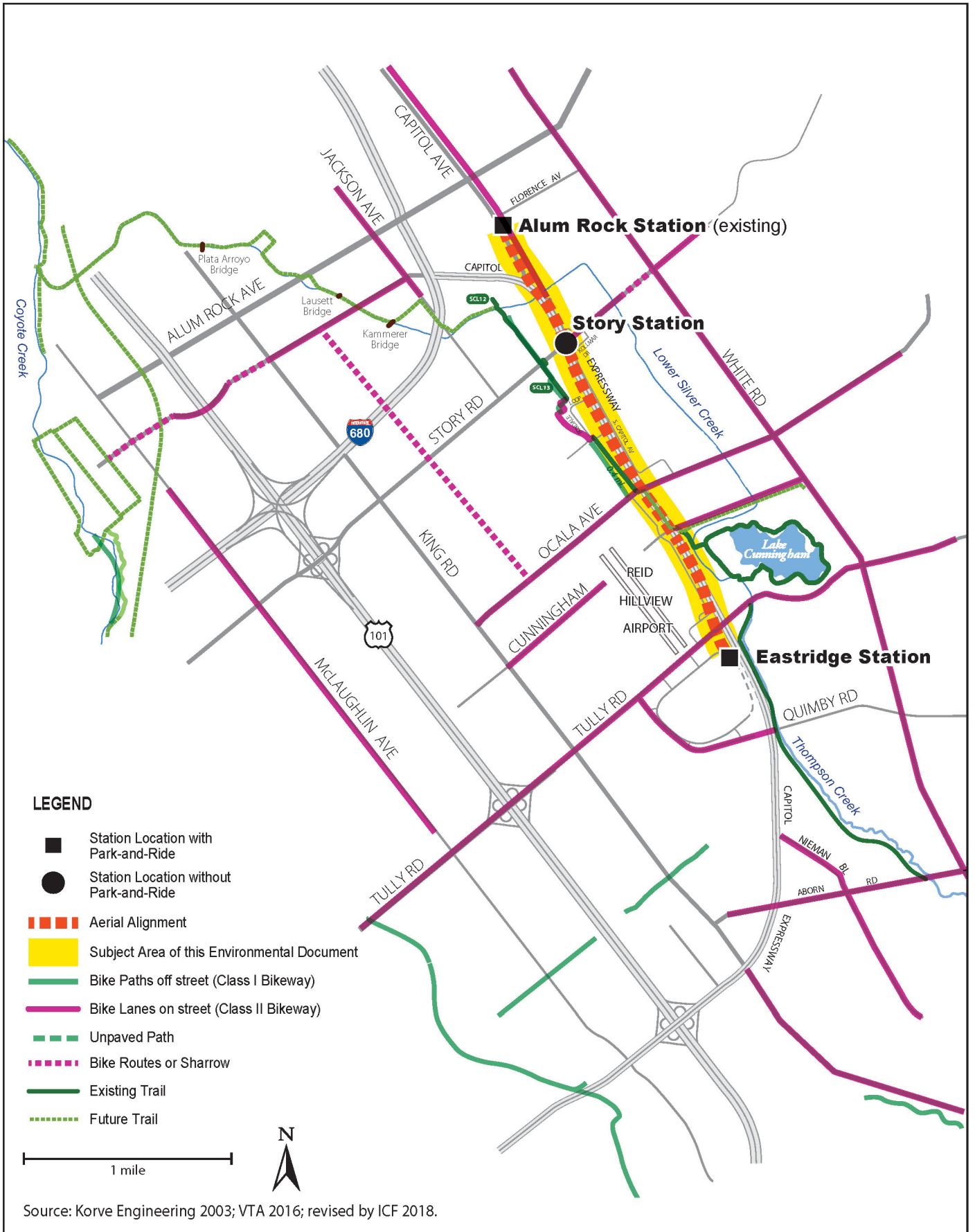
The federal and state environmental process for the approved project was initiated in September 2001 with the publication of a Notice of Intent to prepare an Environmental Impact Statement (EIS) in the federal register and the filing of the Notice of Preparation of an Environmental Impact Report (EIR) with the State Clearinghouse. A Draft EIS/EIR was circulated in April 2004, but only a Final EIR was completed as a result of limited opportunities for securing federal funds.

In May 2005, the VTA Board of Directors certified the Final EIR (hereafter referred to as the “2005 Final EIR”) and approved the Light Rail Alternative. As a result of preliminary engineering, the Light Rail Alternative was modified to address agency comments, improve operations, minimize right-of-way acquisition, and lower costs. To address these modifications, the VTA Board of Directors prepared and certified a Final Supplemental EIR (Final SEIR) and approved the modifications in August 2007 (hereafter referred to as the “2007 Final SEIR”).

Due to unprecedented declines in revenues beginning in 2008, the implementation plan for the Light Rail Alternative was modified to construct the project in phases. An Addendum to the Final SEIR was approved in June 2010 that included the installation of pedestrian and bus improvements as Phase 1 and the extension of light rail along Capitol Expressway as Phase 2.

In addition to the state environmental process, VTA reinitiated the federal environmental process on September 9, 2009, with a Notice of Intent to prepare a Supplemental Draft EIS. The Supplemental Draft EIS was circulated on May 18, 2012, for 45 days with comments due on July 3, 2012. The federal environmental process under the National Environmental Policy Act (NEPA) was suspended in 2017 as a result of limited opportunities for securing federal funds.

A Subsequent Initial Study (IS)/Mitigated Negative Declaration (MND) was approved in March 2014 (hereafter referred to as the “2014 Subsequent IS/MND”) that eliminated the Ocala Station, eliminated sidewalk widening and sound wall relocation north of Ocala Avenue, and expanded the Eastridge Park-and-Ride lot.



**Figure 2-1**  
**Proposed Changes to Capitol Expressway Light Rail Project**

This Second Supplemental EIR (SEIR-2) and the Second Subsequent IS (included in Attachment G of the SEIR-2) will address minor changes to the project as well as incorporate changed circumstances and new information.

## Section 2.3 Scope of the SEIR-2

According to California Environmental Quality Act (CEQA) Guidelines 15163(b), the SEIR-2 need contain only the information necessary to make the previous EIR adequate for the proposed changes to the approved project. The SEIR-2 augments the previously certified EIR to the extent necessary to address the changed conditions and to examine environmental effects, mitigation measures, and design options accordingly. In preparing the SEIR-2, VTA referenced the 2005 Final EIR, 2007 Final SEIR, and 2014 Subsequent IS/MND and made use of those documents and their supporting administrative record as necessary and appropriate. As a result, the SEIR-2 is focused on providing new information on the environmental effects of the proposed changes to the approved project that is not included in the 2005 Final EIR, 2007 Final SEIR, or the 2014 Subsequent IS/MND. Where the information or analysis from the 2005 Final EIR, 2007 Final SEIR, or the 2014 Subsequent IS/MND applies, the SEIR-2 incorporates by reference the appropriate sections of those documents. In addition, the impact analysis in the SEIR-2 is focused on the potential transportation, environmental justice, noise and vibration, air quality and climate change, and construction impacts associated with the proposed changes to the approved project. All other environmental resource areas are scoped out from requiring further analysis in the Second Subsequent IS.

## Section 2.4 Public Participation in the Environmental Review

As part of the environmental process, there will be several opportunities for the public and agencies to comment on the environmental document.

**Notice of Preparation.** VTA issued a NOP for the Draft SEIR-2 on May 29, 2018 and held a scoping meeting on June 14, 2018. The NOP was sent to over 100 agencies, community organizations, residents, and businesses. In addition, flyers were mailed to approximately 9,000 properties located within 1/2 mile of the corridor. Other outreach included a meeting announcement and reminder on Next Door; door-to-door deliveries of flyers to businesses; a blog post; a webpage announcement; advertisements in the Mercury News, El Observador, Viet Nam Daily, Philippines Today, and Sing Tao; notices at community centers and libraries; email to 751 stakeholder list; listings on Facebook, Twitter, and LinkedIn; and email to 50 organizations on the Title VI list. The six comment letters received on the scope and content of SEIR-2 are included in Attachment A of the SEIR-2.

Comments regarding environmental impacts focused on the following areas:

- Planned construction scope.
- Disruption to nearby schools.

- Contribution to traffic.
- Commission rules and regulations in regards to rail safety.
- Consultation with California Native American tribes.
- Motor vehicle, bicycle, and pedestrian transportation design and circulation.
- Bus stop improvements.
- Emergency access.
- Travel time and mode shift analysis.
- Access to stations for pedestrians, and bicycles.
- Providing closed-circuit televisions.

**Draft SEIR-2.** VTA requests comments from the public and agencies on the adequacy of the environmental analysis in the Draft SEIR-2. A public meeting and open house will also be held to discuss the project with the public and receive written comments. Details regarding the public review dates, and the public meeting and open house information will be discussed in the Notice of Availability (NOA) for the project. VTA will respond to all comments in the Final SEIR-2.

**Final SEIR-2.** Prior to consideration by the VTA Board of Directors, all commenting agencies and individuals will receive a copy of the Final SEIR-2 with VTA’s response to their comments. Any additional comments on the SEIR-2 can be provided in writing or in person at the VTA Board of Directors’ meeting.

## Section 2.5 Uses of the SEIR-2

It is anticipated that this SEIR-2 will be relied upon in issuing appropriate project-specific discretionary approvals necessary to implement the proposed changes to the approved project. These actions include the following approvals by the agencies indicated.

- **San Francisco Bay Regional Water Quality Control Board:** National Pollutant Discharge Elimination System General Industrial/General Construction Storm Water Discharge Permits.
- **California Department of Fish and Game:** Migratory Bird Treaty Act and Burrowing Owl issues.
- **California Public Utilities Commission:** Construction and alteration of rail crossings and relocation of electrical transmission towers.
- **California Transportation Commission:** Allocation of funding.
- **Santa Clara County:** Encroachment Permit for use of Capitol Expressway right-of-way.
- **City of San Jose:** Encroachment Permit for use within the City right-of-way.
- **Santa Clara Valley Water District:** Encroachment Permit for use of District right-of-way and Construction Permit.

## Section 2.6 Organization of the SEIR-2

The organization of the SEIR-2 and the Second Subsequent IS generally follow the organization of the 2005 Final EIR, 2007 Final SEIR, and 2014 Subsequent IS/MND, especially for the environmental analysis. The SEIR-2 and the Second Subsequent IS should be considered together with the prior documentation because, for the most part, the SEIR-2 and the Second Subsequent IS do not repeat information included in the prior environmental documentation that has not changed.

The Draft SEIR-2 includes the following sections.

- **Chapter 1: Executive Summary.** Briefly discusses the reasons for preparing the SEIR-2, generally describes the approved project, and summarizes the proposed changes to the approved project. This section identifies the impacts, mitigations, and the level of significance of the impacts after mitigation in table format.
- **Chapter 2: Introduction.** Describes the scope of the SEIR-2, public participation, the uses of the SEIR-2, the organization of the SEIR-2, and the certification process for the SEIR-2.
- **Chapter 3: Changes to the Approved Project, Changes in Circumstances, and Introduction of New Information.** Describes the approved project and the proposed changes to the approved project. Details the proposed changes to the approved project. Also discusses changes in circumstances and introduces new information since the approval of environmental documentation prepared for the project.
- **Chapter 4: Alternatives Considered.** States that no additional alternatives were considered in this SEIR-2.
- **Chapter 5: Environmental Setting, Impacts, and Mitigation.** Presents new information regarding the environmental setting, describes the effect of the project changes on the environment, identifies new significant impacts or an increase in severity of previously identified impacts, and recommends mitigation measures to reduce impacts so they are no longer significant. The impact analysis in the SEIR-2 is focused on the potential transportation, environmental justice, noise and vibration, air quality and climate change, and construction impacts associated with the proposed changes to the approved project. As discussed in the Second Subsequent IS, all other environmental resource areas are scoped out from requiring further analysis in the SEIR-2.
- **Chapter 6: Other CEQA Considerations.** Discusses other environmental issues of importance to CEQA, including significant and irreversible environmental changes, cumulative impacts, and growth-inducing impacts.
- **Chapter 7: References.** Lists sources referenced in the SEIR-2.
- **Chapter 8: List of Preparers.** Lists key VTA staff and consultants who contributed to the preparation of the SEIR-2 and the Subsequent IS.

## Section 2.7 Certification of the SEIR-2

The Draft SEIR-2, together with responses to comments on the Draft SEIR-2 and any modifications or corrections to the Draft SEIR-2, will constitute the Final SEIR-2. The VTA Board of Directors will review the Final SEIR-2 (including the Second Subsequent IS included as Attachment G of the SEIR-2), the 2005 Final EIR, the 2007 Final SEIR, and the 2014 Subsequent IS/MND, and any public testimony or comments. Based on that information and all other substantial evidence, the VTA Board of Directors will decide whether to certify the Final SEIR-2 and approve the proposed changes to the approved project. As CEQA Guideline Section 15163(e) requires, the VTA Board of Directors will make a finding for each potentially significant impact identified in the 2005 Final EIR as revised, as well as the Final SEIR-2.

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