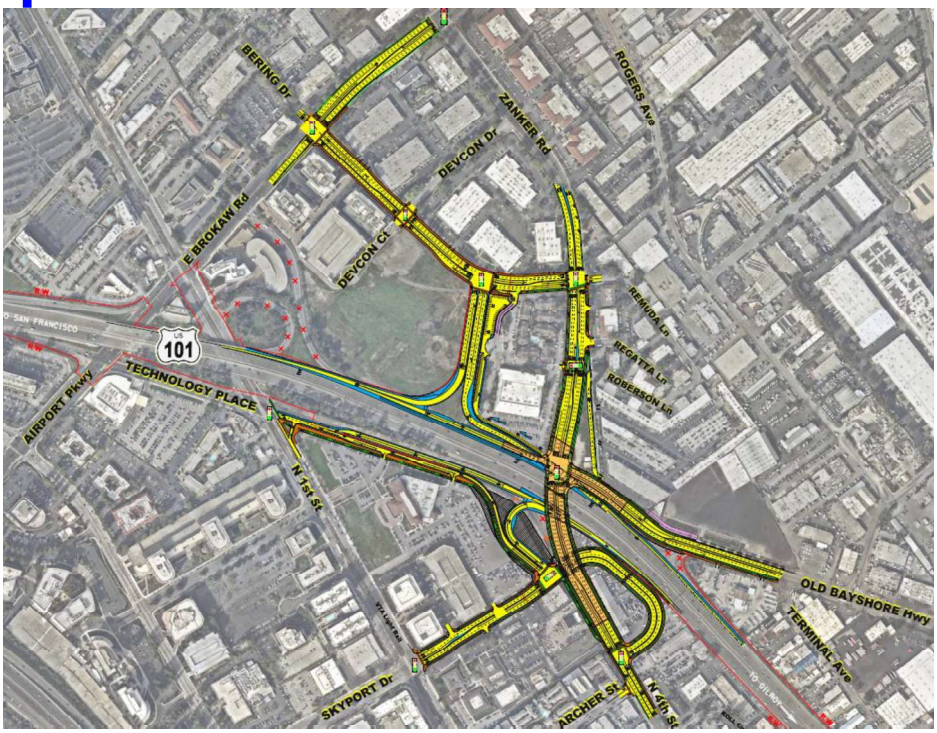
US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project

SANTA CLARA COUNTY, CALIFORNIA
04-SCL-101-PM 38.6/39.4
EA 04-0K710

Final Environmental Impact Report/Environmental Assessment



Prepared by the
State of California, Department of Transportation
and Santa Clara Valley Transportation Authority

The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 USC 327 and the Memorandum of Understanding dated May 27, 2022, and executed by FHWA and Caltrans.

Caltrans

August 2025

General Information about This Document

The California Department of Transportation (Caltrans), as assigned by the Federal Highway Administration (FHWA), has prepared this Final Environmental Impact Report/Environmental Assessment (EIR/EA) for the proposed project located in Santa Clara County, California. Caltrans is the lead agency under both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The document tells you why the project is being proposed, what alternatives have been considered for the project, how the existing environment could be affected by the project, the potential impacts of each of the alternatives, and the proposed avoidance, minimization, and/or mitigation measures. The Draft EIR/EA circulated to the public for 45 days between December 29, 2023 and February 16, 2024. Comments received during this period are included in Chapter 4. Elsewhere throughout this document, a vertical line in the margin indicates a change made since the draft document circulation. Minor editorial changes and clarifications have not been so indicated. Additional copies of this document and the related technical studies are available for review at Caltrans District 4, 111 Grand Avenue, Oakland, CA 94612 or VTA, 3331 North First Street, San Jose, CA 95134 on weekdays from 8:00 am-5:00 pm. Hardcopies of the report are also available at the Joyce Ellington Branch Library (491 East Empire Street, San José, CA 95112). This document may be downloaded at the following website: www.vta.org/projects/us-101zanker-road-project.

Alternative Formats:

For individuals with sensory disabilities, this document can be available in Braille, in large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternative formats, please write to Caltrans, District 4 – Office of Environmental Analysis, Attn: Charles Winter, P.O. Box 23660, MS-8B, Oakland, CA 94623-0660; or call (510) 847-3752 (voice); or use the California Relay Service TTY number, (800) 735-2929 or 711.

SCH 2021100033

04-SCL-PM 101-38.6/39.4
EA 04—0K710

Construct improvements in the vicinity of US 101/Zanker Road/Skyport Drive/Fourth Street in the City of San José, Santa Clara County. The project limits are between post miles (PM) 38.6 and 39.4 on US 101.

Final ENVIRONMENTAL IMPACT REPORT/ ENVIRONMENTAL ASSESSMENT WITH FINDING OF NO SIGNIFICANT IMPACT

Submitted Pursuant to: (State) Division 13, California Public Resources Code (Federal) 42 USC 4332(2)(C)

THE STATE OF CALIFORNIA
Department of Transportation
and
Responsible Agencies: Santa Clara Valley Transportation Authority and City of San José

08/25/2025
Date

David Ambuehl
David Ambuehl (Aug 25, 2025 11:26:04 PDT)

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CALIFORNIA DEPARTMENT OF TRANSPORTATION
FINDING OF NO SIGNIFICANT IMPACT (FONSI)

For

US 101/ZANKER ROAD/SKYPORT DRIVE/ FOURTH STREET IMPROVEMENT PROJECT SANTA CLARA COUNTY, CALIFORNIA

The California Department of Transportation (Caltrans) has determined that the US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project will have no significant impact on the human environment. This FONSI is based on the attached Environmental Assessment (EA), which has been independently evaluated by Caltrans and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. Caltrans takes full responsibility for the accuracy, scope, and content of the attached EA.

The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 USC 327 and the Memorandum of Understanding dated May 27, 2022, and executed by FHWA and Caltrans.

08/27/2025
Date

David Ambuehl
David Ambuehl (Aug 27, 2025 09:25:15 PDT)

David D. Ambuehl
District 4 Acting Director
California Department of Transportation

SUMMARY

NEPA ASSIGNMENT

California participated in the "Surface Transportation Project Delivery Pilot Program" (Pilot Program) pursuant to 23 United States Code (USC) 327, for more than five years, beginning July 1, 2007, and ending September 30, 2012. MAP-21 (P.L. 112-141), signed by President Obama on July 6, 2012, amended 23 USC 327 to establish a permanent Surface Transportation Project Delivery Program. As a result, Caltrans entered into a Memorandum of Understanding (MOU) pursuant to 23 USC 327 (National Environmental Policy Act [NEPA] Assignment MOU) with the Federal Highway Administration (FHWA). The NEPA Assignment MOU became effective October 1, 2012, and was renewed on May 27, 2022, for a term of ten years. In summary, Caltrans continues to assume FHWA responsibilities under NEPA and other federal environmental laws in the same manner as was assigned under the Pilot Program, with minor changes. With NEPA Assignment, FHWA assigned and Caltrans assumed all of the United States Department of Transportation (USDOT) Secretary's responsibilities under NEPA. This assignment includes projects on the State Highway System and Local Assistance Projects off the State Highway System within the State of California, except for certain categorical exclusions that FHWA assigned to Caltrans under the 23 USC 326 CE Assignment MOU, projects excluded by definition, and specific project exclusions.

JOINT NEPA/CEQA DOCUMENT

The proposed project is a joint project by Caltrans and the FHWA and is subject to state and federal environmental review requirements. Project documentation, therefore, has been prepared in compliance with both the California Environmental Quality Act (CEQA) and NEPA. Caltrans is the lead agency under NEPA and CEQA. In addition, FHWA's responsibility for environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 United States Code Section 327 (23 USC 327) and the MOU dated May 27, 2022, and executed by FHWA and Caltrans.

Some impacts determined to be significant under CEQA may not lead to a determination of significance under NEPA. Because NEPA is concerned with the significance of the project as a whole, often a "lower level" document is prepared for NEPA. One of the most common joint document types is an Environmental Impact Report/Environmental Assessment (EIR/EA).

Following receipt of public comments on the Draft EIR/EA and preparation of this Final EIR/EA, Caltrans has certified that the project complies with CEQA and has adopted findings for significant impacts identified and mitigation measures that were included as

conditions of project approval. The Project would not result in any significant and unavoidable impacts and, therefore, a Statement of Overriding Considerations is not required for project approval. A Notice of Determination will be filed with the State Clearinghouse. Similarly, Caltrans, as assigned by FHWA, determined that the NEPA action does not significantly affect the environment. Caltrans has issued a Finding of No Significant Impact (FONSI) in accordance with NEPA. A Notice of Availability (NOA) of the FONSI will be sent to the affected units of federal, state, and local government, and to the State Clearinghouse in compliance with Executive Order 12372. A Notice of Statute of Limitations will also be filed in the Federal Register by FHWA.

OVERVIEW OF PROJECT AREA

The proposed US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project (Project) is located in the City of San José on United States Highway 101 (US 101) at the existing Old Bayshore Highway and Brokaw Road ramps, on Zanker Road and Bering Drive to the north of US 101, and on North Fourth Street and Skyport Drive to the south of US 101. There is currently no direct connection across US 101 between Zanker Road on the north and North Fourth Street and Skyport Drive on the south.

PURPOSE AND NEED

PURPOSE

The purpose of the proposed Project is to improve traffic operations and safety, as well as improve access for pedestrians and bicyclists, in the project vicinity. To fulfill this purpose, the following are the specific objectives of the proposed Project:

- Enhance transportation network in the Project area to accommodate planned growth as anticipated under the adopted Envision San José 2040 General Plan.
- Improve pedestrian and bicycle facilities in the Project area.
- Improve safety and traffic operations at the on- and off-ramps and mainline of US 101 within the Project limits.
- Improve access to/from the Norman Y. Mineta San José International Airport (SJIA).

NEED

The following text summarizes the existing and projected deficiencies that establish the need for the improvements contemplated under the proposed Project.

- Under existing conditions, there is substantial AM and PM peak commute-period congestion in the Project area, both on US 101 and on local streets.

- Congestion along local streets has been increasing in the North San José area in recent years and is predicted to substantially worsen with significant planned development.
- The existing roadway network is inadequate to serve the planned growth in the North San José area. As a result, the proposed Project is identified as a key infrastructure improvement project in the *Envision San José 2040 General Plan*, the *North San José Area Development Policy*, and the *North San José Deficiency Plan*.
- Activity at SJIA, located just southwest of the Project limits, is projected to grow from 15.6 million passengers in 2019 to 22.5 million passengers in 2037.
- The Project area lacks adequate facilities for bicyclists and pedestrians. Tenth Street and North First Street are currently the only routes that bicyclists and pedestrians can use to cross US 101 in the project area. Along North First Street, there are no bike lanes south of Brokaw Road under US 101. Within the Project limits, sidewalks are lacking on segments of North First Street, Skyport Drive, Technology Place, Bering Drive, Old Bayshore Highway, Zanker Road, and Brokaw Road.
- The existing off-ramp from northbound US 101 to Brokaw Road is a nonstandard freeway feature because it is "isolated" as there is no corresponding on-ramp associated with this off-ramp.
- The existing US 101/Old Bayshore Highway northbound on- and off-ramps have non-standard design features. Accident rates are higher than average at this location.
- Access between US 101 and SJIA is both indirect and circuitous as there is no connection to/from SR 87 and southbound US 101, as well as no connection between Skyport Drive and US 101.
- There is no direct connection from southbound Interstate 880 (I-880) to northbound US 101. Such traffic must exit the southbound I-880/Gish Road off-ramp to access northbound US 101 via a nonstandard hook on-ramp at Old Bayshore Highway.

PROPOSED ACTION

This EIR/EA evaluates the "Build Alternative" and the "No Build Alternative."

BUILD ALTERNATIVE

As shown on Figures 1.3-1 and 1.3-2 in Section 1.3, the Project proposes to address the above-described needs and achieve the above-described objectives in three primary ways:

- Construct an overcrossing above US 101 that would connect Zanker Road on the north with North Fourth Street and Skyport Drive on the south.

- Replace the existing nonstandard ramps on northbound US 101 at Old Bayshore Highway and Brokaw Road with new ramps at Bering Drive that meet higher design standards.
- Incorporate bicycle and pedestrian facilities into the Project design.

New Overcrossing of US 101 Connecting Zanker Road, Skyport Drive and North Fourth Street

An overcrossing of US 101 would be constructed to connect Zanker Road on the northside of US 101 to Skyport Drive and North Fourth Street on the southside of US 101. The overcrossing would accommodate three lanes of traffic in each direction, turning lanes, median, bikeways, and sidewalks. Skyport Drive would loop under the new overcrossing to intersect with North Fourth Street approximately 500 feet south of the overcrossing.

Freeway On- and Off-Ramps Improvements

- The northbound US 101/Old Bayshore Highway hook off-ramp and Brokaw Road off-ramp would be consolidated into one off-ramp that intersects at Bering Drive.
- The northbound US 101/Old Bayshore Highway on-ramp and North First Street on-ramp would be consolidated into one on-ramp from Bering Drive.
- The southbound US 101 on-ramp from North Fourth Street would be replaced with a new loop on-ramp from Skyport Drive.
- The southbound US 101 on-ramp from Technology Place (formerly Matrix Boulevard) would remain at the current location but would be extended to provide additional storage.
- The on-ramps to US 101 would be modified to include High Occupancy Vehicle (HOV) lanes and ramp metering.

Construction of Bicycle and Pedestrian Facilities

- Class IV bikeways[1] and sidewalks would be provided along the new Zanker Road/North Fourth Street connection between Archer Street and Bering Drive except along the east side between Regatta Lane and Old Bayshore Highway where a Class I[2] bikeway would be provided.
- Class IV bikeways and sidewalks would be provided along Skyport Drive between North First Street and North Fourth Street.

[1] A **Class IV bikeway** (Separated Bikeway) provides for the exclusive use of bicycles and includes a separation (e.g., grade separation, flexible posts, inflexible physical barrier, or on-street parking) required between the separated bikeway and the through vehicular traffic.
[2] A **Class I Bikeway** (Bike Path) provides a completely separated facility for the exclusive use of bicycles and pedestrians with crossflow by vehicles minimized.

- Class IV bikeways and sidewalks would be provided along Old Bayshore Highway between Zanker Road and Terminal Avenue.
- A Class I bikeway and sidewalk would be provided along the south side of Technology Place between North First Street and Skyport Drive.
- A Class I bikeway would be provided along the west side of North Fourth Street between the Skyport Drive/Technology Place/Southbound US 101 on-ramp intersection and the Skyport Drive/North Fourth Street intersection.
- A buffered Class II bikeway[3] would be provided along eastbound Brokaw Road between Bering Drive and Zanker Road and a reconstructed sidewalk would be provided along a segment of eastbound Brokaw Road near Bering Drive to connect to the sidewalk on northbound Bering Drive.
- Sidewalks would be provided on both sides of Bering Drive.

Other Improvements

- Old Bayshore Highway would be elevated to intersect with the new Zanker Road overcrossing. Traffic from southbound I-880 heading for northbound US 101 would ascend to the intersection, go through the traffic signal, and descend to a new northbound US 101 collector-distributor road where it would enter the freeway at a new on-ramp location.
- The following local streets would be widened to accommodate traffic from the above-described overcrossing connection and ramp modifications (refer to Figure 1.3-1):
    - Skyport Drive between North First Street and North Fourth Street
    - Bering Drive between Brokaw Road and Zanker Road
    - Zanker Road between Bering Drive and US 101
    - North Fourth Street from north of Koll Circle to US 101
- Local traffic (accessing the Bay 101 Casino and an office building planned development) would be separated from the southbound US 101 on-ramp traffic along Technology Place.
- Local traffic for Reynolds Circle Business Park would be accommodated by a connector between Old Bayshore Highway and Robertson Lane running along existing northbound Zanker Road.

NO BUILD ALTERNATIVE

The No Build Alternative would consist of not constructing the Project, which would avoid all of the environmental impacts of the Build Alternative, as described in this document. However, the No Build Alternative would not meet the purpose or need of the Project.

[3] A **Class II Bikeway** (Bike Lane) provides a striped lane for one-way bike travel on a street or highway. Buffering can be provided by a painted safeguard area of one to two feet in width that creates extra space between cyclists and passing cars.

PROJECT IMPACTS

Table S-1 provides a brief summary of the environmental impacts of the Build and No Build Alternatives, as well as avoidance, minimization, and/or mitigation measures. The analyses contained in this EIR/EA determined that neither the Build Alternative nor the No Build Alternative would result in impacts to the following resources:

- Farmlands
- Timberlands
- Community Cohesion
- Parks and Recreational Facilities
- Coastal Zones
- Wild and Scenic Rivers
- Natural Communities
- Wetlands
- Plant Species
- Threatened and Endangered Species

Therefore, these impact categories were not included in Table S-1. Detailed discussions of the existing setting, impacts, and avoidance, minimization, and/or mitigation measures are provided in Chapter 2 of this EIR/EA.

Table S-1: Summary of Environmental Impacts and Avoidance, Minimization and/or Mitigation Measures

Impact	No Build Alternative	Build Alternative	Avoidance, Minimization and/or Mitigation Measures
Existing and Future Land Use (Section 2.2)			
Changes to Existing or Future Land Use	No effect	No effect	None required
Consistency with State, Regional, and Local Plans and Programs (Section 2.3)			
Consistency with Relevant Plans & Policies	Inconsistent	Consistent	None required
Growth (Section 2.4)			
Growth-Inducing Effects	Potential limit to planned growth as congestion worsens	Would facilitate planned growth; would not result in unplanned growth	None required
Relocations and Real Property Acquisition (Section 2.5)			
Business or Residential Relocations	None	The Project would require five full acquisitions involving seven assessor's parcels	MM-RRP-1.1: The Project would comply with all requirements of the Uniform Act to ensure businesses displaced by the Project would be properly compensated and relocated, as necessary.

Impact	No Build Alternative	Build Alternative	Avoidance, Minimization and/or Mitigation Measures
Environmental Justice (Section 2.6)			
Disproportionate Effects on Minority or Low Income Groups	None	None	None required
Utilities/Emergency Services (Section 2.7)			
Increased Demand for Utilities	None	None	None required
Increased Response Times for Emergency Services	No increase	Beneficial due to improved traffic conditions	None required
Traffic and Transportation/Pedestrian and Bicycle Facilities Section 2.8)			
Effect on Vehicle Miles Traveled	No effect	Slight reduction in VMT compared to No Build	None required
Changes in Traffic Circulation	No change	Traffic shift from North First Street to North Fourth Street	None required
Pedestrian and Bicycle Impacts	No impact	Beneficial due to construction of new bikeways and wider sidewalks	None required
Visual/Aesthetics (Section 2.9)			
Tree Loss	No effect	Approximately 250+ trees to be removed	MM-VIS-1.1: To the maximum extent practicable, damage to or removal of trees will be avoided by the Project. If trees need to be removed or are damaged as a result of the Project, they will be replaced within the Project corridor, to the extent feasible. To offset the loss of mature trees in front of the Waterford Place Apartments, new trees will be planted along the east side of the apartment complex in coordination with the property owner. All replacement planting will be irrigated and maintained for a period of not less than 3 years after planting. Planting within State right-of-way would complement the aesthetics of the highway corridor, provide erosion control, and help maintain Classified Landscaped Freeway status.
Aesthetic Impacts of New Structures	No effect	Moderate level of visual impact looking south down Zanker Road from the intersection with Bering Drive due to loss of mature trees, the expansion of hardscape, and	See MM-VIS-1.1 above. MM-VIS-1.2: The Project will incorporate treatments to improve aesthetics and reduce the opportunity for graffiti including texture, landscaping, and/or color on Project features. Architectural treatments (e.g., color, texture, design) will be consistent with the character of

Impact	No Build Alternative	Build Alternative	Avoidance, Minimization and/or Mitigation Measures
		partial blocking of the Santa Cruz Mountains; moderate level of visual impact looking north along North Fourth Street from the intersection with Archer Street due to the loss of mature trees, the addition of an elevated roadway at close range, and the new streetlight. Moderate level of visual impact on northbound US 101 due to the overcrossing structure and elevated roadways and loss of trees.	the freeway corridor in the Project vicinity.
Light and Glare	No effect	Temporary construction lighting and permanent operational lighting; glare from sunlight reflecting off new, unstained concrete surfaces.	MM-VIS-1.3: If nighttime work is necessary, lighting will be limited to the work area by using directional lighting and shielding of light fixtures. Permanent lighting installed by the Project will be designed to limit light pollution and have minimum impact on the surrounding environment. All light fixtures will be configured with the minimum necessary number of bulbs and the optimal mounting height, mast-arm length, and angle to restrict light to the roadways. Where applicable, shields on the fixtures will be considered during the detailed design phase to prevent light trespass to adjacent properties.
Cultural Resources (Section 2.10)			
Effect on Historic Resources	No effect	No effect	None required
Effect on Archaeological Resources	No effect	Low-lowest potential to discover unknown archaeological resources	None required

Impact	No Build Alternative	Build Alternative	Avoidance, Minimization and/or Mitigation Measures
Hydrology and Floodplain (Section 2.11)			
Floodplain Encroachment	No effect	Project would encroach onto 100-year floodplains	MM HF-1.1: Proposed fill and cut within the 100-Year Floodplain will be balanced such that adverse effects associated with changes in flooding depths will be avoided. MM HF-1.2: In order to avoid increased flooding elsewhere, the Project shall be designed to minimize any obstruction to the flow of floodwaters.
Water Quality and Stormwater Runoff (Section 2.12)			
Long-term Increase in Stormwater Runoff	No increase	1.29 acres of net new impervious surface	MM-WQ-1.1: Although long-term water quality effects of the Project would not be substantial, the design of the Project includes Best Management Practices (BMPs) such as site design, permanent erosion control, drainage facilities, source control measures, and treatment measures to reduce the pollutant component of stormwater runoff, as required by the Caltrans National Pollution Discharge Elimination System (NPDES) permit. In addition to the requirements of the NPDES permit, compliance with the requirements of the Caltrans Stormwater Management Plan (SWMP) is also required. The SWMP describes the programs to reduce the discharge of pollutants associated with the stormwater drainage systems, and describes how Caltrans will comply with the provisions of the NPDES permit.
Water Quality Impacts During Construction	No impact	Short-term degradation of water quality may occur from various construction activities	MM-WQ-1.2: Prior to any soil disturbance work, file a Notice of Intent with State Water Resources Control Board (SWRCB). To maintain proper permit coverage under the Construction Stormwater General Permit (CGP), in addition to filing a Notice of Intent, all dischargers must electronically file permit registration documents, Notice of Termination, changes of

Impact	No Build Alternative	Build Alternative	Avoidance, Minimization and/or Mitigation Measures
			information, sampling and monitoring information, annual reporting, and other required compliance documents through the SWRCB's Stormwater Multiple Application and Report Tracking System (SMARTS). MM-WQ-1.3: Prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP would be submitted by the Contractor and approved by Caltrans prior to the start of construction. The SWPPP shall detail the measures to address the temporary water quality impacts resulting from construction activities associated with this Project. The SWPPP shall also include the development of a Construction Site Monitoring Program that presents procedures and methods related to the visual monitoring, sampling, and analysis plans.
Geology/Soils/Seismic/Topography (Section 2.13)			
Impacts Due to Expansive Soils	The near surface soil of the Project area has moderate potential for expansion		The Project would be designed to comply with both the Uniform Building Code and Caltrans' Design Standards. This will avoid the need for adoption of any non-standard avoidance, minimization, and/or mitigation measures.
Seismic Activity	The Project site is not located on an active fault, however, it is located in a seismically active part of Northern California.		
Paleontology (Section 2.14)			
Potential to Impact Paleontological Resources during Construction	No impact	Native sediments at the Project site that are more than 30 feet deep are given a high sensitivity for containing fossils	MM-PALEO-1.1: A qualified paleontologist shall provide preconstruction training on the potential for significant fossil localities in the Project area and provide an Alert Sheet that includes contact information for a qualified paleontologist who will be on call to respond in the event a fossil is recovered. MM-PALEO-1.2: If unanticipated discoveries of paleontological resources occur during Project construction, all work within 25 feet of the discovery must cease and the find will be protected in place until it can be evaluated by a qualified paleontologist. The

Impact	No Build Alternative	Build Alternative	Avoidance, Minimization and/or Mitigation Measures
			qualified paleontologist shall follow Society of Vertebrate Paleontology guidelines to determine whether the fossil can be identified and whether it meets significance criteria. Work may resume immediately outside of the 25-foot radius.
Hazardous Waste/Materials (Section 2.15)			
Impacts Due to Exposure to Aerially-Deposited Lead	No impact	Aerially-deposited lead (ADL) may be present in the soils at the Project site	MM-HAZMAT-1.1: As part of Project development, a soil investigation will be conducted to determine whether ADL has affected soils that will be excavated as part of the proposed Project. The investigation for ADL will be performed in accordance with Caltrans' Lead Testing Guidance Procedure. The analytical results will be compared against applicable hazardous waste criteria. Based on analytical results, the investigation will provide recommendations regarding management and disposal of affected soils in the Project area including the reuse potential of ADL-affected soil during Project development. The provisions of a variance granted to Caltrans by the California Department of Toxic Substances Control on September 22, 2000 (or any subsequent variance in effect when the Project is constructed) regarding aerially-deposited lead will be followed.
Impacts Due to Exposure to Lead-Based Paints	No impact	Lead-based paint may be present on the structures to be modified or removed by the Project	MM-HAZMAT-1.2: Testing for the presence of lead-based paint on the existing structures to be demolished and roadway paint to be removed will occur. If this substance is found to be present, applicable regulations pertaining to its removal and disposal will be followed.
Impacts Due to Exposure to Asbestos-Containing Materials	No impact	Materials containing asbestos may be present on the structures to be modified or removed by the Project	MM-HAZMAT-1.3: Testing for the presence of asbestos-containing materials on the existing structures will occur. If these materials are found to be present, applicable regulations pertaining to their removal and disposal will be followed.

Impact	No Build Alternative	Build Alternative	Avoidance, Minimization and/or Mitigation Measures
Impacts Due to Exposure to polychlorinated biphenyl (PCBs)	No impact	Materials containing PCBs may be present on the structures to be modified or removed by the Project	MM-HAZMAT-1.4: Testing for the presence of PCBs on the existing structures will occur. If these materials are found to be present, applicable regulations pertaining to their removal and disposal will be followed.
Impacts Due to Disturbance of Chemically Treated Wood	No impact	Chemically treated wood may be disturbed by the Project	MM-HAZMAT-1.5: Treated wood waste will be handled properly in accordance with applicable Caltrans guidelines and if warranted, will require special removal, handling, and disposal.
Impacts Associated with Exposure to Contaminated Groundwater	No impact	Soil and groundwater contaminated from former leaking underground fuel storage tanks at the Capital Towers/ARCO site may be present at the Project site	MM-HAZMAT-1.6: A Soil and Groundwater Management Plan will be prepared to properly manage any soil and/or groundwater impacted by hazardous materials discovered during ground-disturbing activities within the Project area. MM-HAZMAT-1.7: A site-specific Health and Safety Plan (HSP) that is consistent with Caltrans requirements will be prepared. The HSP shall include: identification of key personnel; summary of risk assessment for workers, the community, and the environment; air monitoring plan; and emergency response plan. MM-HAZMAT-1.8: For worker safety and soil management purposes, testing of the soils and groundwater within the Project area will occur to determine if the following substances are present: 1) total petroleum hydrocarbons as gasoline, as diesel, and as motor oil; 2) volatile organic compounds including tetrachloro-ethene; and 3) pesticides, herbicides, and metals. MM-HAZMAT-1.9: If at any point during construction stained or odoriferous soils are encountered, these soils be stockpiled separately on plastic sheeting. The stockpiles shall then be sampled for the above-mentioned analytes and

Impact	No Build Alternative	Build Alternative	Avoidance, Minimization and/or Mitigation Measures
			characterized for special handling and/or disposal.
Air Quality (Section 2.16)			
Long-Term Increases in Emissions of Criteria Air Pollutants	Compared to existing conditions, particulate matter emissions will be higher, while carbon monoxide, reactive organic gases, and nitrogen oxide emissions will be lower	Compared to the No Build Alternative, emissions will be slightly lower	None required
Long-Term Increases in Emissions of Toxic Air Contaminants (TAC)	Compared to existing conditions, TAC emissions will be lower	Compared to the No Build Alternative, emissions will be slightly lower	None required
Increases in Emissions During Construction	No increase.	Construction activities and equipment will increase emissions	MM-AIR-1.1 through MM-AIR-1.4 will require the use of Tier 4 construction equipment, limit the idling of diesel-powered equipment, and prohibit the use of diesel-powered generators. MM-AIR-2.1 through MM-AIR-2.15 will limit the generation of dust. See Section 2.15.4 for detailed descriptions of these measures.
Noise and Vibration (Section 2.17)			
Long-Term Increases in Noise	Compared to existing conditions, the change in noise levels will range from 0 to +1 dBA	Compared to existing conditions, the increase in noise levels will range from -5 to +4 dBA	None required except at Waterford Place Apartments (see below)
Long-Term Increases in Noise at the Waterford Place Apartments	Noise increases would exceed the noise abatement criteria of FHWA	Noise increases would exceed the noise abatement criteria of FHWA	Construction of a soundwall is under consideration
Short-Term Increases in Noise During Construction	No effect	Construction activities and equipment will increase noise temporarily	MM-NOI-1.1 through MM-NOI-1.7 will avoid or limit the generation of noise during construction. See Section 2.17.5.2 for detailed descriptions of these measures.
Vibration Impacts during Construction	No effect	Vibration levels would be under the applicable thresholds	None required
Energy (Section 2.18)			
Energy Consumption During the Operational Phase	No effect	Compared to the No Build Alternative, energy consumption will be slightly lower	None required

Impact	No Build Alternative	Build Alternative	Avoidance, Minimization and/or Mitigation Measures
Energy Consumption During the Construction Phase	No effect	Construction equipment will increase energy use in the short-term	MM-AIR-1.1 through MM-AIR-1.3 will require the use of energy-efficient Tier 4 construction equipment, limit the idling of diesel-powered equipment, and ensure equipment are maintained and properly tuned, all of which will also reduce energy consumption.
Animal Species (Section 2.19)			
Impacts to Nesting Birds, Peregrine Falcons, and Burrowing Owls	No effect	Tree removal during nesting season could impact nesting birds, peregrine falcons, and burrowing owls	MM-BIO-1.1: To minimize and avoid take of all migratory birds, their nests, and their young, vegetation removal will occur outside the nesting season between Oct. 1 and Dec. 31, If tree removal, or other construction activities that may affect nesting birds occurs within the nesting season, then qualified biologists will conduct preconstruction surveys for nesting birds no more than 2 days prior to construction. If an active nest is discovered, biologists will establish an appropriate species-specific exclusion buffer around the nest. The area within the buffer will be avoided until the young are no longer dependent on the adults or the nest is no longer active. Further details are listed in Section 2.19.4.
Removal of Trees	No effect	Approximately 250+ trees would be removed	MM-BIO-2.1: Prior to construction, a survey will be undertaken to 1) identify and mark trees for removal, and 2) to identify trees that will remain during construction. Whenever possible, trees will be trimmed rather than removed. For trees that will remain, those trees and their root zone will be temporarily fenced to avoid harm during construction. MM-BIO-2.2: Work will not be performed in the root zone of any tree to be retained without consultation with an International Society of Arboriculture-certified arborist. If trees are damaged during construction and become unhealthy or die, the damaged

Impact	No Build Alternative	Build Alternative	Avoidance, Minimization and/or Mitigation Measures
			tree(s) will be removed and replaced. MM-BIO-2.3: Trees impacted by the Project will be replaced at ratios that are listed in Section 2.19.4. If trees cannot be replaced at the stated ratios within the Project footprint, in-lieu fees will be paid to an appropriate fund so that trees can be planted elsewhere within the City of San José limits.
Invasive Species (Section 2.20)			
Use of Invasive Species for Landscaping	No effect	No effect. Only non-invasive species will be utilized	None required
Accidental Introduction or Spread of Invasive Species during Construction	No effect	Construction activities and equipment could inadvertently disperse invasive seeds or plant material	MM-INV-1.1: Prior to vegetation clearing and grubbing, vehicles (including wheels, undercarriages, and bumpers) and all other equipment, will be washed before and after entering the Project's construction site. Vehicles will be cleaned at legally operating car washes before entering the construction site and at existing construction yards after they have encountered vegetation. MM-INV-1.2: Soil and plant material from areas that support invasive species will be properly contained and transported to an approved facility for disposal in accordance with applicable regulations and procedures, and fill material will be sourced from weed-free areas.
Cumulative Impacts (Section 2.21)			
Significant Cumulative Impacts	No effect	No significant effect with implementation of avoidance, minimization and/or mitigation measures listed above.	

COORDINATION WITH OTHER AGENCIES/PERMITS REQUIRED

Construction of the Build Alternative will require an encroachment permit from the City of San José (City) for all work extending onto local streets within San José. The application for the encroachment permit will be submitted to the City during final design. Coverage under the National Pollution Discharge Elimination System (NPDES) Statewide Construction General Permit will also be required to address stormwater pollution issues.

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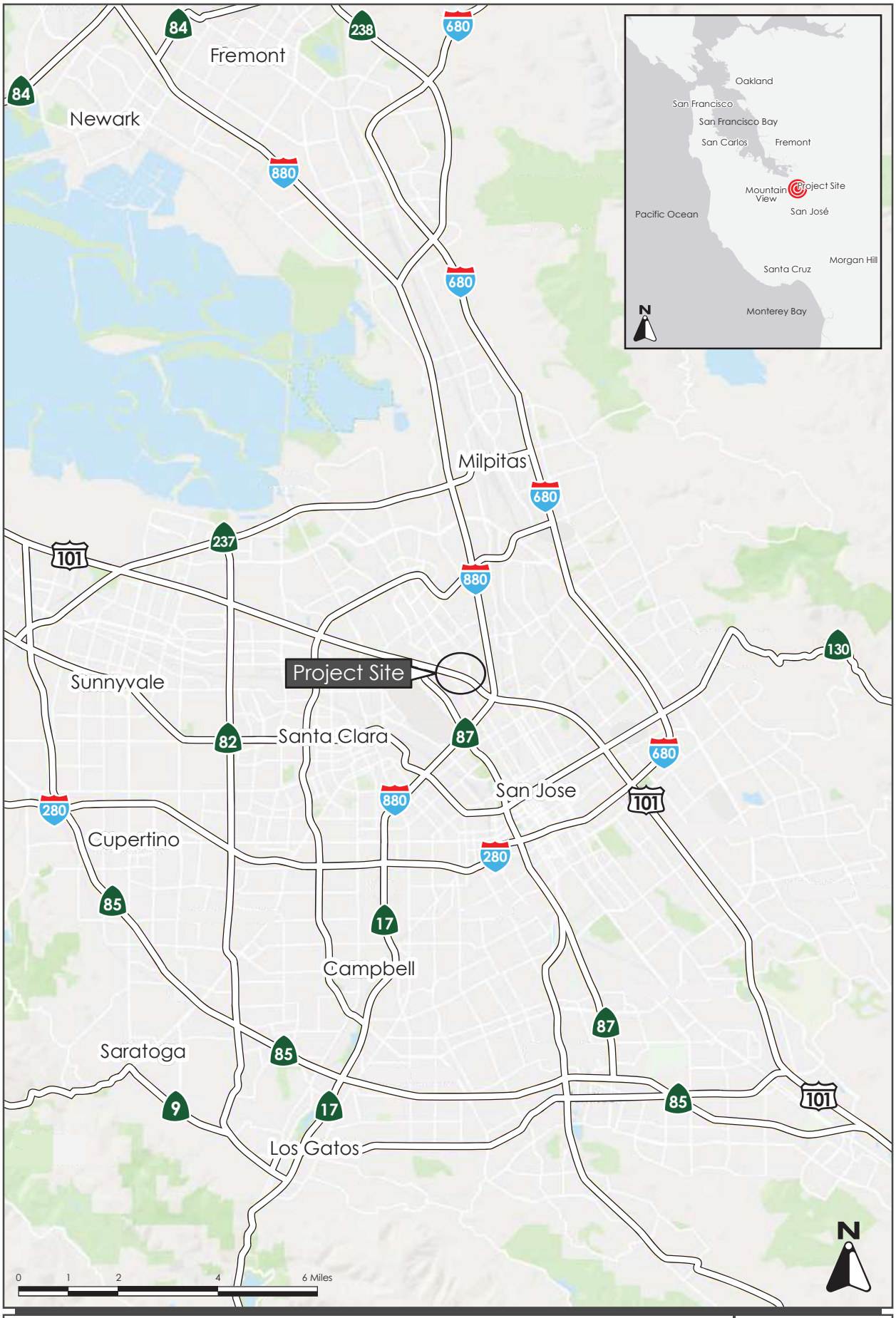
SECTION 1.0 PROPOSED PROJECT

1.1 INTRODUCTION AND BACKGROUND

The proposed Project is in the City of San José, Santa Clara County, California on United States Highway 101 (US 101) at the existing Old Bayshore Highway and Brokaw Road ramps, on Zanker Road and Bering Drive to the north of US 101, and on North Fourth Street and Skyport Drive to the south of US 101. There is currently no direct connection across US 101 between Zanker Road on the north and North Fourth Street and Skyport Drive on the south. See Figures 1.1-1 and 1.1-2 for the Project location. Figure 1.1-3 depicts the Project boundary on an aerial photograph.

Currently, there is substantial peak-period congestion in the Project area, both on US 101 and on local streets. Furthermore, there is substantial planned development in the North San José area, which would further contribute to the existing congestion. The Norman Y. Mineta San José International Airport (SJIA) is also a substantial generator of traffic in the Project area. Access between US 101 and SJIA is both indirect and circuitous. Identified as an Across Barrier Connections (ABC) deficiency in the 2008 Countywide Bicycle Plan, Tenth Street and North First Street are currently the only routes that pedestrians and bicyclists can use to cross US 101 in the Project area. The *Envision San José 2040 General Plan*, the *North San José Area Development Policy*, and the *North San José Deficiency Plan* have identified the US 101/Zanker Road-Skyport Drive interchange as a key roadway and multi-modal improvement project.

In the context of this background, the California Department of Transportation (Caltrans), in cooperation with the Santa Clara Valley Transportation Authority (VTA) and the City of San José (City), proposes to construct an overcrossing above US 101 to connect Zanker Road on the northside of US 101 to Skyport Drive and North Fourth Street on the southside of US 101, and modify the surrounding on- and off-ramp improvements at Old Bayshore Highway, Brokaw Road, North First Street, North Fourth Street, and Technology Place. The detailed Project description is found in Section 1.3.1.



REGIONAL MAP | FIGURE 1.1-1

VICINITY LOCATION MAP

FIGURE 1.1-2

AERIAL PHOTO OF PROJECT BOUNDARY WITH SURROUNDING LAND USES | FIGURE 1.1-3

1.2 PURPOSE AND NEED

1.2.1 Purpose of the Project

The purpose of the proposed Project is to improve traffic operations and safety, as well as improve access for pedestrians and bicyclists, in the project vicinity (Figure 1.1-2). To fulfill this purpose, the following are the specific objectives of the proposed Project:

- Enhance transportation network in the Project area to accommodate planned growth as anticipated under the adopted *Envision San José 2040 General Plan*.
- Improve pedestrian and bicycle facilities in the Project area.
- Improve safety and traffic operations at the on- and off-ramps and mainline of US 101 within the Project limits.
- Improve access to/from SJIA.

1.2.2 Need for the Project

1.2.2.1 *Existing/Projected Congestion and Planned Growth*

Under existing conditions, there is substantial peak-period congestion in the Project area, both on US 101 and on local streets. Northbound US 101 operates under congested conditions in the AM peak commute period and southbound US 101 operates under congested conditions in the PM peak commute period. Key bottlenecks along US 101 are at Trimble Road/De La Cruz Boulevard, State Route 87 (SR 87), and Interstate 880 (I-880). During the peak hours, the queues from these key bottlenecks connect with each other and extend outside the study area.

Congestion along local streets has been increasing in the North San José area in recent years and is predicted to worsen with planned development. The *Envision San José 2040 General Plan* provides for the development of 26,700,000 square feet of industrial uses, 300,000 square feet of commercial uses, and 32,000 residential dwelling units in North San José. Resulting from this growth, vehicle hours of delay will increase from 23,979 daily in 2025 to 40,731 daily in 2045.

The existing roadway network is inadequate to serve this planned growth. As a result, the connection of Zanker Road over US 101 to Skyport Drive and North Fourth Street is identified as a key infrastructure improvement project in the *Envision San José 2040 General Plan*, the *North San José Area Development Policy*, and the *North San José Deficiency Plan*.

SJIA, just southwest of the North San José area, is also a substantial generator of traffic in the Project area. SJIA, which accommodated 15.6 million passengers in 2019, is projected to serve 22.5 million passengers annually by 2037.

1.2.2.2 *Multimodal Transportation Deficiencies*

Current state, regional, and local plans include policies that mandate the provision of facilities to accommodate and promote safe travel by bicyclists and pedestrians. The Project area currently lacks adequate facilities for those modes of travel. Tenth Street and North First Street are currently the only routes that bicyclists and pedestrians can use to cross US 101 in the Project area. Between these two streets, a distance of 1.25 miles, there are no crossings of US 101. Along North First Street, there is a narrow sidewalk on the east side, no sidewalk on the west side, and no bike lanes south of Brokaw Road under US 101. Within the Project limits, sidewalks are lacking on segments of Skyport Drive, Technology Place, Old Bayshore Highway, Zanker Road, Fourth Street, and Brokaw Road.

1.2.2.3 *Safety*

The existing off-ramp from northbound US 101 to Brokaw Road is a nonstandard freeway feature because it is "isolated" as there is no corresponding on-ramp associated with this off-ramp.

The existing US 101/Old Bayshore Highway northbound on- and off-ramps have very tight radii (60-foot), nonstandard superelevation rates and transitions, as well as nonstandard acceleration/deceleration lane lengths. Accident rates are higher than average at this location.

Based on data from Caltrans' Traffic Accident Surveillance and Analysis System (TASAS), Table 1.2-1 presents a summary of accidents that occurred on the study segment of US 101 on- and off-ramps during the 3-year period of August 1, 2019 through July 31, 2022. The data show that the Fatal + Injury and Total accident rates for four out of six of the study segments of the on- and off-ramps are above the average statewide accident rate of the freeways with similar characteristics. Details for the four locations are as follows:

- On northbound US 101, there were 121 reported collisions. The collision consisted of rear-end types (56), hit-object types (35), sideswipe types (19), broadside types (6), overturn types (4), auto-pedestrian type (1).
- On southbound US 101, there were 32 reported collisions. Of these, 5 were sideswipe types, 25 were rear-end types, 1 was hit-object type, and 1 involved an overturning vehicle.
- At the northbound US 101 Brokaw Road off-ramp, sideswipe type (1), rear-end type (1), overturn types (2), and hit-object types (4) made up the collisions that occurred at this segment.
- At the northbound US 101 Old Bayshore Highway off-ramp, broadside types (2) and hit-object types (6) made up the collisions that occurred at this segment.

- At the Old Bayshore Highway on-ramp to northbound US 101, the collisions consisted of one head-on type and two hit-object types.
- At the North Fourth Street on-ramp to southbound 101, sideswipe type (1), rear-end type (1), and hit-object type (1) made up the collisions that occurred at this segment.

Table 1.2-1: Freeway Accident Rates

Location	Number of Accidents	Actual Accident Rate (per million vehicle-miles)			Average Statewide Accident Rate (per million vehicle-miles)		
		Fatal	Fatal + Injury	Total	Fatal	Fatal + Injury	Total
US 101/I-880 Interchange to northbound US 101 Brokaw Road off-ramp	121	**0.009**	**0.39**	**1.07**	0.004	0.34	1.06
Old Bayshore Highway off-ramp	9	0.00	0.00	**3.73**	0.007	0.42	1.37
Old Bayshore Highway on-ramp	3	0.00	**0.34**	0.51	0.002	0.18	0.57
Brokaw Road off-ramp	8	0.00	**0.41**	0.82	0.003	0.38	1.04
SB US 101 from North Fourth Street on-ramp to off-ramp to SB US 101 Connector to SB I-880	32	0.00	**0.39**	0.89	0.004	0.34	1.06
North Fourth Street on-ramp to southbound 101	3	0.00	**0.16**	0.24	0.002	0.09	0.31

Source: US 101/Zanker Road Project Design Standard Decision Document. July 2023. Tables 4-1, 4-2, and 4-3.
Notes:
SB = southbound
Ramp accident rate are expressed as number of accidents per million vehicles.
Bold text denotes locations that exceed the statewide average.

1.2.2.4 *Roadway Deficiencies*

Skyport Drive serves as the major gateway and entrance into SJIA from SR 87 and the North First Street corridor. Currently, access between US 101 and SJIA is both indirect and circuitous as there is no connection to/from SR 87 and southbound US 101, as well as no connection between Skyport Drive and US 101.

Currently, there is no direct connection from southbound I-880 to northbound US 101. Such traffic must exit the southbound I-880/Gish Road off-ramp to access northbound US 101 via a nonstandard hook on-ramp at Old Bayshore Highway.

1.3 PROJECT DESCRIPTION

This section describes the proposed action and the design alternatives that were developed to meet the identified need through accomplishing the defined purpose, while avoiding or minimizing environmental impacts. The alternatives are the "Build Alternative" and the "No Build Alternative."

In addition to the Build and No Build Alternatives, this section summarizes 25 design and location alternatives that were evaluated for their potential to meet the Project's purpose and need, but which have been eliminated from further evaluation in this Environmental Impact Report/Environmental Assessment (EIR/EA) due to one or more of the following reasons: 1) failure to adequately meet the purpose and need, 2) failure to meet minimum roadway design criteria, 3) substantial right-of-way needs that would require significant residential and/or business acquisitions and relocations, 4) substantial environmental impacts, and 5) substantial cost. The evaluation of these 25 alternatives complies with the California Environmental Quality Act (CEQA) requirement that an EIR "describe a range of reasonable alternatives to the project" (CEQA Guidelines §15126.6).[4]

After the public circulation period, all comments will be considered, and Caltrans will select a preferred alternative and make the final determination of the Project's effect on the environment. Under CEQA, Caltrans will certify that the Project complies with CEQA, prepare findings for all significant impacts identified, and certify that the findings have been considered prior to Project approval. Caltrans will then file a Notice of Determination with the State Clearinghouse that will identify whether the Project will have significant impacts, if mitigation measures were included as conditions of Project approval, and that findings were made. Similarly, if Caltrans, as assigned by the Federal Highway Administration (FHWA), determines the NEPA action does not significantly impact the environment, Caltrans will issue a Finding of No Significant Impact (FONSI). If it is determined that the Project is likely to have a significant effect on the environment, an Environmental Impact Statement (EIS) will be prepared.

[4] Under NEPA, an EA need only address one build alternative (FHWA Technical Advisory T6640.8A).

ALTERNATIVES

1.3.1 Build Alternative

The Project proposes to address the above-described needs and achieve the above-described objectives in three primary ways (Figures 1.3-1 and 1.3-2):

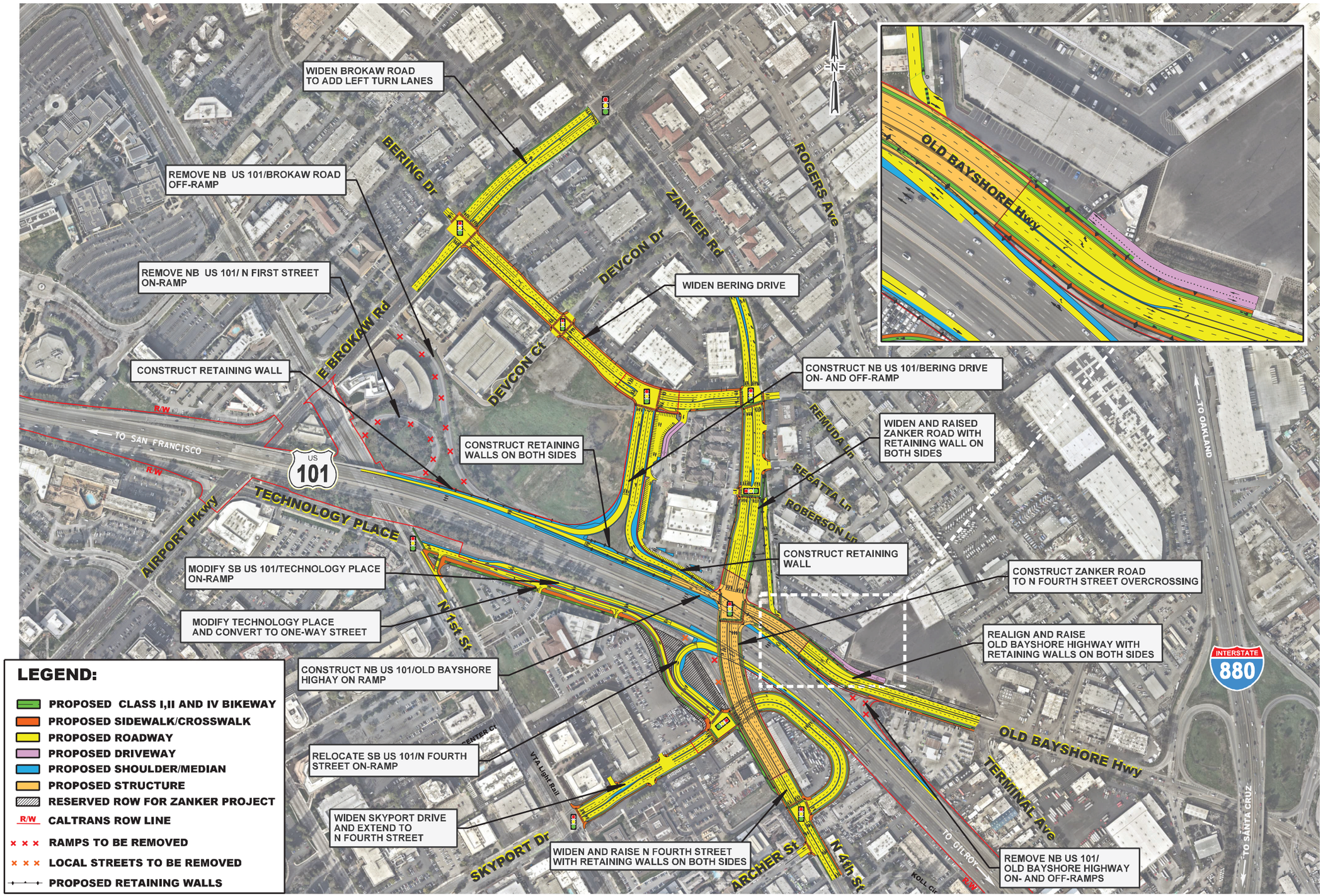
- Construct an overcrossing above US 101 that would connect Zanker Road on the north with North Fourth Street and Skyport Drive on the south.
- Replace the existing nonstandard ramps on northbound US 101 at Old Bayshore Highway and Brokaw Road with new ramps at Bering Drive that meet higher design standards.
- Incorporate bicycle and pedestrian facilities into the Project design.

1.3.1.1 *New Overcrossing of US 101 Connecting Zanker Road, Skyport Drive and North Fourth Street*

An overcrossing of US 101 would be constructed to connect Zanker Road on the northside of US 101 to Skyport Drive and North Fourth Street on the southside of US 101. The overcrossing, approximately 27 feet above the existing ground level, would accommodate three lanes of traffic in each direction, turning lanes, median, bikeways, and sidewalks. Skyport Drive would loop under the new overcrossing to intersect with North Fourth Street approximately 500 feet south of the overcrossing.

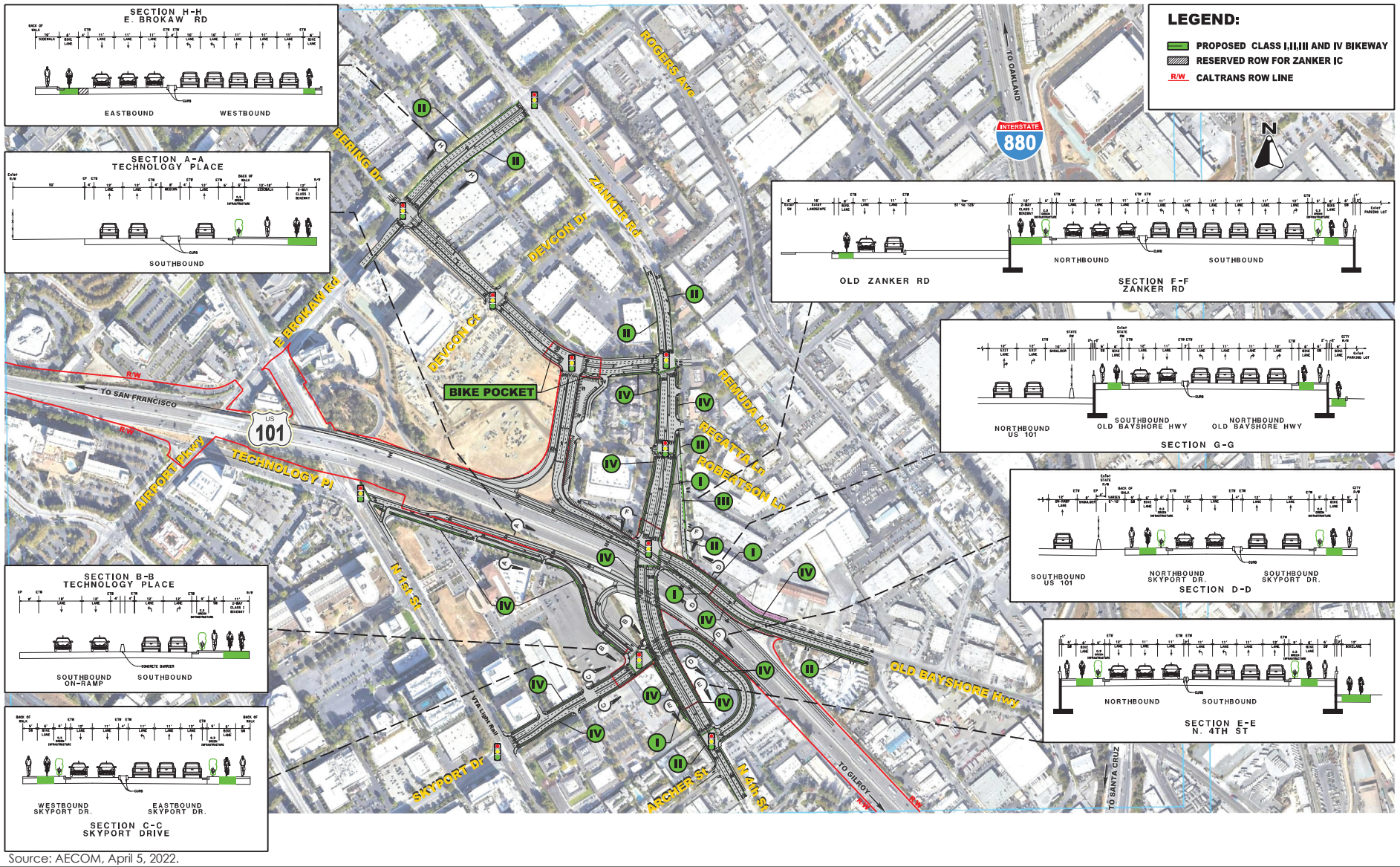
1.3.1.2 *Freeway On- and Off-Ramps Improvements*

- The northbound US 101/Old Bayshore Highway hook off-ramp and Brokaw Road off-ramp would be consolidated into one off-ramp that intersects at Bering Drive.
- The northbound US 101/Old Bayshore Highway on-ramp and North First Street on-ramp would be consolidated into one on-ramp from Bering Drive.
- The southbound US 101 on-ramp from North Fourth Street would be replaced with a new loop on-ramp from Skyport Drive.
- The southbound US 101 on-ramp from Technology Place (formerly Matrix Boulevard) would remain at the current location but would be extended to provide additional storage.
- The on-ramps to US 101 would be modified to include High Occupancy Vehicle (HOV) lanes and ramp metering.



Source: AECOM, July 16, 2024.

CONCEPTUAL PROJECT PLANS | FIGURE 1.3-1



Source: AECOM, April 5, 2022.

CONCEPTUAL BIKE WAY PLAN

FIGURE 1.3-2

1.3.1.3 *Construction of Bicycle and Pedestrian Facilities*

- Class IV bikeways[5] and sidewalks would be provided along the new Zanker Road/North Fourth Street connection between Archer Street and Bering Drive except along the east side between Regatta Lane and Old Bayshore Highway where a Class I[6] bikeway in lieu of Class IV bikeway and sidewalk would be provided.
- Class IV bikeways and sidewalks would be provided along Skyport Drive between North First Street and North Fourth Street.
- Class IV bikeways and sidewalks would be provided along Old Bayshore Highway between Zanker Road and Terminal Avenue.
- A Class I bikeway and sidewalk would be provided along the south side of Technology Place between North First Street and Skyport Drive.
- A Class I bikeway would be provided along the west side of North Fourth Street between the Skyport Drive/Technology Place/Southbound US 101 on-ramp intersection and the Skyport Drive/North Fourth Street intersection.
- A buffered Class II bikeway[7]would be provided along eastbound Brokaw Road between Bering Drive and Zanker Road and a reconstructed sidewalk would be provided along a segment of eastbound Brokaw Road near Bering Drive to connect to the sidewalk on northbound Bering Drive.
- Sidewalks would be provided on both sides of Bering Drive.

1.3.1.4 *Other Project Features*

- Old Bayshore Highway would be elevated to intersect with the new Zanker Road overcrossing. Traffic from southbound I-880 heading for northbound US 101 would ascend to the intersection, go through the traffic signal, and descend to a new northbound US 101 collector-distributor road where it would enter the freeway at a new on-ramp location.
- The following local streets would be widened to accommodate traffic from the above-described overcrossing connection and ramp modifications:
    - Skyport Drive between North First Street and North Fourth Street
    - Bering Drive between Brokaw Road and Zanker Road
    - Zanker Road between Bering Drive and US 101
    - North Fourth Street from north of Koll Circle to US 101
- Local traffic (accessing the Bay 101 Casino and an office building planned development) would be separated from the southbound US 101 on-ramp traffic along Technology Place.

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[5] A **Class IV bikeway** (Separated Bikeway) provides for the exclusive use of bicycles and includes a separation (e.g., grade separation, flexible posts, inflexible physical barrier, or on-street parking) required between the separated bikeway and the through vehicular traffic.

[6] A **Class I Bikeway** (Bike Path) provides a completely separated facility for the exclusive use of bicycles and pedestrians with crossflow by vehicles minimized.

[7] A **Class II Bikeway**(Bike Lane) provides a striped lane for one-way bike travel on a street or highway. Buffering can be provided by a painted safeguard area of one to two feet in width that creates extra space between cyclists and passing cars.

- Retaining walls would be constructed at the approaches to bridge structures.
- Local traffic for Reynolds Circle Business Park would be accommodated by a connector between Old Bayshore Highway and Robertson Lane running along existing northbound Zanker Road.

1.3.1.5 *Standardized Measures*

This Project contains a number of standardized Project measures which are employed on most, if not all, Caltrans projects and were not developed in response to any specific environmental impact resulting from the proposed Project. These measures are addressed in more detail in the Environmental Consequences sections found in Section 2. Examples include, but are not limited to:

- A Transportation Management Plan (TMP) will be prepared for the Project.
- Standard provisions regarding the discovery of unanticipated cultural materials or human remains will be included in the Project plans and specifications.
- The construction contractor must comply with Caltrans Standard Specifications in Section 14 that pertain to air pollution control during construction.
- Temporary (construction) and permanent Best Management Practices (BMPs) will be implemented to the maximum extent practicable.

1.3.1.6 *Right-of-Way Requirements*

Many of the proposed improvements would be constructed within the existing Caltrans and City of San José rights-of-way for US 101 and local streets, respectively. There are locations, however, where Project improvements would require additional right-of-way and/or a temporary construction easement (TCE). Based on preliminary design, the locations where additional right-of-way and/or TCEs would be required are listed in Table 1.3-1. This includes full acquisitions of the following parcels: 237-12-102, 235-01-003, 235-01-004, 235-01-034, 235-01-035, 235-04-014, and 235-04-015. This information is preliminary and is subject to revision during final design.

Table 1.3-1: Preliminary Right-of-Way Requirements

Assessor's Parcel Number	Parcel Address	Existing Use	Parcel Size [acres]	R/W Needed [s.f.]	TCE Needed [s.f.]
Parcels Located on the Northerly Side of US 101					
237-12-102	1764 Old Bayshore Hwy	Office/Industrial	0.14	6,222	n/a
237-12-103	1780 Old Bayshore Hwy	Industrial Park	1.88	4,707	3,789
237-12-113	1630 Zanker Road	Office/Industrial	1.15	--	113
237-12-114	1650 Zanker Road	Office	0.73	343	649
237-12-119	1660 Old Bayshore	Industrial Park	6.08	728	1,223
237-16-056	217 Devcon Drive	Office	3.25	3,341	1,875
237-16-057	150 E Brokaw Road	Industrial	3.22	50	807
237-16-061	1800 Bering Drive	Industrial Park	2.48	7,715	1,681
237-16-062	1828 Bering Drive	Industrial Park	2.82	8,571	1,961

Assessor's Parcel Number	Parcel Address	Existing Use	Parcel Size [acres]	R/W Needed [s.f.]	TCE Needed [s.f.]
237-16-063	214 Devcon Drive	Industrial Park	3.17	3,641	1,607
237-16-066	1602 Crane Court	Hotel	3.64	16,605	8,651
237-16-069	1610 Crane Court	Gym/Fitness Center	5.65	39,351	17,564
237-16-075	1801 Bering Drive	Office under construction	18.74	194,557	13,361
237-27-058	1691 Old Bayshore Hwy	Commercial/Industrial	1.61	103	1,313
237-27-059	n/a	Commercial/Industrial	0.35	--	78
Parcels Located on the Southerly Side of US 101					
235-01-002	n/a	Access Road	0.12	5,110	n/a
235-01-003	1705 N 4th Street	Commercial (Practice Place)	1.02	44,431	n/a
235-01-004	1695 N 4th Street	Commercial (Herc Rentals)	1.39	60,548	n/a
235-01-005	n/a	Vacant	0.95	879	461
235-01-010	1720 N 1st Street	Office	6.83	7,875	2,532
235-01-022	1700 N 1st Street	Residential	5.17	--	4,042
235-01-033	n/a	Parking for Bay 101 Casino	1.24	1,831	1,128
235-01-034	n/a		2.49	108,247	n/a
235-01-035	n/a		0.47	20,647	n/a
235-01-036	1730 N 1st Street	Office	5.08	4,015	2,313
235-01-037	N 1st Street	Office	0.90	154	376
235-04-011	1600 N 4th Street	Office	0.53	822	921
235-04-013	1610 N 4th Street	Commercial	0.95	--	502
235-04-014	1740 N 4th Street	Commercial (Coast Counties Peterbilt)	4.78	208,217	n/a
235-04-015	N 4th Street		1.17	50,924	n/a

R/W = right-of-way TCE = temporary construction easement s.f. = square feet

Note: The City of San José's approval for the Bay 101 Casino Project in 2014 (File Numbers PDC13-017, PD13-049, PT13-071) is conditioned on setting aside APN #s 235-01-034 and 235-01-035 for this Project.

Information in this table is preliminary and is subject to revision during final design.

1.3.1.7 *Project Cost and Schedule*

Project design is anticipated to begin at the end of 2025. Project construction is anticipated to take approximately three years. The total cost of the Project is estimated to be $357 million, of which the right-of-way costs are estimated to be approximately $128 million.

1.3.2 Transportation System Management (TSM) and Transportation Demand Management (TDM) Alternatives

Transportation systems management (TSM) strategies increase the efficiency of existing facilities by accommodating a greater number of vehicle trips on a facility without increasing the number of through lanes. Transportation demand management (TDM) focuses on regional means of reducing the number of vehicle trips and vehicle miles traveled (VMT), as well as increasing vehicle occupancy.

The Project need could not be adequately satisfied by reasonable TSM and TDM strategies. The Project area is currently serviced by one VTA bus route (Route 60). Additionally, there are two light rail routes that serve the Project area (Blue Line and Green Line) that travel along North First Street. Project improvements are expected to reduce congestion along North First Street by providing an alternative north-south corridor in the Project area, leading to marginally improved transit system reliability and efficiency in the immediate Project area.

However, despite the improvements, due to the spread-out configuration of the County's transit system, major improvements and expansions beyond the scope and purpose of this Project would need to be made to the transit system in order to divert motorists out of their vehicles in sufficient numbers so as to eliminate the need for the Project. For example, a recent preliminary study conducted by VTA for a future Bus Rapid Transit (BRT) line on the Stevens Creek Boulevard corridor estimated only 5,000 added daily trips in ridership in year 2030 with BRT implementation. This projected increase in transit ridership with BRT in the Stevens Creek Boulevard corridor would not translate into sufficiently fewer cars to adequately reduce congestion.

In addition to facilitation of improved transit service through less congestion, the Project would improve bicycle and pedestrian connectivity and accommodation within the Project limits, which would attract additional bicycle and pedestrian trips and reduce auto trips.

Although TSM and TDM measures alone could not satisfy the purpose and need for the Project, the following TSM and TDM measures have been incorporated into the Build Alternative for this Project:

- To increase the efficiency of the freeway system during peak travel periods, ramp metering would be installed on the US 101 on-ramps.
- High Occupancy Vehicle (HOV) lanes would be installed on the US 101 on-ramps.
- The installation of bikeways throughout the Project limits would facilitate improved bicycle and pedestrian access across US 101 and within and beyond the Project area, reducing local auto trips.

1.3.3 No Build Alternative

The No Build Alternative would consist of not constructing the Project, which would avoid all of the environmental impacts of the Project, as described in this document. However, the No Build Alternative would not meet the purpose of the Project, which is listed in Section 1.2.1. Under the No Build Alternative, projected increases in traffic would cause congestion to worsen and the existing problems that are described in Section 1.2.2 would be exacerbated. For a discussion of future traffic conditions in the Project area under the No Build Alternative, please see Section 2.8, *Traffic and Transportation*.

1.3.4 Comparison of Alternatives

This section highlights the differences between the Build Alternative and the No Build Alternative. Key differences are also shown in Table 1.3-2.

Table 1.3-2: Comparison of Alternatives

Category	Build Alternative	No Build Alternative
Summary of Vehicular Improvements	Construct an overcrossing from Zanker Road to North Fourth Street and Skyport Drive; replace northbound US 101 ramp at Old Bayshore Highway and Brokaw Road with new ramps at Bering Drive; incorporate bicycle and pedestrian facilities.	No improvements
Key Bicycle and Pedestrian Improvements	Class IV bikeway, Class I and II bikeways, and sidewalks in Project area	No improvements
Ability to Meet Purpose and Need	Meets the purpose and need	Does not meet the purpose and need
Cost	$357 million	$0
Changes in Traffic Circulation Pattern	Additional connection over US 101 in the project area that will provide an alternative travel route parallel to North First Street	No changes
Effect on Congestion and Delay	Reduction in congestion, delay, VMT, and peak-period travel times	Congestion will worsen over time as planned growth continues
Business Relocations	Five full acquisitions involving seven assessor's parcels	None
Residential Relocations	None	None

Category	Build Alternative	No Build Alternative
Change in Noise Levels Compared to Existing Conditions	-5 to +4 dBA	0 to +1 dBA
Change in Noise Levels Compared to No Build Conditions	-5 to +3 dBA	---
Visual Impacts	Moderate to Moderately Low Level of Change	None
Impacts to Sensitive Habitat	None	None
Impacts to Threatened & Endangered Species	None	None
Duration of Construction	Approximately three years	None
Construction Impacts	Noise, vibration, and dust may be substantial but will be avoided/minimized.	None

Congestion will substantially worsen under the No Build Alternative as planned growth in the area continues. However, when compared to the No Build Alternative, the Build Alternative would result in improvements in traffic operations within the Project area, particularly during weekday and weekend peak travel periods.

The Build Alternative would meet the purpose and need of the Project. However, the No Build Alternative would not meet the purpose and need of the Project.

Identification of a Preferred Alternative

On August 7, 2024, Caltrans formally identified the Build Alternative as the preferred alternative. This decision was made after considering comments from outside agencies, the public, and the internal Project Development Team. This decision was also based on the fact that the Build Alternative meets the purpose and need for the project, whereas the No Build Alternative does not meet the purpose and need. In accordance with CEQA, Caltrans has certified that the project complies with CEQA and has adopted findings for significant impacts identified and mitigation measures that were included as conditions of project approval. A Notice of Determination will be filed with the State Clearinghouse. Similarly, Caltrans, as assigned by FHWA, determined that the NEPA action does not significantly affect the environment. Caltrans has issued a Finding of No Significant Impact (FONSI) in accordance with NEPA. An NOA of the FONSI will be filed with the State Clearinghouse along with a Notice of Statute of Limitations on the Federal Register by FHWA.

1.3.5 Alternatives Considered but Eliminated from Further Discussion

During the development of the proposed Project, numerous alternatives and design variations were considered and studied. Each alternative was evaluated for its potential

to meet the purpose and need of the Project, its engineering feasibility in terms of its ability to meet Caltrans' minimum design criteria, its cost, and its environmental impacts. The evaluation process included multiple meetings from 2005 to 2020 with Caltrans, VTA, City of San José, and other stakeholders.

Table 1.3-3 summarizes each of these alternatives and design variations, as well as the reasons they were eliminated from further discussion and evaluation in this EIR/EA. This summary is based on a detailed analysis contained in the US 101/Zanker Road Project Study Report – Project Development Support (PSR-PDS) (June 2017), and other Project memos provided by the Project engineers. The PSR-PDS and memos are incorporated into this EIR/EA by reference and are available for review at the locations listed inside the front cover of this document.

Table 1.3-3: Summary of Alternatives and Design Variations Considered But Eliminated From Further Discussion

Name	Description	Reason(s) for Rejection
Z-1 Zanker Interchange	Zanker Road/North Fourth Street overcrossing with elevated "T" intersections at both ends of the structure. The NB US 101 Zanker Road off-ramp and a single lane from Old Bayshore Highway would be elevated to intersect the Zanker Road overcrossing. SB US 101 on-ramp would descend from a "T"-intersection on Skyport Drive extension west of the Zanker Road/North Fourth Street/Skyport Drive intersection, and loop under the Zanker Road overcrossing to an existing auxiliary lane on SB US 101.	Would not improve access to US 101, no NB US 101 access from Zanker Road, requires mandatory nonstandard intersection spacing between North Fourth Street/Skyport Drive intersection and SB US 101 on-ramp intersection, and would have a nonstandard slip ramp from a local street to an off-ramp.
Z-2 Zanker/Fourth and Old Bayshore/Skyport Overcrossings	Two overcrossings proposed over US 101 connecting Zanker Road with North Fourth Street and Old Bayshore Highway with Skyport Drive. There would be an elevated intersection on Zanker Road north of US 101 where a Type L-8 cloverleaf interchange configuration would be constructed for the NB US 101 access. The existing NB US 101 off-ramp to Brokaw Road would braid over the new on-ramp from Zanker Road. A new SB off-ramp would connect to Skyport Drive in a Type L-6 interchange configuration. Another SB US 101 on-ramp would originate from the North First Street/Technology Place intersection and cross under the new SB US 101 off-ramp.	Significant right-of-way impacts in the southwest quadrant and would impact the Bay 101 development.
Z-3 Zanker/Fourth and Old Bayshore/Skyport Overcrossings, First Street/ Technology Place	Alternative Z-3 is similar to Alternative Z-2 with the exception that the SB US 101 off-ramp and the SB US 101 on-ramp from Zanker Road/North Fourth Street/Skyport Drive are not included.	Would impact the Bay 101 development.

Name	Description	Reason(s) for Rejection
SB 101 Only On-Ramp		
Z-4M Zanker Road and Old Bayshore Highway over US 101 with Roundabouts	Two overcrossings over US 101 would be constructed, one from Zanker Road to North Fourth Street and one from Old Bayshore Highway to Skyport Drive. Alternative Z-4 is also similar to Alternative Z-2 with the exception that the SB US 101 on-ramp from Skyport Drive and the SB US 101 on-ramp from North First Street would be on different alignments and there would be no SB US 101 off-ramp.	Would eliminate the connection from SB I-880 to NB US 101 via Old Bayshore Highway and would not provide direct connection from North Fourth St and Skyport Drive to SB 101. It also would have significant parking impacts to 24 Hour Fitness.
Z-5M Zanker Road over US 101	Construct an overcrossing over US 101 from Zanker Road to Skyport Drive with a "Combined L-7/L-8 Two-Quadrant Cloverleaf" interchange geometric with the ramps on the same side of the local road. The existing NB US 101 off-ramp to Brokaw Road and the NB US 101 off-ramp to Old Bayshore Highway would be closed. Old Bayshore Highway north of US 101 would be realigned to become the fourth leg of the NB ramp intersection.	It would have significant right-of-way impacts in the NW, NE, and SW quadrants.
Z-6 US 101 over Zanker Road	Raise US 101 above grade and extend Zanker Road to Skyport Drive at-grade with traffic signals at the ramp intersections. Alternative Z-6 is similar to Alternative Z-5M except that it proposes to raise the freeway and keep the Zanker Road/Skyport Drive extension at-grade.	It would have significant right of way impacts in the NW and SW quadrants. There would also be significant construction impacts to the freeway as it would require multiple stages to raise the freeway. Operations of the managed lane would be impacted.
Z-7 US 101 over Zanker Road with Roundabouts	Raise US 101 above grade and extend Zanker Road to Skyport Drive at-grade with roundabouts at the ramp intersections.	It would have significant right of way impacts in the NW and SW quadrants. There would also be significant construction impacts to the freeway as it would require multiple stages to raise the freeway. Operations of the managed lane would be impacted.
Z-8 Zanker Road Overcrossing Only	Construct an overcrossing over US 101 from Zanker Road to Skyport Drive with minimal modification to existing freeway on- and off-ramps. Access to SB US 101 would be provided from Zanker Road/North Fourth Street/ Technology Place intersection.	Z-8 was refined to become Alt SZ. The alternative would not improve the existing NB US 101 on- and off-ramps at Old Bayshore Highway. It would require the acquisition and relocation of 24 Hour Fitness.
Z-8A Old Bayshore Highway Connection to Zanker Road through Bering Drive	Similar to Alternative Z-8 but it avoids full take of 24-Hour Fitness Center (only partial take) on Zanker Road by connecting Old Bayshore to Bering Drive.	Z-8A was refined to become Alt SZ. The alternative would not improve the existing NB US 101 on- and off-ramps at Old Bayshore Highway.
Z-9 Old Bayshore Highway Connection to Zanker Road	Similar to Alternative Z-8 but it avoids 24-Hour Fitness on Zanker Road and with a longer bridge overcrossing structure over US 101 it avoids impact to Park and Jet site	The alternative would not improve access to US 101 and SJIA. It also would not improve the existing NB

Name	Description	Reason(s) for Rejection
through Bering Drive	on North Fourth St. and maintains existing North Fourth Street/Technology Place intersection and access to US 101 SB on-ramp.	US 101 on- and off-ramps at Old Bayshore Highway.
Z-10 Separate Overcrossing Structures with Center Lanes connection to Old Bayshore Highway	Construct a four-lane Zanker Road in order to avoid impact to 24-Hour Fitness by utilizing existing wide Zanker median for the local road connection to Old Bayshore. Also avoids impact to Park and Jet site on North Fourth St. and maintains existing North Fourth Street/Matrix Blvd. intersection and access to US 101 SB on-ramp.	The alternative would not improve access to US 101 and SJIA. It also would not improve the existing NB US 101 on- and off-ramps at Old Bayshore Highway. It would have an unconventional connection.
F-1 Fourth Street Overpass	Construct an overcrossing over US 101 from Zanker Road to North Fourth Street and extend Skyport Drive to connect to North Fourth Street with a “T” intersection. Eliminate SB US 101 access from North Fourth Street as well as the Technology Place to North Fourth Street movement.	Would not meet the Project objective of improving access to SJIA.
F-2 Fourth Street Partial Interchange (South)	Construct an overcrossing over US 101 from Zanker Road to North Fourth Street and extend Skyport Drive to connect to North Fourth Street with a “T” intersection. The SB US 101 on-ramp would be accessed from the new overcrossing, and the NB US 101 off-ramp to Old Bayshore Highway would be replaced by a direct ramp to the new overcrossing structure.	Inadequate weaving distance between SB US 101 on-ramp and I-880 off-ramp, and between NB US 101 off-ramp and I-880 ramp.
F-3 Fourth Street Partial Interchange (South)	Construct an overcrossing over US 101 from Zanker Road to North Fourth Street and extend Skyport Drive to connect to North Fourth Street with a “T” intersection. New braided ramps would be built from SB US 101 to the new overcrossing and from the overcrossing to NB US 101.	Inadequate weaving distance between SB US 101 on-ramp and I-880 off-ramp, and between the NB US 101 off-ramp and I-880 ramp
F-4 Fourth Street Full Interchange	Construct Zanker Road to North Fourth Street overcrossing with braided ramp access to and from US 101. Access from Old Bayshore Highway to NB US 101 would be obtained via the NB signalized ramp intersection at Zanker Road.	Inadequate weaving distance between SB US 101 on-ramp and I-880 off-ramp, and between NB US 101 off-ramp and I-880 ramp.
S-1 Skyport Drive Overpass	Provide direct connection from Zanker Road to Skyport Drive with a structure that would cross over North Fourth Street and Technology Place. Access to US 101 would remain the same.	Would not meet the Project objective of relieving traffic on North First Street.
S-2 Skyport Drive Overpass with Fourth Street Connection	Construct direct connection from Zanker Road to Skyport Drive with North Fourth Street raised to connect in a “T” intersection. Bypass ramps would be provided to allow North Fourth Street surface traffic to maintain access to the existing ramps at Technology Place and US 101.	Does not meet the purpose and need of the Project of improving access to US 101 and SJIA.
S-3 Full Interchange	Provide a direct connection from Zanker Road to Skyport Drive with North Fourth Street raised to connect in a “T” intersection. The ramps would be reconfigured to	Inadequate weaving distance between SB US 101 on-ramp and I-880 off-ramp, and between NB US 101 off-ramp and I-880 ramp.

Name	Description	Reason(s) for Rejection
	approximate the ramps developed in Alternative F-4, such that a full interchange would exist. The on-ramp to SB US 101 would be located farther south than for the "F" alternatives.	
D-1 Double Bridge Overcrossing	Construct two overcrossings across US 101. One structure would connect Zanker Road to North Fourth Street, similar to the "F" alternatives, with a second structure linking Skyport Drive with Old Bayshore Highway. An elevated intersection would be created at the junction of Skyport drive and North Fourth Street with the third and fourth legs being Zanker Road and Old Bayshore Highway.	Would not improve access to US 101 because of no NB US 101 access from Zanker Road, inadequate weaving distance between SB US 101 on-ramp and I-880 off-ramp, and between NB US 101 off-ramp and I-880 ramp.
D-1 MOD Double Bridge Overcrossing with Loop Ramp and North Braided Ramp	This variation of Alternative D-1 includes a SB US 101 loop on-ramp. The NB US 101 off-ramp to Old Bayshore Highway would be closed and a new off-ramp would be provided to the new overcrossing at Zanker Road. The offramp would braid over the NB US 101 on-ramp from Old Bayshore Highway. A slip ramp would be provided for traffic from Old Bayshore Highway to access Zanker Road. The northbound Brokaw Road off-ramp would be eliminated.	Would not improve access to US 101 because no NB US 101 access from Zanker Road is provided, inadequate weaving distance between US 101 NB off-ramp and I-880 ramp.
D-2 Double Bridge Overcrossing with Frontage Road Access	Similar to basic geometrics of Alternative D-1 but does not provide direct access from Technology Place to the Zanker Road/North Fourth Street overcrossing. Vehicles would access the connectors via Skyport Drive from North First Street.	Does not improve access to US 101 because no NB US 101 access from Zanker Road, and inadequate weaving distance between NB US 101 off-ramp and I-880 ramp.
D-3 Double Bridge Phased Approach	Alternative D-3 is similar to Alternative D-1 MOD in the SE and SW quadrants. In the NB direction, the off-ramp to Brokaw Road and NB hook off-ramp to Old Bayshore Highway would be closed while a diamond on-ramp would be provided from Zanker Road. A new slip ramp is proposed from Old Bayshore Highway to the new northbound off-ramp to Zanker Road allowing traffic from Old Bayshore Highway to access both the northbound US 101 on-ramp and areas south of the freeway via the overcrossing.	Inadequate weaving distance between NB US 101 off-ramp and I-880 ramp.
SZ	Connect Zanker Road with Skyport Drive while North Fourth Street would be realigned and elevated to intersect with Skyport Drive. Other improvements are similar to the Build Alternative.	Inferior traffic operational performance, access issues to the Bay 101 High Tech office development, longer pedestrian crosswalks and wider overcrossing structure compared to Alternatives FZ and SFY.
FZN Zanker/Fourth Overcrossing Only	Connect Zanker Road directly with North Fourth Street, with Skyport Drive looping under the proposed overcrossing to intersect with North Fourth Street approximately 500 feet south of the	The alternative would not improve the existing NB US 101 on- and off-ramps at Old Bayshore Highway.

Name	Description	Reason(s) for Rejection
	proposed overcrossing. No ramp consolidations are proposed on NB US 101. Old Bayshore Highway would extend underneath the Zanker Road overcrossing with a connection directly to Bering Drive.	
SFY	Alternative SFY proposes a Y-intersection at the Zanker Road, Skyport Drive, and North Fourth Street junction. Other improvements are similar to the Build Alternative. The traffic signal at this intersection would operate in 6 phases due to intersection width.	Require an additional eastbound right-turn lane on Skyport Drive and left turn lane on NB North Fourth Street, wider Y intersection would require longer vehicle clearance time, no right-turn on red restriction so longer delays and queues, longer crosswalks, design causes confusion to motorist, wider overcrossing, and no direct bicycle route from SB Zanker to SB First Street, and conflict with Bay 101 Phase 2 development.

NB = northbound SB = southbound WB = westbound EB = eastbound
NE = northeast NW = northwest SE = southeast SW = southwest

Source: Project Study Report-Project Development Support (PSR-PDS) on Route US 101 between PM 38.4 and PM39.3, approved July 2017.

1.4 PERMITS AND APPROVALS NEEDED

Construction of the proposed Project will require permits/approvals from the agencies listed in Table 1.4-1.

Table 1.4-1: Permits and Approvals Needed

Agency	Permit/Approval	Status
City of San José	Encroachment Permit for work extending onto local streets within San José.	Application to be submitted during final design.

SECTION 2.0 AFFECTED ENVIRONMENT, ENVIRONMENTAL CONSEQUENCES, AND AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

2.1 TOPICS CONSIDERED BUT DETERMINED NOT TO BE RELEVANT

As part of the scoping and environmental analysis carried out for the Project, the following environmental issues were considered but no adverse impacts were identified. As a result, there is no further discussion about these issues in this document.

- **Farmlands:** There are no farmlands located within or adjacent to the proposed improvements.

- **Timberlands:** There are no timberlands located in the Project vicinity.

- **Community Cohesion:** The Project will construct improvements to existing freeway interchanges and local streets. The improvements will not divide any community or neighborhood.

- **Parks and Recreational Facilities:** There are no existing parks located within, or in the immediate vicinity of, the Project limits. The closest park is Rosemary Gardens Park, a 1.3-acre neighborhood park located west of North First Street and south of Skyport Drive, approximately 0.3 mile from the Project. There are no recreational trails or bikeways located in the Project limits. The closest trail is the Guadalupe River Trail, which is located west of SR 87, approximately 0.5 mile from the Project area.

- **Coastal Zones**: The Project site is not in or near areas covered by the Coastal Zone Management Act.

- **Wild & Scenic Rivers:** There are no waterways designated as Wild & Scenic Rivers in the Project area. The closest rivers with this designation are over 100 miles from the Project area.

- **Natural Communities:** Based on the Natural Environment Study (NES)[8] prepared for this Project (AECOM, 2022), there are no sensitive habitats located within, or in proximity to, the area to be disturbed by the Project. The Project is not located

[8] The NES is incorporated into this EIR/EA by reference. A copy of the NES is available for review at the locations listed inside the front cover of this document.

in or near a wildlife corridor. There are no waterways located within or adjacent to the Project limits.

- **Wetlands:** Based on the NES prepared for this Project (AECOM, 2022), there are no wetlands within or adjacent to the Project area.

- **Plant Species:** Based on the NES prepared for this Project (AECOM, 2022), there are no special-status plant species within or adjacent to the Project area.[9]

- **Threatened & Endangered Species:** Based on the NES prepared for this Project (AECOM, 2022), there is no suitable habitat for any threatened or endangered species within or adjacent to the Project area. This Project is located outside of National Oceanic Atmospheric Administration (NOAA) Fisheries Service jurisdiction; therefore, a NOAA species list is not required and no effects to NOAA species are anticipated.

[9] Special-status plant species include California Department of Fish and Wildlife species of special concern, United States Fish and Wildlife Service candidate species, and California Native Plant Society rare and endangered plants.

HUMAN ENVIRONMENT

2.2 EXISTING AND FUTURE LAND USE

The information in this section is based primarily on a technical Community Impact Memorandum (May 2022) that was prepared for the Project. This study is incorporated into this EIR/EA by reference. A copy of this study is available for review at the locations listed inside the front cover of this document.

2.2.1 Affected Environment

The Project is located within an urban area of the City of San José. As shown on Figure 1.1-3, the existing land uses within the Project limits are primarily commercial and industrial, including numerous retail and wholesale businesses, multiple hotels, and two casinos. These uses are located along Zanker Road, Brokaw Road, North Fourth Street, North First Street, Skyport Drive, Bering Drive, Old Bayshore Highway and other local streets. Residential uses within the Project limits include the Century Towers Apartments and the Waterford Place Apartments on North First Street.

Although not within the Project limits, the most notable land use within the immediate area is SJIA, which occupies approximately 1,000 acres on the west side of SR 87. SJIA, which serves multiple domestic and international cities, accommodated 15.6 million passengers in 2019 and is projected to serve 22.5 million passengers annually by 2037.[10]

2.2.2 Environmental Consequences

The Project would not result in a substantial change to community character because construction would primarily occur along existing highways and in a commercial/industrial setting. The exception to this conclusion is at the Waterford Place Apartments located on the north side of Archer Street between North First and Fourth Streets. Constructed in 1998, this residential development consists of 238 apartments in six 3-story buildings. The 15 apartments on the east side of Building #6, which is adjacent to North Fourth Street, would be exposed to increased noise and lighting due to the Project, as well as aesthetic changes associated with proximity to the proposed overcrossing structure. Specifically, noise levels would increase by two to three decibels due to the Project, five London Plane trees between the apartments and North Fourth Street would be removed, and views to the east would include the new overcrossing structure. Refer to Sections 2.9 and 2.17 pertaining to aesthetic and noise impacts at this location.

The Project would remove surface parking on APN 235-01-034 and APN 235-01-035, both of which are part of the 19-acre Bay 101 Casino & Mixed-Use Development property. This parking is “temporary” because it was acknowledged during the approval process

[10] Source: City of San José, Amendment to SJIA Master Plan EIR, 2020.

for the Bay 101 Casino & Mixed-Use Development project that the two parcels would be acquired for the 101/Zanker/Skyport Improvement Project.[11] Thus, removal of the temporary surface parking would not result in that property being legally-nonconforming as to parking.

The Project would not construct new roadways within an established neighborhood or community. No residences would be acquired or relocated as part of the Project. Up to five full acquisitions involving seven assessor's parcels would, however, be impacted and acquired to accommodate the Project, as listed in Table 2.5-1. These buildings are located in industrial/commercial areas adjacent to US 101 on North Fourth Street and Old Bayshore Highway; see Photos 1 through 4.

Table 2.2-1: Notable Development in the Project Vicinity

Name	Land Uses	Status
Bering/Brokaw Road Office Campus (1801 Bering Drive)	1,297,000 square feet of office space	Approved; under construction
Mineta San José International Airport Master Plan Update	New/modified facilities to accommodate 22.5 million annual passengers by year 2037.	Approved; under construction
Bay 101 Technology Place Phase II (1740 North First Street, southeast corner of North First Street and Technology Place)	234,192 square feet of office space	Approved; construction not yet commenced
San José Hilton Garden Inn (111 East Gish Road)	150 hotel rooms	Approved; under construction
Cloud 10 (1601 Technology Drive)	350,000 square feet of office space	Approved; construction not yet commenced
1660 Old Bayshore Highway Industrial	Repurpose 24,486 square feet of warehouse space, add 3,00 square feet of office space, and 17,700 square feet of canopy-covered loading area	Approved; construction pending
Source: City of San José, 2022.		

Land use in San José is guided by the *Envision San José 2040 General Plan*. The Project is limited to improvements to existing roadways and would not change land use patterns or density anticipated in the City of San José's General Plan. The Project, which is intended to reduce traffic congestion and vehicle delay, would not change or negatively affect the land uses for the Project area that are identified in the General Plan, as shown in Figure 2.2-1. Rather, the improvements that are part of the Project would improve the transportation network that serve those land uses.

[11] Sources: City of San Jose, Draft EIR for Bay 101 Casino & Mixed-Use Project, May 2014; San Jose Permit numbers PDC13-017 and PD15-062, accessible at www.sjpermits.org.

Indirect land use impacts (e.g., aesthetics and noise) are discussed under their own headings in this document.

2.2.3 Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, or mitigation measures are required. For indirect land use impacts (e.g., noise and aesthetics) and their respective avoidance, minimization, and/or mitigation measures (MM-VIS-1.1 through MM-VIS-1.3 and MM-NOI-1.1 through MM-NOI-1.7), please see Sections 2.9 and 2.17.

Photo 1: Existing view of 1705 North Fourth Street.

Photo 2: Existing view of 1695 North Fourth Street.

Source: Google Maps

PHOTOS 1 & 2

Photo 3: Existing view of 1740 North Fourth Street and North Fourth Street.

Photo 4: Existing view of 1764 Old Bayshore Highway.

Source: Google Maps

PHOTOS 3 & 4

- Agriculture
- Combined Industrial/Commercial
- Commercial Downtown
- Downtown
- Heavy Industrial
- Industrial Park
- Light Industrial
- Lower Hillside
- Mixed Use Commercial
- Main Street Commercial
- Mixed Use Neighborhood
- Mobile Home Park
- Neighborhood/Community Commercial
- Open Hillside
- Open Space, Parklands and Habitat
- Private Recreation and Open Space
- Public/Quasi-Public
- Regional Commercial
- Residential Neighborhood
- Transit Employment Center

Source: Envision San José 2040 General Plan.

SAN JOSE GENERAL PLAN LAND USE DESIGNATIONS IN THE PROJECT AREA | FIGURE 2.2-1

2.3 CONSISTENCY WITH STATE, REGIONAL, AND LOCAL PLANS AND PROGRAMS

2.3.1 Regional Transportation Plans

The Project is listed in, and therefore consistent with, the Metropolitan Transportation Commission's (MTC's) *Plan Bay Area 2050*, which is the Regional Transportation Plan (RTP).[12] The Project is also included in the adopted 2021 Transportation Improvement Program (TIP) for the San Francisco Bay Area.[13]

The No Build Alternative would not be consistent with the RTP and TIP.

2.3.2 VTA 2016 Measure B Program

In 2016, Santa Clara County voters approved Measure B, which increased the local sales tax to fund specified transportation projects. The Project is listed as one of the projects to be funded using Measure B monies and is therefore consistent with the Measure B program.

The No Build Alternative would not be consistent with the Measure B program.

2.3.3 Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* contains a number of policies that are relevant to the proposed Project:

Policy LU-1.2: Encourage Walking. Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.

Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

Policy TR-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

Policy TR-2.1: Coordinate the planning and implementation of citywide bicycle and pedestrian facilities and supporting infrastructure. Give priority to bicycle and pedestrian safety and access improvements at street crossings (including proposed grade-separated crossings of freeways and other high vehicle volume roadways) and near areas with

[12] RTP Project ID 21-T06-028
[13] TIP Project ID# SCL-19007

higher pedestrian concentrations (school, transit, shopping, hospital, and mixed-use areas).

Policy TR-2.3: Construct crosswalks and sidewalks that are universally accessible and designed for use by people of all abilities.

Policy TR-2.5: Integrate the financing, design and construction of pedestrian and bicycle facilities with street projects. Build pedestrian and bicycle improvements at the same time as improvements for vehicular circulation.

Policy TR-2.6: Require that all new traffic signal installations, existing traffic signal modifications, and projects included in San José's Capital Improvement Plan include installation of bicycle detection devices where appropriate and feasible.

Policy TR-2.7: Give priority to pedestrian improvement projects that: improve pedestrian safety; improve pedestrian access to and within the Urban Villages and other growth areas; and that improve access to parks, schools, and transit facilities.

Policy TR-2.21: Identify locations where traffic signal phases can be modified or added or where alternative intersection control can be utilized to enhance efficiency and safety for pedestrian service.

Based on the following, the Project is consistent with these policies:

- It would extend Zanker Road via an overcrossing over US 101 to connect to North First Street to provide additional and enhanced bicycle and pedestrian facilities across US 101 in North San José.
- It would add Class IV bikeways and sidewalks along the new Zanker Road/North Fourth Street connection between Archer Street and Bering Drive except along the east side between Regatta Lane and Old Bayshore Highway where a Class 1 bikeway would be provided.
- It would construct Class II bikeways and sidewalks along Skyport Drive between North First Street and North Fourth Street, along Old Bayshore Highway between Zanker Road and Terminal Avenue, and on Technology Place between North First Street and Skyport Drive.
- It would construct a Class I bikeway along the west side of North Fourth Street between the Skyport Drive/Technology Place/Southbound US 101 on-ramp intersection and the Skyport Drive/North Fourth Street intersection.
- It would construct a buffered Class II bikeway along eastbound Brokaw Road between Bering Drive and Zanker Road and reconstruct a sidewalk along a segment of eastbound Brokaw Road near Bering Drive to connect to the sidewalk on northbound Bering Drive.
- It would construct sidewalks on both sides of Bering Drive.

Furthermore, the connection of Zanker Road over US 101 to Skyport Drive and North Fourth Street is identified as a key infrastructure improvement project in the *Envision San José 2040 General Plan*, the *North San José Area Development Policy*, and the *North San José Deficiency Plan*.

The No Build Alternative would not be consistent with the *Envision San José 2040 General Plan*, *North San José Area Development Policy*, or the *North San José Deficiency Plan*.

2.3.4 Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, or mitigation measures are required.

2.4 GROWTH

2.4.1 Regulatory Setting

The Council on Environmental Quality (CEQ) regulations, which established the steps necessary to comply with NEPA, require evaluation of the potential environmental effects of all proposed federal activities and programs. This provision includes a requirement to examine indirect effects, which may occur in areas beyond the immediate influence of a proposed action and at some time in the future. The CEQ regulations (40 Code of Federal Regulations [CFR] 1508.8) refer to these consequences as indirect impacts. Indirect impacts may include changes in land use, economic vitality, and population density, which are all elements of growth.

CEQA also requires the analysis of a project's potential to induce growth. The CEQA Guidelines (Section 15126.2[d]) require that environmental documents "…discuss the ways in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment…"

2.4.2 Environmental Consequences

The information in this section is based primarily on a Community Impact Memorandum (May 2022) that was prepared for the Project. This study is incorporated into this EIR/EA by reference. A copy of this study is available for review at the locations listed inside the front cover of this document.

The Project is limited to improvements to an existing freeway and local streets and would not change land use patterns or density. The Project is located within, and is intended to serve, an urbanized and mostly-developed area of San José. The Project would not open additional areas to development.

The Project is intended to reduce traffic congestion and vehicle delay, which are the result of growth that has already occurred or is expected to occur in the area in accordance with the land uses identified in the City's adopted General Plan.

One result of reducing congestion can be to increase accessibility, which can in turn affect the timing and location of growth elsewhere. However, due to the urban location of this interchange, the Project is not expected to drive growth in unplanned areas or areas where growth is not currently foreseeable, therefore, the Project would not result in a population increase.

The Project purpose is limited to serving the local urbanized area. To the extent that a reduction in congestion makes the area more attractive for development, the Project could facilitate office, industrial, and commercial growth in the area, as identified in the *Envision San José 2040* General Plan.

As stated previously, the Project would not induce unplanned growth but would facilitate the planned growth of the area as identified in the General Plan. The General Plan contains policies that ensure that the future capacity of services (e.g., schools, utilities, police and fire protection, libraries, parks, etc.) will be adequate to serve that planned growth.

There are no related (i.e., highway improvement) projects in the area. The closest projects of a similar type are the I-280/Winchester Boulevard Interchange Improvements Project, which is located approximately 3.8 miles to the southwest, and the US 101/Trimble Road Interchange Improvement Project, which is located approximately 1.8 miles to the northwest. At that distance, none of the effects of each project would combine to result in cumulative growth effects.

No Build Alternative

The No Build Alternative would potentially limit planned growth as congestion worsens at US 101 and local streets, including North Fourth Street, Old Bayshore Highway, and Brokaw Road.

2.4.3 Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, and/or mitigation measures are necessary because the Project would not induce growth beyond what is expected to occur in the area.

2.5 RELOCATIONS AND REAL PROPERTY ACQUISITION

The information in this section is based primarily on a technical Community Impact Memorandum (May 2022) that was prepared for the Project. This study is incorporated into this EIR/EA by reference. A copy of this study is available for review at the locations listed inside the front cover of this document.

2.5.1 Regulatory Setting

Caltrans' Relocation Assistance Program (RAP) is based on the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act), and Title 49 CFR Part 24. The purpose of the RAP is to ensure that persons displaced as a result of a transportation project are treated fairly, consistently, and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole. Please see Appendix C for a summary of the RAP.

All relocation services and benefits are administered without regard to race, color, national origin, persons with disabilities, religion, age, or sex. Please see Appendix A for a copy of the Department's Title VI Policy Statement.

2.5.2 Affected Environment

The Project is located within an urban area of the City of San José. As shown on Figure 1.1-3, the existing land uses within the Project limits are primarily commercial and industrial, including numerous retail and wholesale businesses, multiple hotels, and two casinos. These uses are located along Zanker Road, Brokaw Road, North Fourth Street, North First Street, Skyport Drive, Bering Drive, Old Bayshore Highway and other local streets. Residential uses within the Project limits include the Century Towers Apartments and the Waterford Place Apartments on North First Street.

2.5.3 Environmental Consequences

Many of the proposed improvements would be constructed within the existing Caltrans and City of San José rights-of-way for US 101 and local streets, respectively. There are locations, however, where the improvements would require additional right-of-way that would directly impact businesses. Based on preliminary design, the Project would require five full acquisitions involving seven assessor's parcels as listed in Table 2.5-1. One parcel is currently vacant, two parcels are each occupied by one business (Herc Rentals and The Practice Place), two parcels comprise the Coast Counties Peterbilt truck dealership, and two parcels contain temporary surface parking for the Bay 101 Casino. At the time the Bay 101 Casino was approved by the City of San Jose in 2014, it was recognized that the two parcels would eventually be acquired for the Project.[14]

[14] Source: City of San Jose, EIR for Bay 101 Casino & Mixed-Use Project, 2014.

Table 2.5-1: Preliminary Full Acquisition Right-of-Way Requirements

Assessor's Parcel Number	Parcel Address	Existing Use	Parcel Size [acres]	Right-of-Way Needed [square feet]
Parcels Located on the Northerly Side of US 101				
237-12-102	1764 Old Bayshore Hwy	Office/ Industrial (vacant)	0.14	6,222
Parcels Located on the Southerly Side of US 101				
235-01-003	1705 N 4th Street	Commercial (Practice Place)	1.02	44,431
235-01-004	1695 N 4th Street	Commercial (Herc Rentals)	1.39	60,548
235-01-034	N 4th Street	Surface parking (Bay 101 Casino)	2.49	108,247
235-01-035	N 4th Street		0.47	20,647
235-04-014	1740 N 4th Street	Commercial (Coast Counties Peterbilt)	4.78	208,217
235-04-015	N 4th Street		1.17	50,924
Information in this table is preliminary and is subject to revision during final design.				

2.5.4 Avoidance, Minimization, and/or Mitigation Measures

The following measure is included in the Project for the purpose of avoiding and minimizing the relocation impacts of the Project.

MM-RRP-1.1: The Project would comply with all requirements of the Uniform Relocation Act to ensure businesses displaced by the Project would be properly compensated and relocated, as necessary.

2.6 ENVIRONMENTAL JUSTICE

The information in this section is based primarily on a technical Community Impact Memorandum (May 2022) that was prepared for the Project. This study is incorporated into this EIR/EA by reference. A copy of this study is available for review at the locations listed inside the front cover of this document.

Please note: Executive Order (EO) 12898 has been rescinded pursuant to EO 14173, and EO 14096 has been rescinded pursuant to EO 14148. However, consideration of environmental justice was included in the analyses for the Draft Environmental Document, prior to the rescission of EOs 12898 and 14096, and therefore has been retained in the Final Environmental Document for informational purposes only.

2.6.1 Regulatory Setting

All projects involving a federal action (funding, permit, or land) must comply with Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, signed by President William J. Clinton on February 11, 1994. This EO directs federal agencies to take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law. Low income is defined based on the Department of Health and Human Services poverty guidelines. For 2020, this was $26,200 for a family of four.

All considerations under Title VI of the Civil Rights Act of 1964, and related statutes, have also been included in this Project. Caltrans' commitment to upholding the mandates of Title VI is demonstrated by its Title VI Policy Statement, signed by the Director, which can be found in Appendix A of this document.

The CEQ defines minority as a person who is:

- Black (having origins in any of the black racial groups of Africa);
- Hispanic (of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race);
- Asian American (having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands); or
- American Indian and Alaskan Native (having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition).

2.6.2 Affected Environment

The study area for the purposes of this analysis is comprised of two census tracts within and adjacent to the footprint of the Project. Figure 2.6-1 depicts the study area and shows the location of the census tracts in relation to the proposed Project. The demographic characteristics of the population within the study area were also compared to that for the City of San José as a whole. The purpose of this research was to determine if minority and/or low-income populations are present in sufficient numbers such that the Project could potentially result in a disproportionately high and adverse effect on these populations. This analysis would show the comparative effects on these populations in relation to either non-minority or higher income populations, as appropriate.

As shown in Table 2.6-1, an environmental justice minority population is present because 75% of the population in the study area are minorities, which is comparable to 72% for the City of San José as a whole. Persons of low-income represent 8% of the population in the study area, which compares to 9% for the City of San José as a whole. Therefore, an environmental justice low-income population is not present within the study area. The data in Table 2.6-1 also show that, with one exception, the percentage of each minority population within the study area is lower than, or similar to, that found throughout the City of San José as a whole. The exception is that the Asian population in the study area is 59%, which compares to 36% for the City of San José as a whole. This higher percentage is driven by Census Tract 5050.06 where Asians comprise 68% of the population.

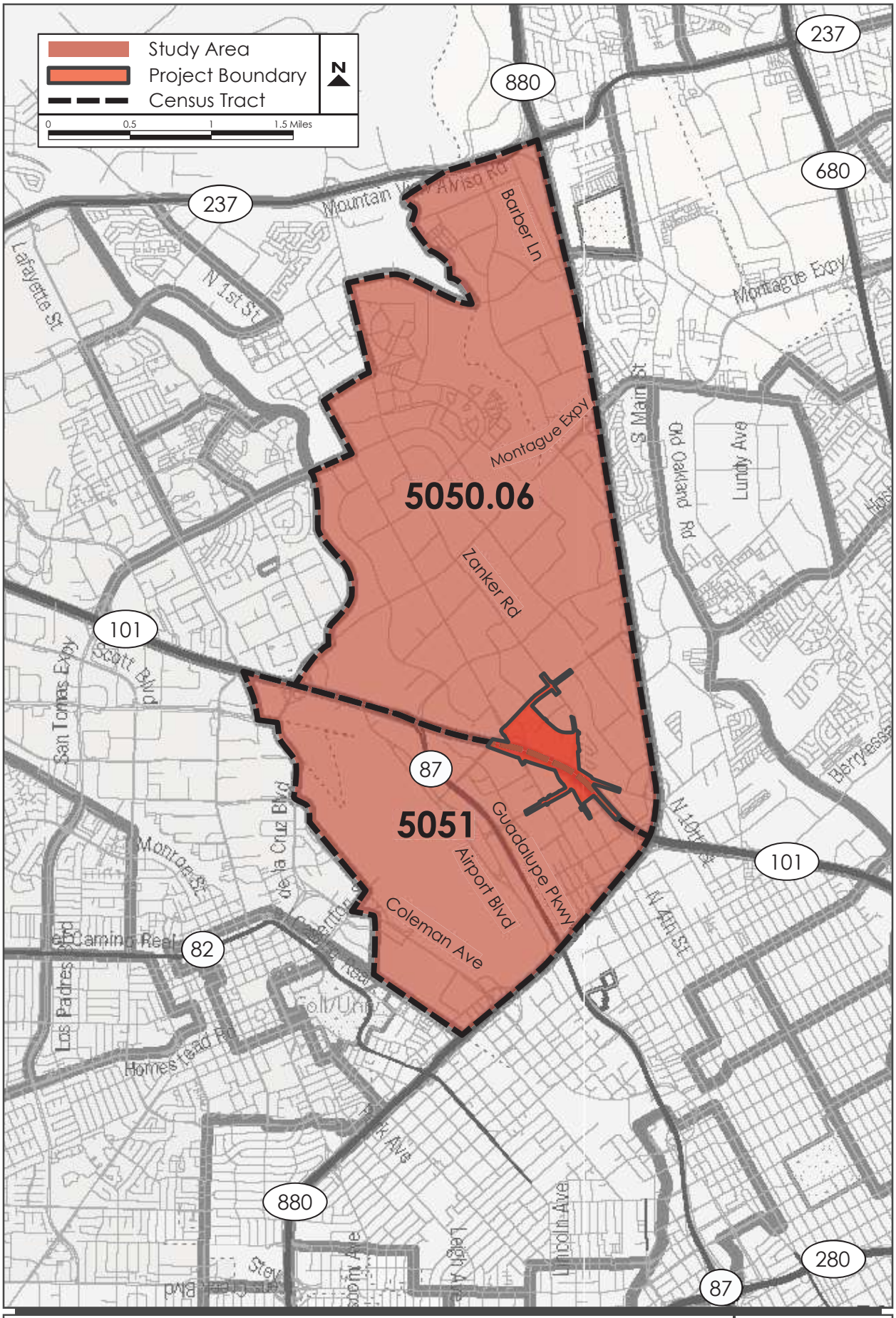
Table 2.6-1: Existing Demographics in the Study Area and City of San José

	Study Area [a]	City of San José
Total Population	15,517	1,021,795
Minority Populations (% of total)		
Black	3.5%	3.0%
Asian American	59.4%	36.4%
Native American	0.0%	0.6%
Hispanic	12.0%	31.6%
Total Minorities	74.9%	71.6%
% of Population below Poverty Guidelines	7.6%	8.7%
Median Household Income in 2020	$124,508	$109,593

[a] The study area is comprised of the following census tracts the encompass the Project limits: Census Tracts 5050.06 and 5051.00.

Source: Year 2010 U.S. Census, as supplemented by Census Bureau 2020 American Community Survey (ACS) data.

Although an environmental justice minority population is present given that 59% of the population is Asian, demographic, financial, and survey data of the study area do not align with it being characterized as disadvantaged. This conclusion is based on the following information:



ENVIRONMENTAL JUSTICE STUDY AREA | FIGURE 2.6-1

- Field surveys of the study area determined that, with few exceptions, the neighborhoods that contain homes are well-maintained and in good condition. As an example, the Rosemary Gardens Neighborhood in the southerly portion of the study area is a cohesive and established neighborhood that dates to the late 1940s.
- The Waterford Place Apartments, which are adjacent to the proposed Project on North Fourth Street, are modern residences marketed as "chic and stylish living" with monthly rents ranging from $2,294 to $3,230.[15]
- The residences in the northerly portion of the study area are multi-family apartment and condominium buildings that were constructed in the 1990s.
- The 2021 median home value in zip codes 95112, 95131, and 95134, which comprise the study area, are approximately $1.0 million, $1.3 million, and $1.1 million, respectively.[16] These numbers are higher than for the City of San José as a whole.
- The 2020 median household income in the study area is $124,508, which is 14% higher than for the City of San José as a whole. In Census Tract 5050.06, the median household income is even greater (i.e., >$166,000), reflecting the high-tech nature of that area.
- Most of the businesses in the study area are well-maintained. Businesses in Census Tract 5051 include two casinos, several hotels, and a mix of retail and commercial establishments. Census Tract 5051 also includes SJIA. Businesses in Census Tract 5050.06 include numerous high-tech companies and retail and commercial uses. Also included are multiple small industrial and commercial enterprises that are concentrated along, and north of, Old Bayshore Highway.

To summarize, the study area, which is comprised of the two census tracts shown on Figure 2.6-1, is generally considered to be a thriving and desirable location.

2.6.3 Environmental Consequences

The long-term impacts of the Project would primarily consist of increased noise and visual effects, concentrated at the 15 apartments located at the east end (i.e., along North Fourth Street) of the Waterford Place Apartments. A breakdown of the ethnicity and economic status of the tenants occupying the 15 apartments is not available but, as noted above, the rental rates for the apartments exceed the poverty level annual income for a family of four. The study area includes freeways and major arterials that carry substantial volumes of traffic, which produce emissions that affect the surrounding land uses. Traffic-related emissions of air pollutants occur under existing conditions and will continue irrespective of whether the Project is implemented. However, because the Project would improve

[15] Source: https://www.essexapartmenthomes.com/apartments/san-jose/waterford-place, accessed October 6, 2021.
[16] Source: https://www.zillow.com/san-jose-ca/home-values/, accessed July 27, 2021.

traffic operations and slightly reduce VMT, emissions would be lower as compared to emissions under the No Build Alternative.[17]

The highway improvements that are part of the Project would improve vehicular access and circulation in the study area. Similarly, the bicycle and pedestrian improvements that are part of the Project would facilitate bicycle and pedestrian travel in the study area.

The construction impacts of the Project would primarily take the form of increased noise and emission of air pollutants, as well as traffic delays associated with temporary lane closures.

Based on the above, 75% of the population that would be affected by both the adverse and beneficial impacts of the Project would be minorities. This is congruent with the fact that 72% of San José's population are minorities. Thus, by definition, the effects of the Project would predominately be borne by minority populations. In contrast, the effects of the Project would not be predominantly borne by low-income populations since they comprise only 8% of the population in the study area.

The conclusion of the previous paragraph notwithstanding, the adverse effects of the Project to be suffered by minorities would not be appreciably more severe or greater in magnitude than the adverse effects that will be suffered by the non-minority population. Adverse effects would affect all populations to the same degree. Similarly, the transportation and air quality benefits of the Project would accrue to all populations equally.

Based on the above discussion and analysis, the Project will not cause disproportionately high and adverse effects on any minority or low-income populations in accordance with the provisions of EO 12898. No further environmental justice analysis is required.

2.6.4 Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, or mitigation measures are required.

[17] Source: Illingworth & Rodkin, Inc., Air Quality Report for the US 101/Zanker Road/Skyport Drive/Fourth Street Improvements Project, 2022.

2.7 UTILITIES/EMERGENCY SERVICES

2.7.1 Regulatory Setting

There are no federal or state regulations or plans applicable to utilities or emergency services.

2.7.2 Affected Environment

Various utility lines (e.g., gas, electric, water, communications, sanitary sewer, stormwater, etc.) cross US 101 and are located along/within the local streets in the vicinity of the Project that cross or parallel the freeways.

San José Fire Station #5 is located approximately 0.6 mile southeast of the Project area at 1380 North Tenth Street, near the intersection of North 10th Street, East Gish Road, and Old Bayshore Highway. Depending on the location of the emergency, either Old Bayshore Highway, East Gish Road, or North Tenth Street is used as the emergency response route from Fire Station #5.

2.7.3 Environmental Consequences

Increased Demand for Utilities and Services

The Project is limited to improvements to existing roadway facilities and is intended to improve traffic operations in the Project area. As stated previously in Section 2.5, *Growth*, the Project would not induce unplanned growth but would facilitate the planned growth of the area as identified in the General Plan. The General Plan contains policies that ensure that the future capacity of services (e.g., schools, utilities, police and fire protection, libraries, parks, etc.) will be adequate to serve that planned growth.

Impacts on Emergency Vehicle Response Times

The Project would not cut off or adversely impact the existing emergency response routes along Old Bayshore Highway, East Gish Road and North Tenth Street from nearby San José Fire Station #5. During the construction phase of the Project, any temporary lane or road closures would be coordinated in advance with the fire department, as well as with other emergency responders (e.g., police, ambulance, etc.).

Upon completion of the Project, the improvements to Zanker Road, Old Bayshore Highway, and Skyport Drive would result in improved access to the surrounding community for emergency vehicles and other public service providers from outside the Project area.

Utility Relocation Impacts

The Project will require the relocation of a number of overhead and underground utility lines (e.g., water, gas, communications, electric lines, sanitary sewer, stormwater, etc.), to construct the proposed improvements. However, no disruption of any utility services for an extended period of time (i.e., more than 24 hours) is expected to be necessary.

2.7.4 Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, or mitigation measures are required.

2.8 TRAFFIC AND TRANSPORTATION/PEDESTRIAN AND BICYCLE FACILITIES

2.8.1 Regulatory Setting

Caltrans, as assigned by FHWA, directs that full consideration should be given to the safe accommodation of pedestrians and bicyclists during the development of Federal-aid highway projects (see 23 CFR 652). It further directs that the special needs of the elderly and the disabled must be considered in all Federal-aid projects that include pedestrian facilities. When current or anticipated pedestrian and/or bicycle traffic presents a potential conflict with motor vehicle traffic, every effort must be made to minimize the detrimental effects on all highway users who share the facility.

In July 1999, the U.S. Department of Transportation (USDOT) issued an Accessibility Policy Statement pledging a fully accessible multimodal transportation system. Accessibility in federally assisted programs is governed by the USDOT regulations (49 CFR 27) implementing Section 504 of the Rehabilitation Act (29 United States Code [USC] 794). The FHWA has enacted regulations for the implementation of the 1990 Americans with Disabilities Act (ADA), including a commitment to build transportation facilities that provide equal access for all persons. These regulations require application of the ADA requirements to Federal-aid projects, including Transportation Enhancement Activities.

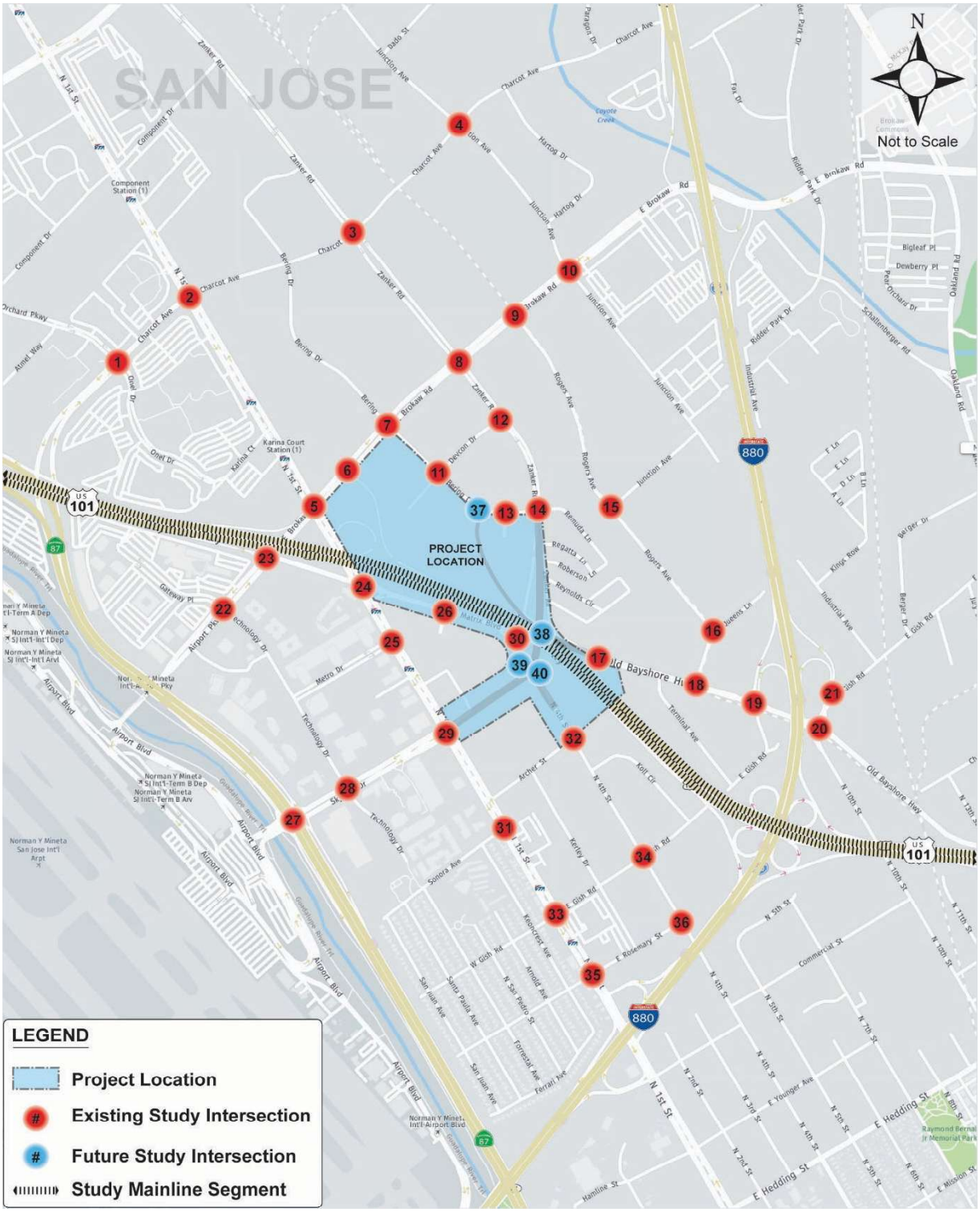
2.8.2 Affected Environment

The information in this section is based primarily on a technical Traffic Operations Analysis Report (May 2020), which is incorporated into this EIR/EA by reference. This report is available for review at the locations listed inside the front cover of this document.

2.8.2.1 *Existing Roadway Network*

The existing roadway network in the Project study area is shown on Figure 2.8-1 and the key facilities are as follows:

US 101 serves as a major gateway route between San Francisco and the Silicon Valley, as well as to SJIA. US 101 also provides a link to the East Bay via the I-880 connection within the Project vicinity. In the vicinity of the Project site, US 101 is typically an eight-lane facility (four lanes in each direction) running in the north-south direction with auxiliary lanes between most of the interchanges. Additionally, one of the four lanes is utilized as a carpool lane in both directions. Access between the Project site and US 101 is provided via ramps at Brokaw Road, North First Street, Technology Place/North Fourth Street, and Old Bayshore Highway.



Source: AECOM, May 1, 2020.

EXISTING ROADWAY NETWORK | FIGURE 2.8-1

Skyport Drive is a divided east-west arterial connected to SJIA adjacent to the SR 87 interchange at the west end. To the east, Skyport Drive is bounded by North First Street. Skyport Drive has a varying number of lanes but is generally three through lanes in each direction with striped buffered bike lanes (between Technology Drive and North First Street) and a posted speed limit of 40 miles per hour (mph).

Old Bayshore Highway is a north-south arterial that is bounded by Zanker Road to the north and North Thirteenth Street and Commercial Street intersection to the south. Old Bayshore Highway is a four-lane undivided roadway with two lanes in each direction. Bike lanes are provided in each direction, with some segments having striped buffered bike lanes.

Technology Place (formerly Matrix Blvd) is a north-south multi-lane collector roadway in the City of San José. Technology Place extends from the US 101 southbound off-ramp at Airport Parkway at the north end to the intersection of US 101 southbound on-ramp at North Fourth Street to the south. Between North First Street and North Fourth Street, Technology Place has two lanes in the southbound direction and one lane in northbound direction divided by a center median. Bikeways are not provided.

Brokaw Road/Airport Parkway is a major east-west multi-lane arterial roadway in the City of San José. Airport Parkway stretches from SJIA to US 101, where the name changes to East Brokaw Road, extending to Old Oakland Road to the East. Airport Parkway is a four-lane road with two lanes in each direction. Once the roadway transitions to Brokaw Road, the roadway begins to widen into a six-lane roadway with three lanes in each direction divided by a center median. Bike lanes are striped along this corridor in both directions, with gaps on the approach to North First Street.

Bering Drive is a two-lane north-south street with a posted speed limit of 35 mph. Within Project limits, Bering Drive extends from East Brokaw Road at the north end to Zanker Road to the south. Bikeways are not provided.

Zanker Road is a north-south arterial that extends from Old Bayshore Highway to New Street in the northern part of San José bordering Milpitas. Throughout the Project study area, Zanker Road is a divided four lane roadway with two lanes and striped bike lanes in each direction with a speed limit of 40 mph.

North First Street is a north-south arterial that extends from downtown East Reed Street to Liberty Street in the northern part of San José bordering Milpitas. Throughout the Project study area, North First Street north of US 101 is a divided four lane roadway with two lanes in each direction and a posted speed limit of 45 mph. North of East Brokaw Road there are striped bike lanes (intermittently buffered) along both directions of North First Street.

North Fourth Street is a north-south arterial that extends from the intersection of US 101 southbound on-ramp/Technology Place in the north to downtown East Reed Street in the

south. Throughout the Project study area, North Fourth Street is an un-divided four lane roadway with two lanes in each direction with a posted speed limit of 40 mph. North Fourth Street is a parallel route to North First Street.

Charcot Avenue is a short east-west street in the City of San José. At the west end, Charcot Avenue extends from SR-87, continuing to O'Toole Avenue at the East end. From SR-87 to North First Street, Charcot Avenue is a divided four-lane roadway providing two lanes in each direction. From North First Street to O'Toole Avenue Charcot Avenue is reduced in width to a two-lane undivided roadway with one travel lane in each direction. Charcot Avenue has a posted speed limit of 40 mph.

2.8.2.2 *Existing Bicycle and Pedestrian Facilities*

The existing bicycle network in the Project study area is shown on Figure 2.8-2. There is one Class I bike trail in the study area; Guadalupe River Trail runs north south along the west side of the study area. The trail is approximately 9 miles in length, providing unbroken bicycle and pedestrian access from Virginia Avenue south of Downtown San José to Gold Street in Alviso. The trail crosses under Airport Parkway and Skyport Drive. Trail access is provided at Skyport Drive and Airport Parkway.

Within the study area, Class II bike lanes exist along Charcot Avenue, Airport Parkway/ Brokaw Road, Skyport Drive, Technology Drive, Metro Drive, Zanker Road, Old Bayshore Highway, and North First Street north of Brokaw Road.

EXISTING BICYCLE FACILITIES | FIGURE 2.8-2

Within the study area, sidewalks are provided along City streets at the following locations:

- **Skyport Drive**: Sidewalks are provided on both sides between North First Street and Technology Drive and on the south side only west of Technology Drive.
- **Old Bayshore Highway**: This roadway does not have a continuous sidewalk network. Discontinuous sidewalk segments are provided on the east side of the roadway between 13th Street and south of Gish Road and between Terminal Ave and Zanker Road. A sidewalk is provided on the west side between the US 101 northbound off-ramp and 500 feet south of Terminal Avenue.
- **Technology Place**: Most of the roadway has no sidewalks. A sidewalk is provided on the west side of the roadway between Airport Parkway and North First Street.
- **Brokaw Road**: Sidewalks are provided on the south side of Brokaw Road between Technology Place and Zanker Road. Sidewalks are provided on the north side of Brokaw Road between the US 101 northbound on ramp and 260 feet west of Bering Drive.
- **Bering Drive**: Sidewalks are provided along portions of Bering Drive on both sides.
- **Zanker Road**: North of Brokaw Road, sidewalks are provided on the west side starting 500 feet north of the intersection. Between Brokaw Road and Bering Drive, sidewalks are provided on both sides. South of Bering Drive, sidewalks are partially provided on both sides, but there are long gaps of missing sidewalk on each side.
- **North First Street**: South of Technology Place, sidewalks are provided on both sides. Between Technology Place and 185 feet south of Brokaw Road, as North First Street travels under US 101, the sidewalk on the west side drops. North of Brokaw Road, sidewalks are again provided on both sides.
- **North Fourth Street**: Sidewalks are provided on both sides south of Archer Street. North of Archer Street, sidewalks are provided in front of a few properties, with sidewalks missing from most of the roadway.
- **Charcot Avenue**: Sidewalks are provided on both sides west of Zanker Road. No sidewalks are provided east of Zanker Road.

2.8.2.3 *Existing Public Transit Service*

Bus service in the Project area and throughout Santa Clara County is provided by VTA. There is one VTA bus route (Route 60) currently passing through and stopping in the Project area. Route 60 operates between Winchester light rail transit (LRT) Station in Campbell and Milpitas Transit Center (Bay Area Rapid Transit [BART] Station) via SJIA. Additionally, there are two light rail routes that also serve the Project area (Blue Line and Green Line) that travel along North First Street.[18] The existing public transit facilities are shown on Figure 2.8-3.

[18] Currently, priority for light rail is integrated into the signals along North First Street. However, VTA is conducting a separate study to improve the light rail operations through enhanced signal priority/preemption at intersections and other roadway improvements (e.g. narrower lanes, etc.) along North First Street. These proposed improvements along North First Street are projected to increase bike usage and improve pedestrian safety.

EXISTING TRANSIT FACILITIES | FIGURE 2.8-3

2.8.2.4 *Existing Bicycle and Pedestrian Volumes*

Identified as an ABC deficiency in the *2008 Countywide Bicycle Plan*, Tenth Street and North First Street are currently the only routes that pedestrians and bicyclists can use to cross US 101 in the Project area.

People bicycle through the study area. The highest volume observed was along Brokaw Road, and especially at the intersection of Zanker Road/East Brokaw Road with 40 bicyclists per hour during the weekday AM peak period. This intersection is adjacent to hotel and office development. The North First Street/East Brokaw Road intersection had 30 bicyclists per hour during the weekday AM peak period. The intersections of Rogers Avenue/East Brokaw Road and Technology Drive/Airport Parkway had 30 bicyclists per hour during the weekday PM peak period. These intersections are adjacent to office uses. The remaining studied intersections had below 30 bicyclists per hour during weekday peak period.

Pedestrian crossings are highest along North First Street, and especially at the intersections of North First Street/East Gish Road with 113 and 161 pedestrians per hour in the AM and PM peak hours, respectively, and North First Street/Metro Drive with 128 and 141 pedestrians per hour in the AM and PM peak hours, respectively. Both of these intersections are adjacent to VTA light rail stations (Gish Station and Metro Airport Station). Other intersections with notable pedestrian volumes includes North First Street/Sonora Avenue, North First Street/Skyport Drive, and North First Street/East Rosemary Street. These intersections are adjacent to a variety of office, hotel, commercial, and residential development, which encourages pedestrian travel.

2.8.2.5 *Existing Operating Conditions at Key Intersections in the Study Area*

Based on their proximity to the proposed improvements, 36 signalized intersections in the Project study area were selected as study intersections. The intersections are shown on Figure 2.8-1. Operating conditions at the intersections were measured using the “level of service” (LOS) concept as the metric for NEPA, whereby traffic demand is evaluated in the context of capacity. The methodology computes a level of service taking into account factors such as the demand for each traffic movement (i.e., left turns, straight, right turns), the number of lanes, and (where applicable) signal timing. Based on these factors, the methodology computes the average delay per vehicle at the intersection to which a corresponding LOS is assigned. As summarized in Table 2.8-1, level of service can range from “LOS A”, representing free-flow conditions, to “LOS F”, representing jammed/over-saturated conditions.

The intersection LOS results for the existing weekday AM and PM peak hours are presented in Table 2.8-2. Of the 36 intersections, 24 intersections currently operate at LOS D or better during both AM and PM peak hours, and the remaining 12 intersections currently operate at LOS E or F in one or both the peak hours.

Table 2.8-1: Level of Service Definitions for Signalized Intersections

Level of Service	Description of Operations	Average Control Delay[a] (seconds/vehicle)
A	Insignificant Delays: No approach phase is fully utilized and no vehicle waits longer than one red indication.	≤ 10
B	Minimal Delays: An occasional approach phase is fully utilized. Drivers begin to feel restricted.	> 10 to 20
C	Acceptable Delays: Major approach phase may become fully utilized. Most drivers feel somewhat restricted.	> 20 to 35
D	Tolerable Delays: Drivers may wait through no more than one red indication. Queues may develop but dissipate rapidly, without excessive delays.	> 35 to 55
E	Significant Delays: Volumes approaching capacity. Vehicles may wait through several signal cycles and long vehicle queues from upstream.	> 55 to 80
F	Excessive Delays: Represents conditions at capacity, with extremely long delays. Queues may block upstream intersections.	> 80

[a] Average Control Delay includes the time for initial deceleration delay, queue move-up time, stopped delay, and final acceleration.

Table 2.8-2: Comparison of Intersection Levels of Service

Intersection	Peak Period	Existing		YEAR 2025				YEAR 2045			
				No Build Alternative		Build Alternative		No Build Alternative		Build Alternative	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1. Charcot Avenue & O'Nel Drive	AM	33.6	C	34.4	C	34.1	C	40.4	D	38.4	D
	PM	28.3	C	30.9	C	43.6	D	**72.3**	**E**	**85.5**	**F**
2. Charcot Avenue & North First Street	AM	46.3	D	42.6	D	42.5	D	48.6	D	**82.5**	**F**
	PM	37.0	D	**142.6**	**F**	51.6	D	**201.8**	**F**	**134.5**	**F**
3. Charcot Avenue & Zanker Road	AM	40.4	D	**93.1**	**F**	**70.7**	**E**	**91.5**	**F**	**61.8**	**E**
	PM	52.3	D	**60.7**	**E**	**82.5**	**F**	**108.4**	**F**	**108.5**	**F**
4. Charcot Avenue & Junction Avenue	AM	19.1	B	**106.2**	**F**	**91.6**	**F**	28.1	C	33.0	C
	PM	43.0	D	**107.3**	**F**	**107.2**	**F**	33.1	C	35.2	D
5. E Brokaw Road & N First Street*	AM	**64.8**	**E**	**70.9**	**E**	**71.1**	**E**	**63.9**	**E**	**83.7**	**F**
	PM	**77.3**	**E**	**84.6**	**F**	**93.8**	**F**	**92.8**	**F**	**100.8**	**F**
6. E Brokaw Road & US-101 NB Off-Ramp*	AM	**63.3**	**E**	**107.5**	**F**	**79.8**	**E**	**57.7**	**E**	40.0	D
	PM	38.5	D	23.9	C	51.5	D	46.3	D	48.1	D
7. E Brokaw Road & Bering Drive	AM	44.0	D	**112.2**	**F**	**99.3**	**F**	92.3	**F**	**93.7**	**F**
	PM	27.7	C	36.1	D	**56.4**	**E**	**64.7**	**E**	**75.2**	**E**
8. E Brokaw Road & Zanker Road*	AM	40.3	D	**120.4**	**F**	**81.5**	**F**	**116.9**	**F**	**125.0**	**F**
	PM	37.0	D	**64.0**	**E**	**75.8**	**E**	**116.1**	**F**	**97.3**	**F**
9. E Brokaw Road & Rogers Avenue	AM	**111.5**	**F**	**524.4**	**F**	**626.8**	**F**	**404.6**	**F**	**1478.0**	**F**
	PM	**70.2**	**F**	**86.6**	**F**	**60.4**	**F**	**997.6**	**F**	**194.7**	**F**

Intersection	Peak Period	Existing		YEAR 2025				YEAR 2045			
				No Build Alternative		Build Alternative		No Build Alternative		Build Alternative	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
10. E Brokaw Road & Junction Avenue	AM	35.3	D	**101.7**	**F**	**76.1**	**E**	**190.0**	**F**	**130.0**	**F**
	PM	45.4	D	**71.4**	**E**	**56.9**	**E**	**106.7**	**F**	**90.3**	**F**
11. Devcon Court & Bering Drive	AM	5.6	A	17.2	C	12.2	B	6.4	A	17.6	B
	PM	**60.6**	**F**	9.2	A	7.0	A	20.7	C	13.6	B
12. Devcon Drive & Zanker Road	AM	14.5	B	**132.5**	**F**	**85.2**	**F**	26.1	D	**59.3**	**F**
	PM	28.6	D	29.9	D	**43.5**	**E**	**100.8**	**F**	**65.7**	**F**
13. Crane Court & Bering Drive	AM	5.7	A	5.7	A	3.0	A	7.1	A	4.9	A
	PM	**86.0**	**F**	15.0	B	6.5	A	9.7	A	11.6	B
14. Bering Drive & Zanker Road	AM	25.3	D	4.9	A	21.1	C	5.8	A	33.2	C
	PM	**223.0**	**F**	**81.0**	**F**	52.4	D	**101.4**	**F**	**57.1**	**E**
15. Junction Avenue & Rogers Avenue	AM	7.1	A	6.3	A	5.9	A	7.1	A	**263.8**	**F**
	PM	10.3	B	10.8	B	9.7	A	4.4	A	6.7	A
16. Queens Lane & Rogers Avenue	AM	9.8	A	7.9	A	9.8	A	**210.5**	**F**	**2158.2**	**F**
	PM	11.2	B	10.2	B	9.5	A	**85.3**	**F**	9.4	A
17. Old Bayshore Hwy & US-101 NB Ramps	AM	2.2	A	4.8	A	Intersection does not exist		16.5	C	Intersection does not exist	
	PM	34.4	D	**63.9**	**F**			**54.6**	**F**		
18. Old Bayshore Hwy & Queens Lane	AM	**98.5**	**F**	**112.7**	**F**	**190.5**	**F**	**168.8**	**F**	**573.1**	**F**
	PM	**40.3**	**E**	**52.0**	**F**	**41.3**	**E**	**55.7**	**F**	**55.2**	**F**
19. Old Bayshore Hwy & I-880 SB Ramp	AM	53.8	D	**59.0**	**E**	**61.4**	**E**	**58.3**	**E**	**57.6**	**E**
	PM	53.1	D	**56.5**	**E**	43.4	D	**55.5**	**E**	43.5	D
20. Old Bayshore Hwy & N 10th Street	AM	**74.0**	**E**	**164.4**	**F**	**183.6**	**F**	**250.7**	**F**	**231.6**	**F**
	PM	31.7	C	**133.8**	**F**	**145.5**	**F**	**180.9**	**F**	**187.7**	**F**
21. East Gish Road & I-880 NB Ramps	AM	**52.8**	**F**	**145.4**	**F**	**227.2**	**F**	**255.3**	**F**	**228.4**	**F**
	PM	**36.5**	**E**	**117.1**	**F**	**140.8**	**F**	**222.1**	**F**	**267.5**	**F**
22. Airport Parkway & Technology Drive	AM	21.8	C	18.6	B	16.6	B	**80.9**	**F**	**129.4**	**F**
	PM	39.1	D	28.6	C	28.6	C	35.7	D	34.1	C
23. Airport Parkway & Technology Place	AM	34.9	C	**86.6**	**F**	30.1	C	**106.6**	**F**	**64.9**	**E**
	PM	22.3	C	28.5	C	32.6	C	41.6	D	37.8	D
24. Technology Place & North First Street	AM	19.6	B	22.7	C	24.5	C	26.2	C	39.5	D
	PM	49.3	D	**62.5**	**E**	**63.7**	**E**	**77.2**	**E**	**61.8**	**E**
25. Metro Drive & North First Street	AM	41.4	D	**59.3**	**E**	52.7	D	**63.6**	**E**	**65.8**	**E**
	PM	**65.3**	**E**	**63.2**	**E**	48.4	D	**200.6**	**F**	**58.9**	**E**
26. Technology Place & Bay 101 Casino Driveway	AM	4.9	A	5.9	A	2.3	A	8.9	A	2.6	A
	PM	23.5	C	33.5	D	3.6	A	**36.6**	**E**	5.3	A
27. Skyport Drive & SR 87 Ramps	AM	**57.1**	**E**	**71.7**	**E**	**78.2**	**E**	**115.4**	**F**	**77.7**	**E**
	PM	36.3	D	**56.8**	**E**	**65.5**	**E**	**113.6**	**F**	**84.5**	**F**
28. Skyport Drive & Technology Place	AM	24.3	C	35.0	C	26.4	C	**81.1**	**F**	40.8	D
	PM	41.1	D	**70.2**	**E**	**75.6**	**E**	**125.3**	**F**	**83.5**	**F**
29. Skyport Drive & North First Street	AM	24.6	C	52.8	D	41.7	D	**151.2**	**F**	**95.7**	**F**
	PM	25.1	C	32.5	C	39.3	D	**90.0**	**F**	51.1	D

Intersection	Peak Period	Existing		YEAR 2025				YEAR 2045			
				No Build Alternative		Build Alternative		No Build Alternative		Build Alternative	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
30. Technology Place & North Fourth Street	AM	33.8	D	**123.1**	**F**	Intersection does not exist		**210.2**	**F**	Intersection does not exist	
	PM	29.3	D	**41.0**	**E**			**140.6**	**F**		
31. Sonora Avenue & North First Street	AM	16.7	B	16.5	B	16.1	B	**77.8**	**E**	**87.7**	**F**
	PM	13.0	B	15.5	B	15.9	B	50.3	D	17.2	B
32. Archer Street & North Fourth Street	AM	11.2	B	**37.5**	**E**	9.6	A	**226.9**	**F**	**45.3**	**E**
	PM	19.3	C	**50.7**	**F**	16.4	C	**251.6**	**F**	**46.3**	**E**
33. East Gish Road & North First Street	AM	25.9	C	26.8	C	23.7	C	**57.6**	**E**	**57.2**	**E**
	PM	25.1	C	26.4	C	26.2	C	**55.9**	**E**	32.0	C
34. East Gish Road & North Fourth Street	AM	11.1	B	14.8	B	17.2	B	**166.5**	**F**	22.6	C
	PM	12.4	B	14.2	B	20.0	B	16.9	B	28.0	C
35 Rosemary Street & North First Street	AM	33.6	C	30.0	C	31.4	C	38.7	D	45.6	D
	PM	14.5	B	15.1	B	25.0	C	20.5	C	21.3	C
36. East Rosemary Street & North Fourth Street	AM	**37.6**	**E**	23.6	C	**74.0**	**F**	**1030.7**	**F**	**98.2**	**F**
	PM	**62.6**	**F**	**44.6**	**E**	**43.8**	**E**	**203.2**	**F**	**97.9**	**F**
37. Bering Drive & US 101 NB Ramps	AM	Intersection does not exist		Intersection does not exist		19.3	B	Intersection does not exist		22.6	C
	PM					13.0	B			17.9	B
38. Old Bayshore Hwy & Zanker Road	AM	Intersection does not exist		Intersection does not exist		27.7	C	Intersection does not exist		39.5	D
	PM					44.7	D			52.3	D
39. Skyport Drive & Technology Place	AM	Intersection does not exist		Intersection does not exist		8.6	A	Intersection does not exist		10.5	B
	PM					17.1	B			19.2	B
40. Skyport Drive & North Fourth Street	AM	Intersection does not exist		Intersection does not exist		14.9	B	Intersection does not exist		48.7	D
	PM					19.6	B			21.4	C

Intersection locations are shown on Figure 2.8-1.

Bold text denotes LOS E or worse. Shaded cells with bold text denote LOS F.

Source: Traffic Operations Analysis Report for US 101/Zanker Road/Skyport Drive/Fourth Street Improvements Project, May 1, 2020.

2.8.2.6 *Existing Operating Conditions on Roadways in the Project Area*

The following discussion summarizes observed operating conditions on roadways in the Project area. The observations represent existing conditions on a typical weekday AM and PM peak periods, with traffic volumes presented in Table 2.8-3. Conditions due to atypical circumstances (i.e., stalls and accidents, major storms, holidays, etc.) are not described.

Table 2.8-3: Existing Two-Way Traffic Volumes on Local Streets

Roadway Segment	Weekday AM Peak (trips)	Weekday PM Peak (trips)
North First Street		
- South of Charcot Avenue	1,550	1,250
- South of Brokaw Road	1,450	1,950
- South of Skyport Drive	1,400	2,050
- South of Rosemary Street	1,600	2,250
Zanker Road/North Fourth Street		
- South of Charcot Avenue	1,600	2,100
- South of Brokaw Road	1,050	1,600
- South of Bering Drive	1,200	2,050
- South of Skyport Drive	800	1,000
- South of Rosemary Street	1,200	1,300
North Tenth Street		
- South of Old Bayshore Highway	950	950
Bering Drive		
- North of Brokaw Road	350	850
- South of Brokaw Road	250	700
Junction Avenue		
- North of Brokaw Road	1,050	1,100
- South of Brokaw Road	350	650
Brokaw Road		
- West of Technology Drive	1,100	900
- West of North First Street	2,300	2,500
- West of Zanker Road	2,450	2,150
- West of Junction Avenue	3,000	2,750
Skyport Drive		
- West of Technology Drive	1,850	2,150
- West of North First Street	1,000	1,050
- West of North Fourth Street	250	100
Gish Road		
- West of North First Street	300	200
- West of North Fourth Street	350	350
Rosemary Street		
- West of North First Street	350	200
- West of North Fourth Street	250	300

Note: Volumes are rounded to the nearest 50.

Source: Traffic Operations Analysis Report for US 101/Zanker Road/Skyport Drive/Fourth Street Improvements Project, May 1, 2020.

Northbound US 101 traffic from Oakland Road uses Old Bayshore Highway to avoid the congestion on the freeway. Also, southbound I-880 traffic uses Old Bayshore Highway to enter northbound US 101. Therefore, the study intersections along Old Bayshore

Highway experience heavy volumes and long queues; Old Bayshore Highway and US 101 northbound on-/off-ramp intersection is heavily congested during the AM peak hours, especially in the westbound approach to US 101.

In the PM peak, to avoid congestion on southbound US 101, traffic from southbound Zanker Road uses Bayshore Highway. Therefore, heavy traffic is observed along eastbound Old Bayshore Highway in the PM peak.

In the AM and PM peak hours, Brokaw Road and North First Street are backed up due to heavy traffic trying to enter and exit US 101. The study intersections along these two corridors experience heavy queues.

At North First Street/East Brokaw Road during the AM and PM peak hours, long left turn queues were observed at southbound North First Street, due to heavy traffic volumes and interruptions by the VTA Light Rail operations. East Brokaw Road westbound queues from North First Street extend back to the US 101 northbound off-ramp intersection. The North First Street light rail operation also impacts traffic at East Brokaw Road and Technology Place.

At East Brokaw Road/US 101 northbound off-ramp during the AM peak hours, long queues were observed at the northbound off-ramp due to the capacity being constrained by the heavy queue extending from the downstream of North First Street/East Brokaw Road intersection. The westbound approach queue on Brokaw Road backs up to Bering Drive and beyond. With the planned development in the future, it is expected that the queues may worsen.

At North First Street/US 101 southbound on-ramp/Technology Place during the PM peak hours, the heavy southbound left-turn queue along North First Street extends back to the East Brokaw Road intersection due to an inadequate intersection capacity and the light rail operations. Most of the traffic from the existing businesses along North First Street and Brokaw Road utilize North First Street to access southbound US 101.

At Old Bayshore Highway and the northbound/southbound I-880 on-/off-ramps, these two intersections experience heavy queues in all approaches due to congestion on Old Bayshore Highway and I-880 in the AM and PM peak hours.

2.8.2.7 *Future "No Build" Traffic Conditions*

Forecasts for the opening (2025) and design horizon (2045) years were developed using the VTA's countywide travel demand model. The most recent version of the VTA countywide model has a validation base year for 2015. This model is capable of forecasting the interim year 2025 and horizon year 2045, which matches with the Project opening (2025) and design (2045) years.

The benefit of the travel demand model is that it provides projections of future traffic volumes, taking into account traffic from future development planned in the approved general plans of the cities in Santa Clara County. The model also accounts for planned growth in the region, as well as planned improvements to the transportation network.

Although Zanker Road is currently two lanes in each direction in the Project vicinity, the City of San José General Plan assumes the widening of Zanker Road to three lanes in each direction with no geometry improvements to the study intersections along Zanker Road. With additional lanes on Zanker Road, higher volumes entering the study area are projected. As a result, study intersections along Old Bayshore Highway and Brokaw Road will continue to experience heavy queues and delays in the westbound direction during the AM peak hours, and in the eastbound direction during the PM peak hours. Similar to Existing Conditions, the US 101 northbound off ramp at Brokaw Road in the AM peak hour and southbound North First Street intersection at Technology Place in the PM peak hour will experience long queues due to inadequate capacity.

Five intersections in the AM and 10 intersections in the PM are projected to operate at LOS E conditions under 2025 No Build compared to five in the AM and four in the PM under existing conditions. Thirteen intersections in the AM and 10 intersections in the PM are projected to operate at LOS F conditions under 2025 No Build compared to three in the AM and five in the PM under Existing Conditions. Projected traffic volumes for 2025 are presented in Tables 2.8-4.

Table 2.8-4: Projected 2025 Two-Way Traffic Volumes on Local Streets

Roadway Segment	Weekday AM Peak (trips)		Weekday PM Peak (trips)	
	No Build Alt.	Build Alt.	No Build Alt.	Build Alt.
North First Street	1,850	1,800	1,400	1,400
- South of Charcot Avenue	2,000	2,000	2,200	2,100
- South of Brokaw Road	1,650	1,650	2,450	2,300
- South of Skyport Drive	1,900	1,800	2,500	2,350
- South of Rosemary Street				
Zanker Road/North Fourth Street	2,300	3,000	2,950	3,150
- South of Charcot Avenue	1,150	2,450	2,000	2,750
- South of Brokaw Road	1,400	3,050	2,500	3,200
- South of Bering Drive	950	2,000	1,250	2,400
- South of Skyport Drive	1,500	1,900	1,800	2,050
- South of Rosemary Street				
North Tenth Street	1,000	1,050	1,000	1,050
- South of Old Bayshore Highway				

Roadway Segment	Weekday AM Peak (trips)		Weekday PM Peak (trips)	
	No Build Alt.	Build Alt.	No Build Alt.	Build Alt.
Bering Drive	350	600	900	950
- North of Brokaw Road				
- South of Brokaw Road	350	2,150	750	1,650
Junction Avenue	1,100	1,100	1150	1,150
- North of Brokaw Road				
- South of Brokaw Road	350	400	700	650
Brokaw Road	1,200	950	1,050	1,050
- West of Technology Drive	2,700	2,150	2,800	2,650
- West of North First Street	2,900	2,600	2,600	2,550
- West of Zanker Road	3,300	3,350	3,100	3,350
- West of Junction Avenue				
Skyport Drive	2,400	2,750	2,650	2,750
- West of Technology Drive	1,400	2,050	1,550	2,000
- West of North First Street	250	1,400	150	1,300
- West of North Fourth Street				
Gish Road	350	300	200	200
- West of North First Street	400	500	450	550
- West of North Fourth Street				
Rosemary Street	350	350	200	200
- West of North First Street	300	250	400	300
- West of North Fourth Street				

Note: Volumes are rounded to the nearest 50.
Source: Traffic Operations Analysis Report for US 101/Zanker Road/Skyport Drive/Fourth Street Improvements Project, 2020.

More than half of the study intersections will operate at LOS F in 2045. The delays and queues will get worse along North First Street, North Fourth Street, Old Bayshore Highway and Skyport Drive intersections during both AM and PM peak hours.

As shown in Table 2.8-2, six intersections in the AM and six intersections in the PM are projected to operate at LOS E conditions under 2045 No Build, compared to five in the AM and ten in the PM under 2025 No Build. Eighteen intersections in the AM and 20 intersections in the PM are projected to operate at LOS F conditions under 2045 No Build, compared to 13 in the AM and 10 in the PM under 2025 No Build. Projected traffic volumes for 2045 are presented in Table 2.8-5.

Table 2.8-5: Projected 2045 Two-Way Traffic Volumes on Local Streets

Roadway Segment	Weekday AM Peak (trips)		Weekday PM Peak (trips)	
	No Build Alt.	Build Alt.	No Build Alt.	Build Alt.
North First Street	2,300	2,300	1,550	1,500
- South of Charcot Avenue	2,650	2,450	2,650	2,550
- South of Brokaw Road	2,200	2,300	3,100	2,750
- South of Skyport Drive	2,300	2,350	3,300	2,850
- South of Rosemary Street				
Zanker Road/North Fourth Street	3,050	3,850	3,700	3,900
- South of Charcot Avenue	1,500	3,300	2,350	3,250
- South of Brokaw Road	1,800	4,000	2,950	3,800
- South of Bering Drive	1,300	3,150	1,450	3,000
- South of Skyport Drive	1,900	2,350	2,350	2,450
- South of Rosemary Street				
North Tenth Street	1,050	1,100	1,150	1,150
- South of Old Bayshore Highway				
Bering Drive	550	800	1,150	1,150
- North of Brokaw Road	400	2,300	850	1,950
- South of Brokaw Road				
Junction Avenue	1,300	1,450	1,500	1,550
- North of Brokaw Road	450	500	950	800
- South of Brokaw Road				
Brokaw Road	1250	1,300	1,200	1,200
- West of Technology Drive	3,000	2,700	3,150	2,900
- West of North First Street	3,450	3,350	3,350	3,100
- West of Zanker Road	3,600	4,000	3,450	3,850
- West of Junction Avenue				
Skyport Drive	3,200	3,650	3,600	3,700
- West of Technology Drive	2,000	2,850	2,250	2,850
- West of North First Street	250	1800	350	1,650
- West of North Fourth Street				
Gish Road	400	300	400	250
- West of North First Street	550	750	600	750
- West of North Fourth Street				
Rosemary Street	350	350	200	200
- West of North First Street	350	350	500	350
- West of North Fourth Street				

Note: Volumes are rounded to the nearest 50.
Source: Traffic Operations Analysis Report for US 101/Zanker Road/Skyport Drive/Fourth Street Improvements Project, 2020.

2.8.3 Environmental Consequences

2.8.3.1 *Impacts on Freeway Operations*

An analysis of northbound and southbound US 101 mainline traffic operations was conducted for AM peak period (5 AM– 9 AM) and PM peak period (3 PM – 7 PM). All segments are projected to operate at LOS C or better for northbound US 101 in the PM and for southbound US 101 in the AM Peak period conditions under both No Build and Build conditions.

With the inclusion of the proposed double express lanes on US 101 within the Project study area and based on the 2025 opening year analysis, traffic conditions would improve slightly compared to the existing condition. The entire study section would, however, be congested during the last hour for northbound US 101 in the AM peak period and during all hours for southbound US 101 in the PM peak period. During the AM peak period, the speeds improve slightly after the Bering Road off-ramp in Build conditions because the Brokaw Road off-ramp volumes would exit earlier compared to No Build. Conditions are similar for southbound US 101 between Build and No Build in 2025 as there are no freeway mainline improvements as part of this Project.

With the increase in demands in Year 2045, inclusion of the approved US 101 Express Lanes project (throughout the study limits) would not improve the US 101 northbound AM conditions compared to 2025 conditions. The entire study section would be congested during the last two hours for northbound US 101 in the AM peak period. Conditions would remain similar between the No Build and Build for northbound US 101 in the AM peak period.

As a result of the planned improvements, such as the approved US 101 Express Lanes project, under future No Build and Build Alternatives, 2045 conditions would improve for southbound US 101 during the PM peak period compared to 2025 conditions. Conditions would remain similar between the No Build and Build in 2045 as there are no freeway mainline improvements as part of this Project.

2.8.3.2 *Impacts on Local Travel Patterns*

The Project would provide an alternative route for North First Street traffic which currently experiences heavy delays and queues, in part, because of the light rail operations (see Table 2.8-5). The intersection delays and queues within the study area will be improved compared to No Build Conditions, as the existing ramps at Brokaw Road, Old Bayshore Highway and North First Street would be modified with the Project's on-/off-ramp relocations. The Old Bayshore Highway single lane off-ramp would be converted to a two-lane off-ramp at Bering Drive with an optional exit from lane #3, eliminating a weave from US 101 northbound mainline auxiliary to exit lane, which would reduce potential off-ramp backup to mainline northbound US 101. The widened Bering Drive due to the Project would help carry the consolidated Old Bayshore Highway/ Brokaw Road off-ramp volumes with acceptable delays.

The improved access that would result from the Project would, when compared to the No Build Alternative, result in an overall decrease in VMT. Please see Section 3.2.17 of this EIR/EA for a discussion of VMT.

2.8.3.3 *Impacts on Peak Period Operations at the Study Intersections*

With the proposed Project in place, year 2025 operations along Old Bayshore Highway, North Fourth Street, North First Street, and Technology Place would improve, as compared to the No Build Alternative. As shown in Table 2.8-2, about 10 percent more of the study intersections would operate at LOS D or better under 2025 Build conditions compared to No Build.

Similarly, operations along Old Bayshore Highway, North Fourth Street, North First Street, and Technology Place would improve in Build conditions within the Project area in 2045 conditions. As shown in Table 2.8-2 above, the operations under 2045 Build conditions improve considerably in the PM peak hours, as compared to the No Build Alternative.

2.8.3.4 *Impacts to Transit Facilities*

The Project would redirect southbound left turning demand at North First Street/Technology place in the PM peak period to use the proposed overcrossing, which would reduce delays on the VTA light rail corridor on North First Street. The Project will be designed to accommodate existing transit facilities and any associated planned improvements.

2.8.3.5 *Impacts to Bicycle and Pedestrian Facilities*

New bicycle and pedestrian facilities would be constructed as part of the Project, which would facilitate safe travel by those modes in the area. The new facilities would include the following:

- Class IV bikeways and sidewalks would be provided along the new Zanker Road/North Fourth Street connection between Archer Street and Bering Drive except along the east side between Regatta Lane and Old Bayshore Highway where a Class I bikeway would be provided.
- Class IV bikeways and sidewalks would be provided along Skyport Drive between North First Street and North Fourth Street.
- Class IV bikeways and sidewalks would be provided along Old Bayshore Highway between Zanker Road and Terminal Avenue.
- A Class I bikeway and sidewalk would be provided along the south side of Technology Place between North First Street and Skyport Drive.
- A Class I bikeway would be provided along the west side of North Fourth Street between the Skyport Drive/Technology Place/southbound US 101 on-ramp intersection and the Skyport Drive/North Fourth Street intersection.

- A buffered Class II bikeway would be provided along eastbound Brokaw Road between Bering Drive and Zanker Road and a reconstructed sidewalk would be provided along a segment of eastbound Brokaw Road near Bering Drive to connect to the sidewalk on northbound Bering Drive.
- Sidewalks would be provided on both sides of Bering Drive.

2.8.3.6 *Short-Term Transportation Impacts During Construction*

Construction of the Project would include temporary lane closures and narrowing of lanes. Narrowed lanes on the freeways throughout the construction zone will also be likely.

Prior to construction, as is standard practice on all large infrastructure improvement projects, a TMP will be prepared. The TMP will address all traffic-related aspects of construction including, but not limited to, the following: traffic handling in each stage of construction, pedestrian safety/access, and bicycle safety/access. A component of the TMP will involve public dissemination of construction-related information through notices to the neighborhoods, press releases, and the use of changeable message signs. The TMP will also include advance coordination with the San José Fire Department, as well as with other emergency responders (e.g., police, ambulance, etc.), especially with regard to any temporary lane closures or detours.

2.8.4 **Avoidance, Minimization, and/or Mitigation Measures**

No avoidance, minimization, or mitigation measures are required.

2.9 VISUAL/AESTHETICS

2.9.1 Regulatory Setting

NEPA, as amended, establishes that the federal government use all practicable means to ensure all Americans safe, healthful, productive, and aesthetically (emphasis added) and culturally pleasing surroundings (42 USC 4331[b][2]). To further emphasize this point, FHWA, in its implementation of NEPA (23 USC 109[h]), directs that final decisions on projects are to be made in the best overall public interest taking into account adverse environmental impacts, including among others, the destruction or disruption of aesthetic values.

CEQA establishes that it is the policy of the state to take all action necessary to provide the people of the state "with…enjoyment of aesthetic, natural, scenic and historic environmental qualities" (CA Public Resources Code [PRC] Section 21001[b]).

California Streets and Highways Code Section 92.3 directs Caltrans to use drought resistant landscaping and recycled water when feasible, and incorporate native wildflowers and native and climate-appropriate vegetation into the planting design when appropriate.

2.9.2 Affected Environment

The information in this section is based primarily on a technical Minor Visual Impact Assessment (August 2022), which is incorporated into this EIR/EA by reference. This report is available for review at the locations listed inside the front cover of this document.

2.9.2.1 *Existing Visual Character*

The Project corridor is characterized by heavily trafficked, multi-lane freeways, and surrounding commercial and industrial development. Visual character of the freeways is wide due to the multiple lanes, and heavy traffic. For the most part, commercial and industrial buildings adjacent to the freeway are at the same level as, and directly visible from, the freeway. The northbound US 101 shoulder is almost continuously vegetated with trees, on or close to the freeway. Vegetation on the US 101 southbound shoulder is sparser.

Streets within the Project area north of US 101 range from one to three lanes in each direction (see Figure 2.9-1). These streets are characterized by continuous commercial development including single and multi-story industrial and business parks. Repetitive boxy forms of the commercial structures line the streets. They are set back by small parking lots and strips of landscaping. Landscaping is an important characteristic of the

North of US 101: view down Bering Drive from Zanker Road.

North of US 101: typical development along project corridor.

South of US 101: Bay 101 Casino parking lot.

South of US 101: view of lot that will become extension of Skyport Drive.

South of US 101: Apartment building on Fourth and Archer.

South of US 101: typical development along project corridor.

Source: Caltrans, July 2022.

EXISTING VISUAL CHARACTER OF THE PROJECT AREA | FIGURE 2.9-1

views of the Project area north of US 101. Rows of trees and other landscaping lining the streets are visually dominant and block views of buildings. The vegetation offers color, texture, and organic forms that contrast with the gray color of the roads and soften the transition from the roads to the commercial and industrial buildings.

The landscape south of US 101 has a more mixed visual character and contains a variety of building forms and densities (see Figure 6-1). Parts of North Fourth Street have boxy warehouses and extensive pavement that impart an industrial character and a grey palette. Some properties do not have sidewalks, so the asphalt of the property merges with that of the street. Other parts of the Project area south of US 101 have a more mixed-use, urban character with closely spaced commercial and residential structures of varying heights on streets lined with landscaping. The Bay 101 Casino (located at 1788 North First Street) is a hybrid of the two; the cardroom is a new-looking building with a red-tiled, multi-tiered roof surrounded by an extensive parking lot.

2.9.2.2 *Existing Visual Quality*

Visual quality in the Project area ranges from moderate to moderately low depending on the specific location. Freeway views are typical of similar stretches of freeway throughout the City of San José and the South Bay region and are not memorable. Where visible, views of the Diablo Range to the east and the Santa Cruz Mountains to the west form vivid elements. Vegetation along the freeway also provides a scenic amenity.

The Project area north of US 101 has at least a moderate level of visual quality because of extensive street plantings of mature trees and the absence of heavy industrial properties and other encroaching features. Areas south of US 101 vary block by block. Portions of the Project area without trees lining the streets and with large parking lots or industrial properties have lower levels of visual quality. The visual quality of the existing setting is moderate to moderately low overall.

2.9.3 Environmental Consequences

2.9.3.1 *Overview of Visual Impacts*

The Project would be compatible with the existing visual character and visual quality of the Project area. From most vantage points in the Project area and vicinity, Project-related changes would be noticeable but would be consistent with the character of the existing large US 101 freeway and primarily commercial and industrial land uses along surface streets. The Project expands the footprint of US 101 into surrounding areas with a new overcrossing, elevated roadways, and reconfigured on- and off-ramps. Zanker Road to the north and North Fourth Street to the south would both be expanded and ascend to cross the freeway and merge together. A large industrial property on North Fourth Street would be converted into a new loop on-ramp to US 101. The new ramps and overcrossing structure would block foreground views outside the freeway corridor from US 101. It is estimated that over 250 trees within the Project footprint would be removed or heavily

pruned by the Project.[19] As further discussed below, tree removal would be mitigated with tree replacement at established ratios. Primary areas of tree removal include:

- US 101 northbound – a 0.25 mile stretch around the new overcrossing.
- North of US 101 – on the west side of Zanker Road, along Bering Drive, and in the median of Brokaw Road between Bering Drive and Zanker Road.
- South of US 101 – on the new Skyport Drive extension between North First Street and North Fourth Street, on North Fourth Street, and on the east side of the Bay 101 Casino parking lot (small trees).

Removal of mature trees would cause resource change, particularly in areas where there would not be room for tree planting. Even areas that would be replanted would experience adverse short- to moderate-term changes to the visual character as new landscaping becomes established. Overall, resource change would be moderate to moderate-low.

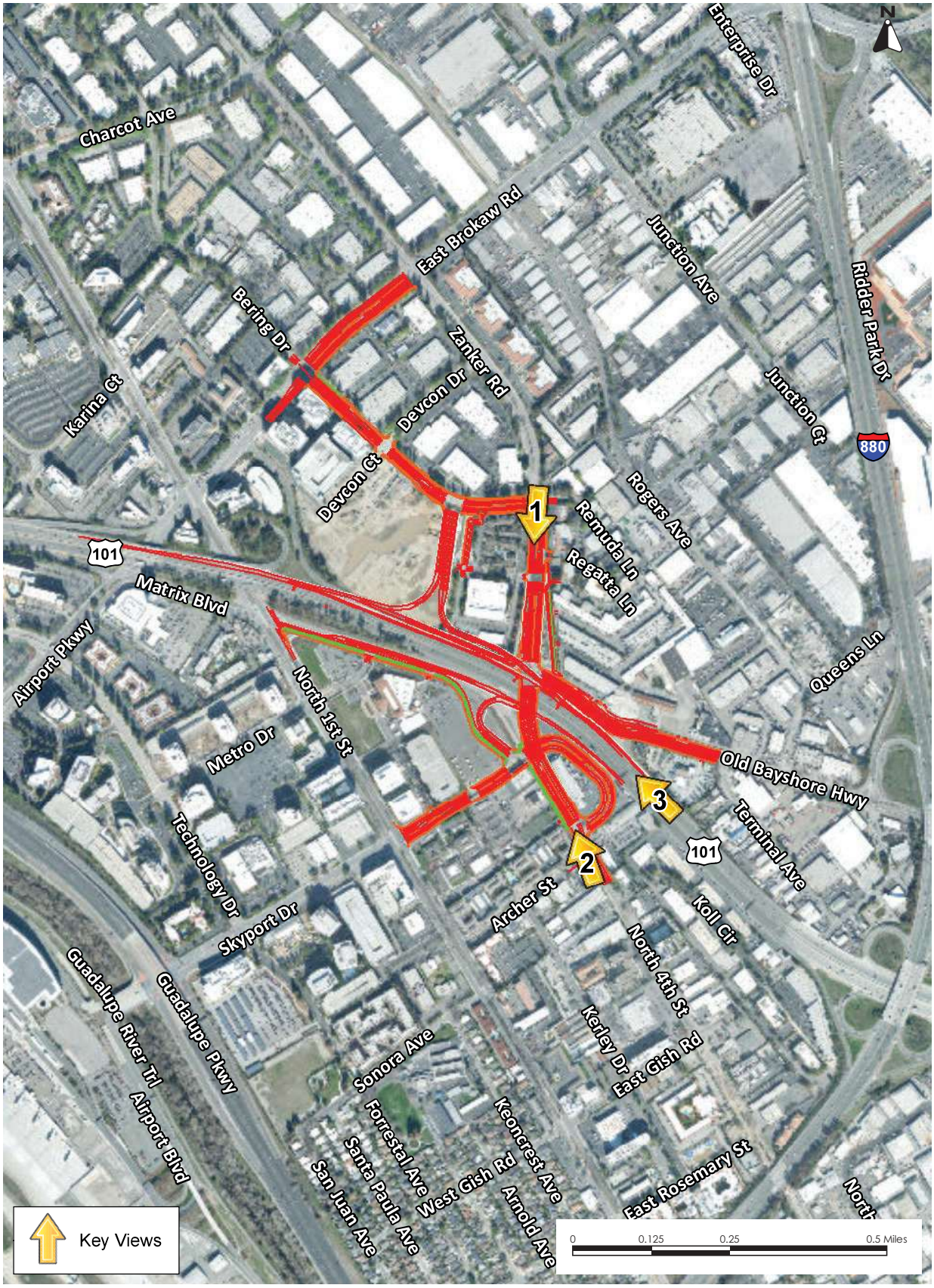
2.9.3.2 *Visual Impacts from Key Views*

Because it is not feasible to analyze all the views in which the Project would be seen, it is necessary to select a number of key views that would most clearly demonstrate the change in the Project's visual resources. Key views also represent the viewer groups that have the highest potential to be affected by the Project, considering exposure and sensitivity. The following section describes and illustrates visual impacts by comparing existing conditions to conditions anticipated with the Project in place at three locations. The locations of the three key views are shown on Figure 2.9-2.

Key View #1: Looking South down Zanker Road from the Intersection with Bering Drive

Figure 2.9-3 presents the existing and post-Project view from Key View #1, taken from Zanker Road looking south from the intersection with Bering Drive. As seen in Figure 2.9-3, Zanker Road has two lanes in each direction and a median that is narrow in the foreground but expands outward as Zanker Road narrows to one lane on either side approaching US 101. The street is lined with lawns, shrubs, and large trees, which provide a scenic amenity and largely screen businesses and parking lots from view. The median is not currently landscaped because it is being used as a temporary storage site for another project. The storage pile largely blocks the view of US 101 and the buildings and trees beyond it. The Santa Cruz Mountains are visible across the horizon line in the distance.

[19] This is an estimate based on preliminary design and will be refined during final design. For a listing of existing trees in the Project area, please see the tree inventory in the Natural Environmental Study.



Source: Caltrans, July 2022.

LOCATIONS OF KEY VIEWS | FIGURE 2.9-2

EXISTING CONDITION

SIMULATED CONDITION

Source: Caltrans, July 2022.

EXISTING AND SIMULATED CONDITIONS FROM KEY VIEW #1 | FIGURE 2.9-3

EXISTING CONDITION

VARIATION 1: NO SOUNDWALL

VARIATION 2: WITH SOUNDWALL

Source: Caltrans, July 2022.

EXISTING AND SIMULATED CONDITIONS FROM KEY VIEW #2 | FIGURE 2.9-4

The former southbound Zanker roadway (right side) has been reconfigured and landscaping would be removed and replaced by the Project. More than half of the existing mature trees would be removed on the right side of Zanker Road south of Bering Drive (including the stretch of Zanker Road visible from this vantage point). Though several mature trees along this stretch would remain, the loss of trees would be obvious to the viewer, especially in views further to the right (west).

The simulated view from Key View #1 is dominated by the widened and elevated Zanker roadway. The character of Zanker Road is changed from that of a minor arterial/connector road to that of a major arterial. This change would be compatible with the commercial character of the area. The new roadway slope blocks the view of the mid and lower parts of the Santa Cruz Mountains from Key View #1. However, motorists, bicyclists, and pedestrians would have a better view of the mountains than was previously available while on the new overcrossing. Together, the loss of mature trees, the expansion of hardscape, and partial blocking of the Santa Cruz Mountains would create a moderate adverse resource change from this vantage point. Under MM-VIS-1.1 described below, new trees would be planted along Zanker Road to replace trees that were removed.

To summarize, Project features would create a moderate level of long-term resource change from this vantage point with implementation of MM-VIS-1.1. Combined with a moderate viewer response,[20] the Project would create a moderate level of visual impact from Key View #1.

Key View #2: Looking North Along North Fourth Street from the Intersection with Archer Street

Figure 2.9-4 presents the existing and post-Project view from Key View #2, which was taken from North Fourth Street looking north from the intersection with Archer Street. This view captures North Fourth Street and its intersection with Archer Street. North Fourth Street has two lanes in each direction. The Waterford Place Apartment complex is on the left (west) side, and large industrial warehouses and an airport parking lot are on the right (east) side. No sidewalk exists in front of the warehouses, so the asphalt of the industrial property merges with the street. Street trees line the left (west) side of the street in front of the apartment complex but are not present on the right (east) side of the street. To the right (east) side, the Diablo Range is visible in the distance.

Two post-Project scenarios are described below because a final decision on whether to construct a soundwall adjacent to the Waterford Place Apartment complex has not been made. Variation 1 assumes no soundwall and Variation 2 assumes the soundwall would be constructed. [Note: For a discussion of noise impacts and the feasibility of the soundwall, please see Section 2.17, *Noise*.]

[20] The population affected by the Project is composed of viewers. There are two major types of viewer groups for highway projects: project neighbors and project users. Each viewer group has its own level of viewer exposure and viewer sensitivity, resulting in distinct and predictable visual concerns for each group that help to predict their responses to visual changes.

Key View #2 – Variation 1

In the simulated view from Key View #2 – Variation 1, post-Project conditions are shown with no soundwall. The large warehouses have been removed to accommodate Project features. North Fourth Street now rises to form a new crossing over US 101 and connects with Zanker Road. North Fourth Street now has two to three lanes of traffic in each direction as well as turning lanes. Bicycle lanes and sidewalks are now on both sides of North Fourth Street, and north of the Skyport Drive connection, separated from the roadway by a hedgerow. US 101, the new overcrossing, and the newly elevated Old Bayshore Highway are all visible from this point. Skyport Drive now connects to North Fourth Street through the new intersection on the right side of the view. Mature trees and other landscaping in front of the apartment complex have been removed. A new row of trees has been planted and the simulation assumes at least 10 years of growth. Trees across the industrial property have also been removed. Views of Diablo Range, seen in the distance on the right side of the view, would not be affected by the Project.

The new overcrossing dominates the view in Key View #2–- Variation 1. The character has changed from a mainly industrial view to one dominated by roadway/freeway infrastructure. In general, this change would be compatible with the industrial and mixed-use character of the area. From the apartment complex, the newly elevated North Fourth Street would be visible from lower windows partially due to the removal of mature trees. This elevated roadway would be visible at close range from lower windows and would cut down on light to lower units. Though utility lines would be removed from the street, a new streetlight would be installed in front of the apartment complex. The loss of mature trees, the addition of an elevated roadway at close range, and the new streetlight create adverse visual changes from the apartment complex. Under MM VIS-1.1, new trees would be planted in front of the apartment complex that would be visible from this view and would at least partially block the elevated roadway and other transportation infrastructure. Long-term resource change would be moderate.

To summarize, with implementation of MM-VIS-1.1, the Project would result in a long-term moderate level of resource change from this vantage point. Combined with a moderate viewer response, the Project would result in an overall moderate level of visual impact from Key View #2–- Variation 1.

Key View #2 – Variation 2

In the simulated Key View #2 – Variation 2, post-Project conditions are shown with a soundwall around the Waterford Place Apartment complex. Because the soundwall is located behind the landscaping and apartment sign, it does not stand out in the view from Key View #2 – Variation 2. From the outside, resource change would be the same as described for Key View #2–- Variation 1. From within the apartment complex, the addition of the soundwall would further cut down on the light received by the lower units and potentially reduce the visibility of trees from these units. However, it would also block close range views of the elevated roadway from these units. Overall, the Project would

create at least a moderate level of resource change from Key View #2 – Variation 2. Under MM-VIS-1.1, new trees would be planted in front of the apartment complex and the long-term resource change would be moderate. In addition, under MM-VIS-1.2, the soundwall would receive architectural treatments to make the new hardscape more visually appealing.

To summarize, the Project with the proposed soundwall would result in a moderate level of resource change from this vantage point in the long term with implementation of MM VIS-1.1 and MM VIS-1.2. Combined with a moderate viewer response, the Project would result in a moderate level of visual impact from Key View #2—- Variation 2.

Key View #3: On US 101 Northbound

Figure 2.9-5 presents the existing and post-Project view from Key View #3 on northbound US 101. The view is typical of freeways in the region and is a heavily used, multi-lane roadway. Ramps to the Old Bayshore Highway are visible on the right. The freeway is at grade, and a mix of urban land uses are visible adjacent to the freeway including the commercial and industrial buildings. Trees on the shoulders partially screen views of this urban development.

In the simulated view from Key View #3, the Zanker Road/North Fourth Street overcrossing structure has been constructed. On the right side, the new Old Bayshore Highway roadway rises up to connect with the overcrossing structure. On the left side is the new North Fourth Street roadway connecting to the overcrossing. Trees along the freeway have been removed except for those visible in the distance on the left side of the simulation.

The overcrossing structure and elevated roadways add a substantial amount of hardscape to the view from Key View #3. Hardscape now wraps around this section of US 101, blocking lower-level views of the urban setting outside the corridor. However, the height of the new infrastructure does not exceed that of the buildings in the surroundings and does not substantially block views of the sky from this vantage point. Fewer trees are visible because of tree removal and because the new roadway structures block views outside the freeway corridor.

This change makes this stretch of freeway appear to be more urban. This character is consistent with that of the surrounding urban environment and the proximity of complex interchanges on this stretch of freeway, including the US 101/I-880 interchange 0.4 mile to the south, and the US 101/SR-87 interchange 1.2 miles to the north. The long-term adverse resource change would be moderate. Under MM-VIS-1.2, the new overcrossing structure, abutments, and retaining walls would receive architectural treatments to make the new hardscape more visually appealing.

EXISTING CONDITION

SIMULATED CONDITION

Source: Caltrans, July 2022.

EXISTING AND SIMULATED CONDITIONS FROM KEY VIEW #3 | FIGURE 2.9-5

To summarize, the Project would create a moderate level of resource change with the implementation of MM-VIS-1.2. Combined with a moderately low viewer response, the Project would create a moderate level of visual impact from Key View #3.

2.9.3.3 *Light and Glare Impacts*

Under certain conditions, sunlight reflecting off new, unstained concrete surfaces can create glare at some sun angles. With implementation of MM VIS-1.2, concrete surfaces on the new US 101 overcrossing and ramps would receive treatment such as texturing and/or staining that would reduce the potential for glare. In addition, under MM VIS-1.3, all temporary lighting used during construction and permanent operational lighting installed by the Project would be designed and operated to limit light pollution.

2.9.4 Avoidance, Minimization, and/or Mitigation Measures

The following measures are included in the Project for the purpose of avoiding, minimizing, and mitigating the visual effects of the Project.

MM-VIS-1.1: To the maximum extent practicable, damage to or removal of trees will be avoided by the Project. If trees need to be removed or are damaged as a result of the Project, they will be replaced within the project corridor, to the extent feasible. To offset the loss of mature trees in front of the Waterford Place Apartments, new trees will be planted along the east side of the apartment complex in coordination with the property owner. All replacement planting will be irrigated and maintained for a period of not less than 3 years after planting. Planting within State right-of-way would complement the aesthetics of the highway corridor, provide erosion control, and help maintain Classified Landscaped Freeway status

MM-VIS-1.2: The Project will incorporate treatments to improve aesthetics and reduce the opportunity for graffiti including texture, landscaping, and/or color on Project features. Architectural treatments (e.g., color, surface texture, and other treatments) will be consistent with the character of the freeway corridor in the project vicinity.

MM-VIS-1.3: If nighttime work is necessary, lighting will be limited to the work area by using directional lighting and shielding of light fixtures. Permanent lighting installed by the Project will be designed to limit light pollution and have minimum impact on the surrounding environment. All light fixtures will be configured with the minimum necessary number of bulbs and the optimal mounting height, mast-arm length, and angle to restrict light to the roadways. Where applicable, shields on the fixtures will be considered during the detailed design phase to prevent light trespass to adjacent properties.

2.10 CULTURAL RESOURCES

2.10.1 Regulatory Setting

The term "cultural resources," as used in this document, refers to the "built environment" (e.g., structures, bridges, railroads, water conveyance systems, etc.), places of traditional or cultural importance, and archaeological sites (both prehistoric and historic), regardless of significance. Under federal and state laws, cultural resources that meet certain criteria of significance are referred to by various terms including "historic properties," "historic sites," "historical resources," and "tribal cultural resources." Laws and regulations dealing with cultural resources include:

The National Historic Preservation Act (NHPA) of 1966, as amended, sets forth national policy and procedures for historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties and to allow the Advisory Council on Historic Preservation (ACHP) the opportunity to comment on those undertakings, following regulations issued by the ACHP (36 CFR 800). On January 1, 2014, the First Amended Section 106 Programmatic Agreement (PA) among the FHWA, the ACHP, the California State Historic Preservation Officer (SHPO), and Caltrans went into effect for Caltrans projects, both state and local, with FHWA involvement. The PA implements the ACHP's regulations, 36 CFR 800, streamlining the Section 106 process and delegating certain responsibilities to Caltrans. The FHWA's responsibilities under the PA have been assigned to Caltrans as part of the Surface Transportation Project Delivery Program (23 USC 327).

CEQA requires the consideration of cultural resources that are historical resources and tribal cultural resources, as well as "unique" archaeological resources. California Public Resources Code (PRC) Section 5024.1 established the California Register of Historical Resources (CRHR) and outlined the necessary criteria for a cultural resource to be considered eligible for listing in the CRHR and, therefore, a historical resource. Historical resources are defined in PRC Section 5020.1(j). In 2014, Assembly Bill 52 (AB 52) added the term "tribal cultural resources" to CEQA, and AB 52 is commonly referenced instead of CEQA when discussing the process to identify tribal cultural resources (as well as identifying measures to avoid, preserve, or mitigate effects to them). Defined in PRC Section 21074(a), a tribal cultural resource is a CRHR or local register eligible site, feature, place, cultural landscape, or object which has a cultural value to a California Native American tribe. Tribal cultural resources must also meet the definition of a historical resource. Unique archaeological resources are referenced in PRC Section 21083.2.

PRC Section 5024 requires state agencies to identify and protect state-owned historical resources that meet the NRHP listing criteria. It further requires Caltrans to inventory state-owned structures in its rights-of-way. Sections 5024(f) and 5024.5 require state

agencies to provide notice to and consult with the State Historic Preservation Officer (SHPO) before altering, transferring, relocating, or demolishing state-owned historical resources that are listed on or are eligible for inclusion in the NRHP or are registered or eligible for registration as California Historical Landmarks. Procedures for compliance with PRC Section 5024 are outlined in a MOU between Caltrans and SHPO, effective January 1, 2015. For most Federal-aid projects on the State Highway System, compliance with the Section 106 PA will satisfy the requirements of PRC Section 5024.

2.10.2 Affected Environment

The information in this section is based primarily on a technical Historic Property Survey Report (HPSR, November 2021) that was prepared for the Project. This study contains confidential information regarding the location(s) of cultural resources; therefore, is not available for public review.[21]

A prehistoric and historic archaeological site record and literature search by the Northwest Information Center (NWIC) at Sonoma State University was undertaken to determine if known resources are present within the Project's area of potential effects (APE). The APE is defined as the area which may be impacted, either directly or indirectly, by implementation of the Project. The NWIC determined that there are no recorded archaeological sites within or adjacent to the APE. Furthermore, the APE was determined to have a low-to-lowest potential to have archaeological resources due to its distance to the nearest water source and other archaeological factors. A search of the Native American Heritage Commission's (NAHC) sacred lands file was also conducted, with negative results.

None of the structures or buildings that are located within the APE are historically significant or eligible to be historically significant, and were exempt from further evaluation per the Section 106 PA.

As required by the Section 106 PA and AB 52, Native American consultation was initiated on September 6, 2019, as part of the Project. VTA received comments from two tribal representatives indicating interest in the Project. One tribe requested a copy of the approved HPSR, which has been provided, and the other tribe requested to be notified in the event cultural materials are discovered during construction. No other issues or concerns were identified during the consultation process.

2.10.3 Environmental Consequences

Based upon the research and technical studies, there is no indication of prehistoric or historic archaeological resources within the Project's APE.

[21] Under Federal and State laws, the archaeological reports are not public documents as they contain confidential information regarding the location(s) of cultural resources.

Therefore, construction of the proposed Project is not expected to result in effects on cultural resources.

2.10.4 Avoidance, Minimization, and/or Mitigation Measures

If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.

If human remains are discovered, California Health and Safety Code (H&SC) Section 7050.5 states that further disturbances and activities shall stop in any area or nearby area suspected to overlie remains, and the County Coroner contacted. If the remains are thought by the coroner to be Native American, the coroner will notify the Native American Heritage Commission (NAHC), who, pursuant to Public Resources Code (PRC) Section 5097.98, will then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains will contact Caltrans District 4 Office of Cultural Resources Studies so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.

PHYSICAL ENVIRONMENT

2.11 HYDROLOGY AND FLOODPLAIN

2.11.1 Regulatory Setting

Executive Order (EO) 11988 (Floodplain Management) directs all federal agencies to refrain from conducting, supporting, or allowing actions in floodplains unless it is the only practicable alternative. The FHWA requirements for compliance are outlined in 23 CFR 650 Subpart A.

To comply, the following must be analyzed:

- The practicability of alternatives to any longitudinal encroachments.
- Risks of the action.
- Impacts on natural and beneficial floodplain values.
- Support of incompatible floodplain development.
- Measures to minimize floodplain impacts and to preserve/restore any beneficial floodplain values affected by the project.

The base floodplain is defined as "the area subject to flooding by the flood or tide having a 1% chance of being exceeded in any given year." An encroachment is defined as "an action within the limits of the base floodplain."

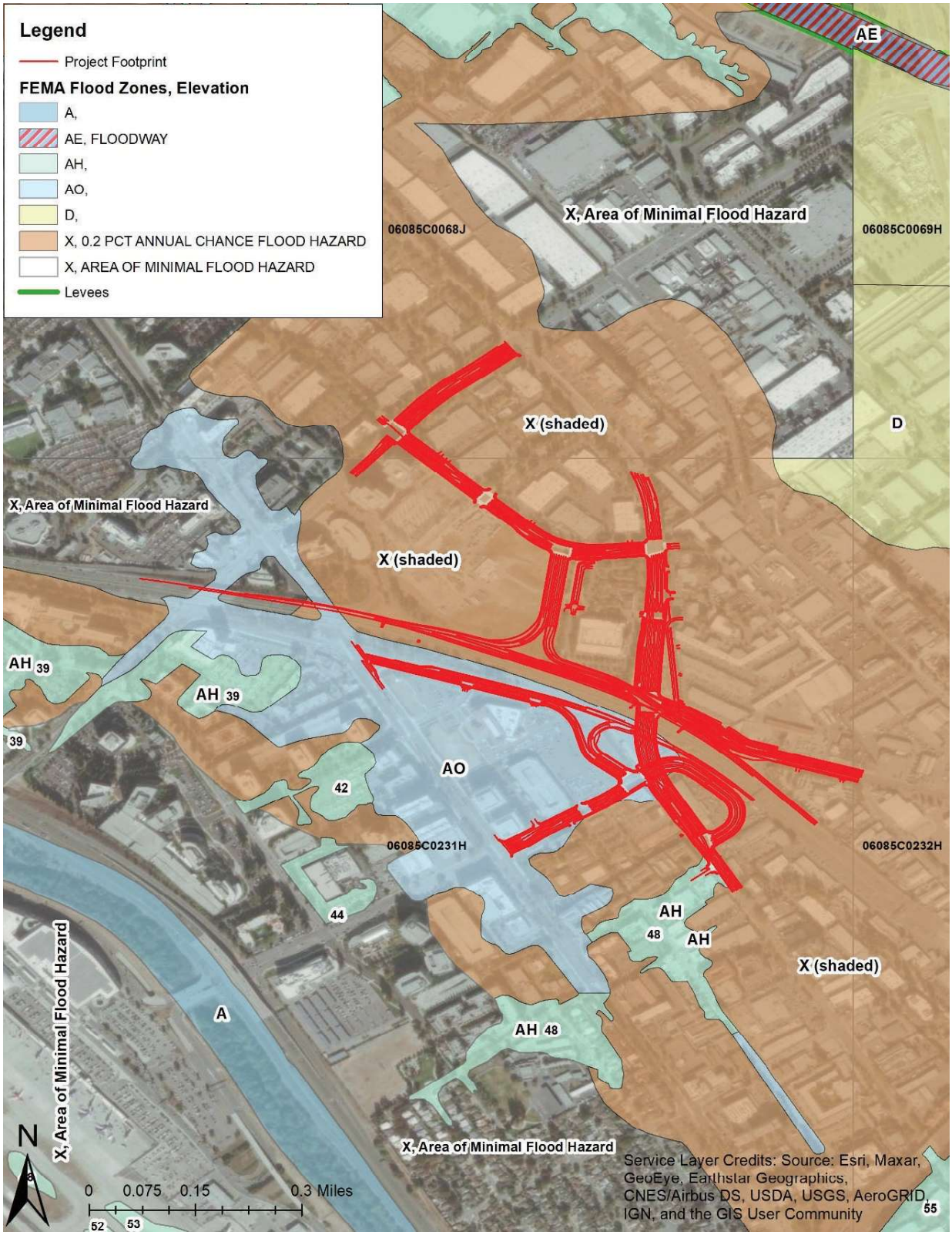
2.11.2 Affected Environment

The information in this section is based primarily on a Location Hydraulic Study/Floodplain Evaluation Report (September 2022), which incorporated into this EIR/EA by reference. This report is available for review at the locations listed inside the front cover of this document.

The Project site is depicted on the following floodplain maps prepared by the Federal Emergency Management Agency (FEMA): Flood Insurance Rate Map panels 06085C0068J, 06085C0231H and 06085C0232H, as shown on Figure 2.11-1.

The majority of the Project limits is located within non-Special Flood Hazard Area (SFHA) shaded Zone X (orange shaded area), which represent area of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods. The shaded Zone X within the Project limits is defined as having 0.2% annual chance flood hazard.

At the north end near US 101 at approximately PM 39.3 and 39.4 the Project lies in the non-SFHA unshaded Zone X (unshaded area), which represents areas that have a minimal flood hazard. Unshaded Zone X are areas that have a minimal flood hazard, which is above the 500-year flood level.



Source: WRECO, June 2022.

SPECIAL FLOOD HAZARD AREA ZONE MAP | FIGURE 2.11-1

The Project site is also located within SFHA Zone AO (light blue shaded area), which represents river or stream flood hazard areas as well as areas with a 1% or greater chance of shallow flooding each year (100-year floodplain) with an average depth ranging from 1 to 3 feet. Within the Project limits near North First Street and Matrix Boulevard, Zone AO has a depth of 1 foot.

Within the Project location that lies near North Fourth Street and Skyport Drive, the Project is within SFHA Zone AH (green shaded area), which represent areas with a 1% annual chance of shallow flooding (100-year floodplain) that have an average depth ranging from 1 to 3 feet. Zone AH within the Project limits in the intersection between North Fourth Street and Archer Street shows base flood elevations (BFE) of approximately 48 feet.

Southwest of the Project location, the Guadalupe River is located in SFHA Zone A (dark blue shaded area) with a 1% annual chance of flooding and no BFE are available within these zones.

North of the Project location, Coyote Creek is defined as a regulatory floodway Zone AE (diagonally striped area).

The SFHA Zone AO and Zone AH that overlap within the proposed Project footprint are not connected to the Guadalupe River and Coyote Creek floodplain.

According to maps from the Department of Water Resources, Division of Safety of Dams, the inundation zone in the event of a catastrophic failure of the Leniham Dam at Lexington Reservoir in Los Gatos and/or the Anderson Dam at Anderson Reservoir in Morgan Hill covers large portions of Los Gatos, Monte Sereno, Campbell, Santa Clara, Milpitas, and San José including the Project area. Floodwaters from the failure of Lenihan Dam would flow north toward San Francisco Bay, arriving at the Project area approximately two hours after the dam failure with a depth of approximately five feet. Floodwaters from the failure of Anderson Dam would flow north toward San Francisco Bay, arriving at the Project area approximately seven hours after the dam failure with a depth of approximately two feet.[22] The dams are inspected on a regular basis and the chances of a catastrophic failure are low. Anerson Dam is in the process of being rebuilt by Valley Water. The fact that the region could be affected by an unexpected failure of an upstream dam would not affect the design of the proposed Project.

2.11.3 Environmental Consequences

The FHWA defines a significant floodplain encroachment as a highway encroachment, and any direct support of likely base floodplain development, that would involve one or more of the following construction or flood-related impacts: 1) significant potential for

[22] Source: California Department of Water Resources, Division of Dam Safety, https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2, accessed June 5, 2024.

interruption or termination of a transportation facility that is needed for emergency vehicles or provides a community's only evacuation route, 2) a significant risk with change in land use, fill inside the floodplain, or change in water surface elevation, or 3) a significant adverse impact on the natural and beneficial floodplain values. Natural and beneficial floodplain values include, but are not limited to: fish, wildlife, plants, open space, natural beauty, scientific study, outdoor recreation, agriculture, aquaculture, forestry, natural moderation of floods, water quality maintenance, and groundwater recharge.

As described above, a portion of the Project footprint is located within the 100-Year Floodplain, delineated by Zones AH and AO. These areas are subject to shallow flooding, however, the flooding conditions would be minimal to shallow. Construction of the Project would require the placement of approximately 38,000 cubic feet of fill within Zone AO, which would equate to a loss of approximately 0.87 acre-feet of storage capacity for flood waters. This placement of fill would be offset by implementation of MM-HF-1.1, consisting of removing an equal volume of fill in the floodplain from the open areas along Technology Place and North Fourth Street. Thus, the net effect would be no increases in the depth of flooding. Further, the Project would be designed to avoid the blockage of flood flows within its footprint. For example, holes could potentially be placed at the bottom of barriers within areas subject to flooding to not block the flow of floodwaters.

Potential short-term adverse effects to the natural and beneficial floodplain values during the construction of the Project and its avoidance and minimization measures are described in Section 2.12, *Water Quality and Stormwater Runoff*.

For these reasons, the Project is not considered a significant encroachment as it does not involve significant potential for interruption or termination of a transportation facility that is needed for emergency vehicles or provides a community's only evacuation route, a significant risk, or cause a significant adverse impact to the natural and beneficial floodplain values.

2.11.4 Avoidance, Minimization, and/or Mitigation Measures

The following measures are included in the Project for the purpose of avoiding, minimizing, and mitigating the hydrology effects of the Project.

MM-HF-1.1: Proposed fill and cut within the 100-Year Floodplain will be balanced such that adverse effects associated with changes in flooding depths will be avoided.

MM-HF-1.2: In order to avoid increased flooding elsewhere, the Project shall be designed to minimize any obstruction to the flow of floodwaters.

PHYSICAL ENVIRONMENT

2.12 WATER QUALITY AND STORMWATER RUNOFF

2.12.1 Regulatory Setting

2.12.1.1 *Federal Requirements: Clean Water Act*

In 1972, Congress amended the Federal Water Pollution Control Act, making the addition of pollutants to the waters of the United States (US) from any point source unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. This act and its amendments are known today as the Clean Water Act (CWA). Congress has amended the act several times. In the 1987 amendments, Congress directed dischargers of stormwater from municipal and industrial/construction point sources to comply with the NPDES permit scheme. The following are important CWA sections:

- Sections 303 and 304 require states to issue water quality standards, criteria, and guidelines.
- Section 401 requires an applicant for a federal license or permit to conduct any activity that may result in a discharge to waters of the U.S. to obtain certification from the state that the discharge will comply with other provisions of the act. This is most frequently required in tandem with a Section 404 permit request (see below).
- Section 402 establishes the NPDES, a permitting system for the discharges (except for dredge or fill material) of any pollutant into waters of the U.S. Regional Water Quality Control Boards (RWQCBs) administer this permitting program in California. Section 402(p) requires permits for discharges of stormwater from industrial/construction and municipal separate storm sewer systems (MS4s).
- Section 404 establishes a permit program for the discharge of dredge or fill material into waters of the U.S. This permit program is administered by the U.S. Army Corps of Engineers (USACE).

The goal of the CWA is "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters."

The USACE issues two types of 404 permits: General and Individual. There are two types of General permits: Regional and Nationwide. Regional permits are issued for a general category of activities when they are similar in nature and cause minimal environmental effect. Nationwide permits are issued to allow a variety of minor project activities with no more than minimal effects.

Ordinarily, projects that do not meet the criteria for a Regional or Nationwide Permit may be permitted under one of the USACE's Individual permits. There are two types of

Individual permits: Standard permits and Letters of Permission. For Individual permits, the USACE decision to approve is based on compliance with U.S. Environmental Protection Agency's (US EPA) Section 404 (b)(1) Guidelines (40 CFR Part 230), and whether the permit approval is in the public interest. The Section 404(b)(1) Guidelines (Guidelines) were developed by the US EPA in conjunction with the USACE, and allow the discharge of dredged or fill material into the aquatic system (waters of the U.S.) only if there is no practicable alternative which would have less adverse effects. The Guidelines state that the USACE may not issue a permit if there is a least environmentally damaging practicable alternative (LEDPA) to the proposed discharge that would have lesser effects on waters of the U.S. and not have any other significant adverse environmental consequences. According to the Guidelines, documentation is needed that a sequence of avoidance, minimization, and compensation measures has been followed, in that order. The Guidelines also restrict permitting activities that violate water quality or toxic effluent standards, jeopardize the continued existence of listed species, violate marine sanctuary protections, or cause "significant degradation" to waters of the U.S. In addition, every permit from the USACE, even if not subject to the Section 404(b)(1) Guidelines, must meet general requirements. See 33 CFR 320.4.

2.12.1.2 *State Requirements: Porter-Cologne Water Quality Control Act*

California's Porter-Cologne Act, enacted in 1969, provides the legal basis for water quality regulation within California. This act requires a "Report of Waste Discharge" for any discharge of waste (liquid, solid, or gaseous) to land or surface waters that may impair beneficial uses for surface and/or groundwater of the state. It predates the CWA and regulates discharges to waters of the state. Waters of the State include more than just waters of the U.S., like groundwater and surface waters not considered waters of the U.S. Additionally, it prohibits discharges of "waste" as defined, and this definition is broader than the CWA definition of "pollutant." Discharges under the Porter-Cologne Act are permitted by Waste Discharge Requirements (WDRs) and may be required even when the discharge is already permitted or exempt under the CWA.

The State Water Resources Control Board (SWRCB) and RWQCBs are responsible for establishing the water quality standards (objectives and beneficial uses) required by the CWA and regulating discharges to ensure compliance with the water quality standards. Details about water quality standards in a Project area are included in the applicable RWQCB Basin Plan. In California, RWQCBs designate beneficial uses for all water body segments in their jurisdictions and then set criteria necessary to protect those uses. As a result, the water quality standards developed for particular water segments are based on the designated use and vary depending on that use. In addition, the SWRCB identifies waters failing to meet standards for specific pollutants. These waters are then state-listed in accordance with CWA Section 303(d). If a state determines that waters are impaired for one or more constituents and the standards cannot be met through point source or non-point source controls (NPDES permits or WDRs), the CWA requires the establishment of Total Maximum Daily Loads (TMDLs). TMDLs specify allowable pollutant loads from all sources (point, non-point, and natural) for a given watershed.

State Water Resources Control Board and Regional Water Quality Control Boards

The SWRCB administers water rights, sets water pollution control policy, and issues water board orders on matters of statewide application, and oversees water quality functions throughout the state by approving Basin Plans, TMDLs, and NPDES permits. RWCQBs are responsible for protecting beneficial uses of water resources within their regional jurisdiction using planning, permitting, and enforcement authorities to meet this responsibility.

2.12.1.3 *National Pollutant Discharge Elimination System (NPDES) Program*

Municipal Separate Storm Sewer Systems (MS4)

Section 402(p) of the CWA requires the issuance of NPDES permits for five categories of stormwater discharges, including Municipal Separate Storm Sewer Systems (MS4s). An MS4 is defined as "any conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels, and storm drains) owned or operated by a state, city, town, county, or other public body having jurisdiction over stormwater, that is designed or used for collecting or conveying stormwater." The SWRCB has identified Caltrans as an owner/operator of an MS4 under federal regulations. Caltrans' MS4 permit covers all Caltrans rights-of-way, properties, facilities, and activities in the state. The SWRCB or the RWQCB issues NPDES permits for five years, and permit requirements remain active until a new permit has been adopted.

Caltrans' MS4 Permit, Order No. 2012-0011-DWQ (adopted on September 19, 2012 and effective on July 1, 2013), as amended by Order No. 2014-0006-EXEC (effective January 17, 2014), Order No. 2014-0077-DWQ (effective May 20, 2014) and Order No. 2015-0036-EXEC (conformed and effective April 7, 2015) has three basic requirements:

- Caltrans must comply with the requirements of the Construction General Permit (see below);
- Caltrans must implement a year-round program in all parts of the State to effectively control stormwater and non-stormwater discharges; and
- Caltrans' stormwater discharges must meet water quality standards through implementation of permanent and temporary (construction) Best Management Practices (BMPs), to the maximum extent practicable, and other measures as the SWRCB determines to be necessary to meet the water quality standards.

To comply with the permit, Caltrans developed the Statewide Stormwater Management Plan (SWMP) to address stormwater pollution controls related to highway planning, design, construction, and maintenance activities throughout California. The SWMP assigns responsibilities within Caltrans for implementing stormwater management procedures and practices as well as training, public education and participation,

monitoring and research, program evaluation, and reporting activities. The SWMP describes the minimum procedures and practices Caltrans uses to reduce pollutants in stormwater and non-stormwater discharges. It outlines procedures and responsibilities for protecting water quality, including the selection and implementation of BMPs. The proposed Project will be programmed to follow the guidelines and procedures outlined in the latest SWMP to address stormwater runoff.

Construction General Permit

Construction General Permit (CGP), Order No. 2022-0057-DWQ was adopted on September 8, 2022 and effective on September 1, 2023). The permit regulates stormwater discharges from construction sites that result in a Disturbed Soil Area (DSA) of one acre or greater, and/or are smaller sites that are part of a larger common plan of development. By law, all stormwater discharges associated with construction activity where clearing, grading, and excavation result in soil disturbance of at least one acre must comply with the provisions of the General Construction Permit. Construction activity that results in soil disturbances of less than one acre is subject to this Construction General Permit if there is potential for significant water quality impairment resulting from the activity as determined by the RWQCB. Operators of regulated construction sites are required to develop Stormwater Pollution Prevention Plans (SWPPPs); to implement sediment, erosion, and pollution prevention control measures; and to obtain coverage under the Construction General Permit.

The Construction General Permit separates projects into Risk Levels 1, 2, or 3. Risk levels are determined during the planning and design phases, and are based on potential erosion and transport to receiving waters. Requirements apply according to the Risk Level determined. For example, a Risk Level 3 (highest risk) project would require compulsory stormwater runoff pH and turbidity monitoring, and before construction and after construction aquatic biological assessments during specified seasonal windows. For all projects subject to the permit, applicants are required to develop and implement an effective SWPPP. In accordance with Caltrans' SWMP and Standard Specifications, a Water Pollution Control Program (WPCP) is necessary for projects with DSA less than one acre.

2.12.2 Affected Environment

The information in this section is based primarily on a technical Water Quality Assessment Report (February 2022) and Stormwater Data Report (December 2022), which are incorporated into this EIR/EA by reference. This report is available for review at the locations listed inside the front cover of this document.

There are no surface waters (e.g., creeks, streams, rivers, lakes, or other water bodies) located within the Project limits. The Project limits east of US 101 are located within the Coyote Creek Watershed and stormwater outfalls to Coyote Creek are sited approximately 3,250 feet east of the Project limits. The Project limits west of US 101 are

located within the Guadalupe River Watershed and stormwater outfalls to the Guadalupe River are sited approximately 2,000 feet west of the Project limits. Both waterways flow north until ultimately discharging into San Francisco Bay.

Beneficial uses for Coyote Creek and Guadalupe River, as set forth by the RWQCB Basin Plan are summarized below in Table 2.12-1.

Table 2.12-1: Listed Existing Beneficial Uses for Project Receiving Water Bodies

Beneficial Uses	Water Body	
	Coyote Creek	Guadalupe River
Groundwater Recharge	E	E
Commercial and Sport Fishing	E	---
Cold Freshwater Habitat	E	E
Fish Migration	E	E
Preservation of Rare and Endangered Species	E	E
Fish Spawning	E	E
Warm Freshwater Habitat	E	E
Wildlife Habitat	E	E
Water Contact Recreation	E	E
Non-Contact Water Recreation	E	E
E: existing beneficial uses		

Section 303(d) of the CWA requires that states develop a list of water bodies that do not meet water quality standards. The current (2018) version of the list of impaired water bodies, maintained by the San Francisco Bay RWQCB and approved by the US EPA, includes both Coyote Creek and Guadalupe River. The listed impairing constituents include trash, diazinon, toxicity, and mercury.

2.12.3 Environmental Consequences

2.12.3.1 *Long-Term/Operational Phase Effects*

The Project would result in approximately 1.29 acres of new impervious surfaces within the combined Coyote Creek and Guadalupe River watersheds area that encompasses 492 square miles. This is a relatively minor increase in impervious surfaces, especially in view of the fact that most of the Project site is already covered by existing impervious surfaces (i.e., the existing freeway). Further, as described below under MM-WQ-1.1, the design of the Project includes Best Management Practices (BMPs) to reduce the pollutant component of stormwater runoff into the stormwater drainage systems. Therefore, the increase in pollutant-containing runoff would not be substantial.

The additional impervious area to be added by the Project is small in relation to the size of the groundwater basin located within the Project limits; therefore, groundwater recharge impacts would be insignificant.

2.12.3.2 *Short-Term/Construction Phase Effects*

The Project would involve excavation and grading activities for the purpose of constructing the proposed roadway improvements. These activities have the potential to degrade water quality in the form of sedimentation, erosion, and leaking fuels/lubricants from equipment. At this location, the water quality of Guadalupe River and Coyote Creek could be affected by construction activities because most of the storm drains discharge into those two waterways. Since these creeks support numerous wildlife and plant species, a short-term degradation of water quality could adversely affect such species.

2.12.4 Avoidance, Minimization, and/or Mitigation Measures

The following measures are included in the Project for the purpose of avoiding, minimizing, and mitigating the water quality effects of the Project.

2.12.4.1 *Measures to Avoid or Minimize Long-Term Effects*

MM-WQ-1.1: Although long-term water quality effects of the Project would not be substantial, the design of the Project includes Best Management Practices (BMPs) such as site design, permanent erosion control, drainage facilities, source control measures, and treatment measures to reduce the pollutant component of stormwater runoff, as required by the Caltrans National Pollution Discharge Elimination System (NPDES) permit. In addition to the requirements of the NPDES permit, compliance with the requirements of the Caltrans Stormwater Management Plan (SWMP) is also required throughout implementation of the Project. The SWMP describes the programs to reduce the discharge of pollutants associated with the stormwater drainage systems and describes how Caltrans will comply with the provisions of the NPDES permit.

2.12.4.2 *Measures to Avoid or Minimize Short-Term Effects*

In order to avoid/minimize the potential for water quality impacts to occur, the Project would implement the following measures:

MM-WQ-1.2: Prior to any soil disturbance work, file a Notice of Intent with State Water Resources Control Board (SWRCB). To maintain proper permit coverage under the Construction Stormwater General Permit (CGP), in addition to filing a Notice of Intent, all dischargers must electronically file permit registration documents, Notice of Termination, changes of information, sampling and monitoring information, annual reporting, and other required

compliance documents through the SWRCB's Stormwater Multiple Application and Report Tracking System (SMARTS).

MM-WQ-1.3: Prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). Prior to the start of construction, the SWPPP would be submitted by the Contractor to Caltrans for approval. The SWPPP shall detail the measures to address the temporary water quality impacts resulting from construction activities associated with this Project. The SWPPP shall also include the development of a Construction Site Monitoring Program that presents procedures and methods related to the visual monitoring, sampling, and analysis plans during construction of the project.

2.13 GEOLOGY/SOILS/SEISMIC/TOPOGRAPHY

2.13.1 Regulatory Setting

For geologic and topographic features, the key federal law is the Historic Sites Act of 1935, which establishes a national registry of natural landmarks and protects "outstanding examples of major geological features." Topographic and geologic features are also protected under CEQA.

This section also discusses geology, soils, and seismic concerns as they relate to public safety and project design. Earthquakes are prime considerations in the design and retrofit of structures. Structures are designed using Caltrans' Seismic Design Criteria (SDC). The SDC provides the minimum seismic requirements for highway bridges designed in California. A bridge's category and classification will determine its seismic performance level and which methods are used for estimating the seismic demands and structural capabilities. For more information, please see the *Caltrans Division of Engineering Services, Office of Earthquake Engineering, Seismic Design Criteria*.[23]

2.13.2 Affected Environment

The information in this section is based primarily on a technical Preliminary Geotechnical Design Report (September 2022) that was prepared for the Project. This study is incorporated into this EIR/EA by reference. A copy of this study is available for review at the locations listed inside the front cover of this document.

The Project is located in the Santa Clara Valley on the plain between San Francisco Bay and the Santa Cruz Mountains and within the geologically complex and seismically active California Coast Ranges Geomorphic Province. The Santa Clara Valley is a broad relatively flat valley enclosed by the Santa Cruz Mountains to the west and the Diablo Range to the east.

As previously mentioned, the Project area is within the Santa Clara Valley and is relatively flat and not located within a mapped Landslide Hazard Zone. US 101 is elevated about two to three feet above the surrounding grade and the ground surface in the site vicinity generally slopes westerly toward the Guadalupe River. The surface grade of US 101 ranges from approximately 45.5 to 48 feet in elevation and the surface grades of Zanker Road and North Fourth Street are at an approximate elevation 42.5 and 44.5 feet, respectively.

The proposed overcrossing is located approximately 1,200 feet southwest of the Silver Creek fault zone; however, no active faults cross under the Project area. In addition, the Project area is not in a mapped fault rupture hazard zone. The Santa Clara County Geologic Hazard Zones Atlas does not identify the Silver Creek fault as a fault rupture

[23] https://dot.ca.gov/programs/engineering-services/manuals/seismic-design-criteria.

hazard zone, nor has it been included by Alquist-Priolo as requiring additional study for surface fault rupture. While the Project area is not located on an active fault or in a fault rupture zone, it is located in a seismically active part of Northern California. Many faults capable of producing earthquakes exist in the San Francisco Bay Area, which may cause strong ground shaking in the vicinity of the Project area. The southern segment of the Hayward fault, which passes approximately 7 miles to the northeast of the site, is the closest significant seismic source to the site. The Monte Vista/Shannon fault, which is part of Foothills fault system, passes approximately 8.5 miles to the southwest. The San Andreas fault passes approximately 13 miles to the southwest.

Expansive soils are those that shrink or swell significantly with changes in moisture content. The shrinking and swelling caused by expansive clay-rich soils often results in damage to overlying structures. The near surface soil of the Project area has moderate potential for expansion. The Project area is mostly paved or developed with buildings, therefore the potential for erosion is considered very low.

Subsidence typically occurs from subsurface fluid extraction (groundwater, petroleum) or compression of soft geologically young sediments. Groundwater extraction for high volume municipal and agricultural use has the potential to cause future ground subsidence in the region. Based on the Preliminary Geotechnical Design Report, there is no knowledge of subsidence in the area since the Santa Clara Valley Water District implemented groundwater recharge programs over 60 years ago. No active petroleum wells are present within 15 miles of Project area.

Compaction settlement, or seismic densification, occurs when loose granular soils above the water table increase in density as a result of earthquake shaking. The soil densification can result in differential settlement because of variations in soil composition, thickness, and initial density. Previous exploration at the site did not encounter loose, cohesionless soil above the water table, therefore, seismic densification or settlement appears to be low.

The Project is mapped as a Liquefaction Hazard Zone within the Santa Clara County Geologic Hazard Zone Atlas and California Geologic Survey. See below for discussion of likelihood of liquefaction.

The Guadalupe River is located approximately 0.75 mile southwest of the site and Coyote Creek approximately 1.25 miles to the northwest. Topographic maps show little elevation change across the region; therefore, the potential for lateral spreading appears to be low.

2.13.3 Environmental Consequences

The proposed Project will involve typical highway excavation and grading practices necessary to construct the additional overcrossing. As described above, the Project site is in a liquefaction zone and contains expansive soils. These conditions are common

throughout the San Francisco Bay Area. The Project area's potential for liquefaction is mapped as "moderate." No historic ground failures from either the 1989 Loma Prieta earthquake or the 1906 San Francisco earthquake have been recorded near the Project area. Although exploration in the site vicinity encountered free groundwater at a depth of 11 feet, the underlying conditions were found to comprise stiff to very stiff cohesive soil overlying a relatively thick stratum of dense to very dense sand and gravel. Based on these conditions, the potential for ground surface effects to occur at the site as a result of liquefaction appear to be low. Additional exploration and testing during the Plans Specifications and Estimates (PS&E) phase will be completed to confirm site-specific liquefaction potential. The Project will implement standard engineering practices to ensure that geotechnical and soil hazards do not result from its construction.

As noted above, the site is within the seismically active San Francisco Bay Area and severe ground shaking is probable during the anticipated life of the Project. Users of the freeways and interchanges would be exposed to hazards associated with such severe ground shaking during a major earthquake on one of the region's active faults. This hazard is not unique to the Project, because it applies to all locations throughout the greater Bay Area. The proposed Project will not increase the existing exposure to hazards associated with earthquakes; the hazards in the area will be the same with or without the Project.

The Project, including the overcrossing structure, retaining walls (if warranted), soundwall, and sign structures will be designed and constructed in accordance with Caltrans' Design guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site. Potential seismic effects will be minimized by the use of standard engineering techniques mandated by the Uniform Building Code and Caltrans' Design Standards.

2.13.4 Avoidance, Minimization, and/or Mitigation Measures

As discussed in the previous section, the Project would be designed to comply with both the Uniform Building Code and Caltrans' Design Standards. This will avoid the need for adoption of any non-standard avoidance, minimization, and/or mitigation measures.

In addition, some of the measures that will minimize or avoid impacts to water quality will also serve to minimize or avoid impacts associated with erosion. For a list of these measures, please see Section 2.12.4.

2.14 PALEONTOLOGY

2.14.1 Regulatory Setting

Paleontology is a natural science focused on the study of ancient animal and plant life as it is preserved in the geologic record as fossils.

A number of federal statutes specifically address paleontological resources, their treatment, and funding for mitigation as a part of federally authorized projects.

- 23 USC 1.9(a) requires that the use of Federal-aid funds must be in conformity with all federal and state laws.
- 23 USC 305 authorizes the appropriation and use of federal highway funds for paleontological salvage as necessary by the highway department of any state, in compliance with state law.

Under California law, paleontological resources are protected by CEQA.

2.14.2 Affected Environment

The information in this section is based primarily on a technical Paleontological Identification Report/Paleontological Evaluation Report (March 2022), which is incorporated into this EIR/EA by reference. This report is available for review at the locations listed inside the front cover of this document.

Results of a records search indicate that no previous fossil localities have been recorded within or adjacent to the Project limits. The nearest known fossil, known as “Lupe the Mammoth,” was found approximately 1.2 miles northwest of the Project area, 11.5 feet below the modern floodplain in the Guadalupe Riverbed near Trimble Road. Two other fossils sites were subsequently found in the vicinity of Lupe the Mammoth.

The Project surface is mapped as Holocene alluvial fan deposits. Based on existing geologic literature and borings completed for the Project, the underlying Pleistocene alluvium is anticipated to be approximately 30 feet below the surface. Based on a review of the University of California Museum of Paleontology (UCMP) database, a fossil locality search, geologic literature, and the City of San José General Plan, the only paleontologically sensitive sediments in the Project area are the Pleistocene floodplain deposits, which are found at a depth of approximately 30 feet beneath the surficial Holocene deposits.

2.14.3 Environmental Consequences

As described in the previous section, paleontological resources have been found approximately 1.2 miles northwest of the Project limits. Although no fossils have

previously been discovered within the Project limits, the soils present onsite may contain such resources, specifically areas at depths of 30 feet or greater which have the highest sensitivity of containing fossils.

The proposed depths of ground disturbance for the Project would range from trenching of less than 10 feet to installation of bridge piles up to 100 feet. Excavation and earthmoving for the development of the roadway and sidewalk surfaces and excavation for landscaping would be at depths less than 10 feet. Trenching for the installation of underground utilities would be up to 10 feet below ground surface. Augering of holes up to 25 feet deep would occur for the installation of overhead signs and traffic signal pole foundations. Piles would be driven or drilled to a depth of up to 100 feet deep for the bridge structure. While pile driving would have the potential to rotate out fossils, the specimens would lack context, depth/elevation, formation identification, and other elements that are critical to scientific significance. While unlikely, in the event paleontological resources are present at depths less than 30 feet, the construction activities would impact those resources and could destroy scientifically important fossils.

2.14.4 Avoidance, Minimization, and/or Mitigation Measures

The following measures are included in the Project. Implementation of these measures will avoid substantial impacts to paleontological resources.

MM-PALEO-1.1: A qualified paleontologist shall provide preconstruction training on the potential for significant fossil localities in the Project area and provide an Alert Sheet that includes contact information for a qualified paleontologist who will be on call to respond in the event a fossil is recovered.

MM-PALEO-1.2: If unanticipated discoveries of paleontological resources occur during Project construction, all work within 25 feet of the discovery must cease and the find must be protected in place until it can be evaluated by a qualified paleontologist. The qualified paleontologist shall follow Society of Vertebrate Paleontology guidelines to determine whether the fossil can be identified and whether it meets significance criteria. Work may resume immediately outside of the 25-foot radius.

2.15 HAZARDOUS WASTE/MATERIALS

2.15.1 Regulatory Setting

Hazardous materials, including hazardous substances and wastes, are regulated by many state and federal laws. Statutes govern the generation, treatment, storage, and disposal of hazardous materials, substances, and waste, and also the investigation and mitigation of waste releases, air and water quality, human health, and land use.

The primary federal laws regulating hazardous wastes/materials are the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, and the Resource Conservation and Recovery Act (RCRA) of 1976 (RCRA). The purpose of CERCLA, often referred to as "Superfund," is to identify and cleanup abandoned contaminated sites so that public health and welfare are not compromised. The RCRA provides for "cradle to grave" regulation of hazardous waste generated by operating entities. Other federal laws regulating hazardous waste/materials include:

- Community Environmental Response Facilitation Act (CERFA) of 1992
- Clean Water Act
- Clean Air Act
- Safe Drinking Water Act
- Occupational Safety and Health Act (OSHA)
- Atomic Energy Act
- Toxic Substances Control Act (TSCA)
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

In addition to the acts listed above, EO 12088, Federal Compliance with Pollution Control Standards, mandates that necessary actions be taken to prevent and control environmental pollution when federal activities or federal facilities are involved.

California regulates hazardous materials, waste, and substances under the authority of the CA Health and Safety Code and is also authorized by the federal government to implement RCRA in the state. California law also addresses specific handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning of hazardous waste. The Porter-Cologne Water Quality Control Act also restricts disposal of wastes and requires cleanup of wastes that are below hazardous waste concentrations but could impact ground and surface water quality. California regulations that address waste management and prevention and cleanup of contamination include Title 22 Division 4.5 Environmental Health Standards for the Management of Hazardous Waste, Title 23 Waters, and Title 27 Environmental Protection.

Worker and public health and safety are key issues when addressing hazardous materials that may affect human health and the environment. Proper management and disposal of hazardous material is vital if it is found, disturbed, or generated during Project construction.

2.15.2 Affected Environment

The information in this section is based primarily on a technical Initial Site Assessment (ISA) Update Memorandum (May 2022), which is incorporated into this EIR/EA by reference. This report is available for review at the locations listed inside the front cover of this document.

2.15.2.1 *Contamination from Prior Leaks and Spills*

The ISA database search determined that there are 33 sites within a 0.125-mile (660 feet) radius of the Project area where hazardous materials are generated, used, or stored and/or where some type of spill/leakage/contamination has occurred. Of the 33 sites identified, four are considered to represent environmental conditions relevant to the Project based on information reviewed online, open case status, ongoing monitoring, and proximity to the Project area. Four of the 33 sites are determined to not contain conditions relevant to the Project area. The remaining 25 sites are considered Historical Recognized Conditions to the Project. Historical Recognized Conditions are generally conditions that in the past have been remediated to the satisfaction of the responsible regulatory agency.

Conditions at the four sites with conditions that could potentially affect the Project are summarized below:

Site #1 – FMC 495 East Brokaw Road: This site is approximately 100 feet north/northeast of the Project area and is listed on the hazardous materials database for impacts to soil and groundwater from hydrocarbons and volatile organic compounds (VOCs). The groundwater flow direction is to the west and is cross-gradient to the Project area. A land use restriction is in place for this site that prohibits groundwater extraction at any depth without approval.

Site #2 – 1660 Old Bayshore Highway: This site is adjacent to the northeastern Project area and is listed in the hazardous materials database for impacts to soils from elevated concentrations of select metals. The site is planned for redevelopment and is an open case for hazardous materials cleanup.

Site #3 – Capital Towers/ARCO #991[4] at 2010 North 1st Street: This site is adjacent to the northeastern Project area and is listed on the hazardous materials database for impacts to soil and groundwater from leaking underground storage tanks that were formerly present. Soil vapor monitoring and semi-annual groundwater monitoring are ongoing at this site. The groundwater flow direction is to the west/northwest and is down-gradient from the Project area. Based on historical groundwater data, elevated concentrations of dissolved petroleum hydrocarbons in groundwater are generally restricted to the area near the former underground storage tanks and pump islands in the southwestern corner of the site, adjacent to the Project area.

Site #4 – Pacific Bell at North First Street: This site is adjacent to the northeastern Project area and is listed on the hazardous materials database for hydrocarbons discovered in the Pacific Bell maintenance area. The contamination was suspected to be from the former adjacent ARCO gas station, which is Site #3 discussed above.

2.15.2.2 *Aerially-Deposited Lead (ADL)*

Until recently, lead was commonly added to gasoline.[24] As a result, lead was emitted as a component of motor vehicle exhaust. Soil sampling along many roadways has found that concentrations of lead exceed applicable thresholds for classification as a hazardous material. This phenomenon known as aerially-deposited lead (ADL) is widespread. Because the freeways and roadways in the Project area were built prior to the phaseout of lead as a gasoline additive, elevated concentrations of ADL are likely to be present in the soil along the highways.

2.15.2.3 *Asbestos-Containing Materials and Lead-Based Paints*

Due to the age of the structures located within the Project limits (e.g., bridges, undercrossing, and pipelines), there is a potential for the presence of asbestos-containing materials,[25] lead-based paint, and/or polychlorinated biphenyl (PCB).

2.15.2.4 *Treated Wood Waste*

Utility poles, roadside wooden signposts, or metal beam guardrail posts within the project limits may include chemically treated wood, and may be disturbed by the construction of the Project.

2.15.3 Environmental Consequences

Lead-based paints, ADL, and/or asbestos-containing materials, and PCBs are likely present within the Project footprint. As such, various construction activities could expose workers to these substances, which could result in adverse health impacts. Such exposure will be avoided by implementing the measure described below in Section 2.15.4.

Treated wood waste in the Project area could include existing utility poles, roadside wooden signposts, or metal beam guardrail posts removed by the Project. Treated wood waste will be handled properly in accordance with applicable Caltrans guidelines and if warranted, will require special removal, handling, and disposal.

[24] Lead is a heavy metal that is found in many products. Lead is poisonous to humans. It is especially toxic to the nervous system, although it can adversely affect many systems and organs. In recent years, lead has been removed from certain products such as paint and gasoline in order to reduce the potential for chronic exposure.

[25] Asbestos is a mineral that is found in many products because of its resistance to damage from chemicals and heat, as well as its noise absorption properties. However, asbestos is toxic, especially when inhaled. It can cause diseases such as lung cancer, mesothelioma, and asbestosis.

As discussed above, there is known soil and groundwater contamination adjacent to the Project area. During ground disturbing activities, construction workers could be exposed. Such exposure will be avoided by implementing the measure described below in Section 2.15.4.

2.15.4 Avoidance, Minimization, and/or Mitigation Measures

The Project will implement the following measures during final design and construction to avoid impacts associated with exposing construction workers to unsafe levels of hazardous substances:

MM-HAZMAT-1.1: As part of Project development, a soil investigation will be conducted to determine whether aerially-deposited lead (ADL) has affected soils that will be excavated as part of the proposed Project. The investigation for ADL will be performed in accordance with Caltrans' Lead Testing Guidance Procedure. The analytical results will be compared against applicable hazardous waste criteria. Based on analytical results, the investigation will provide recommendations regarding management and disposal of affected soils in the Project area including the reuse potential of ADL-affected soil during Project development. The provisions of a variance granted to Caltrans by the California Department of Toxic Substances Control on September 22, 2000 (or any subsequent variance in effect when the Project is constructed) regarding aerially-deposited lead will be followed.

MM-HAZMAT-1.2: Testing for the presence of lead-based paint on the existing structures to be demolished and roadway paint to be removed will occur. If this substance is found to be present, applicable regulations pertaining to its removal and disposal will be followed.

MM-HAZMAT-1.3: Testing for the presence of asbestos-containing materials on the existing structures will occur. If these materials are found to be present, applicable regulations pertaining to their removal and disposal will be followed.

MM-HAZMAT-1.4: Testing for the presence of polychlorinated biphenyl (PCB) on the existing structures will occur. If these materials are found to be present, applicable regulations pertaining to their removal and disposal will be followed.

MM-HAZMAT-1.5: Treated wood waste will be handled properly in accordance with applicable Caltrans guidelines and if warranted, will require special removal, handling, and disposal.

MM-HAZMAT-1.6: A Soil and Groundwater Management Plan will be prepared to properly manage any soil and/or groundwater impacted by hazardous materials discovered during ground-disturbing activities within the Project area.

MM-HAZMAT-1.7: A site-specific Health and Safety Plan (HSP) that is consistent with Caltrans requirements will be prepared. The HSP shall include: identification of key personnel; summary of risk assessment for workers, the community, and the environment; air monitoring plan; and emergency response plan.

MM-HAZMAT-1.8: Testing of the soils within the Project area for worker safety and soil management purposes will occur. Soils and groundwater, if encountered, shall be tested for the following:

- total petroleum hydrocarbons (TPH) as gasoline, as diesel, and as motor oil;
- volatile organic compounds (VOCs) including tetrachloro-ethene (PCE);
- pesticides, herbicides, and metals.

MM-HAZMAT-1.9: If at any point during construction stained or odoriferous soils are encountered, these soils will be stockpiled separately on plastic sheeting. The stockpiles shall then be sampled for the above-mentioned analytes and characterized for special handling and/or disposal.

The costs for sampling, testing, special handling, and disposal of potentially hazardous materials are unknown at this stage of preliminary design and environmental review. It is estimated that costs could range from $75,000 to $100,000 or more depending on the number of samples collected, the laboratory analyses used, and quantity of material that requires special disposal. The costs for special handling, if required, of contaminated building materials from structures that have to be removed would be estimated during final design.

2.16 AIR QUALITY

2.16.1 Regulatory Setting

The Federal Clean Air Act (FCAA), as amended, is the primary federal law that governs air quality while the California Clean Air Act (CCAA) is its companion state law. These laws, and related regulations by the US EPA and the California Air Resources Board (ARB), set standards for the concentration of pollutants in the air. At the federal level, these standards are called National Ambient Air Quality Standards (NAAQS). NAAQS and state ambient air quality standards have been established for six criteria pollutants that have been linked to potential health concerns: carbon monoxide (CO), nitrogen dioxide (NO_2), ozone (O_3), particulate matter (PM)—which is broken down for regulatory purposes into particles of 10 micrometers or smaller (PM_{10}) and particles of 2.5 micrometers and smaller ($PM_{2.5}$), Lead (Pb), and sulfur dioxide (SO_2). In addition, state standards exist for visibility reducing particles, sulfates, hydrogen sulfide (H_2S), and vinyl chloride. Table 2.16-1 lists primary air pollutants, their effects on health and the environment, and their typical sources. The NAAQS and state standards are set at levels that protect public health with a margin of safety, and are subject to periodic review and revision. Both state and federal regulatory schemes also cover toxic air contaminants (air toxics); some criteria pollutants are also air toxics or may include certain air toxics in their general definition.

Table 2-16-1: Air Pollutant Effects and Sources

Pollutant	Principal Health and Atmospheric Effects	Typical Sources
Ozone (O_3)	High concentrations irritate lungs. Long-term exposure may cause lung tissue damage and cancer. Long-term exposure damages plant materials and reduces crop productivity. Precursor organic compounds include many known toxic air contaminants. Biogenic VOC may also contribute.	Low-altitude ozone is almost entirely formed from reactive organic gases/volatile organic compounds (ROG or VOC) and nitrogen oxides (NOx) in the presence of sunlight and heat. Common precursor emitters include motor vehicles and other internal combustion engines, solvent evaporation, boilers, furnaces, and industrial processes.
Carbon Monoxide (CO)	CO interferes with the transfer of oxygen to the blood and deprives sensitive tissues of oxygen. CO also is a minor precursor for photochemical ozone. Colorless, odorless.	Combustion sources, especially gasoline-powered engines and motor vehicles. CO is the traditional signature pollutant for on-road mobile sources at the local and neighborhood scale.

Pollutant	Principal Health and Atmospheric Effects	Typical Sources
Respirable Particulate Matter (PM_{10})	Irritates eyes and respiratory tract. Decreases lung capacity. Associated with increased cancer and mortality. Contributes to haze and reduced visibility. Includes some toxic air contaminants. Many toxic & other aerosol and solid compounds are part of PM_{10}.	Dust- and fume-producing industrial and agricultural operations; combustion smoke & vehicle exhaust; atmospheric chemical reactions; construction and other dust-producing activities; unpaved road dust and re-entrained paved road dust; natural sources.
Fine Particulate Matter ($PM_{2.5}$)	Increases respiratory disease, lung damage, cancer, and premature death. Reduces visibility and produces surface soiling. Most diesel exhaust particulate matter – a toxic air contaminant – is in the $PM_{2.5}$ size range. Many toxic &other aerosol and solid compounds are part of $PM_{2.5}$	Combustion including motor vehicles, other mobile sources, and industrial activities; residential and agricultural burning; also formed through atmospheric chemical and photochemical reactions involving other pollutants including NOx, sulfur oxides (SOx), ammonia, and ROG.
Nitrogen Dioxide (NO_2)	Irritating to eyes and respiratory tract. Colors atmosphere reddish-brown. Contributes to acid rain & nitrate contamination of stormwater. Part of the "NOx" group of ozone precursors.	Motor vehicles and other mobile or portable engines, especially diesel; refineries; industrial operations.
Sulfur Dioxide (SO_2)	Irritates respiratory tract; injures lung tissue. Can yellow plant leaves. Destructive to marble, iron, steel. Contributes to acid rain. Limits visibility.	Fuel combustion (especially coal and high-sulfur oil), chemical plants, sulfur recovery plants, metal processing; some natural sources like active volcanoes. Limited contribution possible from heavy-duty diesel vehicles if ultra-low sulfur fuel not used.
Lead (Pb)	Disturbs gastrointestinal system. Causes anemia, kidney disease, and neuromuscular and neurological dysfunction. Also a toxic air contaminant and water pollutant.	Lead-based industrial processes like battery production and smelters. Lead paint, leaded gasoline. Aerially deposited lead from older gasoline use may exist in soils along major roads.
Sulfates	Premature mortality and respiratory effects. Contributes to acid rain. Some toxic air contaminants attach to sulfate aerosol particles.	Industrial processes, refineries and oil fields, mines, natural sources like volcanic areas, salt-covered dry lakes, and large sulfide rock areas.

Pollutant	Principal Health and Atmospheric Effects	Typical Sources
Hydrogen Sulfide (H_2S)	Colorless, flammable, poisonous. Respiratory irritant. Neurological damage and premature death. Headache, nausea. Strong odor.	Industrial processes such as: refineries and oil fields, asphalt plants, livestock operations, sewage treatment plants, and mines. Some natural sources like volcanic areas and hot springs.
Visibility Reducing Particles (VRP)	Reduces visibility. Produces haze. NOTE: not directly related to the Regional Haze program under the Federal Clean Air Act, which is oriented primarily toward visibility issues in National Parks and other "Class I" areas. However, some issues and measurement methods are similar.	See particulate matter above. May be related more to aerosols than to solid particles.
Vinyl Chloride	Neurological effects, liver damage, cancer. Also considered a toxic air contaminant.	Industrial processes

Federal air quality standards and regulations provide the basic scheme for project-level air quality analysis under NEPA. In addition to this environmental analysis, a parallel "Conformity" requirement under the FCAA also applies.

Conformity

The conformity requirement is based on FCAA Section 176(c), which prohibits the USDOT and other federal agencies from funding, authorizing, or approving plans, programs, or projects that do not conform to State Implementation Plan (SIP) for attaining the NAAQS. "Transportation Conformity" applies to highway and transit projects and takes place on two levels: the regional (or planning and programming) level and the project level. The proposed Project must conform at both levels to be approved.

Conformity requirements apply only in nonattainment and "maintenance" (former nonattainment) areas for the NAAQS, and only for the specific NAAQS that are or were violated. US EPA regulations at 40 CFR 93 govern the conformity process. Conformity requirements do not apply in unclassifiable/attainment areas for NAAQS and do not apply at all for state standards regardless of the status of the area.

Regional conformity is concerned with how well the regional transportation system supports plans for attaining the NAAQS for CO, NO_2, O_3, PM_{10} and $PM_{2.5}$, and in some areas (although not in California), SO_2. California has nonattainment or maintenance areas for all of these transportation-related "criteria pollutants" except SO_2, and also has

a nonattainment area for Pb; however, lead is not currently required by the FCAA to be covered in transportation conformity analysis. Regional conformity is based on emission analysis of RTPs and Federal Transportation Improvement Programs (FTIPs) that include all transportation projects planned for a region over a period of at least 20 years (for the RTP) and four years (for the FTIP).

RTP and FTIP conformity uses travel demand and emission models to determine whether or not the implementation of those projects would conform to emission budgets or other tests at various analysis years showing that requirements of the FCAA and the SIP are met. If the conformity analysis is successful, the Metropolitan Planning Organization (MPO), FHWA, and Federal Transit Administration (FTA) make the determinations that the RTP and FTIP are in conformity with the SIP for achieving the goals of the FCAA. Otherwise, the projects in the RTP and/or FTIP must be modified until conformity is attained. If the design concept and scope and the "open-to-traffic" schedule of a proposed transportation project are the same as described in the RTP and FTIP, then the proposed project meets regional conformity requirements for purposes of project-level analysis.

Project-level conformity is achieved by demonstrating that the project comes from a conforming RTP and TIP; the project has a design concept and scope that has not changed significantly from those in the RTP and TIP; project analyses have used the latest planning assumptions and EPA-approved emissions models; and in PM areas, the project complies with any control measures in the SIP. Furthermore, additional analyses (known as hot-spot analyses) may be required for projects located in CO and PM nonattainment or maintenance areas to examine localized air quality impacts.

2.16.2 Affected Environment

The information in this section is based primarily on a technical Air Quality Report (October 2023), which is incorporated into this EIR/EA by reference. This report is available for review at the locations listed inside the front cover of this document.

The San José Mineta International Airport climatological station, maintained by the National Weather Service, is located approximately three miles from the Project site and is representative of meteorological conditions near the Project. The climate of the Project area is generally Mediterranean in character, with cool winters and warm, dry summers. Mountains surround the city on three sides, and its location on the rain shadow side of the Santa Cruz Mountains has a significant influence on the climate. The prevailing winds in the Project area flow mainly from the northwest off the San Francisco Bay. Annual average rainfall is 15.9 inches.

2.16.2.1 *Existing Air Quality*

The Bay Area Air Quality Management District (BAAQMD) monitors air quality conditions at over 30 locations throughout the Bay Area. The monitoring station closest to the Project site is in San José.

Table 2.16-2 identifies the state and federal attainment status for regulated pollutants in the San Francisco Bay Area Air Basin. The area complies with ambient air quality standards for all pollutants except O_3, PM_{10}, and $PM_{2.5}$.

Table 2.16-2: Air Quality Standards Attainment Status for San Francisco Bay Area

Pollutant	State Attainment Status	Federal Attainment Status	Attainment Plan (O_3, PM and CO)
Ozone O_3	Nonattainment	Nonattainment (Marginal)	Revised San Francisco Bay Area Ozone Attainment Plan for the 1-Hour National Ozone Standard (2001)
Respirable PM (PM_{10})	Nonattainment	Unclassifiable/ Attainment	--
Fine PM ($PM_{2.5}$)	Nonattainment	Nonattainment (Moderate)	Bay Area Winter Emissions Inventory for Primary $PM_{2.5}$ & PM Precursors: Year 2010 (2012)
Carbon Monoxide (CO)	Attainment	Unclassifiable/ Attainment	2004 Revision to the California State Implementation Plan for Carbon Monoxide (2004)
Nitrogen Dioxide (NO_2)	Attainment	Unclassifiable/ Attainment	--
Sulfur Dioxide (SO_2)	Attainment	Unclassifiable/ Attainment	--
Lead (Pb)	Attainment	Unclassifiable/ Attainment	--
Visibility-Reducing Particles	Unclassified	N/A	--
Sulfates	Attainment	N/A	--
Hydrogen Sulfide	Unclassified	N/A	--
Vinyl Chloride	No Information Available	N/A	--

O_3 is the air pollutant of greatest concern in summer. Prevailing summertime wind conditions tend to cause a buildup of ozone in Santa Clara County. In the 5-year period from 2017 to 2021, ozone levels measured in San José exceeded the 1-hour state standard for 3 days in 2017, 1 day in 2019, 1 day in 2020, and 3 days in 2021. In the same period, exceedances of the national and state 8-hour ozone standards occurred for 4 days in 2017, 2 days in 2019, 2 days in 2020, and 4 days in 2021.

PM_{10} and $PM_{2.5}$ are other pollutants of concern in the Project area. Under stagnant air quality conditions in late fall and winter, the combination of vehicle exhaust and wood smoke leads to a buildup of particulates. In the 5-year period from 2017 to 2021, measured exceedances of the State PM_{10} standards occurred on 19 days in 2017, 12 days in 2018, 12 days in 2019, and 30 days in 2020. In the same period, exceedance of the federal $PM_{2.5}$ standards occurred on 6 days in 2017, 15 days in 2018, 12 days in 2020, and 1 day in 2021.

2.16.2.2 *Sensitive Receptors*

Sensitive receptors are generally defined as facilities and land uses that include members of the population who are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of sensitive receptors include residential dwellings (including single-family houses and multi-family residential buildings, townhouses, and apartments), schools, daycare centers, hospitals, and senior-care facilities. Figure 2.16-1 shows the locations of sensitive receptors relative to the footprint of the Project. Table 2.16-3 lists the type of sensitive receptors and the number identified within 500 feet of the Project's footprint. This area represents the zone of greatest concern for pollutants near roadways, including CO, diesel particulate matter, sulfur dioxide, and CO_2 emitted as vehicle exhaust. Sensitive receptors would not be directly affected by emissions of regional pollutants, such as ozone precursors (ROG and NO_x).

Table 2.16-3: Sensitive Receptors Located Within 500 Feet of the Project Footprint

Sensitive Receptor Group	Receptor Name	Receptor Address	Number of Receptors Identified	Distance Between Receptor and Project (ft)
Residences	Century Tower Apts.	1729 N. First St.	360	372
	Waterford Place Apts.	1700 N First St.	234	53
	Atrium Gardens Studio Apts.	1536 Kerley Dr.	54	498
	Fourth Street Apts.	1460 N Fourth St.	100	530

Source: Illingworth & Rodkin, Inc., 2021.

SENSITIVE RECEPTORS IN THE PROJECT VICINITY | FIGURE 2.16-1

2.16.3 Environmental Consequences

2.16.3.1 *Long-Term Operational Air Quality Effects*

Clean Air Act Conformity

This Project is not exempt from regional conformity requirements per 40 CFR 93.127. Therefore, the Project must be included in a conforming RTP and TIP and demonstrate that it will not interfere with the timely implementation of Transportation Control Measures (TCMs) identified in the applicable SIP (i.e., 2017 Clean Air Plan [CAP]).

The Project is listed in the current RTP, *Plan Bay Area 2050* (Project ID 21-T06-028). The RTP is financially constrained and have been determined to conform to the SIP (i.e., 2017 CAP).

MTC's financially constrained 2023 TIP also includes the Project (Project ID SCL190007) and has been found to conform to the SIP by FHWA and FTA as part of their approval of the Federal-Statewide TIP (FSTIP). The design concept and scope of the Project listed in the TIP and FSTIP are consistent with the project description in both the RTPs and the TIP.

Project-level conformity requires project sponsors demonstrate their transportation project will not cause or contribute to any new localized CO, PM_{10}, and/or $PM_{2.5}$ violations, increase the frequency or severity of any existing CO, PM_{10}, and/or $PM_{2.5}$ violations, or delay timely attainment of any NAAQS or any required interim emission reductions or other SIP milestones. This is demonstrated through a hot-spot analysis where Build and No Build emissions are modeled, both with and without any mitigation measures committed to in the RTP. The Project is in an attainment/maintenance area for CO and a nonattainment area for $PM_{2.5}$. Thus, a project-level conformity analysis applies to the Project for both pollutants under 40 CFR 93.109. However, current guidance from FHWA and Caltrans states that a project-level CO hot-spot analysis is no longer required to demonstrate project-level conformity. Similarly, hot-spot analysis for $PM_{2.5}$ is only required for projects found to meet the definition of a Project of Air Quality Concern (POAQC) by the MTC's Air Quality Conformity Task Force (AQCTF). The Project was found not to be a POAQC by MTC's AQCTF on May 4, 2022. Therefore, a $PM_{2.5}$ hot-spot analysis is not required.

The determination by MTC was subject to public review as part of the Draft EIR/EA. Public comment was also requested regarding the project-level conformity analysis and determination. No comments were received on the air quality conformity determination. On January 8, 2025, the Project's air quality conformity report was submitted to FHWA for their review and concurrence. In a letter to Caltrans dated March 27, 2025, FHWA concurred that the US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project conforms with the State Implementation Plan (SIP) in accordance with 40 CFR Part 93. A copy of FHWA's letter is contained in Appendix H.

Criteria Air Pollutant Emissions

Emissions of criteria air pollutants from vehicles on roadways in the Project area were calculated for existing/baseline conditions, the Project's opening year (2025), the Project's design year (2045) and the current RTP horizon year (2050). Air pollutant emissions were estimated using specific traffic data and conditions provided by the Project's traffic consultant, AECOM, and Caltrans' CT-EMFAC2021 emissions model.

Overall, NO_x, ROG, and CO emissions in the future will decrease by between 53% and 85% as older vehicles are replaced by newer vehicles with more stringent emissions and fuel economy standards. PM_{10} and $PM_{2.5}$ emissions will increase in the future, when compared to current conditions, as they are a function of fugitive road dust, tire wear, and break wear which increase with VMT. When compared to the No Build Alternative, the Build Alternative would result in approximately the same emissions (i.e., within 0.3%), with a slight increase (0.1% or less) in NO_x, ROG, and CO emissions in 2025 and slight reductions (0.3% or less) in emissions beyond 2025 based on the operational period emission data in Table 2.16-4.

Table 2.16-4: Criteria Air Pollutant Emissions

Year	Scenario	CO (lbs/day)	$PM_{2.5}$ (lbs/day)	PM_{10} (lbs/day)	ROG (lbs/day)	NO_X (lbs/day)
2015	Existing/Baseline	23,577	385	1,751	1,333	6,392
2025	No Build Alternative	10,582	373	2,003	625	1,758
	Build Alternative	10,584	373	2,003	626	1,759
2045	No Build Alternative	8,007	433	2,421	475	948
	Build Alternative	8,004	433	2,421	474	947
2050	No Build Alternative	8,230	449	2,515	482	953
	Build Alternative	8,227	449	2,515	480	952

CO = carbon monoxide
$PM_{2.5}$ = particulate matter, 2.5 microns in size
PM_{10} = particulate matter, 10 microns in size
ROG = reactive organic gases
NO_x = nitrogen oxides

Source: Air Quality Report for US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project, 2023.

When compared to the No Build Alternative, the reduction in emissions under the Build Alternative would in large part result from the overall decrease in VMT. Please see Section 3.2.17 of this EIR/EA for a discussion of VMT.

MSAT Emissions

Mobile source air toxics (MSATs) are emitted from highway vehicles and non-road equipment. Some toxic compounds are present in fuel and are emitted to the air when

the fuel evaporates or passes through the engine unburned. Other toxics are emitted from the incomplete combustion of fuels or as by-products. Metal air toxics result from engine wear or from impurities in oil or gasoline.

The US EPA has identified nine priority MSATs with significant contributions from mobile sources. These are 1,3-butadiene, acetaldehyde, acrolein, benzene, diesel particulate matter, ethylbenzene, formaldehyde, naphthalene, and polycyclic organic matter. The 2007 US EPA rule on the Control of Hazardous Air Pollutants from Mobile Sources requires controls that will dramatically decrease MSAT emissions through cleaner fuels and cleaner engines. According to an FHWA analysis, even if vehicle activity (i.e., vehicle-miles traveled) increases by 31% from 2020 to 2060 as forecast, a combined reduction of 76% in the total annual emission rate for the priority MSATs is projected for the same time period.

Similar to the process used for calculating criteria pollutant emissions, above, emissions of MSATs were calculated using the CT-EMFAC2021 model for baseline/existing conditions and each study year. The results are depicted in Table 2.16-5. The data show that future emissions of nine priority MSATS under the Build Alternative would be the approximately the same as under the No Build Alternative.

Regardless of the alternative chosen, emissions would on average be between 68% and 82% lower than baseline emissions, due in large part to vehicle fleet turnover. Local conditions may differ from these national projections in terms of fleet mix and turnover, VMT growth rates, and local control measures. However, the magnitude of the U.S. EPA-projected reductions is so great (even after accounting for VMT associated with planned growth) that MSAT emissions in the study area are likely to be lower in the future for both the No Build and Build alternatives.

Table 2.16-5: MSAT Emissions

Year	Scenario	1,3-butadiene (lbs/day)	Acetaldehyde (lbs/day)	Acrolein (lbs/day)	Benzene (lbs/day)	Diesel PM (lbs/day)	Ethylbenzene (lbs/day)	Formaldehyde (lbs/day)	Naphthalene (lbs/day)	POM (lbs/day)
2015	Existing/Baseline	3.35	11.43	0.36	41.92	81.53	15.72	27.27	2.85	0.70
2025	No Build Alternative	0.93	4.12	0.08	16.43	11.18	7.01	9.46	0.90	0.26
	Build Alternative	0.93	4.13	0.08	16.45	11.19	7.02	9.47	0.90	0.26
2045	No Build Alternative	0.53	2.07	0.06	10.61	6.90	5.06	4.83	0.44	0.12
	Build Alternative	0.53	2.07	0.06	10.59	6.90	5.05	4.83	0.44	0.12
2050	No Build Alternative	0.531	2.01	0.06	10.75	6.80	5.14	4.72	0.45	0.12
	Build Alternative	0.53	2.01	0.06	10.72	6.80	5.13	4.72	0.45	0.12

POM = polycyclic organic matter

Source: Air Quality Report for US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project, 2023.

2.16.3.2 *Construction Air Quality Effects*

Site preparation and construction would involve clearing, cut-and-fill activities, grading, removing, or improving existing roadways and bridges, and paving roadway surfaces. During construction, degradation of air quality is expected from the release of particulate emissions (airborne dust) generated by excavation, grading, hauling, and other activities related to construction. Dust can result in adverse health effects (e.g., irritation of the eyes and respiratory tract) as well as visual effects (e.g., haze and reduced visibility). Emissions from construction equipment and on-road vehicles powered by gasoline and diesel engines are also anticipated and would include CO, NO_X, ROG, directly emitted PM_{10} and $PM_{2.5}$, and toxic air contaminants (TACs) such as diesel exhaust particulate matter. See Table 2.16-1 for a description of these pollutants and their health effects.

Construction emissions were estimated using the Cal-CET2021, which uses emission factors from EMFAC2021. Cal-CET2021-provided equipment quantities and construction phases were used along with the scheduling durations provided by the Project's design engineering team.

Construction was divided into two concurrent construction stages (bridges/structures and roadway) with nine "default" phases for each stage: Land Clearing/ Grubbing, Roadway Excavation & Removal, Structural Excavation & Removal, Base/Subbase/Imported Borrow, Structure Concrete, Paving, Drainage/Environmental/Landscaping, Traffic Signalization Signage, and Other Operations.

Using the Cal-CET2021 model and based on the above-described inputs, estimated construction emissions for the Project, excluding fugitive dust, are presented in Table 2.16-6. It is important to note that the data in Table 2.16-6 represent uncontrolled construction-related emissions, meaning that no measures to reduce emissions are assumed. Because of this conservative scenario, actual emissions would be less.

Implementation of the measures listed in Section 2.16.4 will reduce air quality impacts resulting from construction activities. These reductions cannot be quantified at this time because pollutant emissions would vary daily depending on the level of activity, specific operations, and prevailing weather. In addition, a Transportation Management Plan (TMP) will be prepared prior to construction. The TMP will address all traffic-related aspects of construction and avoid routing truck traffic near sensitive receptors to the extent feasible.

Table 2.16-6: Uncontrolled Construction Emissions

Stage	Phase/ Activity	ROG (lbs/day)	CO (lbs/day)	NO_x (lbs/day)	Exhaust PM_{10} (lbs/day)	Exhaust $PM_{2.5}$ (lbs/day)	CO_2e (MT/ Phase)
Roadway	Land Clearing/ Grubbing	2.08	11.96	12.68	12.00	2.00	47
	Roadway Excavation & Removal	4.74	30.57	31.59	5.67	2.73	353
	Structural Excavation & Removal	1.93	5.92	10.21	20.76	2.64	24
	Base/Subbase/ Imported Borrow	7.53	53.03	50.69	9.40	4.50	324
	Structure Concrete	2.30	7.24	11.19	0.70	0.69	105
	Paving	5.51	16.86	39.39	2.98	2.92	173
	Drainage/Environment/ Landscaping	2.13	6.25	13.32	1.04	1.02	123
	Traffic Signalization/ Signage/Striping/ Painting	1.96	9.42	14.53	0.88	0.86	237
	Other Operations	N/A	N/A	N/A	N/A	N/A	N/A
Bridges/Structures	Land Clearing/ Grubbing	5.97	34.36	36.46	8.72	3.15	14
	Roadway Excavation & Removal	10.38	67.03	69.46	7.02	5.42	85
	Structural Excavation & Removal	4.60	14.13	24.37	2.11	1.55	111
	Base/Subbase/Imported Borrow	15.94	112.30	107.34	9.63	8.50	194
	Structure Concrete	10.88	34.21	52.98	3.34	3.26	373
	Paving	6.51	20.12	46.72	3.51	3.44	28
	Drainage/Environment/ Landscaping	2.96	8.76	18.57	1.45	1.41	39
	Traffic Signalization/ Signage/ Striping/Painting	5.40	26.61	40.39	2.41	2.36	141
	Other Operations	N/A	N/A	N/A	N/A	N/A	N/A
Average Daily Emissions (lbs/day)*		6.3 lbs/day	30.5 lbs/day	39.3 lbs/day	5.5 lbs/day	3.2 lbs/day	1,186 MT/Year
Roadway Construction (tons)		0.9 tons	4.7 tons	5.9 tons	1.1 tons	0.5 tons	1,387 MT
Structures Construction (tons)		0.7 tons	3.0 tons	4.0 tons	0.3 tons	0.3 tons	985 MT
Total Construction (tons)		1.6 tons	7.7 tons	9.9 tons	1.4 tons	0.8 tons	2,372 MT

*Based on 504 workdays
MT = metric tons, lbs = pounds

Source: Air Quality Report for US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project, 2023.

Construction activities will not last for more than five years at one general location, so construction-related emissions do not need to be included in regional and project-level conformity analysis (40 CFR 93.123(c)(5)).

2.16.3.3 *Climate Change*

Neither the US EPA nor the FHWA has issued explicit guidance or methods to conduct project-level greenhouse gas analysis. FHWA emphasizes concepts of resilience and sustainability in highway planning, project development, design, operations, and maintenance. Because there have been requirements set forth in California legislation and executive orders on climate change, the issue is addressed in the CEQA chapter of this document (see Section 3.3). The CEQA analysis may be used to inform the NEPA determination for the project.

2.16.3.4 *Cumulative Air Quality Effects*

As previously discussed, transportation plans that have been found to conform with the SIP are not considered to cause or contribute to violations of ambient air quality standards. Furthermore, a project included in a conforming plan would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project area is in non-attainment under an applicable federal or state ambient air quality standard. Conforming transportation plans are subject to a threshold of no net increase in emissions. Because the proposed Project is included in MTC's *Plan Bay Area* and 2023 TIP, which conform to the SIP, the proposed Project would not result in a cumulatively considerable net increase of any criteria pollutant.

Furthermore, as shown in Tables 2.16-4 and 2.16-5, operational emissions of air pollutants would be lower under the Build Alternative than under the No Build Alternative. Therefore, since the Project would have no adverse effect on emissions, it would not, by definition, contribute to a cumulative air quality impact.

2.16.4 Avoidance, Minimization, and/or Mitigation Measures

2.16.4.1 *Long-Term (Operational)*

No avoidance, minimization, or mitigation measures are required.

2.16.4.2 *Construction Period*

The following measure will be implemented for the purpose of avoiding, minimizing, or mitigating the construction-related air quality effects of the Project that pertain to equipment exhaust:

MM-AIR-1.1: Prior to construction, the contractor for the Project shall submit a list of all off-road equipment greater than 25 horsepower (hp) that would be operated for more than 20 hours over the entire duration of Project construction, including equipment from subcontractors, to Bay Area Air Quality Management District (BAAQMD) for review and

certification. The list shall include all information necessary to ensure the equipment meets the following requirement:

- Equipment shall be zero emissions or have engines that meet or exceed either Environmental Protection Agency (EPA) or Air Resource Board (ARB) Tier 4 off-road emission standards, and it shall have engines that are retrofitted with a ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS), if one is available for the equipment being used. Equipment with engines that meet Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement; therefore, a VDECS would not be required.

MM-AIR-1.2: Idling time of diesel-powered construction equipment and trucks shall be limited to no more than five minutes. Clear signage of this idling restriction shall be provided for construction workers at all access points.

MM-AIR-1.3: All construction equipment shall be maintained and properly tuned in accordance with the manufacturers' specifications.

MM-AIR-1.4: Portable diesel generators shall be prohibited. Grid power electricity should be used to provide power at construction sites; or propane and natural gas generators may be used when grid power electricity is not feasible.

The following measures will be implemented for the purpose of minimizing or avoiding the construction-related air quality effects of the Project that pertain to the generation of dust:

MM-AIR-2.1: All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

MM-AIR-2.2: On-site dirt piles or other stockpiled particulate matter (PM) shall be covered, wind breaks installed, and water and/or soil stabilizers employed to reduce wind-blown dust emissions. The use of approved nontoxic soil stabilizers shall be incorporated according to manufacturers' specifications to all inactive construction areas.

MM-AIR-2.3: All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day.

MM-AIR-2.4: All vehicle speeds on unpaved roads and surfaces shall be limited to 15 mph.

MM-AIR-2.5 All roadway, driveway, and sidewalk paving shall be completed as soon as possible.

MM-AIR-2.6: All construction sites shall provide a posted sign visible to the public with the telephone number and person to contact at the lead agency regarding dust complaints. The recommended response time for corrective action shall be within 48 hours. BAAQMD's Complaint Line (1-800-334-6367) shall also be included on posted signs to ensure compliance with applicable regulations.

MM-AIR-2.7: All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.

MM-AIR-2.8: Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50% air porosity.

MM-AIR-2.9: Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

MM-AIR-2.10: The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.

MM-AIR-2.11: All transfer processes involving a free fall of soil or other PM shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions.

MM-AIR-2.12: Site accesses to a distance of 100 feet from the paved road shall be treated with a 6-to 12-inch compacted layer of wood chips, mulch, or gravel.

MM-AIR-2.13: Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than 1%.

MM-AIR-2.14: Open burning shall be prohibited at the Project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (e.g., trash, demolition debris) may be conducted at the Project site. Vegetative wastes shall be chipped or delivered to waste-to-energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials off-site for disposal by open burning.

MM-AIR-2.15: All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

2.17 NOISE

2.17.1 Introduction

Noise is measured in "decibels" (dB), which is a numerical expression of sound levels on a logarithmic scale. A noise level that is 10 dB higher than another noise level has ten times as much sound energy and is perceived as being twice as loud. A sound change of less than 3 dB is just barely perceptible, and then only in the absence of other sounds. Intense sounds of 140 dB are so loud that they are painful and can cause damage with only brief exposure. These extremes are not commonplace in our normal working and living environments. An "A-weighted decibel" (dBA) approximates the frequency response of the average young ear when listening to most ordinary everyday sounds. Thus, traffic noise impact analyses commonly use the dBA.

Regarding traffic-generated noise, noise levels rise as vehicle speeds, overall volumes, and truck volumes increase. In general, a doubling of traffic results in a 3 dBA increase in noise at a nearby receptor, assuming a relatively homogeneous traffic composition (i.e., mainly passenger cars). The peak noise hour is typically not the peak commute hour due to lower operating speeds during the latter. The combination of volumes and speeds that produces the peak noise hour is that which is associated with level of service C/D.

2.17.2 Regulatory Setting

NEPA and CEQA provide the broad basis for analyzing and abating highway traffic noise effects. The intent of these laws is to promote the general welfare and to foster a healthy environment. The requirements for noise analysis and consideration of noise abatement and/or mitigation, however, differ between NEPA and CEQA.

California Environmental Quality Act

CEQA requires a strictly baseline versus build analysis to assess whether a proposed project will have a noise impact. If a proposed project is determined to have a significant noise impact under CEQA, then CEQA dictates that mitigation measures must be incorporated into the project unless those measures are not feasible. The rest of this section will focus on the NEPA/Title 23 Part 772 of the Code of Federal Regulations (23 CFR 772) noise analysis; please see Section 3 of this document for further information on noise analysis under CEQA.

NEPA and 23 CFR 772

For highway transportation projects with FHWA involvement (and Caltrans, as assigned), the Federal-Aid Highway Act of 1970 and its implementing regulations (23 CFR 772) govern the analysis and abatement of traffic noise impacts. The regulations require that potential noise impacts in areas of frequent human use be identified during the planning and design of a highway project. The regulations include noise abatement criteria (NAC)

that are used to determine when a noise impact would occur. The NAC differ depending on the type of land use under analysis. For example, the NAC for residences (67 dBA) is lower than the NAC for commercial areas (72 dBA). Table 2.17-1 lists the NAC for use in the NEPA/23 CFR 772 analysis.

Table 2.17-1: Noise Abatement Criteria

Activity Category	NAC, Hourly A-Weighted Noise Level, Leq(h)[1]	Description of Activity Category
A	57 (Exterior)	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B[2]	67 (Exterior)	Residential.
C[2]	67 (Exterior)	Active sport areas, amphitheaters, auditoriums, campgrounds, cemeteries, day care centers, hospitals, libraries, medical facilities, parks, picnic areas, places of worship, playgrounds, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, recreation areas, Section 4(f) sites, schools, television studios, trails, and trail crossings.
D	52 (Interior)	Auditoriums, day care centers, hospitals, libraries, medical facilities, places of worship, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, schools, and television studios.
E	72 (Exterior)	Hotels, motels, offices, restaurants/bars, and other developed lands, properties, or activities not included in A–D or F
F	No NAC - reporting only	Agriculture, airports, bus yards, emergency services, industrial, logging, maintenance facilities, manufacturing, mining, rail yards, retail facilities, shipyards, utilities (water resources, water treatment, electrical, etc.), and warehousing.
G	No NAC - reporting only	Undeveloped lands that are not permitted.

[1]The equivalent sound level (Leq[h]) activity criteria values are for impact determination only and are not design standards for noise abatement measures. All values are A-weighted decibels (dBA).
[2]Includes undeveloped lands permitted for this activity category.

Figure 2.17-1 lists the noise levels of common activities to enable readers to compare the actual and predicted highway noise levels discussed in this section with common activities.

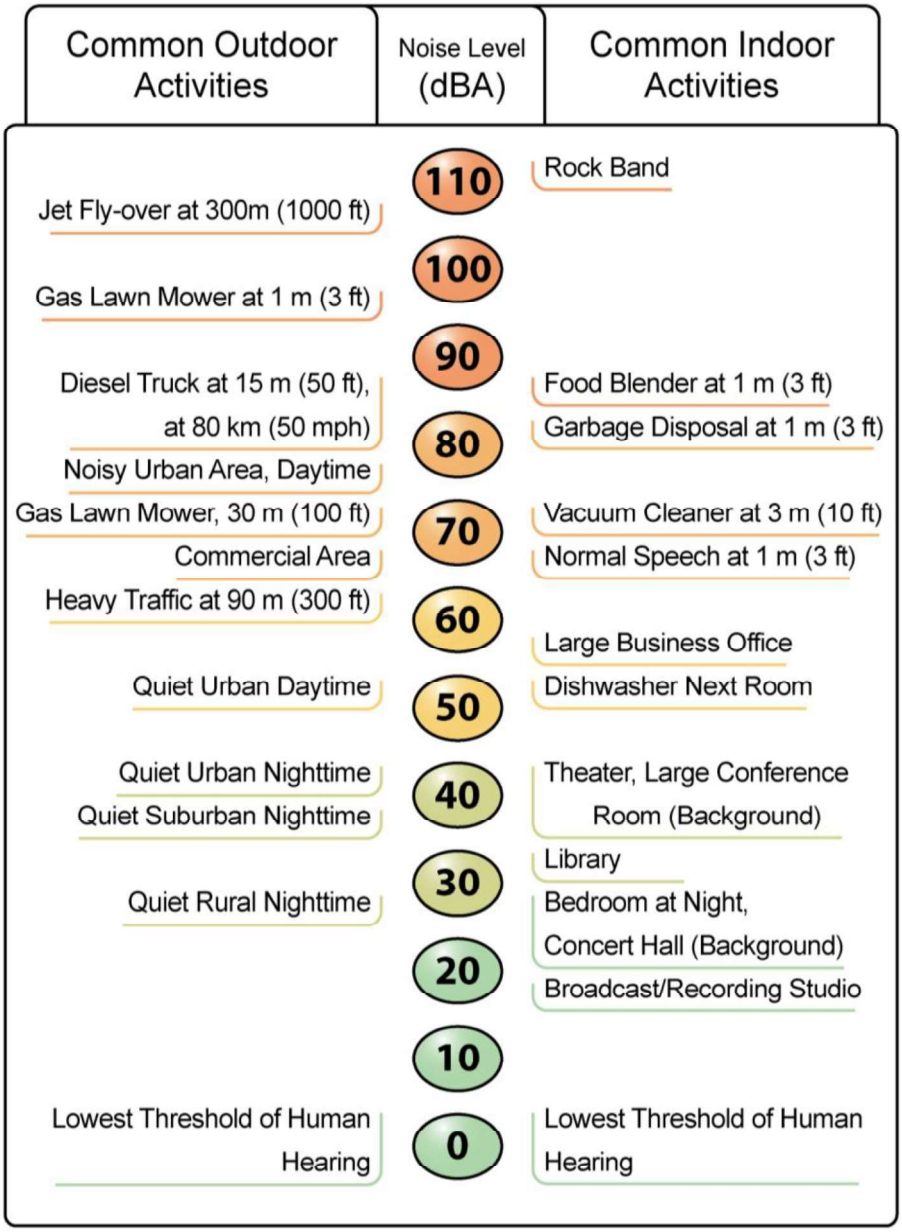


Figure 2.17-1: Noise Levels of Common Activities

According to the Caltrans *Traffic Noise Analysis Protocol for New Highway Construction and Reconstruction Projects* (April 2020), a noise impact occurs when the predicted future noise level with the project substantially exceeds the existing noise level (defined as a 12 dBA or more) or when the future noise level with the project approaches or exceeds the NAC. A noise level is considered to approach the NAC if it is within 1 dBA of the NAC.

If it is determined that the project will have noise impacts, then potential abatement measures must be considered. Noise abatement measures that are determined to be reasonable and feasible at the time of final design are incorporated into the project plans and specifications. This document discusses noise abatement measures that would likely be incorporated in the project.

Caltrans' Traffic Noise Analysis Protocol sets forth the criteria for determining when an abatement measure is reasonable and feasible. Feasibility of noise abatement is basically an engineering concern. Noise abatement must be predicted to reduce noise by at least 5 dB at an impacted receptor to be considered feasible from an acoustical perspective. It must also be possible to design and construct the noise abatement measure for it to be considered feasible. Factors that affect the design and constructability of noise abatement include, but are not limited to, safety, barrier height, topography, drainage, access requirements for driveways, presence of local cross streets, underground utilities, other noise sources in the area, and maintenance of the abatement measure. The overall reasonableness of noise abatement is determined by the following three factors: 1) the noise reduction design goal of 7 dB at one or more impacted receptors; 2) the cost of noise abatement; and 3) the viewpoints of benefited receptors (including property owners and residents of the benefited receptors).

2.17.3 Affected Environment

The information in this section is based primarily on the Project's Noise Study Report (January 2022), which is incorporated into this EIR/EA by reference. This report is available for review at the locations listed inside the front cover of this document.

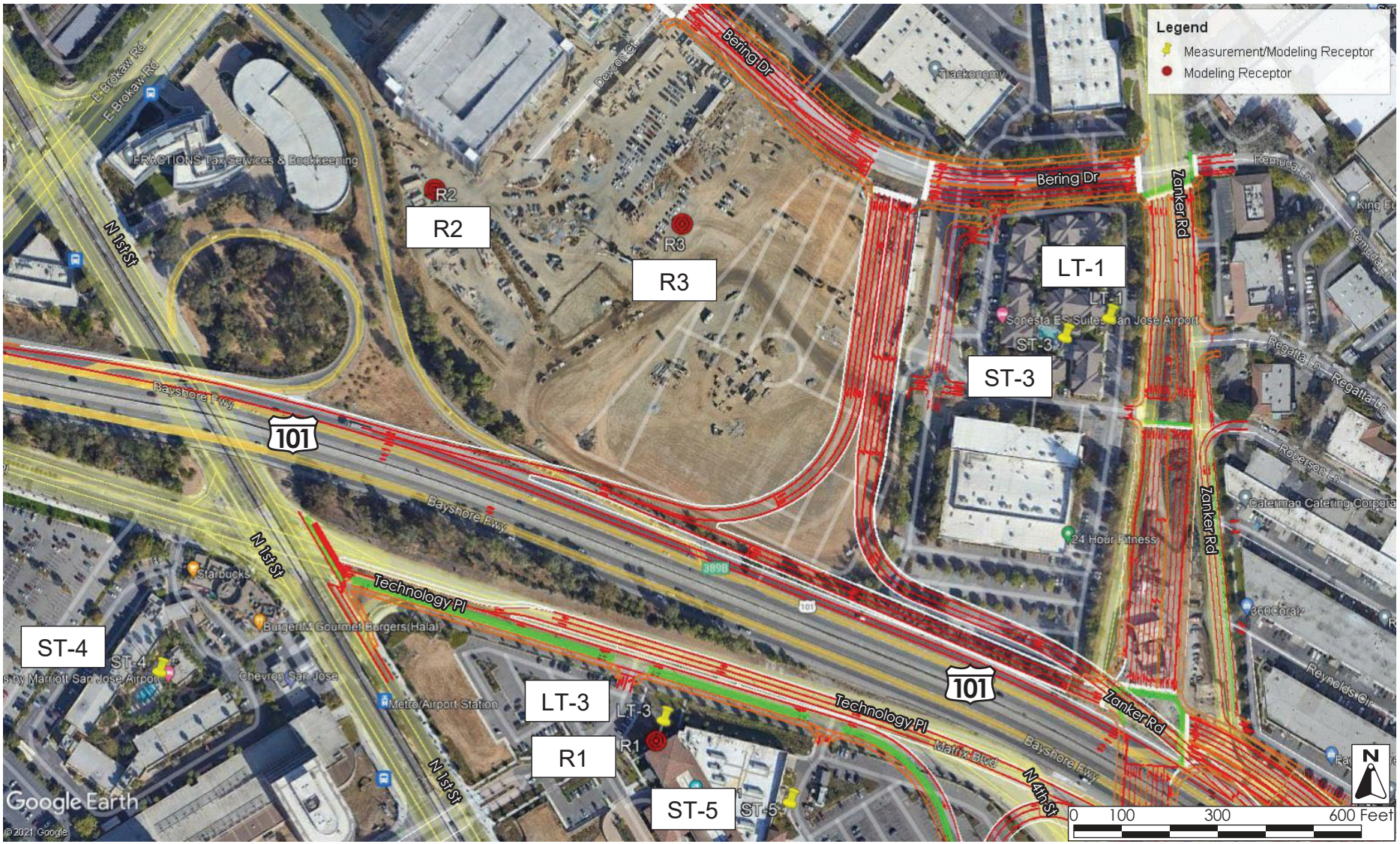
The existing noise environment throughout the Project area varies by location, depending on site characteristics such as the proximity of receptors to US 101 and other arterial roadways, local roadways, other significant sources of noise in the area (e.g., San José International Airport), the relative base elevations of roadways and receptors, and the presence of any intervening structures or barriers.

Existing peak-hour noise levels were quantified within the Project limits at Category B receptors (i.e., residences), as well as at Category E receptors (i.e., hotels, restaurants, offices) where there are outdoor use areas. These locations are shown on Figures 2.17-2 through 2.17-4. As shown in Table 2.17-2, the loudest-hour noise levels at Category B land uses range from 60 to 67 dBA Leq[h] under existing conditions. The loudest hour noise levels at Category E land uses range from 51 to 67 dBA Leq[h] under existing conditions. No Category A, C, or D receptors are present.

Table 2.17-2 also includes projected exterior noise levels under future (year 2045) "No Build" conditions. Future noise levels will be up to one decibel higher than existing levels, reflecting increases in traffic that will occur as a result of planned growth in the area.

Source: Caltrans, January 2022.

NOISE RECEPTORS – MAP 1 OF 3 | FIGURE 2.17-2



Source: Caltrans, January 2022.

NOISE RECEPTORS – MAP 2 OF 3 | FIGURE 2.17-3

Source: Caltrans, January 2022.

NOISE RECEPTORS – MAP 3 OF 3 | FIGURE 2.17-4

Table 2.17-2: Existing and Future Loudest Hour Leq Exterior Noise Levels

Receptor Number	Location	Land Use	NAC Activity Category	Loudest-Hour Exterior Noise Levels, Leq[h] dBA			Year 2045			
				Existing	2045 No Build	2045 Build	No Build Increase Over Existing	Build Increase Over Existing	Build Increase Over No Build	Impact Type[a]
ST-1	Hyatt Place	Hotel	E (72)	65	66	66	1	1	0	None
ST-2	Extended Stay America	Hotel	E (72)	55	55	55	0	0	0	None
ST-3	Sonesta ES Suites	Hotel	E (72)	51	52	53	1	2	1	None
ST-4	Fairfield Inn & Suites	Hotel	E (72)	55	56	56	1	1	0	None
ST-5	Bay 101 Casino	Restaurant	E (72)	67	67	67	0	0	0	None
ST-6	Waterford Place Apts	Residential	B (67)	60	61	64	1	4	3	None
R1	Bay 101 Casino	Restaurant	E (72)	60	60	60	0	0	0	None
R2	Brokaw Road Office – Activity Field	Office	E (72)	65	65	60	0	-5[b]	-5[b]	None
R3	Brokaw Road Office – Ball Field	Office	E (72)	56	57	57	1	1	0	None
R4	Waterford Place Apts – 1st Floor Patio	Residential	B (67)	65	66	68	1	3	2	A/E
R5	Waterford Place Apts – 2nd Floor Balcony	Residential	B (67)	66	67	70	1	4	3	A/E
R6	Waterford Place Apts – 3rd Floor Balcony	Residential	B (67)	67	68	70	1	3	2	A/E

Receptor locations are shown on Figures 2.17-2 through 2.17-4.

All projected noise levels are rounded to the nearest decibel.

[a] Impact Type: S = Substantial Increase (12 dBA or more); A/E = Approach or Exceed the NAC; None = Increase is less than 12 dBA and noise levels do not approach or exceed the NAC.

[b] At R2, the 2045 noise levels under the Build Alternative decrease because of the removal of the US 101 northbound off-ramp to Brokaw Road and shielding provided by intervening buildings.

Source: Noise Study Report for US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project, 2022.

2.17.4 Environmental Consequences

2.17.4.1 *Long-Term Operational Noise Impacts*

Future traffic-related noise levels at land uses adjacent to the Project were quantified in accordance with FHWA and Caltrans procedures. Projected noise levels were then compared to FHWA's NAC shown in Table 2.17-1 to determine whether the consideration of noise abatement measures was warranted. Projected noise levels were also compared with existing noise levels to determine whether the increase (if any) would be substantial.

As shown in Table 2.17.2, future noise increases, and the contribution of the Project to those increases, would vary by location, highlighted as follows:

- When compared to existing conditions, changes in noise levels under 2045 No Build conditions would range from 0 to +1 dBA. The slight increase in noise would reflect increases in traffic that will occur as a result of planned growth in the area.

- Except at Receptor R2, when compared to 2045 No Build conditions, the effect of the Project on noise levels would range from 0 to +3 dBA.

- Except at Receptor R2, when compared to existing conditions, changes in noise levels under 2045 Build conditions would range from 0 to +4 dBA.

- At Receptor R2, an activity field associated with an office complex, noise levels would decrease by 5 dBA due to the Project. The decrease would result from the Project's removal of the US 101 northbound off-ramp to Brokaw Road and shielding provided by intervening buildings.

- None of the exterior noise level increases that would result from the Project are considered substantial as they would be well below the Caltrans 12 dBA threshold.

- Noise levels would approach or exceed FHWA's NAC at various Waterford Place Apartments (i.e., Receptors R4, R5, and R6), as is the case under existing conditions. Please see Section 2.17.5 for a discussion of the feasibility of noise abatement for those locations.

2.17.4.2 *Short-Term Noise Impacts During Construction*

Project construction is anticipated to occur over a period of approximately three years and would include grubbing and land clearing, grading and excavation, draining, utilities, and sub-grade work, and paving. Pile driving will likely be required as a method of construction for bridge foundations. Blasting would not be required. Construction noise would primarily result from the operation of heavy construction equipment and arrival and departure of heavy-duty trucks.

Table 2.17-3 presents construction noise levels calculated for each major phase of the Project at distances of 50 and 100 feet, based on calculations conducted in FHWA's Roadway Construction Noise Model (RCNM) using Project-specific construction information. This construction noise model includes representative sound levels for the most common types of construction equipment and the approximate usage factors of such equipment that were developed based on an extensive database of information gathered during the construction of the Central Artery/Tunnel Project in Boston, Massachusetts (CA/T Project or "Big Dig"). In some instances, maximum instantaneous noise levels are calculated to be slightly lower than hourly average noise levels. This occurs because the model reports the maximum instantaneous noise level generated by

the loudest single piece of construction equipment, while reporting the hourly average noise levels resulting from the additive effect of multiple pieces of construction equipment operating simultaneously. Noise generated by construction equipment drops off at a rate of 6 dB per doubling of distance.

Although the overall construction schedule is anticipated to occur over a period of three years, roadway construction activities typically occur for relatively short periods of time in any specific location as construction proceeds along the Project's alignment. Construction noise would mostly be of concern in areas where heavy construction would be concentrated for extended periods of time in areas adjacent to noise-sensitive receptors, where noise levels from individual pieces of equipment are substantially higher than ambient conditions, or when construction activities would occur during noise-sensitive early morning, evening, or nighttime hours.

As indicated by the data in Table 2.17-3, most construction phases would generate average noise levels that would exceed ambient daytime noise levels at adjacent land uses by 15 to 20 dBA Leq[h]. With the exception of short periods of pile driving (if used as a method of construction), demolition, and site preparation, construction noise levels would not be expected to exceed the quantitative noise limits established by Caltrans.

Table 2.17-3: Noise Levels by Construction Phase at 50 Feet and 100 Feet

Construction Type	Construction Phase	At 50 Feet		At 100 Feet	
		Maximum Noise Level (L_{max}, dBA)	Hourly Average Noise Level (L_{eq}[h], dBA)	Maximum Noise Level (L_{max}, dBA)	Hourly Average Noise Level (L_{eq}[h], dBA)
Roadway Construction	Grubbing / Land Clearing	85	87	79	81
	Grading / Excavation	85	90	79	84
	Drainage / Utilities	85	89	79	83
	Paving	85	87	79	81
Bridge / Structures Construction	Grubbing / Land Clearing	85	86	79	80
	Grading / Excavation	85	90	79	84
	Impact Pile Driving	101	94	95	88

2.17.4.3 *Short-Term Vibration Impacts During Construction*

Project construction would include grubbing and land clearing, grading and excavation, draining, utilities, and sub-grade work, and paving. Pile driving will likely be required as a method of construction for bridge foundations. Blasting would not be required. Traffic, including heavy trucks traveling on a highway, rarely generates vibration amplitudes high enough to cause structural or cosmetic damage.

Due to the short-term nature of construction, the primary concern is the potential for vibration to damage a structure. Demolition and construction activities often generate perceptible vibration levels and levels that could affect nearby structures when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used in the vicinity of nearby sensitive land uses. Building damage generally falls into three categories:

- Cosmetic damage (also known as threshold damage) is defined as hairline cracking in plaster, the opening of old cracks, the loosening of paint or the dislodging of loose objects.
- Minor damage is defined as hairline cracking in masonry or the loosening of plaster.
- Major structural damage is defined as wide cracking or the shifting of foundation or bearing walls.

Critical factors pertaining to the impact of construction vibration on sensitive receptors include the proximity of the existing structures to the Project site, soil conditions, the soundness of the structures, and the methods of construction used.

Vibration is measured in terms of peak particle velocity (PPV) and the units are inches per second (in/sec). Caltrans identifies a vibration limit of 0.5 in/sec PPV as the threshold at which there is a potential risk of damage to new residential and modern commercial/industrial structures, 0.3 in/sec PPV for older residential structures, and a conservative limit of 0.25 in/sec PPV for historic and some old buildings.

Table 2.17-4 presents typical vibration levels that could be expected from representative construction equipment at a reference distance of 25 feet. Vibration levels are highest close to the source, and then attenuate with increasing distance depending on soil conditions. Assuming normal propagation, Table 2.17-4 also shows how vibration levels would vary by distance from the source.

Table 2.17-5 depicts the distances between the most vibration-critical pieces of construction equipment and nearby buildings with regard to potential exceedance of the applicable Caltrans vibration threshold.

As shown in Table 2.17-5, heavy construction located within 22 feet of historic buildings and impact pile driving located within 100 feet of historic buildings would have the potential to exceed the 0.25 in/sec PPV threshold. However, based on review of the City of San José's Historic Resource Inventory, there are no historic structures located within one-half mile of proposed construction areas. Similarly, there are no older residences in the Project vicinity, as the area is primarily bordered by new commercial/industrial buildings and a new apartment building (Waterford Place Apartments).

Heavy demolition is not proposed within 12 feet of new residential and modern commercial/industrial structures, and impact pile driving is not proposed within 55 feet of

new residential and modern commercial/industrial structures. Therefore, construction vibration levels associated with the proposed Project would not have the potential to exceed the 0.5 in/sec PPV threshold.

Table 2.17-4: Representative Vibration Levels from Construction Equipment

Equipment		PPV (in/sec) at Distance from Source			
		10 Feet	25 Feet	50 Feet	100 Feet
Pile Driver (Impact)	upper range	3.173	1.158	0.540	0.252
	typical	1.764	0.644	0.300	0.140
Pile Driver (Sonic)	upper range	2.011	0.734	0.342	0.160
	typical	0.466	0.17	0.079	0.037
Clam Shovel Drop		0.553	0.202	0.094	0.044
Hydromill (Slurry Wall)	in soil	0.022	0.022	0.004	0.002
	in rock	0.047	0.047	0.008	0.004
Vibratory Roller		0.575	0.210	0.098	0.046
Hoe Ram		0.244	0.089	0.042	0.019
Large bulldozer		0.244	0.089	0.042	0.019
Caisson drilling		0.244	0.089	0.042	0.019
Loaded trucks		0.208	0.076	0.035	0.017
Jackhammer		0.096	0.035	0.016	0.008
Small bulldozer		0.008	0.003	0.001	0.001

Table 2.17-5: Distance to Exceedance of Vibration Limit by Structure Type

Structure Type	Threshold	Distance Between Source and Structure Within Which Exceedance of Threshold Is Likely to Occur	
		Impact Pile Driving	Heavy Construction
Historic Buildings	0.25 in/sec PPV	100 feet	22 feet
Older Residences	0.3 in/sec PPV	85 feet	18 feet
New Residential and Commercial/Industrial Buildings	0.5 in/sec PPV	55 feet	12 feet
Distances were calculated assuming normal propagation conditions.			

2.17.5 Avoidance, Minimization, and/or Mitigation Measures

This section describes the avoidance, minimization, and mitigation measures that were evaluated for inclusion in the Project.

2.17.5.1 *Measures for Long-Term Operational Noise Impacts*

Although the Project would not result in a substantial increase in traffic-related noise, projected noise levels will exceed FHWA's NAC at the residential patios and balconies of certain Waterford Place Apartments adjoining North 4th Street, represented by R4, R5, and R6 on Figure 2.17-5. The patios and balconies are not currently shielded by solid

noise barriers. Although the apartment complex has centrally located common use areas for quiet outdoor enjoyment, Caltrans requires that residential patios and balconies be considered for noise abatement. As a result, the feasibility and reasonableness allowances of noise abatement measures were considered.

The feasibility of constructing a new soundwall along the east side of the Waterford Place Apartments was determined by the 5-dBA minimum reduction in noise level as well as overall constructability. The reasonableness of the soundwall was determined using the following three factors contained in the Protocol:

- The noise reduction design goal (a barrier must be predicted to provide at least 7 dB of noise reduction at one or more benefited receptors).
- The cost of noise abatement (reasonable allowance per benefited receptor of $107,000 for barrier heights of 8-12 feet).
- The viewpoints of benefited receptors (including property owners and residents of the benefited receptors).

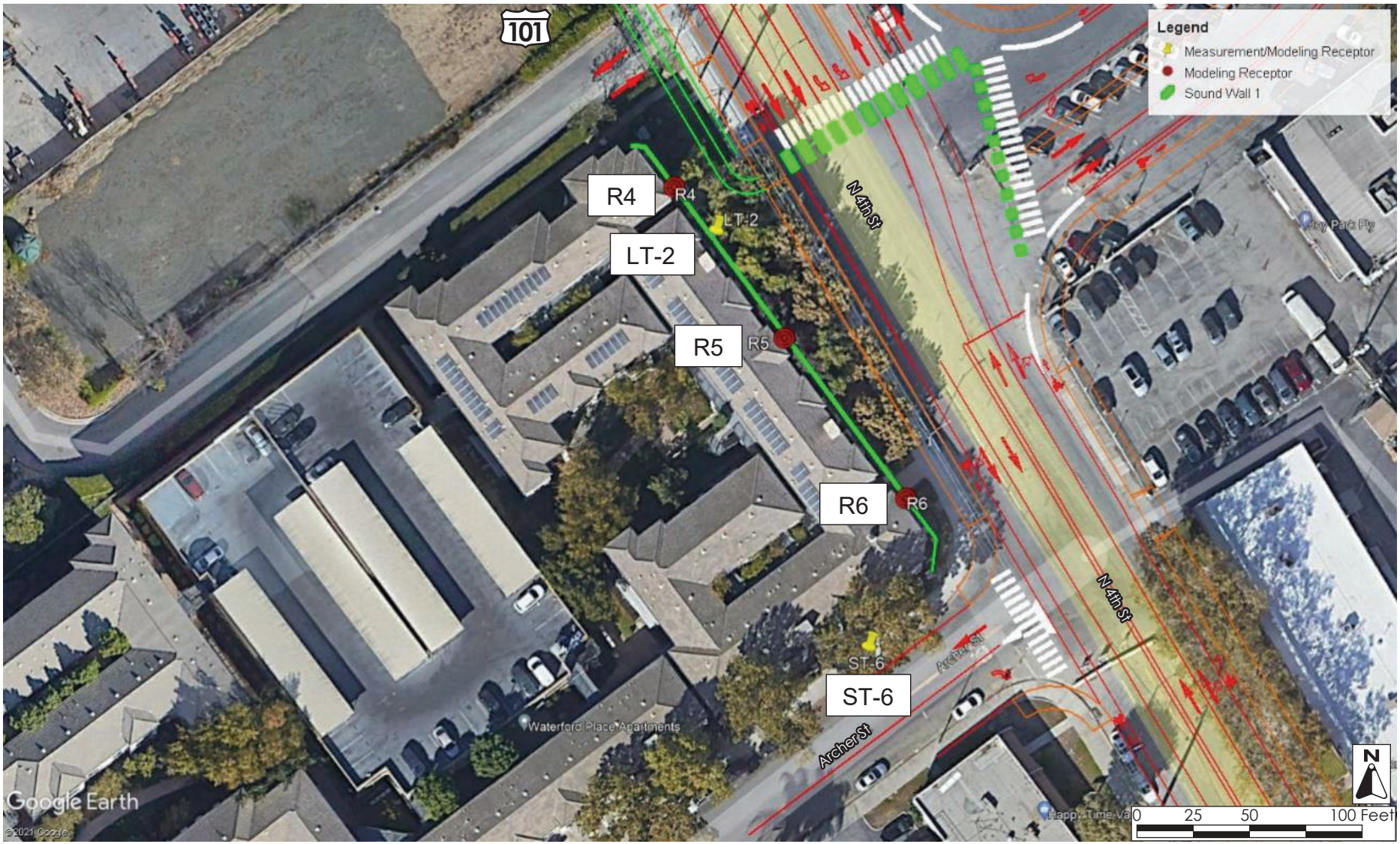
Soundwall #1, as depicted on Figure 2.17-5, would feasibly abate traffic noise at five ground-floor patios. As shown in Table 2.17-6, the 7 dB noise reduction goal would be met at a minimum height of 6 feet. The line-of-sight between truck stacks and receptors would be intercepted at a minimum height of 8 feet. Soundwall #1 would not, however, provide a feasible or reasonable noise reduction at second or third floor balconies.

Table 2.17-6: Comparison of Soundwall #1 Heights and Benefits

Receptor ID	Number of Units Represented	Noise Level w/o Soundwall	With Soundwall H = 6 feet		With Soundwall H = 8 feet		With Soundwall H = 10 feet		With Soundwall H = 12 feet	
			Leq[h]	Noise Reduction (dBA)	Leq[h]	Noise Reduction (dBA)	Leq[h]	Noise Reduction (dBA)	Leq[h]	Noise Reduction (dBA)
ST-6	3	64	64	0	64	0	64	0	64	0
R4 (1st floor patio)	5	68	61	7	57	11	55	13	53	15
R5 (2nd floor balcony)	5	70	70	0	70	0	70	0	70	0
R6 (3rd floor balcony)	5	70	70	0	70	0	70	0	70	0

Receptors are shown on Figure 2.17-7.

Source: Noise Study Report for US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project, 2022.



Source: Caltrans, January 2022.

LOCATION OF SOUNDWALL #1 | FIGURE 2.17-5

Based on the data in Table 2.17-7, the reasonable allowance calculated for Soundwall #1 at soundwall heights of 6 to 12 feet is $535,000.

Table 2.17-7: Reasonableness Analysis for Soundwall #1

Noise Level w/o Soundwall at Benefited Receptors 2045 Build Conditions (Leq[h])	Soundwall Height (feet)	Noise Reduction Provided By Soundwall (dBA)	Number Of Benefited Receptors	Total Reasonable Monetary Allowance[a]	Estimated Construction Cost[b]
64 – 70 dBA	6	7	5	$535,000	n/a[c]
	8[d]	11	5	$535,000	$102,400
	10[d]	13	5	$535,000	$126,400
	12[d]	15	5	$535,000	$153,600

Soundwall length assumed to be approximately 240 feet.

[a] Reasonable monetary allowance is $107,000 per benefitted receptor.
[b] Source: Caltrans Unit Cost Database
[c] Not calculated as height does not break truck stack line-of-sight.
[d] Soundwall breaks line of sight between 11.5-foot high truck stack and 5-foot high receptor.

Sources: Noise Study Report for US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project, 2022. Noise Abatement Decision Report for US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project. March 2022.

Preliminary Noise Abatement Recommendation and Decision

The Project proposes to construct Soundwall #1 at the location described above, however, final determination of construction will require discussion with and input from the property owner during the design phase. The proposed soundwall height would be 8 feet, which would break the line-of-sight between an 11.5-ft truck exhaust stack and a 5-ft high receptor. The soundwall would reduce traffic noise levels by 11 decibels at the first-floor patios of the five Waterford Place Apartments that face east. [Note: For context, a noise level that is 10 decibels lower than another noise level has one-tenth as much sound energy and is perceived as being one-half as loud.] Finally, an 8-foot-tall soundwall provides the best value in terms of cost per benefitted receptor, taking the degree of noise reduction into account.[26]

The preliminary noise abatement decision presented above is based on preliminary Project alignments and profiles, which may be subject to change. As such, the physical characteristics of noise abatement described herein also may be subject to change. If pertinent parameters change substantially during the final Project design, the preliminary

[26] Source: Preliminary Noise Abatement Decision Report for the US 101/Zanker Road//Skyport Drive/Fourth Street Improvement Project, March 2022.

noise abatement decision may be changed or eliminated from the final Project design. A final decision to construct noise abatement will be made upon completion of the Project design.

2.17.5.2 *Measures for Short-Term Construction Noise Impacts*

For the purpose of minimizing and avoiding short-term construction noise impacts, the following measures will be implemented by the Project:

MM-NOI-1.1: All construction equipment shall conform to Section 14-8.02, Noise Control, of the latest Caltrans Standard Specifications.

MM-NOI-1.2: When feasible, noise-generating construction activities shall be restricted to between 7:00 a.m. and 7:00 p.m. on weekdays, with no construction occurring on weekends or holidays. If work is necessary outside of these hours, Caltrans shall require the contractor to implement a construction noise monitoring program and provide additional noise controls where practical and feasible.

MM-NOI-1.3: Pile driving activities shall be limited to daytime hours only.

MM-NOI-1.4: All internal combustion engine driven equipment shall be equipped with manufacturer recommended intake and exhaust mufflers that are in good condition and appropriate for the equipment.

MM-NOI-1.5: Unnecessary idling of internal combustion engines within 100 feet of residences shall be strictly prohibited.

MM-NOI-1.6: Noise generating equipment shall be located as far as practical from sensitive receptors when sensitive receptors adjoin or are near the construction project area.

MM-NOI-1.7: "Quiet" air compressors and other "quiet" equipment shall be utilized where such technology exists.

2.17.5.3 *Measures for Short-Term Construction Vibration Impacts*

Construction vibration levels would be under the applicable thresholds and no avoidance, minimization, and/or mitigation measures are required.

2.18 ENERGY

2.18.1 Regulatory Setting

NEPA (42 USC Part 4332) requires the identification of all potentially significant impacts to the environment, including energy impacts.

CEQA Guidelines section 15126.2(b) and Appendix F, Energy Conservation, require an analysis of a project's energy use to determine if the project may result in significant environmental effects due to wasteful, inefficient, or unnecessary use of energy, or wasteful use of energy resources.

2.18.2 Affected Environment

The information in this section is based primarily on a technical Energy Analysis Report (October 2023), which is incorporated into this EIR/EA by reference. This report is available for review at the locations listed inside the front cover of this document.

Non-renewable energy resources used in California include petroleum, natural gas, and nuclear power, while renewable energy resources include hydroelectric, biomass, wind, solar, and geothermal heat (i.e., heat given off by the Earth). Approximately 36% of California's electricity comes from renewable sources, and 42% of that renewable energy comes from solar, the State's top renewable energy source. California also relies on energy sources from out of state, receiving approximately 28% of its electricity supply in 2019 from generating facilities outside the State. As mandated by Senate Bill 100, the State is targeting 100% renewable or carbon-free energy usage by 2045.

The transportation sector is the top consumer of energy in California, comprising nearly 40% of energy consumption in 2018. The high consumption of transportation fuels in California is attributed to the state's reliance on airports, military bases, public transportation, and automobiles. In addition, major metropolitan areas, such as the San Francisco Bay Area and Los Angeles metropolitan and surrounding areas, experience extremely long commute travel times and delay because of high traffic congestion and long distances of travel between homes and jobs.

Fossil fuels have been the leading transportation fuels in the country and state. California's fossil fuel consumption for transportation is shown in Table 2.18-1. Gasoline is the most consumed fuel in California at approximately 55.79% of total fossil fuel consumption for the state's transportation sector.

Alternatives to fossil fuels for transportation have helped decrease the dependence on gasoline and other fossil fuels. In addition to traditional petroleum fuels, California currently uses the following "alternative" fuels and energy sources: compressed natural gas, electric, ethanol, hydrogen, liquefied natural gas, and liquefied petroleum gas.

Table 2.18-1: Fossil Fuel Use in California for the Transportation Sector (2018)

Fuel Type	California Consumption	
	Trillion BTUs	Percent of Total
Natural Gas	44.8	1.42%
Aviation Gasoline	2.2	0.07%
Distillate Fuel Oil	483.8	15.30%
Hydrocarbon Gas Liquid	0.7	0.02%
Jet Fuel	684.8	21.65%
Lubricants	13.2	0.42%
Motor Gasoline	1,764.4	55.79%
Residual Fuel Oil	168.8	5.34%
Total	**3,162.7**	**100%**

BTU = British Thermal Unit. One BTU is the amount of heat required to raise the temperature of one pound of water by one degree Fahrenheit.

Source: Energy Analysis Report for US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project, 2023.

As stated in Section 1.2, there is substantial peak-period congestion in the Project area, both on US 101 and on local streets. Additionally, vehicle hours of delay are anticipated to increase from 23,979 daily in 2025 to 40,731 daily in 2045. Traffic congestion reduces vehicle fuel economy and increases excess fuel consumption, leading to higher direct energy consumption (US Department of Energy 2013). The Build Alternative is anticipated to curb these effects by increasing the efficiency of the transportation system in the Project area, thus reducing congestion and energy consumption.

2.18.3 Environmental Consequences

The Build Alternative was evaluated to determine if it would result in the inefficient and/or a substantial increased use of energy. Both direct energy usage and indirect energy uses were assessed.

2.18.3.1 *Methodology*

Direct energy consumption was quantified by leveraging data from the Project's traffic and air quality reports. The study areas for both reports encompass portions of US 101, and local intersections in the City of San José. The Project study area was identified based on input from the study team, the City of San José and Caltrans staff.

The future forecast volumes for the study area were developed using the most current VTA travel demand model that was developed and maintained by the VTA. 2015 was used as the Base Year, as that is the validation Base Year in the VTA model. Forecasts were developed for the opening year 2025, design year 2045, and RTP horizon year 2050 for the No Build and Build Alternatives.

Daily operational VMT was used to estimate existing direct energy consumption in 2015 (Base Year), as well as future direct energy consumption in 2025, 2045, and 2050 for the No Build and Build Alternatives.

Operational gasoline, diesel fuel, and natural gas, electricity consumption for the Base Year, as well as the No Build and Build Alternatives in 2025 ,2045, and 2050, were used to further refine the direct energy consumption estimate. Direct energy consumption in gallons was converted to direct energy consumption in BTUs. Direct energy consumption in kilowatt hours from zero emission electric vehicles was likewise converted to BTUs. BTUs for all four vehicle categories were recombined to obtain total energy consumption for the Base Year, as well as the No Build and Build alternatives in 2025, 2045, and 2050. Comparisons were drawn between total energy consumption in 2015, 2025, 2045, and 2050.

Direct energy usage for construction was calculated using Cal-CET, as reported in the air quality report. Project total fuel consumption in gallons of diesel and gasoline, as well as energy from zero emission electric vehicles, were converted to direct energy consumption in BTUs, following the same logic described above. Indirect energy usage is discussed qualitatively, as these types of energy usage are difficult to reliably quantify without speculation.

2.18.3.2 *Direct Energy Impacts*

Operational Phase

Energy consumption based on VMT is anticipated to increase over time relative to the Base Year, regardless of the chosen alternative, due to increased travel demand in the Project area (Table 2.18-2). However, as stated in the following section, better energy efficiency and standards are anticipated to apply over time as older vehicles are replaced by increasingly more fuel-efficient cars and trucks. Additionally, when compared to the No Build Alternative, daily VMT would decrease by .01% and .06% for the Build Alternative in 2025 and 2045, respectively.

Table 2.18-2: Daily Operational VMT in the Study Area

Project Alternative	Daily VMT	Change from Base Year (Daily VMT)	% Change from Base Year	Change from No Build (Daily VMT)	% Change from No Build
2015 Base Year	5,629,304	--	--	--	--
2025 No Build	6,489,663	+ 860,359	+ 15.28%	--	--
2025 Build	6,489,597	+ 860,293	+ 15.28%	- 66	- 0.01%
2045 No Build	7,657,280	+ 2,027,976	+ 36.03%	--	--
2045 Build	7,656,105	+ 2,026,801	+ 36.00%	- 1,175	- 0.06%
2050 No Build	7,949,186	+ 2,319,882	+ 41.21%	--	--
2050 Build	7,947,733	+ 2,318,429	+ 41.19%	- 1,453	- 0.02%

Direct energy usage based on operational fuel consumption was calculated using CT-EMFAC2021, which is an emissions model developed by Caltrans that calculates project-level emissions and fuel consumption using data from the California Air Resources Board. In order to convert fuel consumption to direct energy consumption in BTUs, it is assumed that a gallon of gasoline contains an energy content of 120,214 BTUs, and a gallon of diesel contains 137,381 BTUs. Zero-Emission Vehicle electricity usage was also converted by the assumption that one KwH equals 3,412 BTUs.

Table 2.18-3 shows that operational energy consumption is anticipated to decrease over time relative to the Base Year, regardless of the chosen alternative. Energy consumption is anticipated to decrease by approximately 3% in 2025 and almost 9% in 2045, regardless of the chosen alternative. This is associated with better energy efficiency and standards, as stated above. The decline in energy usage would taper off in 2050, when the No Build and Build Alternatives would both result in an approximate 6% decrease in energy consumption. Total energy consumption is similar with the Build and No Build Alternatives, with a 0.05% relative increase in energy consumption with the Build Alternative in 2025, a 0.04% relative decrease with the Build Alternative in 2045, and a 0.06% relative decrease with the Build Alternative in 2050.

Construction Phase

Project construction would be a temporary commitment of energy, necessary for any infrastructure improvement project. Energy consumption during construction would be conserved and minimized to the maximum extent feasible. Energy conservation in construction activities is assumed, as the construction contractor would have a financial incentive and statutory mandate to minimize waste and externalities, respectively. Regulations that stipulate the reduction of energy-related externalities include ARB Title 13, Section 2485 of California Code of Regulations. This regulation limits the idling time of diesel construction equipment to five minutes.

Direct energy usage for construction was calculated using the results of the CAL-CET scenarios run for the Air Quality Report. Separate models were run for roadway and bridge construction and those results were combined to calculate total energy usage for construction.

As shown in Table 2.18-4, it is anticipated that construction of the Build Alternative would require a one-time energy commitment of approximately 29.6 billion BTUs.

Table 2-18-3: Operational Daily Fuel Consumption for the Project Area

Project Alternative	Gasoline Consumption (Gallons)	Diesel Consumption (Gallons)	Natural Gas Consumption Diesel Equivalent	Zero-Emission Vehicle Electricity Usage (KwH)	Total Energy Consumption (100,000 BTUs)	Change from Base Year (100,000 BTUs)	% Change from Base Year	Change from No Build (100,000 BTUs)	% Change from No Build
2015 Base Year	229,396.08	33,329.81	483.84	25,400.02	323,086.38	--	--	--	--
2025 No Build	212,257.42	36,409.39	1,613.07	172,345.33	313,279.19	-9,807.19	-3.04%	--	--
2025 Build	212,371.23	36,420.58	1,613.64	172,285.23	313,430.10	-9,656.28	-2.99%	150.92	0.05%
2045 No Build	197,663.80	29,076.26	1,173.95	443,013.69	294,293.22	-28,793.16	-8.91%	--	--
2045 Build	197,571.36	29,069.06	1,173.68	442,883.66	294,167.41	-28,918.97	-8.95%	-125.82	-0.04%
2050 No Build	203,627.14	29,314.57	1,116.20	476,289.14	302,845.40	-20,240.98	-6.26%	--	--
2050 Build	203,484.91	29,304.17	1,115.80	476,096.85	302,653.03	-20,433.35	-6.32%	-192.37	-0.06%

Note: Assumes an energy content of 120,214 BTUs per gallon of gasoline, 137,381 BTUs per gallon of diesel, and 3,412 BTUs per KwH of electricity.

Source: Energy Analysis Report for US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project, 2023.

Table 2.18-4: Direct Energy Usage for the Construction Phase

Emissions Scenario	Gasoline Consumption (Gallons)	Gasoline Energy Usage (BTUs)	Diesel Consumption (Gallons)	Diesel Energy Usage (BTUs)	Zero Emission Vehicle Electricity Usage (KwH)	Zero Emission Vehicle Electricity Usage (BTUs)	Total Energy Usage (100,000 BTUs)
Roadway Construction	29,277	3,519,505,278	100,249	13,772,307,869	8,927.04	30,459,067.30	173,222.72
Bridge Construction	22,646	2,722,366,244	69,674	9,571,883,794	4,812.30	16,419,567.60	123,106.70
Total	51,923	6,241,871,522	169,923	23,344,191,663	13,739.34	46,878,634.90	296,329.42

Source: Energy Analysis Report for US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project, 2023.

Total Direct Energy Usage

The Project would require a one-time energy commitment for construction, which is an unavoidable energy investment for any major infrastructure project. However, based on operational VMT and fuel consumption, it is anticipated that the Project would not substantially increase direct energy consumption in the Project area. Therefore, the Project is not anticipated to result in adverse direct energy impacts.

2.18.3.3 *Indirect Energy Impacts*

Indirect energy usage is primarily associated with project maintenance, i.e., fuel used by equipment for periodic maintenance of the system. Many other sources contribute indirectly to the energy consumption of a transportation system, but they can be difficult to reliably quantify at the project level. Maintenance and landscaping activities are anticipated to be minimal and are necessary in order to maintain the integrity of the system. Therefore, the Project is not anticipated to result in wasteful, inefficient, or unnecessary indirect consumption of energy resources.

2.18.4 Avoidance, Minimization, and/or Mitigation Measures

2.18.4.1 *Long-Term (Operational)*

No avoidance, minimization, or mitigation measures are required.

2.18.4.2 *Construction Period*

Reducing emissions during construction would have the dual benefit of increasing energy efficiency and minimizing the effect of energy consumption. For a listing of the emissions reduction measures (MM-AIR-1.1 through MM-AIR-1.3) that would be implemented by the Project during construction, please see Section 2.16.4.2.

BIOLOGICAL ENVIRONMENT

2.19 ANIMAL SPECIES

2.19.1 Regulatory Environment

Many state and federal laws regulate impacts to wildlife. The U.S. Fish and Wildlife Service (USFWS), the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries), and the California Department of Fish and Wildlife (CDFW) are responsible for implementing these laws. This section discusses potential Project impacts and permit requirements associated with animals not listed or proposed for listing under the federal or state Endangered Species Act. [Note: Species listed or proposed for listing as threatened or endangered are not discussed in the EIR/EA because, based on the analysis contained in the Natural Environment Study (AECOM 2022), all such species were determined to be absent from the Project's biological study area.] All other special-status animal species are discussed here, including CDFW fully protected species and species of special concern, and USFWS or NOAA Fisheries candidate species.

Federal laws and regulations relevant to wildlife include the following:

- NEPA
- Migratory Bird Treaty Act
- Fish and Wildlife Coordination Act (MBTA)

State laws and regulations relevant to wildlife include the following:

- CEQA
- Sections 1600 – 1603 of the California Fish and Game Code
- Sections 4150 and 4152 of the California Fish and Game Code

2.19.2 Affected Environment

The information in this section is based primarily on a technical Natural Environment Study (July 2022), which is incorporated into this EIR/EA by reference. This report is available for review at the locations listed inside the front cover of this document.

The Project area currently experiences ambient noise levels from highway and street traffic, and commercial uses. The Project footprint and biological study area (BSA) are highly urbanized and consist of commercial development. Ornamental and ruderal vegetation communities surround the Project area. The BSA is based on the maximum area of physical disturbances for the Project, including grading, ground disturbance, construction staging, and construction access.

The list of special-status animal species occurring in the region was evaluated for their potential to occur within the BSA. Most of the regional special-status species were determined not to occur in the BSA because the Project area lacks suitable habitat and/or

is outside of the range of the species. Several special-status species that occur in the region may occur in the BSA, including the American peregrine falcon and burrowing owls. These species, their habitat requirements, and potential impacts of the Project to the species are discussed below.

2.19.2.1 *Special-Status Wildlife Species*

Special-status wildlife species listed in the California Natural Diversity Data Base (CNDDB) as presently or historically occurring within one mile of the BSA are the burrowing owl and American peregrine falcon. These species are covered species under the MBTA and their status under the California Fish and Game Code is discussed below.

American peregrine falcon is designated by CDFW as Fully Protected. American peregrine falcons prefer nesting on vertical structures that are close to aquatic features, and are often found in urban areas, nesting in tall buildings, bridges, and other structures. They also forage from tall platforms. Within the BSA, there are suitable tall buildings and trees that could serve as nesting habitat or forage perches for American peregrine falcon. There is one CNDDB occurrence from 2016 at the nearby City Hall building located to the south of the BSA. The City of San José and the University of Santa Cruz Predatory Bird Research Group installed nest cameras atop the City Hall in 2007, which have indicated two separate females which have nested there since installation.

The burrowing owl is designated by CDFW as a California Species of Special Concern. Burrowing owls typically inhabit open, dry grassland and desert habitats, but can thrive in landscapes highly altered by human activity such as airports, golf courses, pastures, agriculture fields, road embankments and vacant urban lots. There are six CNDDB burrowing owl occurrences within a 1-mile radius of the BSA that occurred between 2003 and 2017. One occurrence falls within the BSA adjacent to Devcon Court dating back to 2009.

Additionally, a portion of the BSA and Project footprint overlaps with the burrowing owl survey area identified in the Santa Clara Valley Habitat Plan (VHP). Burrowing owls are a covered species in the VHP. Based on land cover data available in the Santa Clara Valley Habitat Agency geobrowser, a small portion of the Project footprint and BSA include a land cover type that is considered suitable foraging and breeding habitat for burrowing owls. This area corresponds to the mapped occurrence adjacent to Devcon Court.

The preceding paragraph notwithstanding, most of the BSA does not provide suitable habitat for the burrowing owl. Based on the habitat assessment, the area adjacent to Devcon Court and Bering Drive has been developed or otherwise disturbed over the last few years, and it is currently being used as a contractor's staging yard for a proposed development. The 2009 documented occurrence (#428) indicated that two adults were observed in June 2008 at this location, with numerous earlier sightings and burrows observed dating to 2001. Based on a review of aerial photos taken during this period, the

areas contained a large undeveloped ruderal grassland which are commonly used by burrowing owl. Since this time, the land use has changed from ruderal grassland to a ruderal lot devoid of vegetation, surrounding commercial buildings, construction facilities, and equipment and materials storage. During the reconnaissance surveys and a recent site visit on February 16, 2022, the soils at this location were observed as highly disturbed and compacted with staging equipment stored at the corner of Bering Drive and Crane Court. As a result, the BSA is unlikely to support burrowing owls, because habitat quality is poor, and the substrates are not suitable for burrows.

2.19.2.2 *Nesting Birds*

The Migratory Bird Treaty Act and California Fish and Game Code protect migratory birds, including their eggs, nests, and young. The killing or harassment of such birds, including activities that may result in the abandonment of active nests during the nesting season (generally, February 1st through October 31st), is prohibited.

Trees, shrubs, and herbaceous vegetation in the BSA provide suitable nesting habitat for small numbers of common birds protected under the MBTA and California Fish and Game Code, such as the red-tailed hawk, oak titmouse, song sparrow, spotted towhee, cedar waxwing, lesser goldfinch, as well as a variety of other passerines or common urban species. Furthermore, as discussed in Section 2.19.2.1, there are suitable tall buildings and trees that could serve as nesting habitat for American peregrine falcons.

2.19.3 Environmental Consequences

2.19.3.1 *Impacts to Special-Status Animal Species*

As described above, the American peregrine falcon and burrowing owl are California protected species and may be present within the Project footprint.

- Construction of the Project could impact perching habitat and nesting peregrine falcons due to the removal and/or trimming of trees. Construction disturbance during the breeding season could potentially result in the incidental loss of eggs or nestlings, either directly through the destruction or disturbance of active nests or indirectly by causing the abandonment of nests.
- While unlikely, due to the historic occurrence of burrowing owls in the Project vicinity, construction of the Project could potentially impact burrowing owls during ground-disturbing activities.

The implementation of the measures listed in Section 2.19-4 will avoid the potential impacts of Project activities on Peregrine falcons and burrowing owls.

2.19.3.2 *Impacts to Nesting Birds*

Construction of the Project could impact nesting birds due to the removal and/or trimming of trees. Construction disturbance during the breeding season could potentially result in

the incidental loss of eggs or nestlings, either directly through the destruction or disturbance of active nests or indirectly by causing the abandonment of nests. Due to the regional abundance of the common species of birds that potentially nest within the BSA, Project impacts on nesting individuals would not substantially affect regional populations of these species. The implementation of the measures listed in Section 2.19-4 will avoid the potential impacts of Project activities on nesting birds.

2.19.3.3 *Impacts to Trees*

In total, more than 600 trees were inventoried in the immediate Project area. Of those in the BSA, approximately 80% of the individual trees are not native to California and were planted as ornamentals. The dominant species are London plane tree, coast redwood, and Callery pear.

It is estimated that over 250 trees within the Project footprint would be removed or heavily pruned by construction of the Project.[27] Many of the trees meet the size requirements to be considered protected under San José's Municipal Code. The intent of the City's tree preservation ordinance is to maintain the benefits to the community provided by trees, including keeping public right-of-way cooler in the summer, providing aesthetic value, and removing air pollutants. Trees also provide habitat or food sources for local wildlife including nesting birds. Damage to and/or removal of trees reduces these benefits to the community and wildlife.

While Caltrans is exempt from the City's tree ordinance, the Project will replace trees removed by the Project at ratios that are consistent with the spirit and intent of the City's tree ordinance, as described in Section 2.19.4.

2.19.4 Avoidance, Minimization, and/or Mitigation Measures

The Project includes the following measures that will avoid any potential impacts on nesting birds, peregrine falcons, and burrowing owls.

MM-BIO-1.1: Nesting Migratory Bird Avoidance Measures and Surveys. To minimize and avoid take of all migratory birds, their nests, and their young, Caltrans will conduct vegetation removal between October 1 and December 31 (outside the migratory bird nesting season for passerines and raptors) to the maximum extent practicable. If vegetation trimming, tree removal, or other construction activities that may affect nesting birds occurs within the nesting season, then qualified biologists will conduct preconstruction surveys for nesting birds no more than 2 days prior to construction. If construction is stopped for more than 2 weeks, the pre-construction surveys will be repeated. If an active nest is discovered, biologists will establish an appropriate species-specific exclusion buffer around the nest.

[27] This is an estimate based on preliminary design and will be refined during final design.

The area within the buffer will be avoided until the young are no longer dependent on the adults or the nest is no longer active. The qualified biologist will have authority, through the Resident Engineer (RE), to order the cessation of all construction activities outside the buffer area if birds exhibit abnormal nesting behavior. Construction activities will not continue until the birds resume normal nesting behavior or the nest is no longer active. Qualified biologists will immediately notify the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) for further guidance if a listed or special-status bird species is discovered during preconstruction surveys.

The Project includes the following measures that will avoid or minimize any potential impacts to trees.

MM-BIO-2.1: Pre-Construction Tree Survey. Prior to construction, Caltrans will conduct a survey to identify and mark trees for removal, and trees that will remain during construction. Whenever possible, trees will be trimmed rather than removed. For trees that will remain, those trees and their critical root zone (CRZ) will be marked with bright orange polypropylene Environmentally Sensitive Area (ESA) fencing that can be avoided during construction to the greatest extent feasible in temporary impact areas and along the edge of the Project footprint.

MM-BIO-2.2: International Society of Arboriculture - Certified Arborist Consultation. Work will not be performed in the CRZ of any tree to be retained without consultation with an International Society of Arboriculture-certified arborist. If trees are damaged during construction and become unhealthy or die, the damaged tree(s) will be removed and replaced.

MM-BIO-2.3: Tree Replacement. Replacement planting within State right-of-way will be consistent with Caltrans Replacement Highway Planting policy. Regionally appropriate trees, shrubs and groundcover will be planted in all areas of removal according to safety and maintenance requirements. Outside of State right-of-way, native trees with a diameter at breast height (DBH) of less than 12 inches will be replaced at a 2:1 ratio. Native trees with a DBH of 12 inches or more will be replaced at a 3:1 ratio. If urban trees (nonnatives and ornamentals) are replaced with native trees, a reduced mitigation ratio of 1:1 for all trees smaller than 12 inches DBH, and 2:1 for all trees with a DBH of 12 inches or more, will be implemented. Replacement 24-inch box trees will be considered where feasible. The replacement trees will be irrigated and maintained for a period of not less than three years. If trees cannot be replaced at the stated ratios within the Project footprint, in-lieu fees will be paid to an appropriate fund so that trees can be planted elsewhere within the City of San José limits.

2.20 INVASIVE SPECIES

2.20.1 Regulatory Setting

On February 3, 1999, President William J. Clinton signed EO 13112 requiring federal agencies to combat the introduction or spread of invasive species in the United States. The order defines invasive species as "any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem whose introduction does or is likely to cause economic or environmental harm or harm to human health." FHWA guidance issued August 10, 1999 directs the use of the State's invasive species list, maintained by the California Invasive Species Council to define the invasive species that must be considered as part of the NEPA analysis for a proposed project.

2.20.2 Affected Environment

The information in this section is based primarily on a technical Natural Environment Study (July 2022), which is incorporated into this EIR/EA by reference. This report is available for review at the locations listed inside the front cover of this document.

Within the Project area, the majority of the vegetated areas are well-kept by the City of San José as landscaped and nonnative vegetation with irrigation. There is one empty lot at Bering Drive and Devcon Court which consists of ruderal, disturbed, upland habitat characterized by weedy species.

2.20.3 Environmental Consequences

Non-invasive species will be utilized for landscaping and the Project is not anticipated to introduce any new infestations of invasive species. However, care must be taken to avoid increasing the existing infestations by dispersing seed or viable plant material through construction equipment use when grading, particularly when removing soils. These measures are described in the following section.

2.20.4 Avoidance, Minimization, and/or Mitigation Measures

MM-INV-1.1: Prior to vegetation clearing and grubbing, vehicles (including wheels, undercarriages, and bumpers) and all other equipment, will be washed before and after entering the Project's construction site. Vehicles will be cleaned at legally operating car washes before entering the construction site and at existing construction yards after they have encountered vegetation. All washing will follow appropriate stormwater best management practices (BMPs). Only clean water in washing (no soap or detergent) will be used and appropriate runoff containment BMPs will be

implemented. Wash water will be discharged in a way that it does not enter a storm drain (i.e., let it soak into a pervious area on site). Vegetation will be disposed of off-site. After clearing and grubbing of the vegetation has been completed, construction vehicles will use designated entrance/exits and no washing will be required.

MM-INV-1.2: Soil and plant material from areas that support invasive species will be properly contained and transported to an approved facility for disposal in accordance with applicable regulations and procedures. In addition, all fill material will be sourced from weed-free areas.

2.21 CUMULATIVE IMPACTS

2.21.1 Regulatory Setting

Cumulative impacts are those that result from past, present, and reasonably foreseeable future actions, combined with the potential impacts of the proposed project. A cumulative effect assessment looks at the collective impacts posed by individual land use plans and projects. Cumulative impacts can result from individually minor but collectively substantial impacts taking place over a period of time.

Cumulative impacts to resources in the Project area may result from residential, commercial, industrial, and highway development, as well as from agricultural development and the conversion to more intensive agricultural cultivation. These land use activities can degrade habitat and species diversity through consequences such as displacement and fragmentation of habitats and populations, alteration of hydrology, contamination, erosion, sedimentation, disruption of migration corridors, changes in water quality, and introduction or promotion of predators. They can also contribute to potential community impacts identified for the Project, such as changes in community character, traffic patterns, housing availability, and employment.

CEQA Guidelines Section 15130 describes when a cumulative impact analysis is necessary and what elements are necessary for an adequate discussion of cumulative impacts. The definition of cumulative impacts under CEQA can be found in Section 15355 of the CEQA Guidelines. A definition of cumulative impacts under NEPA can be found in 40 CFR Section 1508.7.

2.21.2 Environmental Consequences

In a cumulative impacts analysis, the identification of “past, present, and reasonably foreseeable future actions” can utilize either the “list approach” or the “adopted plan” approach. The list approach identifies specific projects in the vicinity, typically provided by a local planning department. The adopted plan approach relies on a general plan or transportation plan or other planning document, which by definition accounts for cumulative growth in a defined area.

For this analysis, both the list and the adopted plan approach are utilized as there are multiple development projects proposed in the Project vicinity (refer to Table 2.2-1), and the Project is identified as a key infrastructure improvement project in the *Envision San José 2040 General Plan*, the *North San José Area Development Policy*, and the *North San José Deficiency Plan* to accommodate projected transportation demand over the long term. As examples, the traffic model that was utilized to project future build and no build conditions is based on the planned growth of the area, as contained in the adopted general plans of San José and Santa Clara and the surrounding cities. The traffic projections from cumulative growth were also used in the quantification of noise, air

quality, and climate change impacts. For construction-related analysis, the cumulative project lists were used to quantify construction noise and air quality impacts.

The discussion, below, addresses resource areas where the Project will result in an impact and, therefore, there is a potential for a cumulative impact. Resources areas not affected by the Project are not discussed because, by definition, no cumulative impact could occur. Examples of the latter include biology, cultural resources, geology, parks and recreation, energy, and farmlands.

2.21.2.1 *Cumulative Traffic Impacts*

For traffic, the Resource Study Area (RSA) was defined as the area within the Project limits, as well as the surrounding area where the Project would result in measurable changes in traffic patterns. Thus, the RSA includes the freeway segments, arterial streets, and intersections identified in the tables shown in Section 2.8.

Cumulative development has resulted in a significant increase in traffic on North First Street, and in the Project area as a whole, and future increases in traffic are projected to occur with or without the Project. The improvements that would be constructed under the Build Alternative would not contribute toward this increase in traffic volumes. Instead, the new and modified facilities that would be constructed by the Project would improve traffic operations for these vehicle trips, as well as reduce circuitous travel, as described in Section 2.8. Therefore, the Project would not result in a cumulative traffic impact.

2.21.2.2 *Cumulative Noise Impacts*

For noise, the RSA was defined as the land uses adjacent to the freeway segments within the Project limits. These land uses are those where Project-related changes, coupled with increased traffic from ongoing growth, could result in cumulatively substantial increases in noise.

Cumulative development has resulted in a substantial increase in ambient noise levels in the Project area and development is planned to continue with or without the Project. Ground traffic is the single largest source of noise, especially in the vicinity of the freeways. Noise typically associated with residential and urban environments is present, which also contributes to the cumulative ambient noise levels. The Project would incrementally contribute to overall noise levels, as described in Section 2.17. The analysis in Section 2.17 indicates, however, that future increases in noise - taking into account both the Project and planned growth - will not be substantial. Therefore, the cumulative noise impact would not be substantial.

2.21.2.3 *Cumulative Air Quality Impacts*

For air quality, the RSA was defined as the land uses adjacent to the freeway segments within the Project limits. These land uses are those where Project-related changes,

coupled with increased traffic from ongoing growth, could result in cumulatively substantial increases in emissions of air pollutants.

Cumulative development has resulted in a substantial degradation in ambient air quality in the greater San Francisco Bay Area. However, due to emissions control technology, overall air quality has been improving in recent years. Although most present and future development will likely increase emissions, improvements in technology are largely expected to offset such increases. The Project would not contribute to the region's emissions because it will not generate additional vehicle trips or lead to unplanned growth. Furthermore, as shown in the tables in Section 2.16, *Air Quality*, operational emissions of air pollutants would be lower under the Build Alternative than under the No Build Alternative. Therefore, since the Project would have no adverse effect on emissions, it would not, by definition, contribute to a cumulative air quality impact.

2.21.2.4 *Cumulative Visual Impacts*

The RSA for visual impacts was defined as the Project limits where new/modified overcrossings and ramps would be visible from various public vantage points. As discussed in Section 2.9, *Visual/Aesthetics*, the most visible feature of the Project would be an elevated overcrossing from Zanker Road over to North Fourth Street and the new elevated Old Bayshore Highway that would connect to the new overcrossing. These new features would be visible from many locations in the adjacent area on Zanker Road, North Fourth Street, and US 101. As discussed in Section 2.9, *Visual/Aesthetics*, the visual impact would not be significant with the implementation of MM-VIS-1.1 through MM-VIS-1.3

There are several developments that have been approved in the Project vicinity (see Table 2.2-1), which includes four office buildings, one hotel, and new facilities at SJIA.

The net effect of these projects plus the proposed Project incrementally converts Project surroundings from the current commercial and industrial character to a more modern and urban commercial character. This is part of a long-term trend in which Project surroundings, as part of Silicon Valley, have become increasingly urbanized over the last 50 years. From a visual perspective, this conversion is not necessarily adverse, and in many cases new development is beneficial.

For these reasons, the cumulative visual impact would not be considered significant.

SECTION 3.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EVALUATION

3.1 DETERMINING SIGNIFICANCE UNDER CEQA

The proposed Project is a joint project by the California Department of Transportation (Caltrans and the Federal Highway Administration (FHWA) and is subject to state and federal environmental review requirements. Project documentation, therefore, has been prepared in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). FHWA's responsibility for environmental review, consultation, and any other actions required by applicable Federal environmental laws for this Project are being, or have been, carried out by Caltrans pursuant to 23 United States Code Section 327 (23 USC 327) and the Memorandum of Understanding dated May 27, 2022, and executed by FHWA and Caltrans. Caltrans is the lead agency under CEQA and NEPA.

One of the primary differences between NEPA and CEQA is the way significance is determined. Under NEPA, significance is used to determine whether an Environmental Impact Statement (EIS), or a lower level of documentation, will be required. NEPA requires that an EIS be prepared when the proposed federal action (project) as a whole has the potential to "significantly affect the quality of the human environment." The determination of significance is based on context and intensity. Some impacts determined to be significant under CEQA may not be of sufficient magnitude to be determined significant under NEPA. Under NEPA, once a decision is made regarding the need for an EIS, it is the magnitude of the impact that is evaluated and no judgment of its individual significance is deemed important for the text. NEPA does not require that a determination of significant impacts be stated in the environmental documents.

CEQA, on the other hand, does require Caltrans to identify each "significant effect on the environment" resulting from the project and ways to mitigate each significant effect. If the project may have a significant effect on any environmental resource, then an Environmental Impact Report (EIR) must be prepared. Each and every significant effect on the environment must be disclosed in the EIR and mitigated if feasible. In addition, the CEQA Guidelines list a number of "mandatory findings of significance," which also require the preparation of an EIR. There are no types of actions under NEPA that parallel the findings of mandatory significance of CEQA. This chapter discusses the effects of this Project and CEQA significance.

3.2 CEQA ENVIRONMENTAL CHECKLIST

This checklist identifies physical, biological, social, and economic factors that might be affected by the proposed Project. In many cases, background studies performed in

connection with the projects will indicate that there are no impacts to a particular resource. A NO IMPACT answer in the last column reflects this determination. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

Project features, which can include both design elements of the Project, and standardized measures that are applied to all or most Caltrans projects such as Best Management Practices (BMPs) and measures included in the Standard Plans and Specifications or as Standard Special Provisions, are considered to be an integral part of the Project and have been considered prior to any significance determinations documented below; see Sections 1 and 2 for a detailed discussion of these features. The annotations to this checklist are summaries of information contained in Section 2 in order to provide the reader with the rationale for significance determinations; for a more detailed discussion of the nature and extent of impacts, please see Section 2. This checklist incorporates by reference the information contained in Sections 1 and 2.

3.2.1 Aesthetics

Except as provided in Public Resources Code Section 21099, would the Project	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? [28] If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☒	☐	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐

For a detailed discussion of this topic, please see Section 2.9, *Visual/Aesthetics*, of this EIR/EA.

a) Would the Project have a substantial adverse effect on a scenic vista?

[28] Public views are those that are experienced from publicly accessible vantage points.

No Impact. There are no designated scenic vistas in the Project vicinity. The closest scenic vista points that offer views that include the Project corridor are on Montebello foothills, at least 9 miles to the west. At this distance, Project features would not be distinguishable.

b) Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. The Project is not located along, nor visible from, an officially designated state scenic highway. The nearest state designated scenic highway is Highway 9, which is located more than 10 miles southwest of the Project area. Therefore, the Project would not impact scenic resources within a state scenic highway.

c) Would the Project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?

Less-than-Significant Impact with Mitigation. Policy CD-10.4 in the *Envision San José 2040 General Plan* states for the City to work with other agencies or with properties within the City's jurisdiction to promote memorable landscape treatments at freeway interchanges to frame views of San José and the City's surrounding hillsides, and Action CD-10.6 in the *Envision San José 2040 General Plan* states for the City to work with Caltrans and VTA to ensure that the freeways (including United States Highway 101 [US 101], Interstate 880 [I-880], Interstate 680 [I-680], Interstate 280 [I-280], State Route 17 [SR 17], State Route 85 [SR 85], State Route 237 [SR 237], and State Route 87 [SR 87]) and Grand Boulevards in San José are maintained and enhanced to include a high standard of design, cleanliness, and landscaping to create a consistent and attractive visual quality.

The Project is on US 101 and is adjacent to a portion of First Street and Skyport Drive that are classified as Grand Boulevards. With implementation of MM VIS-1.1 and VIS-1.2, architectural and landscape treatments would be provided, and therefore, consistent with San José General Plan Policy CD-10.4 and Action CD-10.6 to promote memorable landscape treatments and create attractive visual quality along the freeway and Grand Boulevard.

d) Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less-than-Significant Impact with Mitigation. The Project would not create a new source of substantial light or glare with implementation of MM VIS-1.3. All permanent lighting installed would be consistent with applicable regulations and with street lighting existing in the Project vicinity. Tinting and/or texturing would be added to certain Project

features such as the proposed overcrossing, retaining walls, and soundwall to eliminate the potential for glare.

3.2.2 Agriculture and Forest Resources

Would the Project:	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

a) Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

And

b) Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?

And

c) Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

And

d) Would the Project result in a loss of forest land or conversion of forest land to non-forest use?

And

e) Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

No Impact. The Project area is urbanized and developed. There are no farmlands or timberlands located within or adjacent to the proposed improvements. No lands mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance are located in the Project vicinity. No parcels subject to a Williamson Act contract are present.

3.2.3 Air Quality

Would the Project:	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☒	☐	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒

For a detailed discussion of this topic, please see Section 2.16, *Air Quality*, of this EIR/EA.

a) Would the Project conflict with or obstruct implementation of the applicable air quality plan?

No Impact. As discussed in Section 2.16.3, the Project conforms to the Clean Air Act. In addition, as shown in Tables 2.16-4 and 2.16-5, the long-term operational emissions of air pollutants would be lower under the Build Alternative than under the No Build Alternative.

b) Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?

Less-than-Significant Impact with Mitigation. As shown in Table 2.16-6, construction of the project would result in criteria air pollutant emissions. Implementation of the measures listed in Section 2.16.4 (MM-AIR-1.1 through MM-AIR-1.4 and MM-AIR-2.1 through MM-AIR-2.15) would reduce these construction emissions. As shown in Tables 2.16-4 and 2.16-5, while operational emissions of air pollutants would be higher under the Build Alternative than under the No Build Alternative in 2025 (opening year), they would be lower under the Build Alternative than under the No Build Alternative in 2045 (design year) and 2050 (horizon year). Therefore, since the Project would have no adverse effect on emissions, it would not, by definition, contribute to a cumulative air quality impact.

c) Would the Project expose sensitive receptors to substantial pollutant concentrations?

Less-than-Significant Impact with Mitigation. Emissions would be generated during the construction phase of the Project, which could affect nearby sensitive receptors. Implementation of the mitigation measures listed in Section 2.16.4 would mitigate these construction impacts to less-than-significant impacts.

d) Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

No Impact. The Project would be limited to improvements to existing transportation facilities. The new improvements would be the same use as existing conditions and would not include any new sources of emissions, including any that would create objectionable odors. Construction of the Project would generate odors from the exhaust of construction equipment, however, implementation of the measures listed in Section 2.16.4 would reduce these short-term odorous emissions.

3.2.4 Biological Resources

Would the Project:	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☐	☒
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☒	☐	☐

The answers to the following questions regarding biological resources are based on the Project's Natural Environment Study (2022), which is incorporated into this EIR/EA by reference. The report is available for review at the locations listed inside the front cover of this document.

a) Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?

Less-than-Significant Impact with Mitigation. The Project area is urbanized and developed. No listed or candidate threatened or endangered species are present. However, the Project area may provide foraging and nesting habitat for peregrine falcons and burrowing owls, which are state fully protected species under the California Fish and Game Code and state species of concern, respectively. Furthermore, the Project area has the potential to have nesting birds, which are protected under federal and state law. Therefore, wildlife could be adversely affected during the Project's construction phase. Implementation of the measures listed in Section 2.19.4 will reduce such impacts to a less-than-significant level.

b) Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?

And

c) Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

And

d) Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact. The Project area is urbanized and developed. There are no wetlands, riparian corridors, or other sensitive natural communities within or adjacent to the Project footprint. The Project area is not a wildlife corridor.

e) Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. Although Caltrans is not subject to the City of San José's tree ordinance, the Project would comply with its tree replacement provisions, as listed in Section 2.19.4. Therefore, the Project would not conflict with the ordinance.

f) Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less-than-Significant Impact with Mitigation. A portion of the BSA and Project footprint overlaps with the burrowing owl survey area identified in the Valley Habitat Plan (VHP). Burrowing owls are a covered species in the VHP. Based on land cover data available in the Santa Clara Valley Habitat Agency geobrowser, a small portion of the Project footprint and BSA include a land cover type that is considered suitable foraging and breeding habitat for burrowing owls. However, the area contains highly disturbed and compacted soil. Given that, the suitable habitat and substrate conditions are poor, impacts to burrowing owls are not likely. Nonetheless, the Project would implement mitigation measures listed in Section 2.19.4 to reduce any potential impacts to burrowing owls to a less-than-significant level.

3.2.5 Cultural Resources

Would the Project:	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

For a detailed discussion of this topic, please see Section 2.10, *Cultural Resources*, of this EIR/EA.

a) Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?

No Impact. None of the structures or buildings that are located within the Area of Potential Effects (APE) are historically significant or eligible to be historically significant and were exempt from further evaluation per the Section 106 Programmatic Agreement (PA).

Therefore, construction of the proposed Project is not expected to result in effects on historic resources.

b) Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

And

c) Would the Project disturb any human remains, including those interred outside of dedicated cemeteries?

Less-than-Significant Impact. Based upon the research undertaken for the Project, there is no indication of known prehistoric or historic archaeological resources within the Project's APE and the potential for archaeological resources is considered low to lowest.

The Project would implement standard protocols in the event that unanticipated cultural materials or remains are encountered during Project construction, including:

If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.

If human remains are discovered, California Health and Safety Code (H&SC) Section 7050.5 states that further disturbances and activities shall stop in any area or nearby area suspected to overlie remains, and the County Coroner contacted. If the remains are thought by the coroner to be Native American, the coroner will notify the Native American Heritage Commission (NAHC), who, pursuant to PRC Section 5097.98, will then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains will contact Caltrans District 4 Office of Cultural Resources Studies so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.

Therefore, construction of the proposed Project is not expected to result in effects on cultural resources.

3.2.6 Energy

Would the Project:	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?	☐	☐	☐	☒

Would the Project:	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

For a detailed discussion of this topic, please see Section 2.18, *Energy*, of this EIR/EA.

a) Would the Project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

And

b) Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. As shown in Table 2.18-3, when compared to the No Build Alternative, the direct operational energy usage by the Project would be reduced. Further, the Project would use energy-efficient equipment, implement energy-conserving practices, and recycle nonhazardous waste and excess material during the construction phase, as listed in Sections 2.16.4.2. For these reasons, the Project would not result in wasteful, inefficient, or unnecessary consumption of energy. Based on this conclusion, the Project would not conflict with a plan for renewable energy or energy efficiency.

3.2.7 Geology and Soils

Would the Project:	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
– Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	☐	☐	☐	☒
– Strong seismic ground shaking?	☐	☐	☒	☐

Would the Project:	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
– Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
– Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☐	☒

For a detailed discussion of this topic, please see Section 2.13, *Geology, Soils, Seismic, Topography*, of this EIR/EA.

a) Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?

No Impact. The Project is not located on a known earthquake fault. The proposed overcrossing is located approximately 1,200 feet southwest of the Silver Creek fault zone; however, no active faults cross under the Project area. In addition, the Project area is not in a mapped fault rupture hazard zone. The Santa Clara County Geologic Hazard Zones Atlas does not identify the Silver Creek fault as a fault rupture hazard zone, nor has it been included by Alquist-Priolo as requiring additional study for surface fault rupture.

b) Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

Less-than-Significant Impact. The Project is within the seismically active San Francisco Bay Area and severe ground shaking is probable during the anticipated life of the Project. Users of the Project would be exposed to hazards associated with such severe ground shaking during a major earthquake on one of the region's active faults. This hazard is not unique to the Project, because it applies to all locations throughout the greater Bay Area. The Project will not increase the existing exposure to hazards associated with earthquakes; the hazards in the area will be the same with or without the Project. The Project, including the overcrossing structure, retaining walls (if warranted), sound barrier, and sign structures, will be designed and constructed in accordance with Caltrans' Design guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site. Potential seismic effects will be minimized by the use of standard engineering techniques mandated by the Uniform Building Code and Caltrans' Design Standards.

c) Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

Less-than-Significant Impact. The Project site is in a liquefaction zone and mapped with a moderate potential for liquefaction. No historic ground failures from either the 1989 Loma Prieta earthquake or the 1906 San Francisco earthquake have been recorded near the Project area. Although exploration in the site vicinity encountered free groundwater at a depth of 11 feet, the underlying conditions were found to comprise stiff to very stiff cohesive soil overlying a relatively thick stratum of dense to very dense sand and gravel. Based on these conditions, the potential for ground surface effects to occur at the site as a result of liquefaction appear to be low. Additional exploration and testing during the PS&E phase will be completed to confirm site-specific liquefaction potential. The Project will implement standard engineering practices to ensure that liquefaction hazards do not result from its construction.

d) Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

No Impact. The topography of the area where the Project would be constructed is flat and there is no potential for landslides.

e) Would the Project result in substantial soil erosion or the loss of topsoil?

No Impact. Soil erosion would be avoided with the incorporation of standard Caltrans BMPs. Such BMPs would prevent erosion and the loss of topsoil by ensuring appropriate drainage on-site during construction and permanently stabilizing slopes with vegetation, netting, blankets, and/or paving where necessary. No impact would occur.

f) Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

No Impact. There are no on-site conditions that would become unstable as a result of constructing the Project.

g) Would the Project be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?

Less-than-Significant Impact. The majority of the Project site is mapped as having a moderate expansive soil potential. The Project will implement standard engineering practices to ensure that soil hazards do not result from its construction.

h) Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The Project would not involve the generation or disposal of wastewater.

i) Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

No Impact. There are no unique geologic features located on or adjacent to the site where the Project would be constructed. Per the analysis contained in Section 2.14, *Paleontology*, there are no known paleontological resources located at the Project site. As described in Section 2.14.4, measures to avoid destruction of such resources, should any be encountered during construction, will be implemented by the Project.

3.2.8 Greenhouse Gas Emissions

Would the Project:	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?	☐	☐	☐	☒

For a detailed discussion of this topic, please see Section 3.3, *Climate Change*, of this EIR/EA.

a) Would the Project generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?

Less-than-Significant Impact. Section 3.3.3 provides an analysis of construction-related and operational GHG emissions. Construction-related GHG emissions were calculated using the Caltrans EMission FACTors (EMFAC) 2021 model. Construction duration would be approximately two to three years, and the total amount of Carbon Dioxide (CO_2) produced during construction of the project would be 2,372 metric tons of CO_2e. Such emissions would, however, be offset by projected decreases in GHG emissions during the Project's long-term operational phases. This conclusion is based on the data in Table 3.3.2 under Section 3.3.3.1, which projects lower GHG emissions under the Build Alternative than under the No Build Alternative in the long-term.

b) Would the Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?

No Impact. The Project is included in the current Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP), both of which contain regional strategies for reducing GHG emissions from transportation sources. One of the main strategies to reduce GHG emissions is to make transportation systems more efficient by reducing congestion and by improving facilities for alternative modes (e.g., transit, bicycling, walking). The Project would reduce congestion and lower vehicle miles traveled (VMT) in the Project area by providing more efficient vehicular access and by constructing new bicycle and pedestrian facilities.

3.2.9 Hazards and Hazardous Materials

Would the Project:	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒

Would the Project:	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the Project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	☒

For a detailed discussion of this topic, please see Section 2.15, *Hazardous Waste-Materials*, of this EIR/EA.

a) Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

And

b) Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

No Impact. The Project would construct modifications to existing freeway ramps and local roadways. As such, it would not involve the generation, use, or disposal of hazardous materials.

While the highways are utilized by vehicles transporting such materials, the degree or manner in which that occurs would not change if the Project is constructed. Transporters of hazardous substances will be required to comply with safety regulations as they do under existing conditions.

During the operational phase, traffic accidents on freeways and local streets could result in the accidental release of substances such as fuel, lubricants, or hazardous freight. This potential is the same under existing, No Build, and Build conditions. In order to account for these potential hazards, the Project would be designed and engineered to improve safety to motorized vehicles, bicyclists, and pedestrians, which would minimize the potential for traffic accidents resulting in hazardous material or waste release. The Project would be designed and operated consistent with all applicable standards and regulations for safety and would not present a unique or above-average risk for accidents involving hazardous materials.

c) Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. Bachrodt Elementary School is within one-quarter mile of the proposed improvements. This represents existing/baseline conditions, upon which the Project would have no impact, because transportation facilities would not be moved closer to the school. The risk to the school from an accidental release of hazardous materials would be the same with or without the Project.

d) Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less-than-Significant Impact with Mitigation. The Project footprint itself is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, however, six sites adjacent to the Project footprint are.[29] Amongst the six sites identified, five of them are closed cases, and one is currently listed as an open case, Capital Towers/ARCO # 9914 located at 2010 North First Street. As discussed in Section 2.15, *Hazardous Waste/Materials*, the site is listed on the hazardous materials database for impacts to soil and groundwater from leaking underground storage tanks. Soil vapor monitoring and semi-annual groundwater monitoring are ongoing at this site. The groundwater flow direction from the site is to the west/northwest and is down-gradient from the Project area. Based on historical groundwater data, elevated concentrations of dissolved petroleum hydrocarbons in groundwater are generally restricted to the area near the former underground storage tanks and pump islands in the southwestern corner of the site, which is adjacent to the Project area.

In order to avoid any adverse effects associated with exposure of construction workers to hazardous substances, MM-HAZMAT-1.5 and MM-HAZMAT-1.6 will be implemented to reduce any significant adverse effects to a less-than-significant level. These measures

[29] California Environmental Protection Agency. Cortese List Data Resources. https://calepa.ca.gov/sitecleanup/corteselist/. Accessed: June 10, 2022.

include testing, treatment, and disposal of contamination in according with regulatory criteria.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?

No Impact. The Comprehensive Land Use Plan for SJIA sets forth noise and safety policies for land uses in the airport environs. Although the Project is less than one-half mile east of San José International Airport (SJIA), it is outside of SJIA's designated Airport Influence Area (AIA), defined as the areas surrounding SJIA that are affected by noise, height, and safety considerations.[30]

The maximum height of the new overcrossing structure would be approximately 27 feet above the existing ground level, which equates to approximately 75 feet above mean sea level. For any structure that exceeds 212 feet above mean sea level, a *Notice of Proposed Construction or Alteration* (Form 7460-1) would need to be filed with the Federal Aviation Administration (FAA), as required by Part 77 of the Federal Aviation Regulations.[31] Since the proposed overcrossing, which is the tallest Project feature, does not exceed 212 feet above mean sea level, notification to the FAA is not required.

f) Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. The Project would not sever or adversely impact the existing emergency response routes along North 10th Street, East Gish Road, and Old Bayshore Highway from San José Fire Station #5. During the construction phase of the Project, any temporary lane or road closures would be coordinated in advance with the fire department, as well as with other emergency responders (e.g., police, ambulance, etc.). Completion of the Project would result in improved access to the surrounding community for emergency vehicles and other public service providers from outside the Project area.

g) Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

No Impact. According to mapping prepared by the Santa Clara County FireSafe Council, the Project site is not located within or near a Moderate, High, or Very High Fire Hazard Severity Zone. The closest fire hazard zone to the Project area is the East Foothills of the

[30] Source: Santa Clara County Airport Land Use Commission, Figure 8 (Airport Influence Area) from Comprehensive Land Use Plan for Norman Y. Mineta San José International Airport, 2012.
[31] Source: City of San José Airport Department, Notice Requirement Criteria for Filing FAA Form 7460-1.

Diablo Range, more than five miles to the east.[32] Therefore, the Project would not increase risks associated with wildland fires.

3.2.10 Hydrology and Water Quality

Would the Project:	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☒	☐	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
– result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
– create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
– impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

[32] Source: https://sccfiresafe.org/resources/do-you-reside-in-santa-clara-countys-wildland-urban-interface-wui/, (accessed 7/20/2022).

For a detailed discussion of this topic, please see Sections 2.11 Hydrology and Floodplain and 2.12, *Water Quality and Stormwater Runoff*, of this EIR/EA.

a) Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Less-than-Significant Impact with Mitigation. The design of the Project includes BMPs to reduce the pollutant component of stormwater runoff, as required by the Caltrans National Pollution Discharge Elimination System (NPDES) permit. Compliance with the Construction Stormwater General Permit (CGP) and temporary BMPs required under mitigation measure MM-WQ-1.2 and MM-WQ-1.3 would also be implemented, as listed in Section 2.12.4.2. These measures will avoid substantial effects on surface and groundwater quality.

b) Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?

Less-than-Significant Impact. The Project would be required to implement permanent BMPs to comply with the Caltrans NPDES Permit requirements. The Caltrans NPDES Permit lists infiltration as one of the priority BMPs, which would allow opportunity for the stormwater runoff to infiltrate underground. Furthermore, the additional 1.29 acres of impervious area to be added by the Project is small in relation to the size of the groundwater basin located within the Project limits; therefore, groundwater recharge impacts would be insignificant.

c) Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows?

Less-than-Significant Impact. The Project would result in approximately 1.29 acres of new impervious surfaces within the combined Coyote Creek and Guadalupe River watersheds area that in total encompasses 492 square miles. The Project would be required to implement permanent BMPs to comply with the Caltrans NPDES Permit requirements. The Caltrans NPDES Permit requires permanent erosion control measures to be applied to all exposed areas once grading or soil disturbance work is completed to achieve slope stabilization. Furthermore, the increase in impervious surfaces is relatively minor, especially in view of the fact that most of the Project site is already covered by existing impervious surfaces (i.e., the existing freeway and roadways). Therefore, the increase in pollutant-containing runoff would not be substantial.

As discussed in Section 2.11, *Hydrology and Floodplain*, while the Project would encroach into a 100-Year Floodplain, the encroachment would be minor because fill and cut within the floodplain would be balanced.

d) In flood hazard, tsunami, or seiche zones, would the Project risk release of pollutants due to Project inundation?

No Impact. According to floodplain maps prepared by the Federal Emergency Management Agency, the Project footprint is partially within a 100-Year Floodplain. As discussed in Section 2.11, *Hydrology and Floodplain*, the Project encroachment into the floodplain is not considered significant as it 1) does not involve significant potential for interruption or termination of a transportation facility that is needed for emergency vehicles or provides a community's only evacuation route, 2) does not involve a significant risk, 3) does not cause a significant adverse impact to the natural and beneficial floodplain values, and 4) fill and cut within the floodplain will be balanced. Based on mapping prepared by the California Geologic Survey, the Project site is not located within a tsunami hazard zone.[33] There are no large bodies of water (i.e., ocean) near the Project area and, therefore, inundation of the area due to a seiche would not occur.[34]

e) Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact. Based on the above responses and the information in Section 2.12, the Project would comply with all applicable plans related to water quality and groundwater management.

3.2.11 Land Use and Planning

Would the Project:	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒

[33] Source: California Geologic Survey, https://www.conservation.ca.gov/cgs/tsunami/maps/ Accessed 7/8/2022.

[34] A seiche is a standing wave oscillating in a body of water. According to the National Oceanic and Atmospheric Administration, "seiches are typically caused when strong winds and rapid changes in atmospheric pressure push water from one end of a body of water to the other. When the wind stops, the water rebounds to the other side of the enclosed area. The water then continues to oscillate back and forth for hours or even days. In a similar fashion, earthquakes, tsunamis, or severe storm fronts may also cause seiches along ocean shelves and ocean harbors." https://oceanservice.noaa.gov/facts/seiche.html Accessed 3/18/2022.

Would the Project:	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

a) Would the Project physically divide an established community?

No Impact. The Project proposes to construct an overcrossing over US 101 to improve north-south connectivity between areas divided by US 101. The overcrossing would not divide any neighborhoods or communities.

b) Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. For the reasons described in Section 2.3, *Consistency with State, Regional, and Local Plans and Programs*, the Project would not conflict with any land use plans or policies.

3.2.12 Mineral Resources

Would the Project:	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

a) Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

And

b) Would the Project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No Impact. The Communications Hill area in central San José is the only area within the City that is designated by the State Mining and Geology Board as containing mineral deposits of regional significance. The Project site is not on or adjacent to Communications Hill. Therefore, the Project would not result in the loss of availability of a known mineral resource or a locally important mineral resource recovery site.

3.2.13 Noise

Would the Project result in:	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	☐	☐	☐	☒

For a detailed discussion of this topic, please see Section 2.17, *Noise*, of this EIR/EA.

a) Would the Project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less-than-Significant Impact with Mitigation. When compared to existing conditions, changes in operational noise levels under 2045 Build conditions would range from -5 to +4 A-weighted decibel (dBA), which is well below the 12-dBA increase that Caltrans considers to be substantial. Short-term increases in noise during construction could be significant, especially during pile driving and nighttime work. The mitigation measures listed in Section 2.17.5.2 that would be implemented by the Project during the construction phase will reduce short-term noise impacts to a less-than-significant level.

b) Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?

Less-than-Significant Impact. Based on the analysis in Section 2.17.4.3, groundborne noise and vibration during construction would not exceed applicable thresholds.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?

No Impact. The Comprehensive Land Use Plan for SJIA sets forth noise and safety policies for land uses in the airport environs. Although the Project site is approximately one-half mile from SJIA, it is not located within the designated AIA, defined as the areas surrounding the Airport that are affected by noise, height, and safety considerations.[35]

3.2.14 Population and Housing

Would the Project:	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

a) Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No Impact. The Project is limited to modifications to existing freeway ramps and local roadways and would not change land use patterns or density. The Project is located within, and is intended to serve, an urbanized and mostly-developed area of San José. The Project would not open additional areas to development and would not induce unplanned population growth.

b) Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

[35] Source: Santa Clara County Airport Land Use Commission, Figure 8 (Airport Influence Area) from Comprehensive Land Use Plan for Norman Y. Mineta San José International Airport, 2012.

No Impact. The Project would not displace people or housing.

3.2.15 Public Services

	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:	☐	☐	☐	☒
1) Fire Protection?	☐	☐	☐	☒
2) Police Protection?	☐	☐	☐	☒
3) Schools?	☐	☐	☐	☒
4) Parks?	☐	☐	☐	☒
5) Other Public Facilities?				

a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection, police protection, schools, parks, or other public facilities?

No Impact. The Project is limited to improvements to an existing freeway ramp and roadways and is intended to improve traffic operations in the Project area. As stated previously in Section 2.4, *Growth*, the Project would not induce unplanned growth but would facilitate the planned growth of the area as identified in the *Envision San José 2040 General Plan*. The General Plan contains policies that ensure that the future capacity of services (e.g., schools, utilities, police and fire protection, libraries, parks, etc.) will be adequate to serve that planned growth.

3.2.16 Recreation

	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. As stated previously in Section 2.4, *Growth*, the Project would not induce unplanned growth but would facilitate the planned growth of the area as identified in the *Envision San José 2040 General Plan*. The General Plan contains policies that ensure that the future capacity of services (e.g., schools, utilities, police and fire protection, libraries, parks, etc.) will be adequate to serve that planned growth. For these reasons, the Project would not increase the use of existing parks or other recreational facilities.

b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. The Project is limited to new highway facilities and does not include or require the construction or expansion of recreational facilities.

3.2.17 Transportation

Would the Project:	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?	☐	☐	☐	☒
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☐	☒

a) Would the Project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?

No Impact. For the reasons stated in Section 2.3, the Project would not conflict with any transportations plan, program, ordinance, or policy.

b) Would the Project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

No Impact. Historically, transportation analyses prepared under CEQA have utilized delay and congestion on the roadway system as the primary metric for the identification of traffic impacts and potential roadway improvements to relieve traffic congestion that may result due to a proposed Project. However, the State of California has recognized the limitations of measuring and mitigating only vehicle delay at intersections. Therefore, in 2013, Senate Bill (SB) 743 became law, which requires jurisdictions to stop using congestion and delay metrics, such as level of service (LOS), as the measurement for CEQA impacts in a transportation analysis. Per SB 743, by July 2020, all public agencies were required to base the determination of transportation impacts under CEQA on VMT rather than LOS.[36] Section 15064.3(b)(2) of the CEQA Guidelines states that transportation projects that reduce, or have no impact on, VMT should be presumed to cause a less than significant transportation impact.

[36] VMT measures the amount of distance people travel in personal vehicles to destinations in a day. VMT is measured by multiplying the total vehicle trips by the average distance of those trips.

A VMT analysis of the Project was undertaken, which involved estimating the change in total VMT with and without the Project utilizing VTA's countywide travel demand model. As shown in Table 3.2-1, the Project would result in a small decrease in VMT when compared to the No Build Alternative. Based upon this analysis, the Project would not conflict with CEQA Guidelines Section 15064.3(b).

Table 3.2-1: Comparison of VMT in the Study Area

Project Alternative	Daily VMT	Change from No Build (Daily VMT)	% Change from No Build
2025 No Build Alternative	6,489,663	--	--
2025 Build Alternative	6,489,597	- 66	- 0.001%
2045 No Build Alternative	7,657,282	--	--
2045 Build Alternative	7,656,106	- 1,176	- 0.02%
Source: Traffic Operations Analysis Report for US 101/Zanker Road/Skyport Drive/Fourth Street Improvements Project, May 1, 2020.			

c) Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The proposed Project has been designed to improve safety to motorized vehicles, bicyclists, and pedestrians. The Project does not include any geometric design features or incompatible uses that might result in a substantial increase in hazards.

d) Would the Project result in inadequate emergency access?

No Impact. The Project would not sever or adversely impact the existing emergency response routes along North 10th Street, East Gish Road, and Old Bayshore Highway for San José Fire Station #5. During the construction phase of the Project, any temporary lane or road closures would be coordinated in advance with the fire department, as well as with other emergency responders (e.g., police, ambulance, etc.). Upon completion of the Project, the Project would result in improved access to the surrounding community for emergency vehicles and other public service providers from outside the Project area.

3.2.18 Tribal Cultural Resources

	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	☐	☐	☐	☒
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe	☐	☐	☐	☒

a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

And

b) Would the Project cause a substantial adverse change in the significance of a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

No Impact. As described in Section 2.10, *Cultural Resources*, no tribal cultural resources are present within the Project's APE. This conclusion was reached based on research within the APE, as well as consultation with the Native American Heritage Commission, Northwest Information Center, and representatives of local Native American tribes.

3.2.19 Utilities and Service Systems

Would the Project:	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have insufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it does not have adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒
e) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

a) Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less-than-Significant Impact. Although some utility relocation within the Project's footprint would be required, the Project does not include uses that would require new or expanded utility systems. Electricity consumption associated with the Project would be limited to power for new streetlights and traffic signals. Electrical consumption by such

features would be minimal because that equipment would utilize light-emitting diode (LED) bulbs.

b) Would insufficient water supplies be available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less-than-Significant Impact. Landscaping installed by the Project, including replaced trees, would be irrigated, which would require water use. Consistent with Caltrans policy, the trees and landscaping would be drought tolerant and would require minimal watering. For these reasons, the Project would not generate a significant demand on water use that requires new or expanded entitlements.

c) Would the Project result in a determination by the wastewater treatment provider which serves or may serve the Project that it does not have adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?

No Impact. The Project would not include uses that would generate wastewater. Therefore, the Project would not result in demand on wastewater treatment systems.

d) Would the Project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

And

e) Would the Project be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?

No Impact. Caltrans requires construction waste generated by the Project to be diverted from landfills (e.g., recycled or reused) to the extent feasible. The operation of the Project would not include uses that would generate solid waste. Therefore, the Project would not impact solid waste or landfill capacity.

3.2.20 Wildfires

	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. According to mapping prepared by the Santa Clara County FireSafe Council, the Project site is not located within or near a Moderate, High, or Very High Fire Hazard Severity Zone. The closest fire hazard zone to the Project area is the East Foothills of the Diablo Range, more than eight miles to the east.[37] Therefore, if the Project is constructed, none of the effects listed in the above four questions would occur.

3.2.21 Mandatory Findings of Significance

	Significant and Unavoidable Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Does the Project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☒	☐	☐
c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

[37] Source: https://sccfiresafe.org/resources/do-you-reside-in-santa-clara-countys-wildland-urban-interface-wui/ (accessed 7/20/2022).

a) Does the Project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

Less-than-Significant Impact with Mitigation. The Project is located in an urbanized and developed area. No habitat for listed and candidate threatened or endangered species is present. No sensitive or regulated habitats (e.g., wetlands, riparian corridors, waterways, important wildlife corridors, etc.) are present. Vegetation impacted by the Project would be limited to ornamental landscaping located along freeways and local roadways. However, the Project area may provide foraging and nesting habitat for peregrine falcons and burrowing owls, which are covered species under the Migratory Bird Treaty Act (MBTA). Peregrine falcons are state fully protected species under the California Fish and Game Code. Furthermore, the Project area has the potential to have nesting birds, which are protected under federal and state law. Implementation of the mitigation measures listed in Section 2.19.4 will reduce impacts to these animal species to a less-than significant-level.

b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

And

c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less-than-Significant Impact with Mitigation. All impacts of the Project, both individually and cumulatively, would be less-than-significant with mitigation incorporated.

3.3 CLIMATE CHANGE

Please note: The NEPA Phase II regulations that required climate change to be analyzed have been rescinded pursuant to the Removal of NEPA Implementing Regulations CEQ Interim Rule (effective April 11, 2025). However, inclusion of climate change was included in the NEPA section for the Draft Environmental Document prior to the rescission of the NEPA Phase II regulations. Therefore, it has been retained in the Final Environmental Document NEPA section for informational purposes only.

Climate change refers to long-term changes in temperature, precipitation, wind patterns, and other elements of the Earth's climate system. The Intergovernmental Panel on Climate Change, established by the United Nations and World Meteorological Organization in 1988, is devoted to GHG emissions reduction and climate change research and policy. Climate change in the past has generally occurred gradually over millennia, or more suddenly in response to cataclysmic natural disruptions. The research of the Intergovernmental Panel on Climate Change and other scientists over recent decades, however, has unequivocally attributed an accelerated rate of climatological changes over the past 150 years to GHG emissions generated from the production and use of fossil fuels.

Human activities generate GHGs consisting primarily of carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), tetrafluoromethane, hexafluoroethane, sulfur hexafluoride (SF_6), and various hydrofluorocarbons (HFCs). CO_2 is the most abundant GHG; while it is a naturally occurring and necessary component of Earth's atmosphere, fossil-fuel combustion is the main source of additional, human-generated CO_2 that is the main driver of climate change. In the U.S. and in California, transportation is the largest source of GHG emissions, mostly CO_2.

The impacts of climate change are already being observed in the form of sea level rise, drought, more intense heat, extended and severe fire seasons, and historic flooding from changing storm patterns. Both mitigation and adaptation strategies are necessary to address these impacts. The most important mitigation strategy is to reduce GHG emissions. In the context of climate change (as distinct from CEQA and NEPA), "mitigation" involves actions to reduce GHG emissions or to enhance the "sinks" that store them (such as forests and soils) to lessen adverse impacts. "Adaptation" is planning for and responding to impacts to reduce vulnerability to harm, such as by adjusting transportation design standards to withstand more intense storms, heat, and higher sea levels. This analysis will include a discussion of both in the context of this transportation project.

3.3.1 Regulatory Setting

For a full list of laws, regulations, and guidance related to climate change (GHGs and adaption), please refer to Caltrans' Standard Environmental Reference (SER), Chapter 16, Climate Change.

3.3.1.1 *Federal*

To date, no national numeric mobile-source GHG reduction targets have been established; however, federal agencies are mandated to consider the effects of climate change in their environmental laws.

NEPA (42 USC Part 4332) is the basic national charter for protection of the environment which establishes policy, sets goals, and provides direction for carrying out the policy. NEPA requires federal agencies to assess the environmental effects of their proposed actions prior to making a decision on the action or project. In May 2024, the White House Council on Environmental Quality (CEQ) issued the National Environmental Policy Act Implementing Regulations Revisions Phase 2 (89 Fed. Reg. 35442). The CEQ regulations do not establish numeric thresholds of significance, but mandate that federal agencies consider the effects of climate change in their environmental reviews, including direct, indirect, and cumulative impacts. The CEQ regulations further require that agencies quantify greenhouse gas emissions, where feasible, from the proposed action and alternatives. The regulations also direct agencies to identify reasonable alternatives that reduce climate change-related effects.

The FHWA recognizes the threats that extreme weather, sea level change, and other changes in environmental conditions pose to valuable transportation infrastructure and those who depend on it. FHWA therefore supports a sustainability approach that assesses vulnerability to climate risks and incorporates resilience into planning, asset management, project development and design, and operations and maintenance practices (FHWA 2022). This approach encourages planning for sustainable highways by addressing climate risks while balancing environmental, economic, and social values—"the triple bottom line of sustainability" (FHWA n.d.). Program and project elements that foster sustainability and resilience also support economic vitality and global efficiency, increase safety and mobility, enhance the environment, promote energy conservation, and improve the quality of life.

Early efforts by the federal government to improve fuel economy and energy efficiency to address climate change and its associated effects include The Energy Policy and Conservation Act of 1975 (42 USC Section 6201); and The Corporate Average Fuel Economy (CAFE) Standards. The U.S. Department of Transportation's National Highway Traffic and Safety Administration (NHTSA) sets and enforces the CAFE standards for on-road motor vehicles sold in the United States. The U.S. EPA calculates average fuel economy levels for manufacturers, and also sets related GHG emissions standards for vehicles under the Clean Air Act. Raising CAFE standards leads automakers to create a more fuel-efficient fleet, which improves our nation's energy security, saves consumers money at the pump, and reduces GHG emissions (U.S. DOT 2014). These standards are periodically updated and published through the federal rulemaking process.

3.3.1.2 *State*

California has been innovative and proactive in addressing GHG emissions and climate change by passing multiple Senate and Assembly bills and executive orders (EOs).

In 2005, EO S-3-05 initially set a goal to reduce California's GHG emissions to 80 percent below 1990 levels by 2050, with interim reduction targets. Later EOs and Assembly and Senate bills refined interim targets and codified the emissions reduction goals and strategies. The California Air Resources Board (ARB) was directed to create a climate change scoping plan and implement rules to achieve "real, quantifiable, cost-effective reductions of greenhouse gases". Ongoing GHG emissions reduction was also mandated in Health and Safety Code (H&SC) Section 38551(b). In 2022, the California Climate Crisis Act was passed, establishing state policy to reduce statewide human-caused GHG emissions by 85 percent below 1990 levels, achieving net zero GHG emissions by 2045, and achieve and maintain negative emissions thereafter.

Beyond GHG reduction, the State maintains a climate adaptation strategy to address the full range of climate change stressors, and passed legislation requiring state agencies to consider protection and management of natural and working lands as an important strategy in meeting the state's GHG reduction goals.

3.3.2 Environmental Setting

The proposed Project is in an urban area of Santa Clara County with a well-developed road and street network. The land uses in the Project area primarily consist of commercial, residential, institutional, and recreational facilities. Traffic congestion during peak hours is not uncommon in the Project area. The RTP prepared by the Metropolitan Transportation Commission (MTC) guides transportation and housing development in the Project area. The City of San José's GHG Reduction Strategy addresses GHGs in the Project area.

3.3.2.1 *GHG Inventories*

A GHG emissions inventory estimates the amount of GHGs discharged into the atmosphere by specific sources over a period of time. Tracking annual GHG emissions allows countries, states, and smaller jurisdictions to understand how emissions are changing and what actions may be needed to attain emission reduction goals. US EPA is responsible for documenting GHG emissions nationwide, and the ARB does so for the state of California, as required by H&SC Section 39607.4. Cities and other local jurisdictions may also conduct local GHG inventories to inform their GHG reduction or climate action plans.

National GHG Inventory

The annual GHG inventory submitted by the U.S. EPA to the United Nations provides a comprehensive accounting of all human-produced sources of GHGs in the United States.

Total GHG emissions from all sectors in 2022 were 5,489 million metric tons (MMT), factoring in deductions for carbon sequestration in the land seor. (Land Use, Land Use Change, and Forestry provide a carbon sink equivalent to 15% of total US emissions in 2022 [US EPA 2024a].) While total GHG emissions in 2022 were 17% below 2005 levels, they increased by 1% over 2021 levels. Of these, 80% were CO_2, 11% were CH_4, and 6% were N_2O; the balance consisted of fluorinated gases. From 1990 to 2022, CO_2 emissions decreased by only 2% (US EPA 2024a).

The transportation sector's share of total GHG emissions remained at 28% in 2022 and continues to be the largest contributing sector (Figure 3.3-1). Transportation activities accounted for 37% of US CO_2 emissions from fossil fuel combustion in 2022. This is a decrease of 0.5% from 2021 (US EPA 2024a, 2024b).

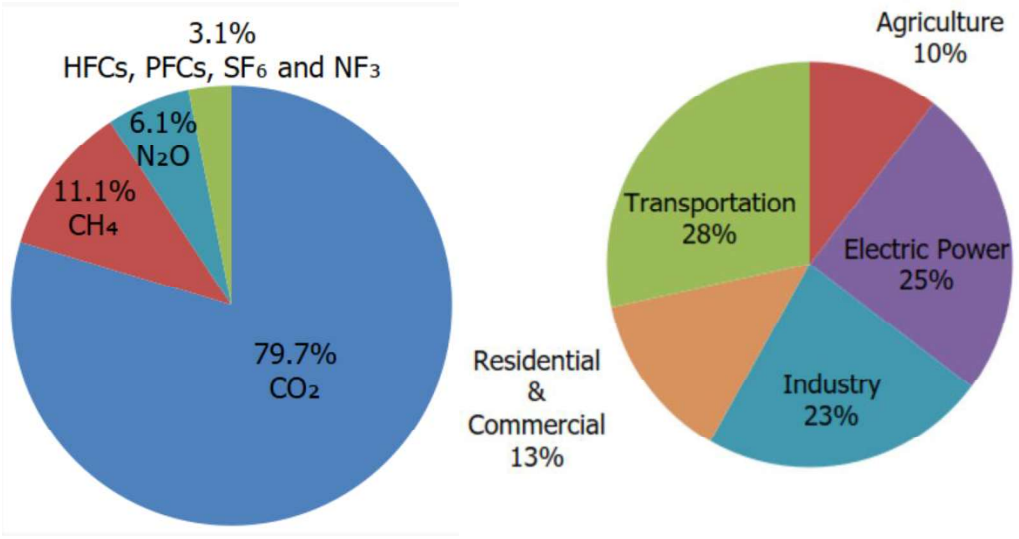


Figure 3.3-1: U.S. 2022 Greenhouse Gas Emissions (Source: U.S. EPA 2024b)

State GHG Inventory

ARB collects GHG emissions data for transportation, electricity, commercial/residential, industrial, agricultural, and waste management sectors each year. It then summarizes and highlights major annual changes and trends to demonstrate the state's progress in meeting its GHG reduction goals. Overall statewide GHG emissions declined from 2000 to 2021 despite growth in population and state economic output (Figure 3.3-2). Transportation emissions remain the largest contributor to GHG emissions in the state (Figure 3.3-3) (ARB 2023).

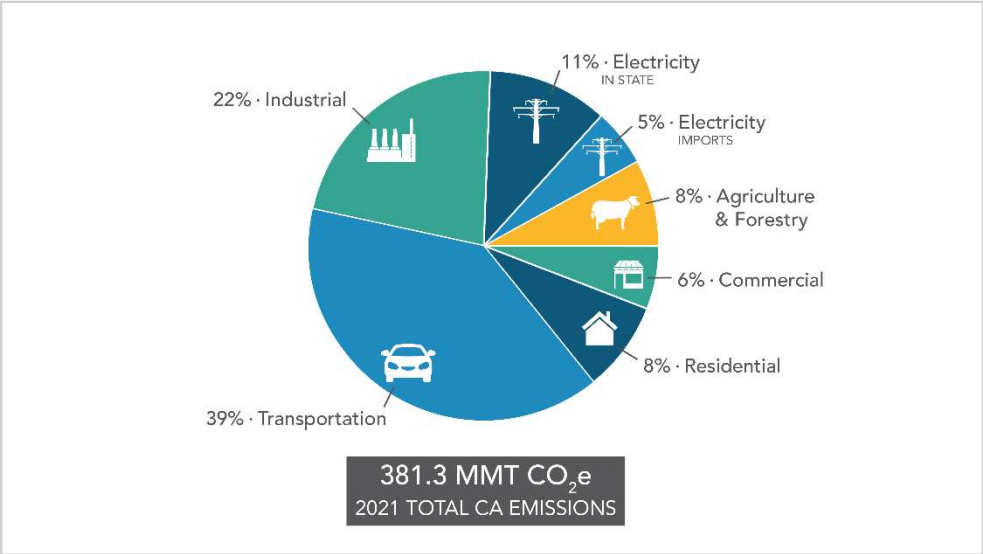


Figure 3.3-2: California 2021 GHG Emissions by Economic Sector (Source: ARB 2023)

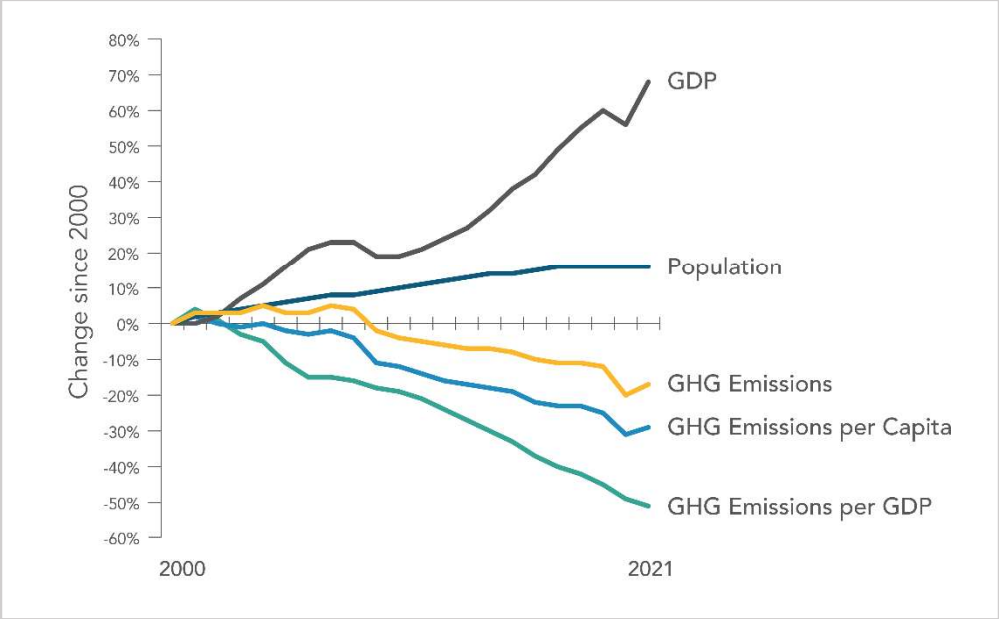


Figure 3.3-3: Change in California GDP, Population, and GHG Emissions since 2000 (Source: ARB 2023)

AB 32 required ARB to develop a Scoping Plan that describes the approach California will take to achieve the goal of reducing GHG emissions to 1990 levels by 2020, and to update it every 5 years. The AB 32 Scoping Plan and the subsequent updates contain the main strategies California will use to reduce GHG emissions. ARB adopted the first scoping plan in 2008. The second updated plan, California's 2017 Climate Change Scoping Plan, adopted on December 14, 2017, reflects the 2030 target established in EO B-30-15 and SB 32. The2022 Scoping Plan for Achieving Carbon Neutrality, adopted

September 2022, assesses progress toward the statutory 2030 reduction goal and defines a path to reduce human-caused emissions to 85 percent below 1990 levels and achieve carbon neutrality no later than 2045, in accordance with AB 1279 (ARB 2022a).

Regional Plans

As required by *The Sustainable Communities and Climate Protection Act of 2008*, ARB sets regional GHG reduction targets for California's 18 MPOs to achieve through planning future projects that will cumulatively achieve those goals, and reporting how they will be met in the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). Targets are set at a percent reduction of passenger vehicle GHG emissions per person from 2005 levels. The proposed Project is included in the RTP/SCS for the San Francisco Bay Area, *Plan Bay Area 2050*, under RTP ID 21-T06-028. The regional reduction target for MTC is 19 percent by 2035 (ARB 2022c).

Regional and local GHG reduction plans include MTC's *Plan Bay Area 2050* and the City of San José's *Climate Smart San José* Plan. Table 3.3-1 lists some of the key policies and strategies of these plans.

Table 3.3-1: Regional and Local GHG Reduction Plans

Title	GHG Reduction Policies or Strategies
Plan Bay Area 2050	Policy T8: Build a complete streets network Policy T10: Enhance local transit frequency, capacity and reliability Policy T11: Expand and modernize the regional rail network Policy EN1: Adapt to sea level rise. Policy EN7: Expand commute trip reduction programs at major employers Policy EN8: Expand clean vehicle initiatives. Policy EN9: Expand transportation demand management initiatives.
Climate Smart San José	Key Strategies: renewable energy, focused growth, electric vehicles, local jobs focus, goods movement efficiencies, energy-efficient buildings, transit system improvements. Goal: carbon neutrality by 2030.

3.3.3 Project Analysis

GHG emissions from transportation projects can be divided into those produced during operation and use of the State Highway System (SHS) (operational emissions) and those produced during construction. The primary GHGs produced by the transportation sector are CO_2, CH_4, N_2O, and HFCs. CO_2 emissions are a product of burning gasoline or diesel fuel in internal combustion engines, along with relatively small amounts of CH_4 and N_2O. A small amount of HFC emissions related to refrigeration is also included in the transportation sector. (GHGs differ in how much heat each traps in the atmosphere, called global warming potential, or GWP. CO_2 is the most important GHG, so amounts of other gases are expressed relative to CO_2, using a metric called "carbon dioxide equivalent", or CO_2e. The global warming potential of CO_2 is assigned a value of 1, and the GWP of other gases is assessed as multiples of CO_2.)

The CEQA Guidelines generally address greenhouse gas emissions as a cumulative impact due to the global nature of climate change (Pub. Resources Code, § 21083(b)(2)). As the California Supreme Court explained, "because of the global scale of climate change, any one project's contribution is unlikely to be significant by itself." (Cleveland National Forest Foundation v. San Diego Assn. of Governments (2017) 3 Cal.5th 497, 512.) In assessing cumulative impacts, it must be determined if a project's incremental effect is "cumulatively considerable" (CEQA Guidelines Sections 15064(h)(1) and 15130).

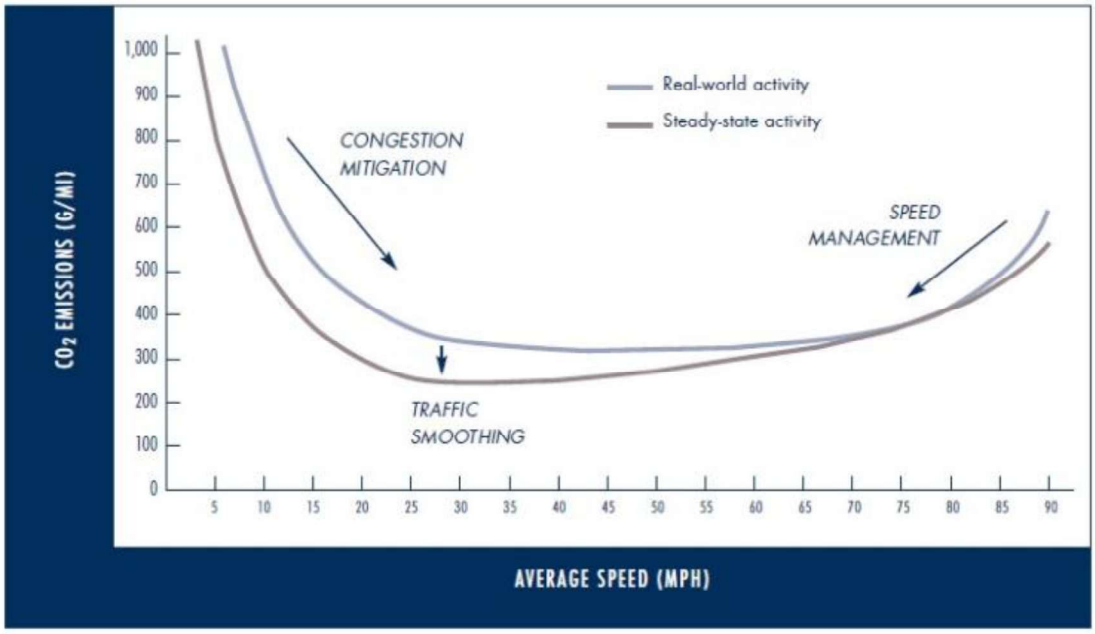
To make this determination, the incremental impacts of the project must be compared with the effects of past, current, and probable future projects. Although climate change is ultimately a cumulative impact, not every individual project that emits greenhouse gases must necessarily be found to contribute to a significant cumulative impact on the environment.

3.3.3.1 *Operational Emissions*

The National GHG Inventory for 2022 reported that 80 percent of all US GHG emissions in 2022 consisted of CO_2, and fossil fuel combustion for transportation accounted for 37 percent of those CO_2 emissions. Most (37 percent) transportation-related CO_2 was from operating light-duty trucks, 23 percent from medium- and heavy-duty trucks and buses, and 20 percent from passenger cars. The remainder of emissions came from other modes and off-road sources (US EPA 2024a). Because CO_2 emissions represent the greatest percentage of GHG emissions, it has been selected as a proxy for the following analysis for potential climate change impacts.

The highest levels of CO_2 from mobile sources such as automobiles occur at stop-and-go speeds (0–25 miles per hour) and speeds over 55 miles per hour; the most severe emissions occur from 0–25 miles per hour (see Figure 3.3-4). To the extent that a project enhances operational efficiency and improves travel times in high-congestion travel corridors, GHG emissions, particularly CO_2, may be reduced, provided that improved travel times do not induce additional VMT.

Four primary strategies can reduce GHG emissions from transportation sources: (1) improving the transportation system and operational efficiencies, (2) reducing travel activity (e.g., vehicle miles traveled), (3) transitioning to lower GHG emitting fuels, and (4) improving vehicle technologies and efficiency. To be most effective, all four strategies should be pursued concurrently.



Source: Barth and Boriboonsomsin, 2010

Figure 3.3-4: Possible Use of Traffic Operation Strategies in Reducing On-road CO_2 Emissions (Source: Barth and Boriboonsomsin 2010)

The proposed Project would increase the efficiency of traffic operations and, when compared to the No Build Alternative, would reduce VMT. The reduction in VMT is quantified in Table 3.3-2 based on the methodology described in the following paragraphs. The reduction in VMT is due to the new connections to the roadway network that are being provided by the Project. The reduction in VMT is also anticipated to occur as a result of the inclusion of new bicycle and pedestrian facilities that will be constructed as part of the Project.

Quantitative Analysis

Methodology

ARB developed the EMission FACtors (EMFAC) model to facilitate preparation of statewide and regional mobile source emissions inventories. The model generates emissions rates that can be multiplied by vehicle activity data from all motor vehicles, including passenger cars to heavy-duty trucks, operating on highways, freeways, and local roads in California. EMFAC has a rigorous scientific foundation, has been approved by US EPA, and has been vetted through multiple stakeholder reviews. Caltrans developed CT-EMFAC to apply project-specific factors to ARB's model.

EMFAC's GHG emission rates are based on tailpipe emissions test data and the model does not account for factors such as the rate of acceleration and vehicle aerodynamics, which influence the amount of emissions generated by a vehicle. GHG emissions quantified using CT-EMFAC are therefore estimates and may not reflect actual on-road

emissions. Furthermore, the model does not account for induced travel. Modeling GHG estimates with EMFAC or CT-EMFAC nevertheless remains the most precise means of estimating future greenhouse gas emissions. While CT-EMFAC is currently the best available tool for calculating GHG emissions from mobile sources, it is important to note that the GHG results are only useful for a comparison of alternatives.

Results

Using the methodology described above, GHG emissions impacts for the Build Alternative were computed for the existing year and future years for both the No Build and Build alternatives. Table 3.3-2 lists the GHG emissions for the existing year (2015) and design year (2045). For CEQA purposes, the difference in GHG emissions between the baseline year and the design year must be compared. Opening year (2025) and RTP horizon year (2050) GHG emissions are included for additional comparisons.

GHG emissions for the baseline year were computed to be 838,377 metric tons (MT) of carbon dioxide equivalent (CO_2e). The GHG emissions for the 2045 design No Build and Build alternatives were calculated as 721,129 MT CO_2e and 720,828 MT CO_2e, respectively. The difference between the baseline emissions of 838,377 MT CO_2e and the Build Alternative 2045 emissions of 720,828 MT CO_2e is a decrease of 117,549 MT of CO_2e. As shown in Table 3.3-2, with or without the Project, the mobile GHG emissions in the area would decrease due to the improvements in vehicle technology and reformulation of fuels. Modeling shows that the Build Alternative would have lower GHG emissions than the No Build Alterative for all future years except for the opening year (2025) where Build GHG emissions estimates exceed No Build emissions estimates. This is a result of the changes in network speeds as a result of the Project.

Table 3.3-2: Modeled Annual CO_2e Emissions and Vehicle Miles Traveled, by Alternative

Year	Scenario	Modeled CO_2e Emissions (MT/year)	Annual Vehicle-Miles-Traveled (VMT)
2015	Existing/Baseline	838,377	1,953,368,488
2025	No Build Alternative	797,917	2,251,913,061
	Build Alternative	798,295	2,251,890,159
2045	No Build Alternative	721,129	2,657,076,160
	Build Alternative	720,828	2,656,668,435
2050	No Build Alternative	740,273	2,758,367,693
	Build Alternative	739,814	2,757,863,299

MT = metric tons (1 MT = 2,205 pounds)

Source: CT EMFAC (2021)
CO_2e = CO_2, N_2O, CH_4
Annual VMT values derived from Daily VMT values multiplied by 347, per ARB methodology (ARB 2008: I-19)

3.3.3.2 *Construction Emissions*

Construction GHG emissions would result from material processing and transportation, on-site construction equipment, and traffic delays due to construction. These emissions will be produced at different levels throughout the construction phase; their frequency and occurrence can be reduced through innovations in plans and specifications and by implementing better traffic management during construction phases. While construction GHG emissions are only produced for a short time, they have long-term effects in the atmosphere, so cannot be considered "temporary" in the same way as criteria pollutants that subside after construction is completed.

Use of long-life pavement, improved traffic management plans, and changes in materials can also help offset GHG emissions produced during construction by allowing longer intervals between maintenance and rehabilitation activities.

For informational purposes, GHG emissions during construction of the Project were modeled, and are estimated to be 2,372 MT of CO_2e over the course of the entire Project construction period (see Table 2.16-6).

All construction contracts include Caltrans Standard Specifications related to air quality. Section 7-1.02A and 7 1.02C, Emissions Reduction, requires contractors to comply with all laws applicable to the project and to certify they are aware of and will comply with all ARB emission reduction regulations. Section 14-9.02, Air Pollution Control, requires contractors to comply with all air pollution control rules, regulations, ordinances, and statutes. Certain common regulations, such as equipment idling restrictions, that reduce construction vehicle emissions also help reduce GHG emissions.

3.3.3.3 *CEQA Conclusion*

Based on the analyses in this EIR/EA, it is concluded that the Project would result in a less than significant impact with regard to GHG emissions and climate change. Facts in support of this determination are as follows:

- Per MM-AIR-1.1 in Section 2.16, construction equipment shall be zero emissions or have engines that meet or exceed either EPA or ARB Tier 4 off-road emission standards, and it shall have engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS), if one is available for the equipment being used.
- GHG emissions during the Project's construction phase would be offset by projected decreases in GHG emissions during the Project's operational phase. See the data in Table 3.3.2, which projects lower GHG emissions under the Build Alternative than under the No Build Alternative.
- The Project is included in the current RTP and TIP, both of which contain regional strategies for reducing GHG emissions from transportation sources. One of the main strategies to reduce GHG emissions is to make transportation systems more

efficient by reducing congestion and by improving facilities for alternative modes (e.g., transit, bicycling, walking). The Project would reduce congestion and lower VMT in the Project area by providing additional vehicular access and by constructing new bicycle and pedestrian facilities.

Caltrans is firmly committed to implementing measures to help reduce GHG emissions. These measures are outlined in the following section.

3.3.4 Greenhouse Gas Reduction Strategies

3.3.4.1 *Statewide Efforts*

In response to AB 32, the Global Warming Solutions Act, California is implementing measures to achieve emission reductions of GHGs that cause climate change. Climate change programs in California are effectively reducing GHG emissions from all sectors of the economy. These programs include regulations, market programs, and incentives that will transform transportation, industry, fuels, and other sectors to take California into a sustainable, low-carbon and cleaner future, while maintaining a robust economy (ARB 2022b).

Major sectors of the California economy, including transportation, will need to reduce emissions to meet 2030 and 2050 GHG emissions targets. The Governor's Office of Planning and Research identified five sustainability pillars in a 2015 report: (1) increasing the share of renewable energy in the State's energy mix to at least 50 percent by 2030; (2) reducing petroleum use by up to 50 percent by 2030; (3) increasing the energy efficiency of existing buildings by 50 percent by 2030; (4) reducing emissions of short-lived climate pollutants; and (5) stewarding natural resources, including forests, working lands, and wetlands, to ensure that they store carbon, are resilient, and enhance other environmental benefits (OPR 2015).

The transportation sector is integral to the people and economy of California. To achieve GHG emission reduction goals, it is vital that the state build on past successes in reducing criteria and toxic air pollutants from transportation and goods movement. GHG emission reductions will come from cleaner vehicle technologies, lower-carbon fuels, and reduction of VMT. Reducing today's petroleum use in cars and trucks is a key state goal for reducing greenhouse gas emissions by 2030 (California Environmental Protection Agency 2015).

In addition, SB 1386 (Wolk 2016) established as state policy the protection and management of natural and working lands and requires state agencies to consider that policy in their own decision making. Trees and vegetation on forests, rangelands, farms, and wetlands remove carbon dioxide from the atmosphere through biological processes and sequester the carbon in above- and below-ground matter.

Subsequently, Governor Gavin Newsom issued Executive Order N-82-20 to combat the crises in climate change and biodiversity. It instructs state agencies to use existing

authorities and resources to identify and implement near- and long-term actions to accelerate natural removal of carbon and build climate resilience in our forests, wetlands, urban greenspaces, agricultural soils, and land conservation activities in ways that serve all communities and in particular low-income, disadvantaged, and vulnerable communities. To support this order, the California Natural Resources Agency released *Natural and Working Lands Climate Smart Strategy* (California Natural Resources Agency 2022).

3.3.4.2 *Caltrans Activities*

Caltrans continues to be involved on the Governor's Climate Action Team as the ARB works to implement EOs S-3-05 and S-01-07 and help achieve the targets set forth in AB 32. EO B-30-15, issued in April 2015, and SB 32 (2016), set an interim target to cut GHG emissions to 40% below 1990 levels by 2030. The following major initiatives are underway at Caltrans to help meet these targets.

Climate Action Plan for Transportation Infrastructure

The California Action Plan for Transportation Infrastructure (CAPTI) builds on executive orders signed by Governor Newsom in 2019 and 2020 targeted at reducing GHG emissions in transportation, which account for more than 40% of all polluting emissions, to reach the state's climate goals. Under CAPTI, where feasible and within existing funding program structures, the state will invest discretionary transportation funds in sustainable infrastructure projects that align with its climate, health, and social equity goals (California State Transportation Agency 2021).

California Transportation Plan

The California Transportation Plan (CTP) is a statewide, long-range transportation plan to meet our future mobility needs and reduce GHG emissions. It serves as an umbrella document for all the other statewide transportation planning documents. The CTP 2050 presents a vision of a safe, resilient, and universally accessible transportation system that supports vibrant communities, advances racial and economic justice, and improves public and environmental health. The plan's climate goal is to achieve statewide GHG emissions reduction targets and increase resilience to climate change. It demonstrates how GHG emissions from the transportation sector can be reduced through advancements in clean fuel technologies; continued shifts toward active travel, transit, and shared mobility; more efficient land use and development practices; and continued shifts to telework (Caltrans 2021a).

Caltrans Strategic Plan

The Caltrans 2020–2024 Strategic Plan includes goals of stewardship, climate action, and equity. Climate action strategies include developing and implementing a Caltrans Climate Action Plan; a robust program of climate action education, training, and outreach; partnership and collaboration; a VMT monitoring and reduction program; and engaging

with the most vulnerable communities in developing and implementing Caltrans climate action activities (Caltrans 2021b).

Caltrans Policy Directives and Other Initiatives

Caltrans Director's Policy 30 (DP-30) Climate Change (June 22, 2012) established a Department policy to ensure coordinated efforts to incorporate climate change into Departmental decisions and activities. Caltrans Greenhouse Gas Emissions and Mitigation Report (Caltrans 2020) provides a comprehensive overview of Caltrans' emissions. The report documents and evaluates current Caltrans procedures and activities that track and reduce GHG emissions and identifies additional opportunities for further reducing GHG emissions from Department-controlled emission sources, in support of Departmental and State goals.

3.3.4.3 *Project-Level GHG Reduction Strategies*

The following measures will also be implemented in the Project to reduce GHG emissions and potential climate change impacts from the Project.

- The highway improvements that would be constructed as part of the Project are designed to reduce congestion and improve access. Therefore, when compared to the No Build Alternative, the Project would result in improved traffic operations and a reduction in VMT, which would translate into reduced GHG emissions (see Table 3.2-1).
- The Project includes the improvements to bicycle and pedestrian facilities that are listed in Section 1.3.1.5. The improvements would facilitate bicycle and pedestrian travel in the area, reducing GHG emissions when compared to travel by cars.
- During the construction phase, the Project would implement the emissions reduction measures listed in Section 2.16.4.2. Those measures require the use of low-emission construction equipment, prohibit unnecessary idling of trucks and equipment, and prohibit use of diesel-powered generators, all of which would reduce GHG emissions.
- Electricity required during the construction phase and during the operational phase of the Project will be supplied by San José Clean Energy (SJCE), which is a local, not-for-profit electricity supplier run by the City of San José. SJCE focuses on purchasing electricity generated by clean sources and is an integral part of San José's goal of carbon neutrality by 2030 and *Climate Smart San José*, the City's climate action plan.
- Per MM-AIR-1.1 in Section 2.16, construction equipment shall be zero emissions or have engines that meet or exceed either EPA or ARB Tier 4 off-road emission standards, and it shall have engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS), if one is available for the equipment being used.

3.3.5 Adaptation

Reducing GHG emissions is only one part of an approach to addressing climate change. Caltrans must plan for the effects of climate change on the state's transportation infrastructure and strengthen or protect the facilities from damage. Climate change is expected to produce increased variability in precipitation, rising temperatures, rising sea levels, variability in storm surges and their intensity, and in the frequency and intensity of wildfires. Flooding and erosion can damage or wash out roads; longer periods of intense heat can buckle pavement and railroad tracks; storm surges combined with a rising sea level can inundate highways. Wildfire can directly burn facilities and indirectly cause damage when rain falls on denuded slopes that landslide after a fire. Effects will vary by location and may, in the most extreme cases, require that a facility be relocated or redesigned. Furthermore, the combined effects of transportation projects and climate stressors can exacerbate the impacts of both on vulnerable communities in a project area. Accordingly, Caltrans must consider these types of climate stressors in how highways are planned, designed, built, operated, and maintained.

3.3.5.1 *Federal Efforts*

Under NEPA Assignment, Caltrans is obligated to comply with all applicable federal environmental laws and FHWA NEPA regulations, policies, and guidance.

The Fifth National Climate Assessment, published in 2023, presents the most recent science and "analyzes the effects of global change on the natural environment, agriculture, energy production and use, land and water resources, transportation, human health and welfare, human social systems, and biological diversity; [It] analyzes current trends in global change, both human-induced and natural, and projects major trends for the subsequent 25 to 100 years to support informed decision-making across the United States." Building on previous assessments, it continues to advance "an inclusive, diverse, and sustained process for assessing and communicating scientific knowledges on the impacts, risks, and vulnerabilities associated with changing global climate" (US Global Change Research Program 2023).

The U.S. DOT recognizes the transportation sector's major contribution of GHGs that cause climate change and has made climate action one of the department's top priorities (US DOT 2023). FHWA's policy is to strive to identify the risks of climate change and extreme weather events to current and planned transportation systems. FHWA has developed guidance and tools for transportation planning that fosters resilience to climate effects and sustainability at the federal, state, and local levels (FHWA 2022).

The National Oceanic and Atmospheric Administration provides sea level rise projections for all US coastal waters to help communities and decision makers assess their risk from sea level rise. Updated projections through 2150 were released in 2022 in a report and online tool (NOAA 2022).

3.3.5.2 *State Efforts*

Climate change adaptation for transportation infrastructure involves long-term planning and risk management to address vulnerabilities in the transportation system. A number of state policies and tools have been developed to guide adaptation efforts.

California's Fourth Climate Change Assessment (Fourth Assessment) (2018) provides information to help decision makers across sectors and at state, regional, and local scales protect and build the resilience of the state's people, infrastructure, natural systems, working lands, and waters. The Fourth Assessment reported that if no measures are taken to reduce GHG emissions by 2021 or sooner, the state is projected to experience an up to 8.8 degrees Fahrenheit increase in average annual maximum daily temperatures; a two-thirds decline in water supply from snowpack resulting in water shortages; a 77% increase in average area burned by wildfire; and large-scale erosion of up to 67% of Southern California beaches due to sea level rise. These effects will have profound impacts on infrastructure, agriculture, energy demand, natural systems, communities, and public health (State of California 2018).

Sea level rise is a particular concern for transportation infrastructure in the coastal zone. Major urban airports will be at risk of flooding from sea level rise combined with storm surge as early as 2040; San Francisco Airport is already at risk. Miles of coastal highways vulnerable to flooding in a 100-year storm event will triple to 370 by 2100, and 3,750 miles will be exposed to temporary flooding. The Fourth Assessment's findings highlight the need for proactive action to address these current and future impacts of climate change.

To help actors through the state address the findings of California's Fourth Climate Change Assessment, AB 2800's multidisciplinary Climate-Safe Infrastructure Working Group published Paying it Forward: The Path Toward Climate-Safe Infrastructure in California. This report provides guidance on assessing risk in the face of inherent uncertainties still posed by the best available climate change science. It also examines how state agencies can use infrastructure planning, design, and implementation processes to respond to the observed and anticipated climate change impacts (Climate-Safe Infrastructure Working Group 2018).

EO S-13-08, issued in 2008, directed state agencies to consider sea level rise scenarios for 2050 and 2100 during planning to assess project vulnerabilities, reduce risks, and increase resilience to sea level rise. It gave rise to the 2009 California Climate Adaptation Strategy, the Safeguarding California Plan, and a series of technical reports on statewide sea level rise projections and risks, including the State of California Sea-Level Rise Guidance Update in 2018. The reports addressed the full range of climate change impacts and recommended adaptation strategies. The current California Climate Adaptation Strategy incorporates key elements of the latest sector-specific plans such as the Natural and Working Lands Climate Smart Strategy, Wildfire and Forest Resilience Action Plan, Water Resilience Portfolio, and the CAPTI (described above). Priorities in the 2023 California Climate Adaptation Strategy include acting in partnership with California Native

American Tribes, strengthening protections for climate-vulnerable communities that lack capacity and resources, implementing nature-based climate solutions, using best available climate science, and partnering and collaboration to best leverage resources (California Natural Resources Agency 2023).

EO B-30-15 recognizes that effects of climate change threaten California's infrastructure and requires state agencies to factor climate change into all planning and investment decisions. Under this EO, the Office of Planning and Research published Planning and Investing for a Resilient California: A Guidebook for State Agencies, to encourage a uniform and systematic approach to building resilience.

SB 1 Coastal Resources: Sea Level Rise (Atkins 2021) established statewide goals to "anticipate, assess, plan for, and, to the extent feasible, avoid, minimize, and mitigate the adverse environmental and economic effects of sea level rise within the coastal zone". As the legislation directed, the Ocean Protection Council collaborated with 17 state planning and coastal management agencies to develop the State Agency Sea-Level Rise Action Plan for California in February 2022. This plan promotes coordinated actions by state agencies to enhance California's resilience to the impacts of sea level rise (California Ocean Protection Council 2022).

3.3.5.3 *Caltrans Adaptation Efforts*

Caltrans Vulnerability Assessments

Caltrans completed climate change vulnerability assessments to identify segments of the State Highway System vulnerable to climate change effects of precipitation, temperature, wildfire, storm surge, and sea level rise.

The climate change data in the assessments were developed in coordination with climate change scientists and experts at federal, state, and regional organizations at the forefront of climate science. The findings of the vulnerability assessments guide analysis of at-risk assets and development of Adaptation Priority Reports as a method to make capital programming decisions to address identified risks.

Caltrans Sustainability Programs

The Director's Office of Equity, Sustainability and Tribal Affairs supports implementation of sustainable practices at Caltrans. The Sustainability Roadmap is a periodic progress report and plan for meeting the Governor's sustainability goals related to EOs B-16-12, B-18-12, and B-30-15. The Roadmap includes designing new buildings for climate change resilience and zero-net energy, and replacing fleet vehicles with zero-emission vehicles (Caltrans 2023).

Project Adaptation Analysis

Sea Level Rise

The proposed Project is outside the coastal zone and not in an area subject to sea-level rise. As shown by the blue shading on Figure 3.3-5, the area subject to sea level rise is located around the perimeter of San Francisco Bay and is more than five miles from the Project. Accordingly, direct impacts to transportation facilities due to projected sea-level rise are not expected.

Floodplains

According to floodplain maps prepared by Federal Emergency Management Agency (FEMA), a portion of the Project footprint is located within the 100-Year Floodplain, delineated by Zones AH and AO. Zone AH is a Special Flood Hazard Area (SFHA) that has a 1% chance of shallow flooding each year and Zone AO is a SFHA that is at risk of shallow flooding during a base flood event with a 1% annual chance. These areas are subject to shallow flooding, however, the flooding conditions would be minimal to shallow. Construction of the Project would require the placement of approximately 38,000 cubic feet of fill within Zone AO, which would equate to a loss of approximately 0.87 acre-feet of storage capacity for flood waters. This placement of fill would be offset by implementation of MM-HF-1.1, consisting of removing an equal volume of fill in the floodplain from the open areas along Technology Place and North Fourth Street. Thus, the net effect would be no increases in the depth of flooding. Further, the Project would be designed to avoid the blockage of flood flows within its footprint.

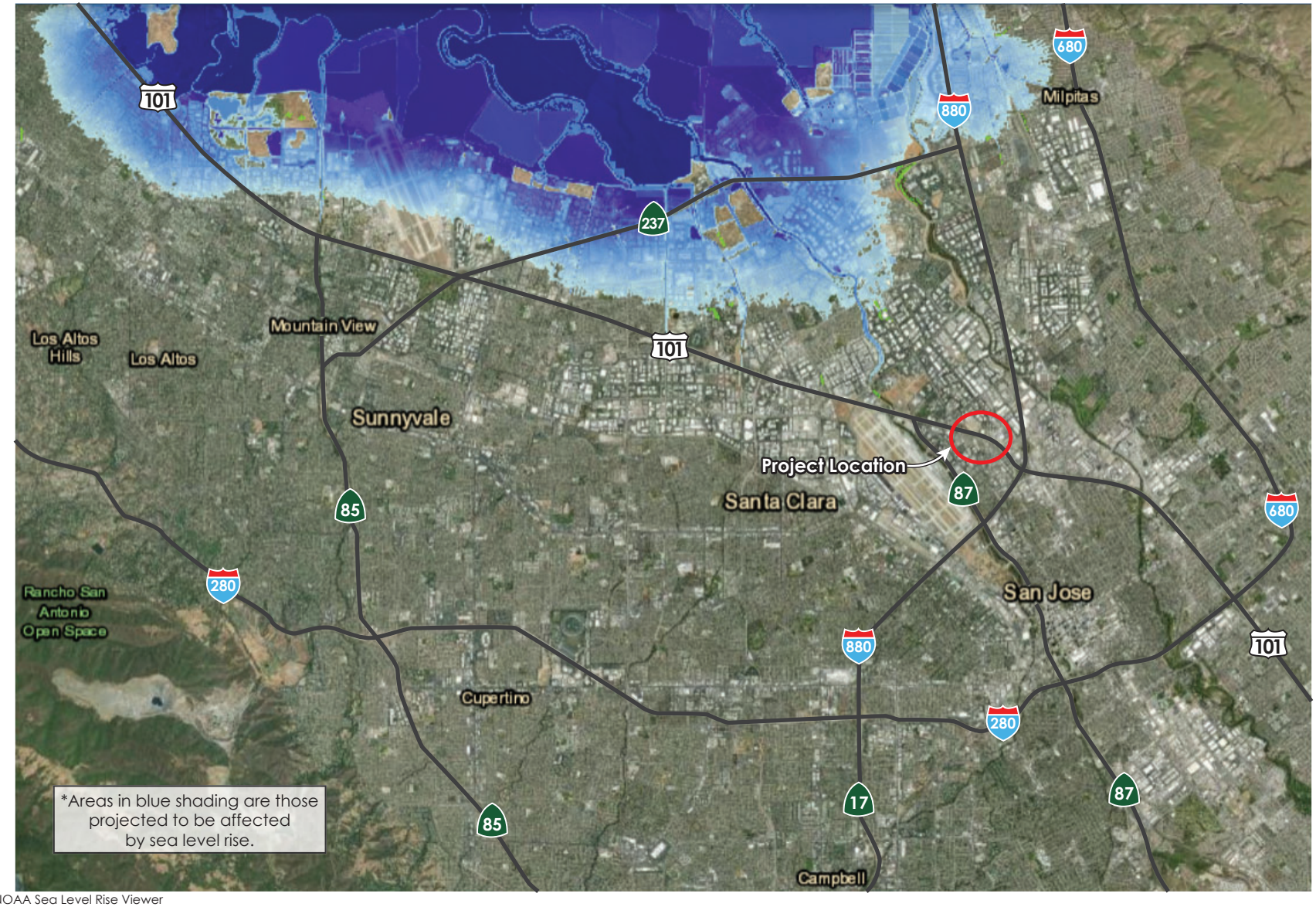
Wildfire

According to mapping prepared by the Santa Clara County FireSafe Council, the Project site is not located within or near a Moderate, High, or Very High Fire Hazard Severity Zone. The closest fire hazard zone to the Project area is the East Foothills of the Diablo Range, more than eight miles to the east.[38]

Temperature

The District Climate Change Vulnerability Assessment does not indicate temperature changes during the project's design life that would require adaptive changes in pavement design or maintenance practices.

[38] Source: https://sccfiresafe.org/resources/do-you-reside-in-santa-clara-countys-wildland-urban-interface-wui/(accessed 2/15/2022).



Source: NOAA Sea Level Rise Viewer

AREA PROJECTED TO BE AFFECTED BY SEA LEVEL RISE | FIGURE 3.3-5

SECTION 4.0 COMMENTS AND COORDINATION

4.1 INTRODUCTION

Early and continuing coordination with the general public and appropriate public agencies is an essential part of the environmental process to determine the scope of environmental documentation, the level of analysis, potential impacts and mitigation measures and related environmental requirements. Agency consultation and public participation for this Project have been accomplished through a variety of formal and informal methods, including Project Development Team meetings, interagency coordination meetings, a Notice of Preparation (NOP) public scoping meeting, the Public Meeting for the Draft EIR/EA, and meetings with property owners and developers.

This chapter summarizes the efforts to fully identify, address and resolve Project-related issues through early and continuing coordination.

4.2 NOTICE OF PREPARATION AND SCOPING PROCESS

Caltrans circulated a Notice of Preparation of an EIR/EA to local, regional, state, and federal agencies on October 4, 2021. The 30-day scoping period started on October 6, 2021, and ended on November 8, 2021. A copy of the NOP is provided in Appendix D.

A virtual Environmental Scoping Meeting was held on October 20, 2021, at 6:00 PM. Approximately 350 notices for the Scoping Meeting were mailed to residences (tenants and owners) and businesses within a 0.25-mile radius of the Project. VTA posted the public meeting notice on the VTA website, VTA Headways Blog, and Social Media (Twitter, Facebook, NextDoor), and local newspapers. Notices were published in English, Spanish, Chinese, Filipino, Korean, and Vietnamese newspapers. An email notification of the NOP was sent to agencies, organizations, and individual stakeholders. Approximately 24 people attended the scoping meeting via Zoom.

One public comment was received during the scoping period. The comment was from a member of the public. The comment was related to the following subject areas:

- Traffic impacts
- Community impacts to the Japantown area

4.3 CONSULTATION AND COORDINATION WITH AGENCIES AND ORGANIZATIONS

VTA, Caltrans, and the City of San José meet on a regular basis to address any questions or issues related to Project design, construction, and planned operation.

4.4 DRAFT EIR/EA COMMENTS AND RESPONSES

The Draft EIR/EA was circulated to the public from December 29, 2023, to February 16, 2024. A public meeting was held on January 10, 2024, from 6:00 pm to 7:30 pm at the Bachrodt Elementary School (102 Sonora Avenue, San Jose). A recording of this meeting was posted on YouTube accessible through the Project website (www.vta.org/101zanker).

The availability of the Draft EIR/EA for review and comment was advertised and noticed through a range of outreach methods. Each of the advertisements and notices provided information on how to obtain and review the Draft EIR/EA, how to comment and the deadline for comments; how to participate in the public meeting; and who to contact for more information. A Notice of Completion (NOC) was posted with the California State Clearinghouse on December 29, 2023, identifying the start and end dates of the public review period (SCH #2021100033), and the NOC was distributed through the Clearinghouse to a wide range of State agencies and commissions. A Notice of Availability was filed with the Santa Clara County Clerk-Recorder Office on December 29, 2023. This notice was emailed to elected officials, agencies, organizations, and community stakeholders (see Section 6). In addition, this notice was mailed to residences and businesses within a 0.5-mile radius of the Project through the U.S. Postal Service. Advertisements were published in English, Spanish, Chinese, Filipino, Korean, and Vietnamese newspapers. Notices were also posted on the VTA website, Caltrans website, and VTA social media accounts.

The list of the written comments received on the Draft EIR/EA, including the page on which the response(s) to the comment begins, is shown below. A copy of each comment is contained in Appendix G.

COMMENT #1: U.S. ENVIRONMENTAL PROTECTION AGENCY

Comment 1-A: The U.S. Environmental Protection Agency has reviewed the above-referenced document pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

We note the proposed improvements to the Zanker Road project area for US 101 in San Jose will include pedestrian and bicycle facilities, which will improve non-automotive connectivity between commercial and residential parts in the project area. We commend Caltrans for using the Caltrans DIB 89 ""Class IV Bikeway Guidance"" in the proposed Class IV separated bikeway design. We note that an overpass will add significant elevation changes for pedestrians and bicycle users, which may add challenges and hazards.

Recommendations: Please consider the following recommendations, where practicable, to improve the non-motorized user experience and safety through the project facilities. We also recommend working closely with local pedestrian and bicycle advocacy organizations and community groups to identify unintended hazards and solutions.

- Lane striping with narrowing geometry, rumble strips, and road geometry to encourage vehicle drivers exiting the highway to slow their vehicles ahead of potential mixing areas with non-motorized users of all kinds.
- Maximized 'daylighting' of intersections (i.e., keeping corners clear of visual obstructions) to improve visibility and reduce conflicts along Zanker Road and other streets, particularly where driveways may connect directly to the improved corridor.
- Class IV bike lane separation throughout the project area, including the Zanker Road bike lane diverge to the Old Bayshore Highway bike lane.
- Pavement markings for optimal bicycle turning curves from the Zanker Road bike lane diverge onto the Old Bayshore Highway bike lane to reduce potential vehicle conflicts.
- Advanced wayfinding signage to direct southbound bicyclists to the alternative 10th Street crossing if they choose.
- Smoother transitional geometry (i.e., climbs starting further back from the overpass) for non-motorized travelers needing to navigate the sharp elevation change. (We also encourage Caltrans to avoid the sharp turning radii of switchbacks for non-motorized travelers if possible.)
- Signalized intersections with bicycle users and pedestrian crossings to include separate bicycle and pedestrian lighting signals, and advantageous advanced signal timing for non-motorized travelers to reducing conflicts with turning vehicles.
- Shade structure, lighting, and seating where practicable and safe.

Response 1-A: The Project's proposed improvements to bicycle and pedestrian facilities are included in the Project Description in Section 1.3 and described in Section 2.8.3.5 of this EIR/EA.

Regarding the recommendation to use lane striping with narrowing geometry, rumble strips, and road geometry to encourage drivers to reduce speeds, the Project will comply with the Caltrans and City of San José design standards within their respective rights-of-way. However, where feasible, narrower-than-standard lanes and shoulders along the Zanker Road corridor are currently proposed. These narrower lanes are subject to Caltrans' approval as part of the design exception process. Rumble strips are generally only provided between traffic lanes and bike lanes on high-speed facilities where there is no other physical separation, but since the Class IV bikeways are both horizontally and vertically separated from vehicle lanes, rumble strips would not provide a benefit. Bicycle/vehicle mix zones only occur at designated crosswalks or the bicycle pocket between through and right-turn lanes on Bering Drive; in either case, rumble strips are generally not provided along the travel path of a bicycle or where there is not available width to place them between the bikeway and adjacent vehicle travel lane.

The Project will incorporate daylighting of intersections and will minimize conflict points where practicable and feasible during the Plans, Specifications, and Estimates (PS&E) phase of the Project.

The proposed Class IV bikeways will have a five-foot wide separation where feasible, and where infeasible, railing will be installed. Providing continuous raised and separated Class IV bikeway access around the corners of intersections (such as at Zanker and Old Bayshore) will be incorporated, if feasible, during the PS&E phase.

Providing advanced wayfinding signage for bicycles will be incorporated, if feasible, during the PS&E phase.

Regarding the recommendation to use smoother transitional geometry, this design feature will be incorporated into the Project during the PS&E phase, as feasible. The Project will comply with Caltrans and Americans with Disabilities Act (ADA) design standards. The Project does not include switchbacks.

Providing separate bicycle and pedestrian crossing signals and timing, as well as shade structure, lighting, and seating for pedestrians, will be incorporated, if feasible, during the PS&E phase.

COMMENT #2: COUNTY OF SANTA CLARA, ROADS & AIRPORTS

Comment 2-A: The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the Public Notice of Availability of the Draft

Environmental Impact Report/Environmental Assessment for the US 101/Zanker Road Skyport Drive/Fourth Street Improvement Project. We submit the following comments:

- Determine the impact on light rail along North First Street during construction.
- Will US 101 have reduced lanes or full closure during construction?
- Determine the impact of rerouting traffic on Central and Montague Expressway during construction.

Response 2-A: Project-related work on North First Street will be limited to minor improvements to the vehicular roadway east of the light rail tracks, as shown on Figure 2.8-3. The Project will not require the temporary closure of light rail stations and is not anticipated to impact light rail operations along North First Street during construction.

To allow for the erection and removal of falsework for the new Zanker Road overcrossing structure, the Project will require separate nighttime closures of US 101 in each direction. Each closure is anticipated to occur over several nights. Advance noticing of such closures will be widely publicized and detours using local streets will be delineated. Detours are not planned to utilize Montague or Central Expressways. As stated in Section 2.8.3.6, VTA will prepare a Transportation Management Plan (TMP) prior to construction that addresses temporary lane closures.

COMMENT #3: VALLEY WATER

Comment 3-A: The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Environmental Impact Report/Environmental Assessment for the US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project in Santa Clara County, received on December 29, 2023.

Based on our review, we have the following comments: Valley Water does not have any right of way or facilities within the project boundaries; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for the project.

Response 3-A: The comment that no Valley Water facilities are located within the Project boundaries is noted.

Comment 3-B: The Construction General Permit (CGP) Order No. 2009-0009-DWQ (adopted on September 2, 2009 and effective on July 1, 2010), as amended by Order No. 2010-0014-DWQ (effective February 14, 2011) and Order No. 2012-0006-DWQ (effective on July 17, 2012) was superseded by Order WQ 2022-0057-DWQ (adopted on

September 8, 2022 and effective on September 1, 2023). Section 2.12.1.3 (Page 87) should be updated with this information.

Response 3-B: Section 2.12.1.3 has been updated in the Final EIR/EA to reflect the latest Construction General Permit Order WQ 2022-0057-DWQ (adopted on September 8, 2022 and effective on September 1, 2023).

Comment 3-C: Valley Water records indicate that there are 8 active wells within the project boundaries. If the wells will continue to be used following the project, they must be protected so that it does not become lost or damaged during completion of the project. If the wells will not be used following the project, they must be properly destroyed under permit from Valley Water. While Valley Water has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water's records. If previously unknown wells are found within the project boundaries, they must be property destroyed under permit from Valley water or registered with Valley Water and protected from damage.

Response 3-C: The Project team will determine whether active wells are present during the PS&E design phase and coordinate with Valley Water for any necessary protection or removal requirements.

Comment 3-D: According to Valley Water's Anderson Dam Inundation map and Lenihan Dam inundation map, the project is located within the inundation zone of Anderson Dam and Lenihan Dam. Section 2.11 (Pages 80-83) should be updated with this information.

Response 3-D: Section 2.11.2 of the Final EIR/EA has been updated to disclose that the Project limits are located within the inundation zone of Anderson Dam and Lenihan Dam.

Comment 3-E: Valley Water has compiled a list of commonly found invasive plant species to be avoided when developing a plating palette and is presented in Design Guide 3 of Valley Water's Guidelines and Standards for Land Use Near Streams (attached). Valley Water recommends that this list be taken into consideration when replacement trees are being selected for the project.

Response 3-E: Non-invasive species will be utilized for landscaping as stated in Section 2.20. Trees impacted by the Project will be replaced as described in MM-BIO-2.3 in Section 2.19.4 of this EIR/EA. Valley Water's compiled list of species to avoid will be taken into consideration when replacement trees are selected. The type of trees selected will also meet Caltrans standards and will not include species that are listed as noxious or invasive on the Federal or California Noxious Weed List, managed by the U.S. Department of Agriculture, or the California Invasive Plant Inventory Database, managed by the California Department of Fish and Wildlife.

COMMENT #4: BERLINER COHEN

Comment 4-A: I am writing on behalf of my client, Goble Properties, owner of the Reynolds Circle Business Park located at 1780 Old Bayshore Highway and 401-499 Reynolds Circle in San Jose. Below please find our comments along with six (6) recommendations based on our review of the Draft EIR for the US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project ("Project").

Our concern is that the Project will restrict access to Reynolds Circle Business Park and preclude it from being used for industrial activities; it will impede truck access and increase congestion for the over 90 tenants in the Reynolds Circle Business Park due to the loss or change in driveway access, the rerouting of Zanker Road, the raising up of Old Bayshore Highway, and the permanent taking of parking on 1780 Old Bayshore Highway, and the loss in visibility to the Reynolds Circle Business Park from US 101 and from the newly raised portion of Zanker Road.

Response 4-A: The issues raised in this comment are discussed in greater detail in Comments 4-B through 4-J, below. Please see the responses to each of those comments.

Comment 4-B: We submit these comments with concern that the draft EIR relies on inaccurate information and contains an incomplete project description. See *League to Save Lake Tahoe v. County of Placer (2022) 75 Cal. App. 5th 63* (project description must allow the reader to assess and analyze the project's potential impacts). The degree of specificity required in an EIR corresponds to the degree of specificity involved in the underlying activity. A construction project is a named example of a project that can and should provide detailed information. *CEQA Guidelines § 15146*.

Response 4-B: This EIR/EA, including Section 1.3, *Project Description*, contains sufficient details regarding the components of the Project based on the preliminary project design for purposes of analyzing the Project's environmental impacts. Furthermore, pages 9 through 14 describe and depict the Project's footprint, elevation, location, revised traffic facilities, new bike/pedestrian facilities, and right-of-way/easement requirements. The information, which is based on preliminary design, provides sufficient detail to allow analysis of potential environmental impacts. Further discussion and details to support this statement are found in the following responses.

Comment 4-C: The Draft EIR states a need for temporary construction easement of 3,789 square feet and a permanent taking of 4,707 square feet of 1780 Old Bayshore Highway. This take will clearly impact Reynolds Circle Business Park's environment. However, the Draft EIR does not clearly delineate where these impacts will take place.

Response 4-C: Based on the preliminary Project design shown on Figure 1.3-1 of this EIR/EA, right-of-way and temporary construction easements (TCEs) at the Reynolds Circle Business Park will be needed to accommodate the proposed realignment of Old

Bayshore Highway. The location of the TCEs and permanent right-of-way requirements are along the southerly side of the building located on APN 237-12-103. It is estimated that 28 out of 51 existing parking spaces in front of the building would be impacted.

The above information is based on a project description and preliminary design that allows for a meaningful assessment of the project's impacts. The preliminary design is subject to revision during final design. VTA and Caltrans will adhere to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and Caltrans guidelines in acquiring real estate and, where applicable, relocating occupants.

For a discussion of other potential Project-related effects at the Reynolds Circle Business Park, please see the following responses.

Comment 4-D: We also understand that the Park's driveway access to Old Bayshore Highway will be eliminated or moved, and a wall will be built on the taken portion of property to support a newly raised portion of Old Bayshore Highway. The location of the wall is not fully delineated, and the change in driveway access is not clearly identified. At the Draft EIR public meeting and open house we attended on January 10, 2024, we were also told that the wall may be pillars, with or without fenced parking.

Response 4-D: Figure 1.3-1 has been revised to more clearly identify the change in driveway access. The revised figure now contains an inset map that zooms in on this area and retaining wall symbols have been added to the display to delineate their location.

Driveway access to 1780 Old Bayshore Highway and the Reynolds Circle Business Park from northbound Old Bayshore Highway will be retained but will be moved to the east in front of 1720 Old Bayshore Highway. Egress from 1780 Old Bayshore Highway to southbound Old Bayshore Highway will also be moved to the east in front of 1720 Old Bayshore Highway. The Regatta Lane and Remuda Lane intersections on Zanker Road would be maintained, which could be used to access businesses in Reynolds Circle Business Park.

As described in Section 1.3.1.4 of this EIR/EA, the Project will raise the vertical profile of Old Bayshore Highway to meet with the proposed Zanker Road Overcrossing. This portion of the roadway will be supported by a retaining wall and a bridge that will carry the roadway to the intersection of Old Bayshore Highway and Zanker Road. The retaining wall will provide a solid wall and the bridge will be supported by columns.

Comment 4-E: It appears that the Draft EIR contains errors in the description of Reynolds Circle Business Park, as well. Reynolds Circle Business Park is zoned and used for heavy industrial use. Tenants include cabinet makers, granite and marble supply, furniture supply, and construction. The Park has over 90 tenants, and truck access and parking is essential. The Community Impact Memo states that 1780 Old Bayshore

contains 8 impacted businesses and 51 parking spaces. 1780 Old Bayshore in fact contains 17 businesses and 83 parking spaces.

Response 4-E: The commentor is correct in stating that the entire Reynolds Circle Business Park is zoned heavy industrial and contains over 90 small business tenants. The Reynolds Circle Business Park is comprised of two parcels (APN's 237-12-103 and 237-12-104) that encompass almost ten acres.

However, the discussion of the Reynolds Circle Business Park in this EIR/EA is not inaccurate because it focuses only on the portion of the business park where the right-of-way and TCE impacts will occur, namely the 1.8-acre APN 237-12-103. That portion of the Reynolds Circle Business Park contains a 37,000 ft^2 building that is divided into 17 units. On-site parking for the nine business tenants on the north side of the building would not be impacted, but 28 parking spaces in front of the eight businesses on the south side of the building would be impacted. This is the basis for the statement in Table 1 of the Community Impact Memo, which states that there are eight business tenants in the southerly half of this building with 51 existing parking spaces.

Comment 4-F: The Draft EIR does not state how many parking spaces will be taken, but the Community Impact Memo states that 28 parking spaces will be taken. Currently, each lessee at the Park is granted access to one parking space for every one thousand feet leased. The current demand for parking exceeds the existing supply, and so employees, visitors, and patrons regularly use street parking along Zanker Road. Box trucks and semi-trucks up to 75 feet in length access the Park multiple times each day for scheduled deliveries and pickups.

Response 4-F: On-street parking along the eastside of Zanker Road north of Old Bayshore Highway was removed several years ago by the City of San Jose.

Although the removal of parking is not an environmental impact under CEQA, during daytime site visits on Thursday October 14, 2021, and April 24, 2024, the overwhelming majority of the 51 parking spaces in front of the eight business tenants were empty. Similar conditions with few parked cars are depicted in three Google Street View images dated May 2015, April 2019, and October 2022.

With regard to access to the Reynolds Circle Business Park, there are three existing driveways, two on Zanker Road and one on Old Bayshore Highway (Figure 1.3-1). The Project will not modify the two driveways on Zanker Road. The existing driveway on Old Bayshore Highway that provides direct access to the Reynolds Circle Business Park building at 1780 Old Bayshore Highway will, however, be relocated to the east by the Project. The proposed driveway alignment would utilize the frontage of the adjacent parcel, APN 237-12-102, which will be acquired by the Project. The driveway would also acquire approximately 728 ft^2 of right-of-way from the corner of APN 237-12-119, a 6.1-

acre site that is presently under development as a last-mile warehouse distribution facility.[39]

A truck turning model analysis of the design for the relocated access was undertaken. The analysis determined that box trucks or semi-trucks up to 75 feet in length would be accommodated.

Comment 4-G: 1780 Old Bayshore Highway also enjoys visibility from US 101 because cars driving along US 101 can see the signs of the businesses on the property. These units with this key view visibility from US 101 are in higher demand and have increased rental value compared to units that are not visible at the back of the park.

Reynolds Circle Business Park is zoned and used for heavy industrial use, and Goble Properties would like to continue to exercise this use. While the effects of this Project cannot be predicted with accuracy due to the inadequate Project description and incorrect references to Reynolds Circle Business Park, we respectfully request that you incorporate the following six (6) recommendations into the final EIR and project plans in a way that will allow the heavy industrial use of the Reynolds Circle Business Park to continue.

Draft EIR Section 2.16 states that the Project will slightly lower the emissions of Toxic Air Contaminants ("TAC") compared to the no build alternative. The way in which Zanker Road is redesigned in the Draft EIR will impede semi-truck access to and from the Reynolds Circle Business Park. The trucks that deliver and pickup from the Park need access to the raised portion of Zanker Road, but it appears that the Project will require trucks to make several acute angle turns onto Robertson and Regatta Lane before joining up the raised portion of Zanker Road. This change from their current, immediate access to Zanker Road may preclude 75 foot semi- trucks from accessing the area at all. Idling and overall vehicle miles travelled ("VMT") would likely increase for the trucks that are still able to access the park. Increased VMT would result in increased traffic congestion, nitrate loading, airborne concentration of particulate matter, and TAC.

RECOMMENDATION 1. Merge the upraised Zanker Roads prior to Regatta Lane and retain immediate access for large trucks exiting and entering Reynolds Circle Business Park. Alternatively, design the turning radius along Robertson and Regatta Lanes in a way that is wide and large enough to accommodate semi-trucks of up to 75 feet.

Response 4-G: With regard to the commentor's assertion that the project description is inadequate, please see Response 4-B.

The Project does not propose any change to the existing Heavy Industrial zoning for the Reynolds Circle Business Park.

[39] City of San Jose File Number H20-041.

For the reasons stated in Response 4-F, truck access to/from the Reynolds Circle Business Park will not be adversely impacted by the Project. Trucks will continue to have access to/from Zanker Road and the business park as they do under existing conditions. Therefore, truck-related VMT will not increase due to the Project. Similarly, emissions related to truck idling are not anticipated to increase as the Project will not result in congestion during site access operations.

The commentor states that reduction of the visibility of the businesses at 1780 Old Bayshore Highway from US 101 due to the Project will result in decreased business, which would be a potential economic effect under NEPA.[40] However, views of the businesses at 1780 Old Bayshore Highway from northbound and southbound US 101 are already partially screened by existing landscaping. In addition, the small signs and low profile of the 1-story building, coupled with high speeds along US 101, make recognition of the businesses from the freeway difficult. These facts do not support a conclusion that the view from US 101 is a key factor in business volume.

Based on the above facts, the Project does not propose to merge the upraised Zanker Roads prior to Regatta Lane and retain immediate access for large trucks exiting and entering Reynolds Circle Business Park. However, the design of the turning radius at the relocated access point to Reynolds Circle Business Park will accommodate semi-trucks of up to 75 feet, as discussed in Response 4-F.

Comment 4-H: It is our concern that the Project, the construction of the Project, and the takings will impede existing heavy industrial land use activities for Reynolds Circle Business Park and limit heavy industrial use for the Park in misalignment with the Envision San Jose 2040 General Plan. "The Land Use Policies in the Envision San Jose 2040 General Plan restrict land use changes in areas reserved exclusively for industrial uses." (Envision GP Chapter 5 p. 12).

The Draff EIR states on page 26 that the Project will not change or negatively affect the land uses for the Project and that no mitigation measures are required. Construction is anticipated to begin at the end of 2028. Draft EIR Section 2.5 states that there will be a loss or change of the existing driveway at 1780 Old Bayshore, and the Community Impact Memo references a permanent taking of approximately 28 parking spaces to accommodate the widening of Old Bayshore Highway. Old Bayshore Highway will be widened, raised and supported by a wall or pillars on what is now the southern parking lot of the property.

If the driveway does move to the east and semi-trucks are no longer able to navigate to the Reynolds Circle Business Park, the land can no longer be used for heavy industrial activities. In addition, the signage at the Reynolds Circle Business Park both at the frontage of 1780 Old Bayshore and across two additional buildings of the park on Zanker Road may no longer be visible from US 101, which will be a loss both for the businesses

[40] Economic effects are not environmental impacts under CEQA.

and the business park which also currently has signage along the property. (See Draft EIR p. 66 Impacts from Key Views). And finally, because the funding for this Project is uncertain, there is added unpredictability about how the construction phase of the Project will have an impact on the Park.

RECOMMENDATION 2. Ensure the change in driveway access to the Reynolds Circle Business Park from Old Bayshore Highway is large enough to accommodate 75-foot truck access.

RECOMMENDATION 3. Design the project to retain visibility to 1780 Old Bayshore from US 101.

RECOMMENDATION 4. Ensure that the newly constructed raised portion of 1780 Old Bayshore Highway is supported by a solid wall to protect privacy and insulate the heavy industrial use of the property from other land uses pursuant to the Envision San Jose 2040 General Plan Chapter 5.

RECOMMENDATION 5. Ensure semi-truck access to the property throughout the construction phase of the Project.

Response 4-H: For the reasons stated in Response 4-G, changes in views of the businesses in the Reynolds Circle Business Park that are visible from US 101 will be minor and will not result in an adverse loss of business. This conclusion is consistent with Recommendation #3.

As discussed in Response 4-D, the elevated Old Bayshore Highway will be supported by a retaining wall and a bridge that will carry the roadway to the intersection of Old Bayshore Highway and Zanker Road. The retaining wall will provide a solid wall, and the bridge will be supported by columns. These facts are consistent with Recommendation #4.

For the reasons stated in Response 4-F, truck access to/from the Reynolds Circle Business Park will not be adversely affected by the Project. Access to all properties in the Project area, including Reynolds Circle Business Park, will be maintained during construction. As stated in Section 1.3.1.5, a Transportation Management Plan will be prepared, the purpose of which will be to describe how all modes of transportation and access will be maintained during construction. These facts are consistent with Recommendations #2 and #5.

The above statements support the conclusion that the Project will not conflict with the policies of the *Envision San Jose 2040 General Plan* that support heavy industrial land uses in the City.

Finally, in reference to the comment regarding the timeline for construction of the Project, the dates listed in Section 1.3.1.7 of this EIR/EA are the estimated current schedule. If the dates for construction were to slip for any reason, all of the construction tasks, and

the physical impacts thereof that are described in both the Draft and Final EIR/EA, would remain the same.

Comment 4-I: Draft EIR Section 2.12 Water Quality and Stormwater Runoff states that there will be an increase of 1.29 acres of impervious surface. A portion of that increase in impervious surfaces appears to be adjacent to the property due to the widening of Zanker Road and Old Bayshore Highway.

RECOMMENDATION 6. Design the project to ensure stormwater runoff above the property along the expansion and widening of Old Bayshore Highway and Zanker Road is directed away from the Reynolds Circle Business Park.

Response 4-I: Consistent with Recommendation #6, drainage systems required for the Project will be designed during the PS&E phase such that increases in impervious surfaces and resulting runoff will not be directed towards private properties.

Comment 4-J: We cannot fully evaluate and comment on the impact to the Reynolds Circle Business Park at this time because of the lack of specificity in the Project description and errors in the description of Reynolds Circle Business Park. We would like to schedule a visit with a VTA engineer to the Reynolds Circle Business Park to understand exactly how access to Old Bayshore Highway and Zanker Road will change. We also ask that you study and share the results with us regarding the turning radius for lower Zanker, Roberston Lane, Regatta Lane and Remuda Lane to assess the extent to which 18-wheel semi-trucks can safely navigate the area. Once the project is defined to show where the taking will take place on the property and how driveway access will change, we may have additional comments.

We look forward to hearing your good faith, reasoned responses and analysis pursuant to CEQA Guidelines § 15088. Please contact me with any questions.

Response 4-J: The project description contains sufficient information needed for evaluation and review of potential environmental impacts. CEQA Guidelines § 15124 does not require a project description to supply extensive detail beyond what is necessary for evaluation and review of environmental impacts. Pursuant to CEQA Guidelines § 15088, Caltrans and VTA have responded to all comments raising significant environmental issues. Furthermore, for the reasons enumerated in Responses 4-B through 4-I, Caltrans and VTA find that the project description in this EIR/EA is adequate per the requirements of CEQA and NEPA and any alleged impacts raised in the comment letter have been addressed.

If the project is approved, VTA's Community Outreach and Public Engagement (COPE) team will provide updates as the project moves through the PS&E phase. Regarding the request to meet, this can be scheduled during final design. VTA is committed to meet with the community to answer questions and address concerns throughout the final design process.

COMMENT #5: MATTEONI, O'LAUGHLIN, & HECHTMAN

Comment 5-A: This office represents an owner of the property bounded by North First Street, Matrix Boulevard, North Fourth Street and the extension of Skyport Drive, excluding APNs 235-01-035 and 235-01- 036 (collectively, the "Property"). The Property has approvals for 234,192 square feet of office space and is currently improved with a casino, surface parking required by local regulations for both the casino and the future office space, and a variety of related improvements required for those uses by local regulations.

I write today on behalf of this owner to make formal comment on the Draft Environmental Impact Report/Environmental Assessment ("DEIR") for the US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project (the "Project"). The Project may cause significant environmental impacts to the Property and the surrounding streets that are inadequately analyzed in the DEIR, including such impacts in the categories of Existing and Future Land Use (DEIR Section 2.2), Relocation and Real Property Acquisition (DEIR Section 2.5) and Traffic and Transportation (DEIR Section 2.8). CEQA requires that these impacts be adequately analyzed before the Final Environmental Impact Report can be certified and the Project approved.

According to Table 1.3-1 of the DEIR, the Project will require the acquisition of the following portions of the Property: all of APN 235-01-034, and an 1,831 square foot portion of APN 235-01-033. As stated above, those portions of the Property are currently improved with surface parking and other improvements required by the City of San Jose for the use of the casino and future office space. Consequently, the Project will result in the removal of that parking, rendering the remaining portions of the Property physically under-parked and legally non-conforming as to parking, which adversely affects further development of the Property. Nowhere in Section 2.2 of the DEIR is this impact to the existing land use analyzed or even mentioned. The Project will cause these significant impacts to the Property, and they must be adequately analyzed to comply with CEQA's requirements.

Additionally, the authors of the DEIR will note that APN 235-01-034 has an odd shape. That is not the result of happenstance. Rather, that shape exists because nearly a decade ago when the owners of the Property sought to subdivide the Property, the City of San Jose required that this parcel be created in this shape to accommodate the future Project. The owners acceded to the City's demands, without waiving their right to ultimately obtain just compensation for that parcel based on its highest and best use rather than the limited surface parking use allowed by the City. However, according to Table 1.3-1 and certain diagrams in the DEIR, the Project will require in addition to that parcel an 1,831 square foot portion of APN 235-01-033; that parcel was not designed to accommodate the Project. Its improvements, both planned and anticipated, are based on no portion of that parcel being included in the Project. We object to the inclusion in the Project of the 1,831

square foot portion of APN 235-01-033. The Project should be modified to exclude that land and the DEIR modified accordingly.

Response 5-A: The statement that acquisition from the Bay 101 facility (referred to in this comment as the "Property") will render the "remaining portions of the Property physically under-parked and legally non-conforming as to parking, which adversely affects further development of the Property" does not appear to consider that the casino project was approved by the City recognizing the fact that these areas would be acquired for the Project.[41] Below is a figure excerpted from the Bay 101 Casino EIR[42], as well as the following text from that EIR:

> The project also includes land transactions with the City of San José related to planned roadway improvements and modifications in the vicinity of the site, as depicted in Figure 2.0-6. The City of San José has proposed a connection between Zanker Road and Skyport Drive with an overpass over Highway 101 as a Phase 4 improvement in the North San José Development Policy. The City is currently implementing Phase 1 of the Plan, and there is no specific timeframe to transition to begin implementing Phases 2, 3, or 4. Since it is not known when this Zanker – Skyport Connection will be constructed (although the City is considering moving the interchange connection up from Phase 4 to one of the first two phases), the City also has an interim plan for the area to be implemented As part of Phase 1. The interim plan would construct an extension of Skyport Drive between North First Street and North Fourth Street. Old Bayshore Highway would be converted to a one-way street in the eastbound direction between North First Street and North Fourth Street. Due to the proposed improvements, northbound vehicles on North Fourth Street would not be allowed to turn left onto Old Bayshore Highway. They could turn left onto Skyport Drive or merge on to the US 101 southbound on-ramp. Eastbound traffic on Old Bayshore Highway would continue to either merge onto the US 101 southbound on-ramp or turn right onto North Fourth Street.
>
> The project proposes to construct surface parking on the eastern portion of the property so that demolition of the proposed structures will not be necessary once the City needs the land for the Zanker – Skyport Connection. In exchange for this land in the future, the City of San José would 'swap' land with the property owners by vacating excess right-of-way from Old Bayshore Highway for use by the project as surface parking and driveways.

[41] The loss of parking is not a physical environmental impact under CEQA.
[42] City of San Jose, *EIR for Bay 101 Casino & Mixed Use Project (File Numbers PDC13-017, PD13-049, PT13-071)*, May 2014.

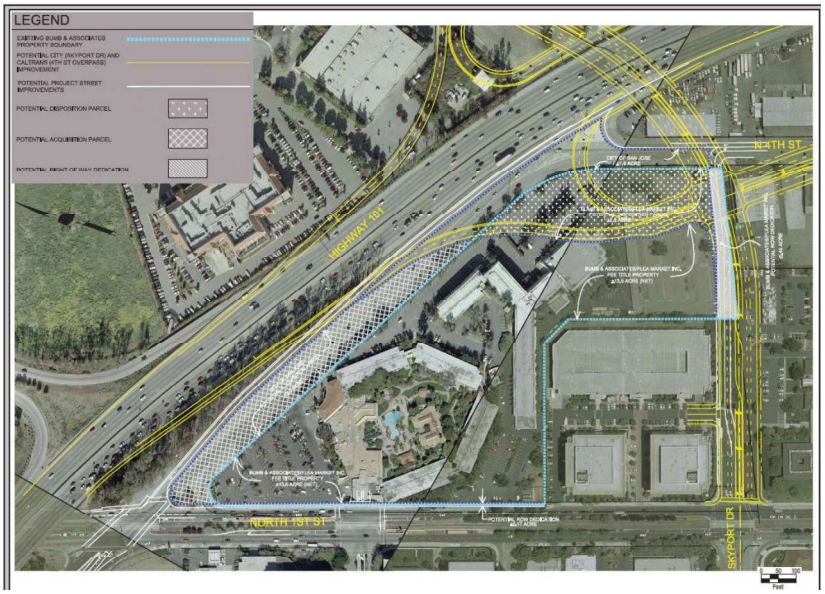


Figure 2.0-6 Proposed Land Transaction

Consistent with the above excerpt from the Bay 101 Casino Project EIR, temporary surface parking was constructed in the area of the Property set aside for the future 101/Zanker Overcrossing. This area corresponds to APN's 235-01-034 and 235-01-035 in Table 1.3-1 of this EIR/EA. The note at the bottom of Table 1.3-1, however, inadvertently identified APN 235-01-033 as part of the area set aside for the Project. This error has been corrected in Table 1.3-1 of this Final EIR/EA.

Section 2.2 of the EIR/EA discusses impacts to the community character and environmental impacts (i.e., noise, lighting, aesthetic changes) to the surrounding land uses. It also discusses impacts to the City's development pattern. The text in Section 2.2.2 of this Final EIR/EA has been revised to acknowledge the above-described history regarding the portion of the Bay 101 Casino property to be acquired for the Project. In view of that history, the loss of temporary surface parking will not result in the development being under-parked. Lastly, the State of California recently legislated that City's cannot impose minimum parking standards.

Right-of-way impacts are disclosed in Table 1.3-1 and full acquisitions are further discussed in Section 2.5, *Relocations and Real Property Acquisitions*. Based on preliminary design, the Project would require full acquisition of parcels 235-01-034 and 235-01-035, but only 1,831 square feet of 235-01-033. The right-of-way needed from 235-01-033 would support the four-lane extension of Skyport Drive with Class IV bikeway and sidewalks on both sides. Table 2.5-1 has been modified in this Final EIR/EA to include APN 235-01-034 and APN 235-01-035.

It is important to note that the EIR/EA information is based on preliminary design that allows for the full disclosure of environmental effects under NEPA and CEQA. The preliminary design is subject to revision during final design. VTA will adhere to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act)

and Caltrans guidelines in acquiring real estate, and where applicable, relocating occupants.

Comment 5-B: According to Table 1.3-1 of the DEIR, the Project will require the acquisition of the following portions of the Property: all of APN 235-01-034 and an 1,831 square foot portion of APN 235-01-033. Table 2.5-1 of the DEIR, which is a list of "full" acquisitions, does not include APN 235-01-034. Further, there is no table in Section 2.5 of the DEIR describing less than "full" acquisitions, including but not limited to the portion of APN 235-01-033 being acquired for the Project. CEQA requires that these deficiencies be remedied before the EIR can be certified.

Response 5-B: Thank you for noting these errors, which have been corrected in this Final EIR/EA. Specifically, Table 1.3-1 in this Final EIR/EA has been revised to remove APN 235-01-033 from the list of parcels set aside by the Bay 101 Casino project. In addition, Section 2.5.3 of this Final EIR/EA has been revised to include APN's 235-01-034 and 235-01-035 on the list of parcels where full acquisition is proposed by the Project. Section 2.5 does not discuss parcels where only partial acquisitions will occur but as the commenter noted there is a list of all preliminary right-of-way requirements including less than "full" acquisitions in Section 1.3.

Comment 5-C: Currently the Property has physical access to and from North Fourth Street. Once the Project construction has commenced, the Property will not have access to and from North Fourth Street. Section 2.8 of the DEIR does not analyze or even mention this loss of access and the resulting redistribution of the substantial traffic coming to and leaving from the Property. This significant impact to the internal circulation of the Property and to the network of streets bordering the Property must be adequately analyzed in Section 2.8.3.2 (Impacts on Local Traffic Patterns) of the DEIR to comply with CEQA's requirements. A mitigation measure for the loss of North Fourth Street access is needed for the Project to ensure an independently functioning, all-directional driveway access to and from the site from the future Skyport Drive extension.

Response 5-C: As shown on Figure 1.3-1 of the Final EIR/EA, the Project would remove APN 235-01-034's direct access to North Fourth Street and replace it by constructing a new access point along the extended Skyport Drive. This proposed roadway geometry was analyzed in the Project's Traffic Operations Analysis Report (TOAR), the information of which is incorporated into Section 2.8, *Traffic and Transportation*. The roadway volumes and intersection levels of service that are shown in Tables 2.8-2, 2.8-4, and 2.8-5 in Section 2.8 account for the change in traffic patterns that will result from this change in access and the other improvements to be constructed by the Project. This new access from the extended Skyport Drive was also assumed and analyzed in the above-referenced Bay 101 Casino EIR.

Please see Section 2.8.3.6 for an overview of traffic effects during construction.

COMMENT #6: ROBERSON REMUDA LLC

Comment 6-A: I am the property manager for, Roberson Remuda LLC, the owner of the properties located at 402 Roberson Lane – 1642 Remuda Lane, San Jose, CA 95112. Their warehouses are right behind Zanker Road. We found the environmental report to be unclear as to what area of our property will be included in your US 101 improvement project. We would like you to define exactly what amount and part of our property that the improvement project plans on taking and using for this development. We are requesting someone from your department to come out and specifically mark the areas of our property that are included in your development plans.

We are opposed to this improvement project if your plan is to inconvenience our property and our tenants, which is why we would like someone to come out and mark the areas in question.

Response 6-A: Based on the Project's preliminary design, no right-of-way will be acquired from properties along Roberson Lane and Remuda Lane. Please see Section 1.3.1.6 for information regarding the right-of-way impacts of the Project.

The short-term transportation, air quality, and noise impacts that would occur during construction of the Project are described in Sections 2.8, 2.16, and 2.17, respectively. Such impacts may inconvenience property owners and tenants in the Project vicinity but will not be significant. Finally, as stated in Section 1.3.1.7, although the overall construction schedule is anticipated to occur over a period of approximately three years, roadway construction activities typically occur for relatively short periods of time in any specific location as construction proceeds along the alignment of the Project.

Comment 6-B: I am the property manager for, 1650 Zanker Road LLC, the owners of the property located at 1650 Zanker Road, San Jose, CA 95112. We found the environmental report to be unclear as to what area of our property will be included in your US 101 improvement project. We would like you to define exactly what amount and part of our property that the improvement project plans on taking and using for this development. We are requesting someone from your department to come out and specifically mark the areas of our property that are included in your development plans.

We are opposed to this improvement project if your plan is to inconvenience our property and our tenants, which is why we would like someone to come out and mark the areas in question.

Response 6-B: 1650 Zanker Road is a 0.73-acre parcel (APN 237-12-114) located at the southeast corner of Zanker Road and Remuda Lane. As shown in Table 1.3-1, based on preliminary design, the Project is anticipated to require 343 ft^2 of right-of-way and 649 ft^2 of temporary construction easement from the parcel's landscaped frontage along Zanker Road. The square footage provided in Table 1.3-1 is subject to change and

will be determined during final design. Additionally, during final design, Project surveyors will mark the limits of any right-of-way acquisition and/or temporary construction easement at 1650 Zanker Road upon property owner request.

Please see Response 6-A for additional information regarding impacts during construction.

COMMENT #7: SILICON VALLEY BICYCLE COALITION

Comment 7-A: My name is Haojun and I reside in San Jose in zip code 95126. I have attended the 101 Zanker public meeting and I'd like to submit a comment on behalf of the San Jose Silicon Valley Bicycle Coalition local team. Specifically, we demand the VTA to plan a bicycle and pedestrian bridge as part of this project.

A major goal of the project is to connect communities from north to south of 101. As I have learned from the presentation at the public meeting, there will be both a raised and barrier protected bike lane and pedestrian walkway as well as signal priority and protected right turns (either a red arrow or no-turn-on-red at intersections) to protect bicyclists and pedestrians. However, I believe that this is the bare minimum of what VTA can and should do to provide safe and efficient access across the US 101 for pedestrians and bicyclists as you have planned for motored vehicles.

Given the record death of pedestrians and bicyclists on our streets, providing safe and efficient access for pedestrians and bicyclists is paramount to the safety and wellbeing of San Jose residents. The proposed Class IV bike lanes offer less protection than a Class I bike path, especially when motorized vehicles will be traveling at far higher speed than the local streets Class IV bike lanes were meant for. Increased speeding on local streets due to the proposed lane widening will also significantly raise the risk to pedestrians and bicyclists. The proposed intersection at Old Bayshore Hwy on the bridge is as wide as 8 lanes, making it far more difficult to safely cross, not to mention the danger of "right hook" collisions from drivers disobeying no-turn-on-red signs or signals.

Thus, the only logical conclusion is that a Class I bicycle and pedestrian bridge should be implemented. Not only will this provide safe access by physically separating bicyclists and pedestrians from speeding traffic, but also eliminate the need to cross a giant intersection and any danger of "right hook" collisions. It is both absurd and disheartening that VTA and Caltrans would plan a 3-year, multimillion-dollar, 6 lane overpass for motored vehicles but not even consider an extremely cost-effective bike and ped bridge similar to the South Bayfront Bridge Emeryville has built. It goes against VTA's own "commitment to Vision Zero (which) means improving conditions for people driving, walking, and biking through engineering, enforcement, education and policy change."

Response 7-A: VTA evaluated the alternative of constructing a separate bicycle and pedestrian overcrossing structure. The evaluation determined that, because of the elevated Old Bayshore Highway and northbound US 101 on-ramp structure connections to the Zanker Road overcrossing structure, there would be limited areas to place an elevated and separated bicycle and pedestrian overcrossing. Any separated bicycle and pedestrian structure alignment would need to be positioned away from the Zanker Road overcrossing for vertical clearance reasons. These limited corridor placement options are controlled by right-of-way constraints and would require touchdown points that would introduce out-of-direction travel for bicyclists and pedestrians, making a separated bicycle and pedestrian overcrossing less attractive for community connectivity and routing.

Due to the complexity of the interchange, accommodating all nonmotorized movements would require more than one separate bicycle and pedestrian bridge, and would only bypass one intersection (Zanker/Old Bayshore) before connecting back to the local roadway network intersections on either side of US 101, just as the Zanker Road overcrossing does. The proposed Project provides accommodation for bicycle and pedestrian connectivity across US 101, but in a more direct manner compared to a separated bicycle and pedestrian overcrossing. The proposed high quality Class IV bikeways across US 101 as part of the Zanker Road overcrossing will provide more connectivity options while maintaining both good vertical and horizontal separation from vehicles between controlled intersection crossings. The intersections provided by the Project will be signalized, signed, and striped to enhance crossing safety for pedestrians and bicyclists. A red arrow or no-turn-on-red signalization at overcrossing intersections will be considered, if feasible, during the PS&E phase; however, signal enforcement is dictated by local law enforcement. Response 1-A also provides additional bicycle and pedestrian safety features that will be considered during the PS&E phase and Response 8-B discusses speeding concerns.

Comment 7-B: It would be a true injustice and a disservice to San Jose and Santa Clara County residents to plan only for motored vehicles which will not only lead to poorer air qualities but also endanger vulnerable bicyclists and pedestrians. On the other hand, this project is a great opportunity to reaffirm VTA's commitment to all road users, not just motored vehicles.

We insist on a Class I bicycle and pedestrian bridge to be built as part of this project.

Response 7-B: As discussed in Section 2.16.3.1 of this EIR/EA, *Long-Term Operational Air Quality Effects*, the Project would reduce criteria air quality emissions when compared to the no-build condition. Additionally, the Project contains multi-modal improvements throughout the Project area. Sections 1.3.1.3 and Section 2.8.3.5 list the proposed improvements to bicycle and pedestrian facilities, which are further depicted in Figure 1.3-2. Please see Responses 1-A and 7-A regarding bicycle and pedestrian safety design features which will be further considered during the PS&E phase and currently proposed safety design features. Please see Response 7-A for the reasons a separate bicycle and pedestrian bridge is not being proposed.

COMMENT #8: BOISSIER, JEFF

Comment 8-A: I have reviewed the documentation presented at the public meeting on January 10, 2024 for the US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project Draft Environmental Impact Report/Environmental Assessment and would like to submit my public comments below concerning the proposed build as it relates to pedestrian/bicyclist safety:

1. Please consider further isolating pedestrian/bicycle traffic from vehicle traffic. The proposed Class IV bike lanes offer less protection than a Class I bike path, especially when motorized vehicles will be traveling at far higher speed than the local streets Class IV bike lanes were meant for. Increased speeding on local streets due to the proposed lane widening will also significantly raise the risk to pedestrians and bicyclists. The proposed intersection at Old Bayshore Hwy on the bridge is as wide as 8 lanes, making it far more difficult to safely cross, not to mention the danger of "right hook" collisions from drivers disobeying no-turn-on-red signs or signals.

Response 8-A: Please see Response 8-B regarding traffic speeds. Response 1-A discusses current design features and features that will be considered during the PS&E phase, as feasible, which will support bicycle and pedestrian safety on the overcrossing structure. A red arrow or no-turn-on-red signalization at overcrossing intersections will be considered, if feasible, during the PS&E phase; however, signal enforcement is dictated by local law enforcement. Please see Response 7-A for an explanation as to why a separate bicycle and pedestrian bridge is not proposed as part of the Project.

Comment 8-B: The proposed roads appear to have a high design speed for vehicles. Please consider incorporating traffic calming measures that would ensure a design speed of 30 mph or lower through these interchanges. With pedestrian/bicycle traffic sharing the same road there is bound to be an inadvertent collision between peds/bikes and vehicles. Providing measures to lower the design speed will help ensure survivability for peds/bicyclists should an inadvertent collision occur. This project is a great opportunity to reaffirm VTA's commitment to all road users, not just motorized vehicles. A Class I bicycle and pedestrian bridge and/or increased traffic calming measures to reduce vehicle design speed should be part of this project.

Response 8-B: The design team will incorporate traffic calming measures and implement them where practical and feasible (see Response 1-A). The Project already proposes narrower than standard lanes and shoulders along the Zanker Road corridor, squared up intersections, and minimum curb return radii as traffic calming measures, as well as enhanced crosswalk markings for both pedestrians and bicyclists to increase driver alertness. The design speeds of the facilities are dictated by the standards of the agencies having jurisdiction on them (e.g., Caltrans, City). However, the posted speed

limits of these facilities will be determined in the PS&E phase to ensure compatibility with bicyclists and pedestrians. The City of San Jose supports reduced speeds at city streets connected to the Project.

Please see Response 7-A for an explanation as to why a separate bicycle and pedestrian bridge is not proposed as part of the Project.

COMMENT #9: CLARK, CARISSA

Comment 9-A: I'm writing to provide negative feedback for the proposed Zanker project. The off/on ramps at 4th St will increase traffic through a residential neighborhood. We are already struggling with people speeding down 4th St through Japantown, and this project will exacerbate the issue. The current exits serving 1st/Airport and 13th are sufficient access to the area. This project is unnecessary and will have a detrimental effect on the Japantown neighborhood. We should be spending funds on traffic calming efforts instead.

Response 9-A: While the Project would not generate any additional traffic trips overall, the new connection between Zanker Road and Fourth Street over US 101 would result in some changes to traffic circulation patterns in the area. As shown in Tables 2.8-4 and 2.8-5 of this EIR/EA, on the south side of US 101, when compared to the No Build Alternative, the Project would increase trips on Fourth Street and decrease traffic on parallel First Street and Tenth Street during the a.m. and p.m. peak commute periods.

However, in 2022, the City of San Jose implemented a separate Complete Streets project on Fourth Street, south of the Project limits. For the purpose of encouraging more bicycle trips by improving access and safety for cyclists, the City's Complete Streets project removed a lane of traffic in each direction and added buffered bike lanes on Fourth Street south of Rosemary Street. Instead of being a 4-lane arterial, Fourth Street is now a 2-lane roadway between Rosemary Street on the north and St. James Street on the south.

From a traffic circulation perspective, a change from a 4-lane to a 2-lane facility causes motorists to use alternative routes other than Fourth Street, reducing Fourth Street volumes. The reduction in traffic volumes resulting from the Complete Streets project would more than offset any increase in traffic volumes resulting from the Project. Thus, the combination of the Project and the Complete Streets project means that future traffic volumes on Fourth Street south of Rosemary Street would likely be lower than under future No Build conditions.

COMMENT #10: CUELLAR, LEAH

Comment 10-A: You mentioned how this project will help traffic into downtown from N. SJ. The area closer to downtown- particularly Taylor and 1st and Japantown area, is already a mess and this seems to only add to the Japantown/Taylor traffic.

Response 10-A: Please refer to Response 9-A.

Comment 10-B: South 880 to N101 connection will not change other than the ramp to 101? 880 and 101 connections need to be a major priority!

Response 10-B: Interstate 880 (I-880) is outside of the Project limits. The Project's Purpose is to enhance the transportation network in the Project area around Zanker Road and North Fourth Street. Improvements to I-880 and its connection to US 101 are not part of the Purpose and Need of the Project. However, the I-880 and US 101 connectors being a major priority is noted.

COMMENT #11: GORMLEY, EAMONN

Comment 11-A: The five lanes and capacity expansion may not be compliant with SB 743. It would be better if the bridge were narrower, there is no need for 5 lanes that will induce more traffic and increase VMT.

Response 11-A: Consistent with the requirements of SB 743, the Project's VMT impact was evaluated. As discussed in Section 3.2.17, *Transportation*, the Project would result in a small decrease in VMT when compared to the No Build Alternative. The prediction of vehicle miles traveled (VMT) is based on outputs from the countywide travel demand model.

The travel demand model is an industry standard tool used to determine how many trips will be made in the future by mode, where will the trips end, and what routes will be used. This model not only predicts the trips for the AM and PM peak periods, but it also predicts the trips for the off-peak hours, including tracking the length of a trip and its duration to be used in determination of VMT.

The model has a few essential inputs to predict the future trips which are land use and roadway characteristics, including functions within it to emulate traveler behavior such as modal choice and others that are calibrated to actual traveler data. The roadway characteristics considered in the model are the number of lanes, speed limits, and capacity. The planned land use changes and planned roadway improvements to be used in the model are based on approved plans such as a local agency's general plan and a regional transportation plan (e.g., Valley Transportation Plan (VTP)).

A few important considerations to understand the modeling results are as follows:

- The land use assumptions in No Build and Build Conditions are identical.
- Planned roadway improvements in both the No Build and Build scenarios are identical. For example, locally to the Project area, Zanker Road north of US 101 is planned to be multi-lane roadway with six lanes (three lanes each direction) and it continues northward into north San Jose area until SR 237.
- No other improvements on the local roadways and US 101 are planned other than the planned multi-lane roadway on Zanker Road with six lanes as described previously and the US 101 Express Lane Projects in both San Mateo and Santa Clara Counties.
- The only difference between the two scenarios is the inclusion of the new interchange at US 101 with its associated connections to Fourth Street and Skyport Drive under the Build conditions.

The modeling results and traffic operations analysis are predicting that most of the surrounding roadways leading to the proposed project area and existing roadway crossings at North First Street and North Tenth Street are nearly fully utilized or saturated. The saturated conditions carry over onto the build conditions and the difference is a slight relocation of the demand from the roadways crossing US 101 to the new interchange under the build conditions. Due to the congestion observed on the roadways and freeway leading to the project area plus no other planned capacity enhancements in the Project area, attraction of new trips to the Project area is highly unlikely and the build conditions are serving the same demand as the No Build conditions.

For additional information regarding the travel demand model, please see the technical Traffic Operations Analysis Report (May 2020), which is incorporated into this EIR/EA by reference. This report is available for review at the locations listed inside the front cover of this document.

COMMENT #12: GORMLEY, KAREN GAUSS

Comment 12-A: The overpass is too wide. 2 lanes for cars should be enough. This is designed for high speeds, when N 4th street has 2 lanes and recently had a road diet. Otherwise, I support the project, and the connection to Skyport Drive, and to the Guadalupe River Trail.

Response 12-A: The planned number of lanes on the overpass is designed to accommodate the projected volume of traffic and to minimize operational issues such as excessive delays and queues. The proposed number of lanes on the overpass is consistent with the improvements identified in the City of San Jose's General Plan for Zanker Road between US 101 and SR 237. Please see Response 8-B for a discussion of traffic calming features and speed limits.

COMMENT #13: JONES, ELIJAH

Comment 13-A: To whom it may concern, I would like to state publicly that I am against this project. I view it as a waste of taxpayers' money. There is already a freeway exit at 1st street that directs one easily onto 4th street. I use this often and there is never congestion. There is also an on-ramp to S-101 on 4th St. Everything is adequate and working fine the way it is. I also doubt pedestrians or bicyclists would ever use what you are proposing. Another waste of time and money from our leadership.

Response 13-A: The purpose of the proposed project is to improve traffic operations and safety, as well as improve access for pedestrians and bicyclists, in the project vicinity. To fulfill this purpose, there are several objectives of the project as outlined in Section 1.2.

The comment is included in the record and will be considered by Caltrans. The comment does not raise any specific environmental issues or concerns with the adequacy of the analyses in the EIR/EA and, therefore, no further response is required.

COMMENT #14: KAWASAKI, JANE

Comment 14-A: I'm writing to voice my concerns about the potential for increased traffic flow and speeding on N. 4th St. between downtown San Jose and 101 if this project proceeds. Per the environmental impact report, I see that one of the expected impacts to traffic flow is "Traffic shift from North First Street to North Fourth Street." As a concern because whereas N. First St. is predominantly commercial, N. Fourth St. in the Japantown neighborhood consists primarily of single family/small apartment housing and includes the schoolyard of Muwekma Ohlone Middle School. Traffic on N. 4th St. is already heavy during commute hours, and I often have to wait through several cycles of light changes - and hope for a considerate driver to stop, before I am able to safely back out of the driveway of my mother's house on N. 4th St. between Mission St. and Taylor St. Increasing the flow there would make it a real nightmare!

The Yu-Ai Kai Senior Center also has its main facility at 588 N. 4th St. on the East side of N. 4th, and a secondary facility across N. 4th St. at 110 Jackson St., which means that Seniors are crossing N. 4th St. all day on M-F as they go to/from classes and activities in one building to lunch services and additional activities in the other. Because of parking shortages in the immediate area of the Japantown business district, many of these seniors are also having to park on the West side of N. 4th and walk across N. 4th when coming to our main building.

Thank you for providing this opportunity for the community to give input on this proposal.

Response 14-A: Although the commentor is correct that Section 2.8 of the EIR/EA states that the Project will increase traffic on North Fourth Street, the City of San Jose recently removed one lane of traffic in each direction and added bicycle lanes on North Fourth Street as part of a separate Complete Streets project outside of the project area. As a result, traffic volumes will be lower on North Fourth Street south of Rosemary Street than under future No Build conditions. See Response 9-A for details.

COMMENT #15: LASKOWSKI, NICK

Comment 15-A: I live around 2.5 mi from the proposed Zanker and 101 highway project. The project cites the objective of planning for expected regional growth but appears only to envision growth of vehicle miles traveled by private automobiles, in direct contradiction with goals set by the city, VTA, and CalTrans to reduce VMT and increase travel by transit, bicycling, and walking. The project makes no plans to improve any of those goals, mentioning only the inclusion of unspecified bike and walking facilities.

An overpass of 101 which interconnects N 4th Street with Zanker Rd for people cycling and people walking is a good idea in keeping with Complete Streets and Vision Zero goals. It may not, however, be worth the price tag here when prioritized against other projects. As an example, an overpass for people cycling and walking over 101 between Tully and Story would be far more valuable to reduce deaths and increase equity among historically underserved and redlined communities.

Response 15-A: As stated in Section 1.2 of the EIR, the Project has a multimodal purpose and need, meaning its objectives are to improve traffic operations and safety, as well as access and safety for pedestrians and bicyclists in the project vicinity. These objectives are consistent with the policies of the *Envision San José 2040 General Plan* that promote all modes of transportation. The Project is also specifically included in the *North San Jose Deficiency Plan* and the *North San Jose Area Development Plan* to accommodate current and planned growth and referenced in the 2040 General Plan. The Project is also consistent with the *San Jose Better Bike Plan 2025* that proposes a Class IV bikeway along the Zanker Road/North Fourth Street corridor, as well as the *2018 VTA Countywide Bike Plan* that identifies US 101 as an Across Barrier Connection deficiency. The Project provides high quality bike/ped accommodations with Class IV bikeways and sidewalks consistent with Caltrans and VTA Complete Streets Policy and fills the existing connectivity gap across US 101 between North First Street and North Tenth Street.

Please refer to response to Response 11-A regarding the determination of VMT and an explanation of the results of this analysis.

The comment that the Project is not worth the price tag and that it should not be prioritized over other projects is included in the record and will be considered by Caltrans.

Comment 15-B: As envisioned, this project will only serve to increase vehicle speeds and miles traveled (by increasing highway access and capacity and creating another high-speed arterial street) and will further endanger people on foot, scooters, bikes, and other modes not yet envisioned by this backward-looking project design. Santa Clara county absolutely does not need any increased automotive infrastructure.

Response 15-B: The Project recognizes the concerns of the commenter. However, the Project has a multi-modal purpose as discussed in Section 1.2 of this EIR/EA. The objectives include, but are not limited to, enhancing the overall transportation network which includes improving traffic operations and safety and constructing additional bicycle and pedestrian facilities with a provision of safety design features. Improvements to bicycle and pedestrian facilities would enhance the Project area. They include the following which is provided in Sections 1.3.1.3 and 2.8.3.5 of this EIR/EA.

- Class IV bikeways and sidewalks would be provided along the new Zanker Road/North Fourth Street connection between Archer Street and Bering Drive except along the east side between Regatta Lane and Old Bayshore Highway where a Class I bikeway would be provided.
- Class IV bikeways and sidewalks would be provided along Skyport Drive between North First Street and North Fourth Street.
- Class IV bikeways and sidewalks would be provided along Old Bayshore Highway between Zanker Road and Terminal Avenue.
- A Class I bikeway and sidewalk would be provided along the south side of Technology Place between North First Street and Skyport Drive.
- A Class I bikeway would be provided along the west side of North Fourth Street between the Skyport Drive/Technology Place/southbound US 101 on-ramp intersection and the Skyport Drive/North Fourth Street intersection.
- A buffered Class II bikeway would be provided along eastbound Brokaw Road between Bering Drive and Zanker Road and a reconstructed sidewalk would be provided along a segment of eastbound Brokaw Road near Bering Drive to connect to the sidewalk on northbound Bering Drive.
- Sidewalks would be provided on both sides of Bering Drive.

Please refer to Responses 8-B, 11-A, and 15-A regarding concerns about safety, vehicle speeds, VMT, and the overall need of the Project.

COMMENT #16: MOLDOW, JORDAN

Comment 16-A: The public scoping comments received during the scoping period (seen via a CPRA Public Records Request) requested that the EIR/EA scope:

- "Should evaluate traffic and community impacts along the North Fourth Street corridor south of U.S. 101," including evaluation of impact to "the San Jose Japantown area and community."
- Evaluate traffic/community impacts along 1st St, south of the defined project area, "including the intersections at Hedding and Taylor."

The Draft EIR/EA does not address these scoping comments. Nor does the Community Impact Memorandum from May 2022. Nor do the related technical studies.

Response 16-A: The project team considered the comments received in the scoping period. The Project's traffic impacts to the community along North Fourth Street were included in the Community Impact Memorandum and in Section 2.8 of this EIR/EA. Additional information is provided in Response 9-A.

Other than improvements to pedestrian and bicycle facilities, the Project will not be implementing changes along North First Street. Further, improvements will be limited to areas north of Skyport Drive. Therefore, impacts to the south, including at Hedding Street and Taylor Street, will not occur and, therefore, are not included in the EIR/EA. The scoping comments were also in reference to the US 101 Implementation Plan Report that had a larger project area including additional US 101 interchange improvements at Old Oakland Road and Mabury Road/East Taylor Street that are beyond the scope of this US 101/Zanker Improvements Project.

Comment 16-B: The Traffic Operations Analysis Report, prepared by AECOM, is dated May 1, 2020. The data for the analysis seems to have been collected in 2019 and earlier years. This report is too old to effectively serve as the foundation of this Draft EIR/EA.

- The data is now 4+ years old. Much has changed in four years.
- The shifts in transportation habits following the COVID-19 pandemic are not captured. Notably, the fact that traffic congestion has returned to (or exceeded) pre-pandemic levels, while transit service and ridership is still significantly below pre-pandemic levels.
- The entire Traffic Operations Analysis was conducted 1.5 years before the Public Scoping phase and has not been revisited since. As noted above, traffic was not analyzed outside of the narrow project area, including the areas requested by the Public Scoping comments.
- New highway lanes and on/off-ramp lanes (the result of various highway widening projects) have opened on US 101 and other connected highways in the last half-decade. Most notably, US 101 through San Mateo County was widened for many miles in order to accommodate new Express Lanes. Congestion has already returned to pre-widening levels, but now with an extra volume of vehicles moving through the corridor. This extra vehicular volume must necessarily put additional pressure on local roads, including the project area. This extra pressure is not accounted for in the Traffic Operations Analysis.

Response 16-B: During the Project Approval & Environmental Document (PA&ED) phase, the Traffic Operations Analysis Report (TOAR) is prepared early in the process to inform design decisions. While the report was prepared in 2020, the TOAR projects future traffic conditions in both 2025 and 2045 based on projected growth and planned roadway improvements (including the US 101 Express Lane Projects in both San Mateo and Santa Clara Counties). Short-term/temporary changes in traffic patterns, such as those that occurred during the COVID pandemic, were not utilized.

The development, evaluation, and approval process for large infrastructure improvements such as the Project takes multiple years. The fact that the period of time between the completion of various technical analyses and the completion of an EIR/EA may be several years does not invalidate the analyses. Both CEQA and NEPA recognize this fact.

As stated in Response 16-A, all comments received during the Scoping Period were considered. The traffic impact study area included the areas beyond the footprint of the Project; see Figure 2.8-1 of this EIR/EA.

Comment 16-C: The Traffic Operations Analysis Report cites the City of San Jose 2020 Bike Plan, referencing preexisting and planned Class II bike lanes in the project area. At that time, there were apparently no Class IV protected bikeways in the area, neither preexisting nor planned. But later that year, in October 2020, the City of San Jose adopted its 2025 Bike Plan. Notable changes include: preferring Class IV protected bikeways over Class II bike lanes; preferring Class II-B (buffered) bike lanes over classic, unbuffered Class II bike lanes; and designating that Class IV protected bikeways along the following locations are planned to be provided: Airport Parkway/ Brokaw Road, Skyport Drive, Zanker Road, Old Bayshore Highway, N First Street, Technology Drive, and N Fourth Street. If the traffic modeling incorrectly assumed the use of Class II bike lanes and unprotected intersections, rather than Class IV protected bikeways with protected intersections, then its conclusions might be invalid.

Response 16-C: During the PA&ED process, which typically takes years for large infrastructure projects, it is not uncommon for plan level documents such as bike plans and regional plans to get updated. In this case, as pointed out by the commentor, San Jose replaced its *2020 Bike Plan* with its *2025 Better Bike Plan*. The proposed Project is consistent with the *San Jose 2025 Better Bike Plan* by providing high quality Class IV bikeways. Class IV bikeways comprise half of the new bicycle facilities proposed by the Project, as noted in Sections 1.3.1.3 and 2.8.3.5. The change in planned bicycle facilities between the *2020 Bike Plan* and the *2025 Bike Plan* does not affect the VMT and LOS analyses completed for the Project.

Comment 16-D: According to https://www.vta.org/projects/level-service-los-vehicle-miles-traveled-vmt-transition, VTA's Level of Service (LOS) to Vehicle Miles Traveled (VMT) Transition was not fully complete until Fall 2021, over a year after the publishing

of the Traffic Operations Analysis Report. The report does analyze VMT, but places a much stronger emphasis on LOS.

Response 16-D: Although the designated transition period from LOS to VMT as a measure to determine significant traffic impacts under CEQA is complete, there is no prohibition in providing information using both methodologies in an environmental document. Many agencies continue to use both LOS and VMT in their CEQA documents as a means to comprehensively provide data to the public on the impacts of a project. However, per SB 743, the determination of significance under CEQA is made using VMT. Please see Section 3.2.17 for that determination.

Comment 16-E: In August 2022, the City of San Jose adopted a Transit First Policy. By this policy, N 1st St, Skyport Dr, and E Brokaw Rd would presently be considered to be frequent transit corridors. After the construction of this new overcrossing, it could be advantageous for VTA to create new bus routes along N 4th St and Zanker Rd. By the Transit First Policy, the City of San Jose can convert car lanes into bus-only lanes, or take other steps to prioritize the fast movement of buses and de-prioritize car movement. The report does not analyze what would happen in the Build scenario if car lanes are converted into bus-only lanes.

For all these reasons and more, the Draft EIR/EA's traffic analysis is inadequate and likely very inaccurate. A new traffic analysis should be conducted for the final EIR/EA.

Response 16-E: The conversion of traffic lanes to bus-only lanes has not been proposed by the City and, therefore, is speculative. Additionally, per *VTP 2040*, the Countywide Transportation Plan, there are no near- or long-term plans to operate bus service along Fourth Street within the Project area. Therefore, the analysis of what would happen in the Build scenario if car lanes were converted to bus-only lanes was not included in the Draft EIR/EA.

Comment 16-F: The Visual Impact Assessment, published August 2022, concludes with the following paragraph:

From US 101 and surrounding streets, the Project would create moderate visual impacts due to the increased hardscape and the removal of mature trees. However, minimization measures such as tree replacement in the project area would reduce impacts. With the incorporation of AMMs VIS-1 to VIS-3, long-term visual impacts would be at most moderate and would not substantially alter the general character or quality of views in the project area and vicinity.

I find that assessment unrealistic, and I strongly disagree with that conclusion.

Response 16-F: The Visual Impact Assessment, which is the source for the discussion in Section 2.9 of the Draft EIR/EA, describes all the visual effects of the Project. This includes the effects of tree removal as well as the impacts associated with

new structures, especially the proposed US 101 overcrossing. MM-VIS-1.1 has been revised to include the tree replacement in front of the Waterford Place Apartments. Measures to mitigate, minimize, or avoid impacts are described in MM-VIS-1.1 through MM-VIS-1.3. Additional measures related to tree protection and replacement consist of MM-BIO-2.1 through MM-BIO-2.3 in Section 2.19.4 of the Draft EIR/EA.

Comment 16-G: As a cyclist and a pedestrian, the three renderings scare and repulse me. For someone trying to safely bike or walk in that area, no amount of landscaping is going to make that view welcoming. Sure, it's true that the existing views aren't very welcoming either. But adding a new nine-lane interchange will massively (not moderately) worsen the character and quality of views of most areas, including this one.

Response 16-G: The proposed overcrossing would be a six-lane facility in an urbanized area surrounded by commercial, industrial, and office development. Based on the discussion in Section 2.9.3.2, which includes photo simulations of the proposed overcrossing in the context of the existing urban setting, the visual analysis characterized the effects of the Project as "moderate."

Comment 16-H: It is telling that the renderings do not attempt to improve the character by adding a lot more greenery. The project is attempting to squeeze every available inch to add more car lanes, and there doesn't seem to be any leftover space for additional green street elements.

These renderings also don't appear to be human scale. From an eye-level perspective of pedestrians and cyclists, this overcrossing will appear much more daunting. It would also be helpful to show example photographs, from eye-level, on a similar 7+ lane over-crossing. The renderings are very clean representations of what the overcrossing might look like on opening day, but not an accurate representation of what it will look like after a decade of use.

Response 16-H: The visual simulations are based on photos taken at the viewer's eye-level height, which is approximately 5.5 feet when standing and 3.5 feet when sitting in a car as required by Caltrans' Visual Impact Assessment Handbook. The visual simulations are required to simulate views in a future year (approximately 10 years) such that landscaping (i.e., trees or shrubs) would look more mature, and is not required to simulate the wear and tear conditions. The Project will incorporate treatments to improve aesthetics and reduce the opportunity for graffiti including texture, landscaping, and/or color on Project features. Architectural treatments (e.g., color, surface texture, and other treatments) will be consistent with the character of the freeway corridor in the project vicinity.

Comment 16-I: Speaking of which, the most major inaccuracy is that none of the local street renderings include cars, bicycles, or people! To get an accurate representation of the visual impact of the project, you need to additionally include eye level renderings that show the overcrossing filled with peak rush hour traffic in Design Year 2045.

I invite the project team to present an example of a similar overcrossing that has significant pedestrian and cyclist (from the "Interested but concerned" cycling demographic) traffic who feel comfortable while using the overcrossing.

Response 16-I: The purpose of the visual simulations is to show views of the proposed facility as compared to existing conditions. In this case, the primary change to the existing visual setting would be the introduction of the new overcrossing structure itself. Adding drivers, bicyclists, and pedestrians to the view would obscure a clear view of the proposed improvements and would not materially contribute to the determination of the degree of a project's visual impact.

Comment 16-J: The Draft EIR/EA makes the bold claim that the project does not, and will not, induce unplanned growth, but rather facilitate planned growth. This fails to acknowledge some basic facts:

- Easier car commute to San Jose / SJC, especially with a transit system that isn't as convenient as driving, will lead to unplanned growth in other municipalities that are not accounted for in San Jose's General Plan.
- Growth is only "planned" in the time horizon of 2040 that is covered by the San Jose General Plan. All growth beyond that time horizon is by definition unplanned, and certainly that growth will be influenced by making it easier to use cars to access the highway and the airport.
- Growth does not occur because it is written into a plan. It occurs because we invest into improving the infrastructure of our city, making it a more desirable (rather than less) and/or cheaper place to live. If we invest in higher capacity for highways, or more direct access points for highways, then we will induce growth that relies even more heavily on automobiles.

Response 16-J: The Project is not a VMT- or capacity-inducing project. Rather, per Section 1.2 of the Draft EIR/EA, its purpose is to improve traffic operations and safety, as well as improve access for pedestrians and bicyclists from existing and planned growth. As discussed in Section 2.4 of the Draft EIR/EA, *Growth*, the Project is in a developed urban location and is not expected to drive growth in unplanned areas or areas where growth is not currently foreseeable.

Quantifying growth beyond the horizon year of the *Envision San Jose 2040 General Plan* would be speculative and, most important, would not change the fact that the Project would not build infrastructure in an area not planned for future development.

Please refer to response to Response 11-A regarding the determination of VMT and an explanation of the results of this analysis.

Comment 16-K: This project widens local arterial roads, lengthens Skyport Drive, lengthens a highway on-ramp, creates new, wider on/off ramps, and creates a new,

extremely wide over-crossing. Overall, the highway network and the arterial road network will be expanding in capacity via this project. Roadway expansion projects on already-congested roads always, always leads to unplanned induced demand, and leads to equal or worse congestion than before the expansion. No roadway expansion projects have yet to solve congestion, and this project will be no exception. The only way to solve congestion in the long run is to improve transit, de-prioritize car travel, and reduce car capacity. But this project does none of those things *.

Given that the expanded roadway system will get used more until it is back to being fully congested, overall VMT should be expected to increase in the medium- and long-term. This makes the project for-sure a climate negative project, and as such it should not be built according to the current design.

The models used in the Draft EIR/EA say that the expected VMT net decrease is only 0.02% compared to the No Build option. So if the model has any overestimates of No Build VMT, or any under-estimates of Build VMT (and there almost certainly are), then you will easily blow through that 0.02% differential, and the project will be VMT inducing.

The Draft EIR/EA claims that, once congestion along N 1st St is solved, then the light rail can be given more signal priority. But we can expect that congestion will not decrease along N 1st St, as any improvements to traffic as a result of this project will get filled in by replacement induced traffic. So it is fair to claim that this project does not improve transit in the project area.

Response 16-K: The thrust of this comment is that by improving the roadway network, the Project will lead to higher VMT and worse congestion over the long-term. The comment does not, however, provide data to support this conclusion. The comment also speculates that the conclusions of the EIR/EA VMT analysis may be wrong if it turns out that assumptions used in the model are inaccurate. Again, no data or information are provided to support that statement. The comment is included in the record and will be considered by Caltrans.

Please refer to response to Response 11-A regarding the determination of VMT and an explanation of the results of this analysis.

Comment 16-L: The primary justification, and primary design constraint, of the project is to create more direct connections between SJC and US 101. But SJC is already massively over-served by automobile traffic, and massively under-served by public transit, pedestrian, and bicycle traffic. SJC's growth needs to be driven by increases in public transit and carpooling, not by continually expanding the roadway network to make slight optimizations to the driving trip length. In fact, mode shift for the airport should be facilitated in part by making it more expensive (in money and/or time) to get to the airport via car.

Response 16-L: The Project will have no bearing on growth at SJC. Such growth will occur irrespective of the Project as the result of numerous unrelated factors including, but not limited to, the degree and affordability of service provided by the airlines serving SJC, the existence of adequate facilities to accommodate the demand, and the convenience of using SJC instead of alternate airports.[43] It is not the objective of the Project to influence the cost or mode of travel to SJC. Instead, the Project will provide improvements to travel to/from SJC whether by car, bus, or bicycle consistent with the purpose and need provided in the Draft EIR/EA.

Comment 16-M: The Draft EIR/EA claims that the project does not disproportionately impact minority- and/or low-income communities, because two adjacent census tracts have typical demographics for San Jose and above-median incomes. But

- The analysis fails to consider that better freeway access impacts everyone living along the freeway, not just two census tracts.
- The document doesn't analyze any census tracts east of 880, which is very nearby, and does have a high concentration of minority-and low-income communities. The Draft EIR/EA does talk a lot about the intersection of 880 and 101, so you cannot claim that these census tracts are not relevant to the project. These census tracts absolutely will be impacted, in terms of emissions and traffic, from the new connections between the interchange and Old Bayshore.
- The document claims that the people living near the project will equally benefit from the project improvements, which is partially-true (the overcrossing over 101 will be beneficial), but mostly-false: enhanced freeway access primarily benefits people living elsewhere. So the benefits go disproportionately to people who live/work further away, while the emissions and other costs go disproportionately to people near the highway and the interchange.

Response 16-M: While users of the proposed improvements will come from many locations, the Environmental Justice analysis focuses on the area closest to the Project because it is where potential adverse impacts (e.g., noise, air pollutants, visual, etc.) would likely be the greatest. Based on the multiple technical analyses completed for the Project, Section 2.6 of the Draft EIR/EA concluded that "the adverse effects of the Project to be suffered by minorities would not be appreciably more severe or greater in magnitude than the adverse effects that will be suffered by the non-minority population. Adverse effects would affect all populations to the same degree. Similarly, the transportation and air quality benefits of the Project would accrue to all populations equally."

As far as freeway access, the Project will reduce the number of freeway ramps along northbound US 101 with the removal of the Old Bayshore Highway hook ramps, the removal of the East Brokaw Road off-ramp, and the removal of the North First Street on-

[43] Source: City of San Jose, *Amendment to Norman Y. Mineta San Jose Internation Airport Master Plan EIR*, 2019.

ramp. These ramps would be consolidated into a new set of on and off-ramps for Bering Drive to improve safety and traffic operations along this segment of US 101. In addition, the Project would add ramp metering and HOV preferential lanes to all of the new on-ramps to meter flow rates onto the freeway and encourage ride sharing by providing new access to HOV ramp lanes with adjacent CHP pullout monitoring areas for enforcement. All users, including environmental justice populations, will share in these beneficial effects.

Comment 16-N: Some other deficiencies in the report:

- You did not analyze adding more bus routes to SJC to reduce VMT and congestion.
- You did not analyze putting a bus-only lane on the overcrossing to reduce VMT and congestion.
- You did not analyze an overcrossing that could handle a hypothetical future light rail line to reduce VMT and congestion.

Response 16-N: The Project's transportation analysis excluded the light rail line or bus lanes on the overcrossing because these are not listed in the *Valley Transportation Plan 2040 (VTP 2040)* or the *Envision San Jose 2040 General Plan*. This transportation analysis is consistent with the prioritization of projects outlined in established regional and local transportation plans. VTP 2040 outlines a set of projects that are deemed feasible and could reasonably be funded and constructed by the future horizon year. Similarly, the City of San Jose's General Plan identifies likely transportation improvements that are considered integral to the city's development and growth.

By excluding projects that are not listed in these plans, the analysis focuses on assessing the impacts of proposed transportation improvements that have already been designated as priorities by relevant authorities. This approach ensures that the analysis reflects the most realistic future scenario based on current planning objectives.

Please refer to response to Response 11-A regarding the determination of VMT and an explanation of the results of this analysis.

Comment 16-O: You did not analyze a bike/ped-only overcrossing, or a bike + ped + transit-only overcrossing. You don't have any design alternatives with fewer/narrower car lanes, and wider bike lanes and wider sidewalks. There is no guarantee that the new intersections will have bike-friendly signals. Mode shift cannot be accomplished if bicycles have to wait multiple minutes at multiple lights on a 9-lane interchange.

Response 16-O: Providing only a bike/ped/transit overcrossing would not address the longstanding need to provide a north-south vehicular connection across US 101, please refer to Response 7-A and Response 15-A. All of the proposed bikeways and sidewalks to be constructed by the Project would meet the design standards for such facilities.

Please see Response 1-A and Response 8-B for a discussion of traffic calming features, narrower lanes, and bicycle and pedestrian crossing signals and timing.

Comment 16-P: Your planned congestion-relief relies non-trivially on allowed right-turn-on-red on the new intersections and ramps. If right-turn-on-red is banned in San José, or otherwise implemented along transit corridors to increase bicycle safety, your throughput modeling will be very incorrect. They did not analyze how traffic would behave if right-turn-on-red were banned.

Response 16-P: There are no proposals to institute a right-turn-on-red ban in San José. Therefore, the effects of such a ban would be speculative and were not analyzed.

Comment 16-Q: You did not analyze any project alternatives where you close the non-standard highway ramps without replacing them.

Response 16-Q: The closure of the non-standard ramps was part of many of the 25 design options initially evaluated and rejected during the Project Initiation Document (PID) phase. For the listing of the design options that were evaluated, please see Table 1.3-3.

Comment 16-R: To drive mode shift to biking and walking, much more needs to be done than put Class IV cycle tracks on a busy 9-lane interchange. With the current design, mode shift will not be accomplished, and VMT will not decrease.

- This overcrossing should not be an interchange. It should only connect the adjacent communities across the highway, nothing more.
- There should be many fewer car lanes.
- There should be transit-only lanes in each direction.
- If the overcrossing does remain an interchange, Class IV cycle tracks will still not seem attractive enough to drive mode shift. There must be a separated Class I trail that avoids all conflicts with cars, and ideally a pedestrian-designated half of the trail that is separate from the bicycle-designated half.

Response 16-R: The commenter's recommendations are noted and the responses to each are as follows:

- The proposed interchange is a planned project per the City of San Jose's General Plan to improve connectivity to North San Jose, including the airport.
- The proposed number of lanes on the overcrossing are consistent with another improvement identified in the City of San Jose's General Plan, which is to provide a six-lane facility (three lanes in each direction) on Zanker Road between US 101 and SR 237.
- Transit lanes were not included in this project due to not being identified in any approved transportation plan or the City of San Jose's General Plan. Please also refer to Response 16-N.

- An option to provide a separate Class I bicycle facility was evaluated but deemed infeasible. Please refer to Response 7-A.

Please refer to response to Response 11-A regarding the determination of VMT and an explanation of the results of this analysis.

Comment 16-S: Every day, the Earth races closer to climate catastrophe. Meanwhile, we continue to over-invest in our already extremely over-invested roads and highways for SOVs, even though they are the least efficient form of transportation, and the most terrible for our environment and our social fabric.

This Valentine's Day, I'm breaking up with destructive highway widening, and I'm calling on VTA, Caltrans, and the City of San Jose to do the same. Do not construct this proposed new interchange. Do not install new highway auxiliary lanes, or new collector-distributor lanes, or new on/off/flyover ramps, or new lanes for on/off/flyover ramps. And do not widen local roads (including Zanker Road, Skyport Drive, Fourth Street, Bering Drive, and Brokaw Road).

Endless highway expansions are pulling our country into an environmental, budgetary, and public health crisis. It's time to end this destructive, unsustainable practice and set a responsible course toward a cleaner and more equitable future.

Response 16-S: This comment expresses an opinion that the proposed project and any new highway auxiliary lanes, collector-distributor lanes, ramps, and lanes should not be constructed, and that local roads should not be widened. The comment does not raise any specific environmental issues or concerns with the adequacy of the analyses in the EIR/EA. The comment is included in the record and will be considered by Caltrans.

Comment 16-T: If this project moves forward, the design should be reoriented towards community-oriented transportation priorities, including:

Safety Over Speed: No local roads or on/off ramps should be widened. Local road lane widths should be narrowed to their minimum-allowed widths, and some local road lanes should be removed and converted to transit-only lanes, protected cycle tracks, and/or extra-wide sidewalks. Right-on-red should be forbidden at all intersections in the project area. Speed limits should be reduced until Vision Zero can be achieved. In general, retrofit dangerous roads and streets to make them safer for people walking, biking, and driving.

Response 16-T: This comment expresses the opinion that the Project, as well as other highways, should be modified to reduce and/or narrow traffic lanes, with the freed-up space to be used for transit, bicycle, and pedestrian facilities. The comment is included in the record and will be considered by Caltrans. Regarding the comment pertaining to local roadways, please refer to Response 20-A. The commenter's suggestion about no

right turns on reds will be incorporated, as feasible, in the PS&E phase of the Project as a measure to enhance the safety of pedestrians and bicyclists.

Comment 16-U: Make Transit Work: provide capital funding for reliable, affordable public transportation that connects people to jobs, services, amenities, health care, and each other. The City of San Jose has a transit-first policy. Insofar as a new over-crossing for vehicles is constructed, no lanes for SOVs should be constructed until ample right-of-way has been reserved for bus-only lanes and/or future capability to install a light rail line. The present-day light rail along N 1st St should immediately receive maximum signal priority along the entire corridor; the light rail commuting needs to be made faster and easier before car commuting is made faster and easier, not after.

Response 16-U: The commenter's suggestion to prioritize transit improvements over other transportation improvements is noted. The assumptions on the planned transportation improvements, including the proposed Project, used in modeling of future conditions are consistent with approved City of San Jose General Plan and other approved transportation plans (e.g., VTA's VTP). These approved plans do not include any future light rail lines or bus lanes in the Project area as suggested in the comment. Although these suggested improvements are not included in the Project, the Project itself does benefit light rail operations along North First Street. As documented in Section 2.8.3.4 of this EIR/EA, the Project would redirect southbound left-turning demand at North First Street/Technology Place in the PM peak period to use the proposed overcrossing, which would reduce delays on the VTA light rail corridor on North First Street.

Comment 16-V: Reconnect Communities: dismantle targeted interchanges and invest in the communities around highways to increase opportunity and redress the harms these projects have inflicted. The Draft EIR/EA only analyzed Build an Interchange and No Build, and therefore has three massive gaps. It did not analyze dismantling ramps without replacement. It did not analyze adding new transit lines in the project area. And it did not give any serious consideration to building an overcrossing that is not an interchange (eg similar to Alternative FZN Design Concept; though not necessarily including a Skyport extension). A nine-lane abomination of an over-crossing, designed primarily as a highway interchange, cannot effectively serve any other purpose. A community-oriented version of this project would have no connections between the overcrossing and the highway; wide sidewalks on Zanker/Skyport/Fourth/ Bering/Brokaw; wide Class I (separated from pedestrians) and/or Class IV bikeways on the over-crossing and Zanker/Skyport/Fourth/Bering/Brokaw; shade trees and other green/native landscaping; bus-only lanes on Zanker/Skyport/Fourth/Bering/Brokaw; and maybe one general vehicular lane in each direction across the over-crossing for local neighborhood traffic only.

Response 16-V: This comment asserts that the EIR/EA is deficient because it analyzed only the No Build and Build Alternatives and failed to study other alternatives such as an overcrossing-only, the removal of freeway ramps, and the addition of new transit lines. The Project's purposes and needs that are described in Section 1.2 do not

include transit deficiencies/solutions. However, in an effort to address the purposes and needs regarding highway, bicycle, and pedestrian facilities, 25 design alternatives were evaluated as part of the Project's PID phase. Please see Table 1.3-3 for a summary description of those alternatives, as well as the reason(s) they were not studied in detail in the EIR/EA.

Comment 16-W: Infrastructure funding must urgently be redirected into community-oriented infrastructure investments. Highway investments encourage more people to drive and emit more GHGs, which makes it even harder for transit to recover from the pandemic and for our state to meet its climate obligations. It would be a massive policy failure to continue expanding highways or "improving" interchanges, and these expansions would massively offset any climate improvements we've made in other sectors.

Response 16-W: This comment expresses the opinion that infrastructure funding should be redirected away from highway improvement projects and into community-oriented projects. The comment is included in the record and will be considered by Caltrans.

COMMENT #17: NEIL, HARRY

Comment 17-A: Use low-noise asphalt to prevent need for additional mitigations. Consider adding a bus lane on Brokaw Road due to 60 bus.

Response 17-A: Rubberized hot mix asphalt (RHMA), which is a roadway surface that is known to reduce roadway noise, is a standard for Caltrans facilities and will be incorporated, if feasible, for the entire Project limits. There are no plans to add a bus-only lane to Brokaw Road because bus only lanes are the most effective on corridors with high levels of transit service and multiple bus routes. Currently, Route 60 is the only bus route VTA operates on Brokaw Road. The Project's purposes and needs that are described in Section 1.2 do not include transit deficiencies/solutions.

COMMENT #18: NEIL, HARUN

Response 18-A: Adding lanes, and requiring adding lanes, is short-sighted and will increase VMT long term. Please do not add additional lanes.

Response 18-A: Please see Response 12-A regarding the reasoning for the number of lanes proposed. Additionally, please refer to Response 11-A regarding the determination of VMT and an explanation of the results of this analysis.

COMMENT #19: SCHMIDT, DEVIN

Comment 19-A: Please make sure that Archer St. at Fourth St. is not right-in-right-out. That would make using this facility extremely frustrating to use as a resident at Waterford Place. Left turns as well as right turns are always appreciated.

Response 19-A: Right-in-right-out is proposed at the Archer Street/Fourth Street intersection due to its proximity to the Skyport Drive intersection. During peak hours, the northbound queue is expected to extend beyond the Archer Street intersection. Left turning traffic from Archer Street is anticipated to experience delay waiting for the queue to clear. Traffic destined to North San José from Archer Street is expected to experience shorter delay using the new Skyport Drive connection (all right turns) to access the overcrossing. However, the project team will evaluate the feasibility of providing a break in the soft median (double yellow striping) during the PS&E phase.

Comment 19-B: Thank you for considering sound/visual impact to Waterford Apartments Facing 4th St, I believe a soundwall should be built. We live on the first floor facing Archer Street and have a short wall that blocks view of the street. Please consider planting trees in front of the soundwall (closer to building) to provide some greenery since almost all of the view will be lost. Overall great project. Thank you for providing such great bike and ped facilities.

Response 19-B: As discussed in Section 2.9.3.2 of this EIR/EA, the existing London Plane trees that are adjacent to the sidewalk in front of the Waterford Place apartments will be removed and replaced by the Project, irrespective of whether a soundwall is constructed. If the soundwall is approved, its final alignment in relation to the existing first floor porch walls will be defined during the PS&E phase and will determine whether there is room for additional plantings.

COMMENT #20: STAKEN, MARIA

Comment 20-A: I think and so do other neighbors and people that use that freeway every day to go to work is going to be a major effect on everyone who uses that road every day. The street is narrow enough and what you are planning to do is going to make more traffic than it needs to be. This section has already been worked on and fixed so that it is safe for everyone to use 4th Street and to be able to get onto 1st Street to 101 without a major issue right now. You are wasting money on changing this road that does not need to be fixed. If anything maybe adding more traffic lights on the 4th Street crossing threw to the 101 going to the North entrance? That would be helpful and make it so it's safe to cross in that section. But that is all I see we need to do. If you work on this road you will also hurt the businesses that are along that road and make it too busy for the business to have less traffic.

Please consider what this will do to the street and businesses and how to get onto 101 and avoid major traffic.

Response 20-A: In the future horizon years, both the local roadways and freeways are predicted to be congested. The intended purpose of this proposed interchange is to address this congestion by focusing on a few key areas: improving safety and mobility for bicyclists and pedestrians, improving safety and traffic operations at on- and off-ramps, improving accessibility to the airport, and improving circulation in the Project area to accommodate the planned growth in the Project area as identified in the City of San Jose's General Plan. The key traffic operational effects of this interchange, as documented in Section 2.8.3.2 of this EIR/EA, include:

- The improved access that would result from the Project would, when compared to the No Build Alternative, result in an overall decrease in VMT. For further explanation on the VMT analysis results, please refer to Response 11-A.
- The intersection delays and queues within the study area will be improved compared to No Build Conditions, as the existing ramps at Brokaw Road, Old Bayshore Highway and North First Street would be modified with the Project's on-/off-ramp relocations.
- The Old Bayshore Highway single lane off-ramp would be converted to a two-lane off-ramp at Bering Drive with an optional exit from lane #3, eliminating a weave from US 101 northbound mainline auxiliary to exit lane, which would reduce potential off-ramp backup to mainline northbound US 101.
- The widened Bering Drive due to the Project would help carry the consolidated Old Bayshore Highway/Brokaw Road off-ramp volumes with acceptable delays.

Although the commenter expressed a concern about changing the characteristics of North Fourth Street, the traffic analysis does not predict any impacts. The physical characteristics of North Fourth Street with the number of traffic lanes, including the recently provided bicycle facilities, would be retained. The bicycle facilities plus pedestrian facilities would be further enhanced in the Project area by the following, as described in Sections 1.3.1.3 and 2.8.3.5, of this EIR/EA:

- Class IV bikeways and sidewalks would be provided along the new Zanker Road/North Fourth Street connection between Archer Street and Bering Drive except along the east side between Regatta Lane and Old Bayshore Highway where a Class I bikeway would be provided.
- Class IV bikeways and sidewalks would be provided along Skyport Drive between North First Street and North Fourth Street.
- Class IV bikeways and sidewalks would be provided along Old Bayshore Highway between Zanker Road and Terminal Avenue.
- A Class I bikeway and sidewalk would be provided along the south side of Technology Place between North First Street and Skyport Drive.

- A Class I bikeway would be provided along the west side of North Fourth Street between the Skyport Drive/Technology Place/southbound US 101 on-ramp intersection and the Skyport Drive/North Fourth Street intersection.
- A buffered Class II bikeway would be provided along eastbound Brokaw Road between Bering Drive and Zanker Road and a reconstructed sidewalk would be provided along a segment of eastbound Brokaw Road near Bering Drive to connect to the sidewalk on northbound Bering Drive.
- Sidewalks would be provided on both sides of Bering Drive.

The commenter's opinion that the Project area already provides adequate freeway access, has been previously improved, is an unnecessary use of money, and will hurt local businesses is noted. Installing more traffic lights on Fourth Street is the responsibility of the City of San Jose; however, that recommendation is also noted.

COMMENT #21: WILDER, ZOE

Comment 21-A: I have concerns regarding what will be placed in the loops of Skyport Drive/4th Street. Given our state's current homeless problem, I forsee the land inside the loops could turn into camps which may negate the positive effects of the bike/pedestrian routes. I look forward to the addition of the pedestrian sidewalks and crosswalks. Please take care in the planning of whatever park/recreational area is put in.

Response 21-A: The issue of unhoused people camping along highways, on-ramp and off-ramps, and numerous other public places is a widespread challenge throughout the City, County, and the State. The City and Caltrans are actively pursuing a multitude of solutions for unhoused people, including more temporary and permanent housing, expanded services and treatment centers, creation of sanctioned locations for RV parking, more policing, etc. Additionally, the Project will incorporate measures to discourage people from camping in the Project area, as feasible and practicable, including clustering vegetation to deter camping and fencing around bridge perimeters during the PS&E phase.

Comment 21-B: It should be noted that the species of trees that replace the removed trees should be drought tolerant, non-flowering, and not stinky. A popular tree of Santa Clara and San Jose is the Callery pear tree, and they smell horrible in the springtime. Any sort of non-flowering evergreen would be fantastic.

Response 21-B: As noted in Section 2.19.3.3, approximately 80% of the trees inventoried in the Project area are not native to California. These include ornamental species like the Callery pear tree. Replacement trees will be selected in coordination with Caltrans and the City of San Jose to satisfy MM-BIO-2.3 and MM-VIS-1.1. Trees will be non-invasive species as discussed in Response 3-E.

SECTION 5.0 LIST OF PREPARERS

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SECTION 6.0 DISTRIBUTION LIST

This EIR/EA was distributed to the following legislators, public officials, agencies and organizations:

Legislators and Public Officials

- U.S. Senator Laphonza Butler
- U.S. Senator Alex Padilla
- U.S. Representative Zoe Lofgren
- California Senator Dave Cortese
- California Assemblyman Evan Low
- Santa Clara County Supervisor Susan Ellenberg
- San José Councilmember Dev Davis
- San José Councilmember Omar Torres

State Agencies (via State Clearinghouse)

- California Highway Patrol
- California Department of Fish & Game (Region 3)
- California Department of Toxic Substances Control
- Regional Water Quality Control Board (San Francisco Bay Region)
- State Historic Preservation Office
- California Transportation Commission
- Air Resources Board
- Native American Heritage Commission
- State Water Resources Control Board

Regional Agencies

- Metropolitan Transportation Commission
- Association of Bay Area Governments
- Bay Area Air Quality Management District
- Santa Clara Valley Water District

Local Agencies

- City of San José
- City of Santa Clara
- Santa Clara County Roads & Airports Department

Organizations

- Silicon Valley Bicycle Coalition
- Silicon Valley Leadership Group
- SPUR
- Hyde Park Neighborhood Association
- Rosemary Gardens Neighborhood Association
- Northside Neighborhood Association
- Luna Park Business Association/13th Street Business Association
- Japantown Neighborhood Association
- Japantown Business Association
- Hensley Historic Neighborhood Association
- Horace Mann Neighborhood Association
- Julian St. James Neighborhood Association

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APPENDIX

A

Title VI

Policy Statement

California Department of Transportation

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September 2024

TITLE VI/NON-DISCRIMINATION POLICY STATEMENT

It is the policy of the California Department of Transportation (Caltrans), in accordance with Title VI of the Civil Rights Act of 1964 and the assurances set forth in the Caltrans' Title VI Program Plan, to ensure that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Related non-discrimination authorities, remedies, and state law further those protections, including sex, disability, religion, sexual orientation, age, low income, and Limited English Proficiency (LEP).

Caltrans is committed to complying with 23 C.F.R. Part 200, 49 C.F.R. Part 21, 49 C.F.R. Part 303, and the Federal Transit Administration Circular 4702.1B. Caltrans will make every effort to ensure nondiscrimination in all of its services, programs, and activities, whether they are federally funded or not, and that services and benefits are fairly distributed to all people, regardless of race, color, or national origin (including LEP). In addition, Caltrans will facilitate meaningful participation in the transportation planning process in a non-discriminatory manner.

The overall responsibility for this policy is assigned to the Caltrans Director. The Caltrans Title VI Coordinator is assigned to the Caltrans Office of Civil Rights Deputy Director, who then delegates sufficient responsibility and authority to the Office of Civil Rights' managers, including the Title VI Branch Manager, to effectively implement the Caltrans Title VI Program. Individuals with questions or requiring additional information relating to the policy or the implementation of the Caltrans Title VI Program should contact the Title VI Branch Manager at title.vi@dot.ca.gov or at (916) 639-6392, or visit the following web page: https://dot.ca.gov/programs/civil-rights/title-vi.

TONY TAVARES
Director

APPENDIX
B

Avoidance, Minimization, and/or Mitigation Summary

US 101/Zanker Road/Skyport Drive/ Fourth Street Improvement Project EA 04-0K710

ENVIRONMENTAL COMMITMENT RECORD

In order to be sure that all of the environmental measures identified in this document are executed at the appropriate times, the following mitigation program (as articulated on the proposed Environmental Commitments Record [ECR] which follows) would be implemented. During project design, avoidance, minimization, and /or mitigation measures will be incorporated into the Project's final plans, specifications, and cost estimates, as appropriate. All permits will be obtained prior to implementation of the Project. During construction, environmental and construction/engineering staff will ensure that the commitments contained in this ECR are fulfilled. Following construction and appropriate phases of project delivery, long-term mitigation maintenance and monitoring will take place, as applicable. As the following ECR is a draft, some fields have not been completed, and will be filled out as each of the measures is implemented. Note: Some measures may apply to more than one resource area. Duplicative or redundant measures have not been included in this ECR.

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/ Minimization Measure
RELOCATIONS AND REAL PROPERTY ACQUISITION						
MM-RRP-1.1	The Project would comply with all requirements of the Uniform Relocation Act to ensure businesses displaced by the Project would be properly compensated and relocated, as necessary.	EIR/EA Section 2.5	Design	Caltrans, VTA		■
VISUAL/AESTHETICS						
MM-VIS-1.1	To the maximum extent practicable, damage to or removal of trees will be avoided by the Project. If trees need to be removed or are damaged as a result of the Project, they will be replaced within the project corridor, to the extent feasible. To offset the loss of mature trees in front of the Waterford Place Apartments, new trees will be planted along the east side of the apartment complex in coordination with the property owner. All replacement planting will be irrigated and maintained for a period of not less than 3 years after planting. Planting within State right-of-way would complement the aesthetics of the highway corridor, provide erosion control, and help maintain Classified Landscaped Freeway status.	EIR/EA Section 2.9	Design through Construction	Caltrans, VTA, Contractor	■	
MM-VIS-1.2	The Project will incorporate treatments to improve aesthetics and reduce the opportunity for graffiti including texture, landscaping, and/or color on Project features. Architectural treatments (e.g., color, surface texture, and other treatments) will be consistent with the character of the freeway corridor in the project vicinity.	EIR/EA Section 2.9	Design through Construction	Caltrans, VTA, CSJ Staff, Contractor	■	

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/ Minimization Measure
MM-VIS-1.3	If nighttime work is necessary, lighting will be limited to the work area by using directional lighting and shielding of light fixtures. Permanent lighting installed by the Project will be designed to limit light pollution and have minimum impact on the surrounding environment. All light fixtures will be configured with the minimum necessary number of bulbs and the optimal mounting height, mast-arm length, and angle to restrict light to the roadways. Where applicable, shields on the fixtures will be considered during the detailed design phase to prevent light trespass to adjacent properties.	EIR/EA Section 2.9	Design through Construction	Contractor	■	
CULTURAL RESOURCES						
n/a	If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.	EIR/EA Section 2.10	Construction	Contractor		■
n/a	If human remains are discovered, California Health and Safety Code (H&SC) Section 7050.5 states that further disturbances and activities shall stop in any area or nearby area suspected to overlie remains, and the County Coroner contacted. If the remains are thought by the coroner to be Native American, the coroner will notify the Native American Heritage Commission (NAHC), who, pursuant to Public Resources Code (PRC) Section 5097.98, will then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains will contact Caltrans District 4 Office of Cultural	EIR/EA Section 2.10	Construction	Contractor, Caltrans, VTA		■

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/ Minimization Measure
	Resources Studies so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.					
HYDROLOGY AND FLOODPLAIN						
MM-HF-1.1	Proposed fill and cut within the 100-Year Floodplain will be balanced such that adverse effects associated with changes in flooding depths will be avoided.	EIR/EA Section 2.11	Design through Construction	Caltrans, VTA, Contractor		■
MM-HF-1.2	In order to avoid increased flooding elsewhere, the Project shall be designed to minimize any obstruction to the flow of floodwaters.	EIR/EA Section 2.11	Design through Construction	Caltrans, VTA, Contractor		■
WATER QUALITY						
MM-WQ-1.1	Although long-term water quality effects of the Project would not be substantial, the design of the Project includes Best Management Practices (BMPs) such as site design, permanent erosion control, drainage facilities, source control measures, and treatment measures to reduce the pollutant component of stormwater runoff, as required by the Caltrans National Pollution Discharge Elimination System (NPDES) permit. In addition to the requirements of the NPDES permit, compliance with the requirements of the Caltrans Stormwater Management Plan (SWMP) is also required throughout implementation of the Project. The SWMP describes the programs to reduce the discharge of pollutants associated with the	EIR/EA Section 2.12	Design through Construction	Caltrans, VTA, Contractor		■

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/ Minimization Measure
	stormwater drainage systems and describes how Caltrans will comply with the provisions of the NPDES permit.					
MM-WQ-1.2	Prior to any soil disturbance work, file a Notice of Intent with State Water Resources Control Board (SWRCB). To maintain proper permit coverage under the Construction Stormwater General Permit (CGP), in addition to filing a Notice of Intent, all dischargers must electronically file permit registration documents, Notice of Termination, changes of information, sampling and monitoring information, annual reporting, and other required compliance documents through the SWRCB's Stormwater Multiple Application and Report Tracking System (SMARTS).	EIR/EA Section 2.12	Design through Construction	Caltrans, VTA, Contractor	■	
MM-WQ-1.3	Prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). Prior to the start of construction, the SWPPP would be submitted by the Contractor to Caltrans for approval. The SWPPP shall detail the measures to address the temporary water quality impacts resulting from construction activities associated with this Project. The SWPPP shall also include the development of a Construction Site Monitoring Program that presents procedures and methods related to the visual monitoring, sampling, and analysis plans during construction of the project.	EIR/EA Section 2.12	Design through Construction	Caltrans, VTA, Contractor	■	
GEOLOGY/SOILS/SEISMIC/TOPOGRAPHY						
n/a	The Project would be designed to comply with both the Uniform Building Code and Caltrans' Design Standards. This will avoid the need for adoption of any non-standard avoidance, minimization, and/or mitigation measures.	EIR/EA Section 2.13	Design through Construction	Caltrans, VTA, Contractor		■

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/ Minimization Measure
PALEONTOLOGICAL RESOURCES						
MM-PALEO-1.1	A qualified paleontologist shall provide preconstruction training on the potential for significant fossil localities in the Project area and provide an Alert Sheet that includes contact information for a qualified paleontologist who will be on call to respond in the event a fossil is recovered.	EIR/EA Section 2.14	Construction	Caltrans or VTA Paleon-tologist		■
MM-PALEO-1.2	If unanticipated discoveries of paleontological resources occur during Project construction, all work within 25 feet of the discovery must cease and the find must be protected in place until it can be evaluated by a qualified paleontologist. The qualified paleontologist shall follow Society of Vertebrate Paleontology guidelines to determine whether the fossil can be identified and whether it meets significance criteria. Work may resume immediately outside of the 25-foot radius.	EIR/EA Section 2.14	Construction	Contractor, Caltrans, VTA		■
HAZARDOUS WASTE/MATERIALS						
MM-HAZMAT-1.1	As part of Project development, a soil investigation will be conducted to determine whether aerially-deposited lead (ADL) has affected soils that will be excavated as part of the proposed Project. The investigation for ADL will be performed in accordance with Caltrans' Lead Testing Guidance Procedure. The analytical results will be compared against applicable hazardous waste criteria. Based on analytical results, the investigation will provide recommendations regarding management and disposal of affected soils in the Project area including the reuse potential of ADL-affected soil during Project development.	EIR/EA Section 2.15	Design through Construction	Caltrans, VTA, Contractor	■	

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/ Minimization Measure
	The provisions of a variance granted to Caltrans by the California Department of Toxic Substances Control on September 22, 2000 (or any subsequent variance in effect when the Project is constructed) regarding aerially-deposited lead will be followed.					
MM-HAZMAT-1.2	Testing for the presence of lead-based paint on the existing structures to be demolished and roadway paint to be removed will occur. If this substance is found to be present, applicable regulations pertaining to its removal and disposal will be followed.	EIR/EA Section 2.15	Design through Construction	Caltrans, VTA, Contractor	■	
MM-HAZMAT-1.3	Testing for the presence of asbestos-containing materials on the existing structures will occur. If these materials are found to be present, applicable regulations pertaining to their removal and disposal will be followed.	EIR/EA Section 2.15	Design through Construction	Caltrans, VTA, Contractor	■	
MM-HAZMAT-1.4	Testing for the presence of polychlorinated biphenyl (PCB) on the existing structures will occur. If these materials are found to be present, applicable regulations pertaining to their removal and disposal will be followed.	EIR/EA Section 2.15	Design through Construction	Caltrans, VTA, Contractor	■	
MM-HAZMAT-1.5	Treated wood waste will be handled properly in accordance with applicable Caltrans guidelines and if warranted, will require special removal, handling, and disposal.	EIR/EA Section 2.15	Construction	Caltrans, VTA, Contractor	■	
MM-HAZMAT-1.6	A Soil and Groundwater Management Plan will be prepared to properly manage any soil and/or groundwater impacted by hazardous materials discovered during ground-disturbing activities within the Project area.	EIR/EA Section 2.15	Design through Construction	Caltrans, VTA, Contractor	■	
MM-HAZMAT-1.7	A site-specific Health and Safety Plan (HSP) that is consistent with Caltrans requirements will be prepared. The HSP shall include: identification of key personnel; summary of risk assessment for workers, the community, and the environment; air monitoring plan; and emergency response plan.	EIR/EA Section 2.15	Design through Construction	Caltrans, VTA, Contractor	■	

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/ Minimization Measure
MM-HAZMAT-1.8	Testing of the soils within the Project area for worker safety and soil management purposes will occur. Soils and groundwater, if encountered, shall be tested for the following: • total petroleum hydrocarbons (TPH) as gasoline, as diesel, and as motor oil; • volatile organic compounds (VOCs) including tetrachloro-ethene (PCE); • pesticides, herbicides, and metals.	EIR/EA Section 2.15	Design through Construction	Caltrans, VTA, Contractor	■	
MM-HAZMAT-1.9	If at any point during construction stained or odoriferous soils are encountered, these soils will be stockpiled separately on plastic sheeting. The stockpiles shall then be sampled for the above-mentioned analytes and characterized for special handling and/or disposal.	EIR/EA Section 2.15	Construction	Caltrans, VTA, Contractor	■	
AIR QUALITY						
MM-AIR-1.1	Prior to construction, the contractor for the Project shall submit a list of all off-road equipment greater than 25 horsepower (hp) that would be operated for more than 20 hours over the entire duration of Project construction, including equipment from subcontractors, to Bay Area Air Quality Management District (BAAQMD) for review and certification. The list shall include all information necessary to ensure the equipment meets the following requirement: ○ Equipment shall be zero emissions or have engines that meet or exceed either Environmental Protection Agency (EPA) or Air Resource Board (ARB) Tier 4 off-road emission standards, and it shall have engines that are retrofitted with a ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS), if one is available for the	EIR/EA Section 2.16	Construction	Contractor	■	

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/ Minimization Measure
	equipment being used. Equipment with engines that meet Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement; therefore, a VDECS would not be required.					
MM-AIR-1.2	Idling time of diesel-powered construction equipment and trucks shall be limited to no more than five minutes. Clear signage of this idling restriction shall be provided for construction workers at all access points.	EIR/EA Section 2.16	Construction	Contractor	■	
MM-AIR-1.3	All construction equipment shall be maintained and properly tuned in accordance with the manufacturers' specifications.	EIR/EA Section 2.16	Construction	Contractor	■	
MM-AIR-1.4	Portable diesel generators shall be prohibited. Grid power electricity should be used to provide power at construction sites; or propane and natural gas generators may be used when grid power electricity is not feasible.	EIR/EA Section 2.16	Construction	Contractor	■	
MM-AIR-2.1	All haul trucks transporting soil, sand, or other loose material off-site shall be covered.	EIR/EA Section 2.16	Construction	Contractor		■
MM-AIR-2.2	On-site dirt piles or other stockpiled particulate matter (PM) shall be covered, wind breaks installed, and water and/or soil stabilizers employed to reduce wind-blown dust emissions. The use of approved nontoxic soil stabilizers shall be incorporated according to manufacturers' specifications to all inactive construction areas.	EIR/EA Section 2.16	Construction	Contractor		■
MM-AIR-2.3	All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day.	EIR/EA Section 2.16	Construction	Contractor		■
MM-AIR-2.4	All vehicle speeds on unpaved roads and surfaces shall be limited to 15 mph.	EIR/EA Section 2.16	Construction	Contractor		■
MM-AIR-2.5	All roadway, driveway, and sidewalk paving shall be completed as soon as possible.	EIR/EA	Construction	Contractor		■

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/ Minimization Measure
		Section 2.16				
MM-AIR-2.6	All construction sites shall provide a posted sign visible to the public with the telephone number and person to contact at the lead agency regarding dust complaints. The recommended response time for corrective action shall be within 48 hours. BAAQMD's Complaint Line (1-800-334-6367) shall also be included on posted signs to ensure compliance with applicable regulations.	EIR/EA Section 2.16	Construction	Contractor		■
MM-AIR-2.7	All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.	EIR/EA Section 2.16	Construction	Contractor		■
MM-AIR-2.8	Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50% air porosity.	EIR/EA Section 2.16	Construction	Contractor		■
MM-AIR-2.9	Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.	EIR/EA Section 2.16	Construction	Contractor		■
MM-AIR-2.10	The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.	EIR/EA Section 2.16	Construction	Contractor		■
MM-AIR-2.11	All transfer processes involving a free fall of soil or other PM shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions.	EIR/EA Section 2.16	Construction	Contractor		■
MM-AIR-2.12	Site accesses to a distance of 100 feet from the paved road shall be treated with a 6-to 12-inch compacted layer of wood chips, mulch, or gravel.	EIR/EA Section 2.16	Construction	Contractor		■

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/ Minimization Measure
MM-AIR-2.13	Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than 1%.	EIR/EA Section 2.16	Construction	Contractor		■
MM-AIR-2.14	Open burning shall be prohibited at the Project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (e.g., trash, demolition debris) may be conducted at the Project site. Vegetative wastes shall be chipped or delivered to waste-to-energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials off-site for disposal by open burning.	EIR/EA Section 2.15	Construction	Contractor		■
MM-AIR-2.15	All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.	EIR/EA Section 2.15	Construction	Contractor		■
NOISE AND VIBRATION						
MM-NOI-1.1	All construction equipment shall conform to Section 14-8.02, Noise Control, of the latest Caltrans Standard Specifications.	EIR/EA Section 2.17	Construction	Contractor	■	
MM-NOI-1.2	When feasible, noise-generating construction activities shall be restricted to between 7:00 a.m. and 7:00 p.m. on weekdays, with no construction occurring on weekends or holidays. If work is necessary outside of these hours, Caltrans shall require the contractor to implement a construction noise monitoring program and provide additional noise controls where practical and feasible.	EIR/EA Section 2.17	Construction	Contractor	■	
MM-NOI-1.3	Pile driving activities shall be limited to daytime hours only.	EIR/EA Section 2.17	Construction	Contractor	■	
MM-NOI-1.4	All internal combustion engine driven equipment shall be equipped with manufacturer recommended intake and	EIR/EA	Construction	Contractor	■	

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/ Minimization Measure
	exhaust mufflers that are in good condition and appropriate for the equipment.	Section 2.17				
MM-NOI-1.5	Unnecessary idling of internal combustion engines within 100 feet of residences shall be strictly prohibited.	EIR/EA Section 2.17	Construction	Contractor	■	
MM-NOI-1.6	Noise generating equipment shall be located as far as practical from sensitive receptors when sensitive receptors adjoin or are near the construction project area.	EIR/EA Section 2.17	Construction	Contractor	■	
MM-NOI-1.7	"Quiet" air compressors and other "quiet" equipment shall be utilized where such technology exists.	EIR/EA Section 2.17	Construction	Contractor	■	
BIOLOGICAL RESOURCES						
MM-BIO-1.1	Nesting Migratory Bird Avoidance Measures and Surveys. To minimize and avoid take of all migratory birds, their nests, and their young, Caltrans will conduct vegetation removal between October 1 and December 31 (outside the migratory bird nesting season for passerines and raptors) to the maximum extent practicable. If vegetation trimming, tree removal, or other construction activities that may affect nesting birds occurs within the nesting season, then qualified biologists will conduct preconstruction surveys for nesting birds no more than 2 days prior to construction. If construction is stopped for more than 2 weeks, the pre-construction surveys will be repeated. If an active nest is discovered, biologists will establish an appropriate species-specific exclusion buffer around the nest. The area within the buffer will be avoided until the young are no longer dependent on the adults or the nest is no longer active. The qualified biologist will have	EIR/EA Section 2.19	Construction	Caltrans or VTA Biologist	■	

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/ Minimization Measure
	authority, through the Resident Engineer (RE), to order the cessation of all construction activities outside the buffer area if birds exhibit abnormal nesting behavior. Construction activities will not continue until the birds resume normal nesting behavior or the nest is no longer active. Qualified biologists will immediately notify the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) for further guidance if a listed or special-status bird species is discovered during preconstruction surveys.					
MM-BIO-2.1	Pre-Construction Tree Survey. Prior to construction, Caltrans will conduct a survey to identify and mark trees for removal, and trees that will remain during construction. Whenever possible, trees will be trimmed rather than removed. For trees that will remain, those trees and their critical root zone (CRZ) will be marked with bright orange polypropylene Environmentally Sensitive Area (ESA) fencing that can be avoided during construction to the greatest extent feasible in temporary impact areas and along the edge of the Project footprint.	EIR/EA Section 2.19	Pre-Construction through Construction	Caltrans or VTA Biologist		■
MM-BIO-2.2	International Society of Arboriculture - Certified Arborist Consultation. Work will not be performed in the CRZ of any tree to be retained without consultation with an International Society of Arboriculture-certified arborist. If trees are damaged during construction and become unhealthy or die, the damaged tree(s) will be removed and replaced.	EIR/EA Section 2.19	Pre-Construction through Construction	Caltrans or VTA Biologist		■
MM-BIO-2.3	Tree Replacement. Replacement planting within State right-of-way will be consistent with Caltrans Replacement Highway Planting policy. Regionally appropriate trees, shrubs and groundcover will be planted in all areas of removal according to safety and maintenance	EIR/EA Section 2.19	Design through Construction	Caltrans, VTA, Contractor	■	

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/ Minimization Measure
	requirements. Outside of State right-of-Way, native trees with a diameter at breast height (DBH) of less than 12 inches will be replaced at a 2:1 ratio. Native trees with a DBH of 12 inches or more will be replaced at a 3:1 ratio. If urban trees (nonnatives and ornamentals) are replaced with native trees, a reduced mitigation ratio of 1:1 for all trees smaller than 12 inches DBH, and 2:1 for all trees with a DBH of 12 inches or more, will be implemented. Replacement 24-inch box trees will be considered where feasible. The replacement trees will be irrigated and maintained for a period of not less than three years. If trees cannot be replaced at the stated ratios within the Project footprint, in-lieu fees will be paid to an appropriate fund so that trees can be planted elsewhere within the City of San José limits.					
INVASIVE SPECIES						
MM-INV-1.1	Prior to vegetation clearing and grubbing, vehicles (including wheels, undercarriages, and bumpers) and all other equipment, will be washed before and after entering the Project's construction site. Vehicles will be cleaned at legally operating car washes before entering the construction site and at existing construction yards after they have encountered vegetation. All washing will follow appropriate stormwater best management practices (BMPs). Only clean water in washing (no soap or detergent) will be used and appropriate runoff containment BMPs will be implemented. Wash water will be discharged in a way that it does not enter a storm drain (i.e., let it soak into a pervious area on site). Vegetation will be disposed of off-site. After clearing and	EIR/EA Section 2.20	Construction	Contractor		■

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/ Minimization Measure
	grubbing of the vegetation has been completed, construction vehicles will use designated entrance/exits and no washing will be required.					
MM-INV-1.2	Soil and plant material from areas that support invasive species will be properly contained and transported to an approved facility for disposal disposed of in accordance with applicable regulations and procedures. In addition, all fill material will be sourced from weed-free areas.	EIR/EA Section 2.20	Construction	Contractor		■

Notes:

VTA = Santa Clara Valley Transportation Authority
CSJ= City of San Jose

APPENDIX

C

List of Acronyms and Abbreviations

List of Acronyms and Abbreviations

AB	Assembly Bill
ABC	Across Barrier Connections
ACHP	Advisory Council on Historic Preservation
ADA	Americans with Disabilities Act
ADL	aerially-deposited lead
AIA	Airport Influence Area
APE	Area of Potential Effects
AQCTF	Air Quality Conformity Task Force
ARB	Air Resources Board
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BFE	base flood elevations
BMPs	Best Management Practices
BRT	bus rapid transit
BSA	biological study area
BTU	British Thermal Unit
CAA	Clean Air Act
CAFE	Corporate Average Fuel Economy
CalEPA	California Environmental Protection Agency
Caltrans	California Department of Transportation
CAPTI	California Action Plan for Transportation Infrastructure
CARB	California Air Resources Board
CCAA	California Clean Air Act
CDFW	California Department of Fish & Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CERFA	Community Environmental Response Facilitation Act
CFR	Code of Federal Regulations
CH_4	methane
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
CRHR	California Register of Historic Resources

CTP	California Transportation Plan
CWA	Clean Water Act
dB	decibels
dBA	a-weighted decibel
DBH	diameter at breast height
DSA	Disturbed Soil Area
DTSC	(California) Department of Toxic Substances Control
EB	eastbound
EIR/EA	Environmental Impact Report/Environmental Assessment
EIS	Environmental Impact Statement
EISA	Energy Independence and Security Act
EMFAC	Emission FACtors
EO	Executive Order
EPA	(United States) Environmental Protection Agency
FAA	Federal Aviation Administration
FCAA	Federal Clean Air Act
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FONSI	Finding of No Significant Impact
FSTIP	Federal-Statewide Transportation Improvement Program
FTA	Federal Transit Administration
FTIPs	Federal Transportation Improvement Plans
GDP	gross domestic product
GHG	greenhouse gas
GSRD	gross solids removal device
HFCs	hydrofluorocarbons
HOV	high occupancy vehicle
hp	horsepower
HSP	Health and Safety Plan
H&SC	California Health and Safety Code
H_2S	hydrogen sulfide
in/sec	inches per second
ISA	Initial Site Assessment
LEDPA	least environmentally damaging practicable alternative
Leq[h]	hourly noise equivalent level
L_{max}	maximum noise level
LOS	level of service
LUST	leaking underground storage tank

MBTA	Migratory Bird Treaty Act
MCE	maximum credible earthquake
NHTSA	National Highway Traffic and Safety Administration
MLD	Most Likely Descendent
$MMTCO_2e$	million metric tons of carbon dioxide equivalent
MOU	Memorandum of Understanding
Mph	miles per hour
MPO	Metropolitan Planning Organization
MSAT	mobile source air toxic
MST	Monterey-Salinas Transit
MS4s	municipal separate storm sewer systems
MTC	Metropolitan Transportation Commission
NAAQS	National Ambient Air Quality Standards
NAC	Noise Abatement Criteria
NAHC	Native American Heritage Commission
NB	northbound
NEPA	National Environmental Policy Act
NES	Natural Environment Study
NHPA	National Historic Preservation Act
NHTSA	National Highway Traffic and Safety Administration
NPDES	National Pollution Discharge Elimination System
NRHP	National Register of Historic Places
NOA	Notice of Availability
NOAA	National Oceanic Atmospheric Administration
NOP	Notice of Preparation
NO_x	nitrogen oxides
NO_2	nitrogen dioxide
N_2O	nitrous oxide
NPDES	National Pollutant Discharge Elimination System
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Act
O_3	ozone
PA	Programmatic Agreement
Pb	lead
PCE	tetrachloroethene
PM	post mile
$PM_{2.5}$	particulate matter – 2.5 microns in size
PM_{10}	particulate matter – 10 microns in size
PMP	Paleontological Mitigation Plan

POAQC	Project of Air Quality Concern
POC	pedestrian overcrossing
PPV	peak particle velocity
PRC	(California) Public Resources Code
RAP	Relocation Assistance Program
RCEM	Road Construction Emissions Model
RCNM	Roadway Construction Noise Model
RCRA	Resource Conservation and Recovery Act
ROG	reactive organic gases
RSA	Resource Study Area
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SAFE	Safer Affordable Fuel-Efficient
SB	Senate Bill
SB	southbound
SCS	Sustainable Communities Strategy
SCVWD	Santa Clara Valley Water District
SDC	Seismic Design Criteria
SF_6	sulfur hexafluoride
SHPO	State Historic Preservation Officer
SHS	State Highway System
SIP	State Implementation Plan
SJCE	San José Clean Energy
SJIA	Mineta San Jose International Airport
SMARTS	Stormwater Multiple Application and Report Tracking System
SO_2	sulfur dioxide
SR	State Route
SWMP	Stormwater Management Plan
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
TCE	temporary construction easement
TCMs	Transportation Control Measures
TDM	transportation demand management
TIP	Transportation Improvement Program
TMDLs	Total Maximum Daily Loads
TMP	Traffic Management Plan
TPH	total petroleum hydrocarbons
TSCA	Toxic Substances Control Act

TSM	transportation systems management
WB	westbound
UCMP	University of California Museum Paleontology
U.S.	United States
USACE	United States Army Corps of Engineers
USC	United States Code
USDOT	United States Department of Transportation
U.S. EPA	United States Environmental Protection Agency
USFWS	United States Fish & Wildlife Service
VDECS	Verified Diesel Emissions Control Strategy
VHP	Santa Clara Valley Habitat Plan
VHT	vehicle hours traveled
VMT	vehicle miles traveled
VOCs	volatile organic compounds
VTA	Santa Clara Valley Transportation Authority
VTP 2050	Valley Transportation Plan 2050
VRP	Visibility Reducing Particles
WDRs	Wastewater Discharge Requirements
WPCP	Water Pollution Control Program

APPENDIX

D

Notice of Preparation

Notice of Preparation

To: _____

_____

(Address)

_____

From: Caltrans, District 4

111 Grand Avenue, MS 8B

Oakland, CA 94612 (Address)

Subject: Notice of Preparation of a Draft Environmental Impact Report

Caltrans will be the Lead Agency and will prepare an environmental impact report 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. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (☐ is ☒ 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 Ellen Doudna, Associate Environmental Planner at the address shown above. We will need the name for a contact person in your agency.

Project Title: US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project

Project Applicant, if any: Santa Clara Valley Transportation Authority

Date 09/13/2021

Signature 

Title Associate Environmental Planner

Telephone 510-847-3804

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

Notice of Preparation of a Draft Environmental Impact Report/Environmental Assessment

SUPPLEMENTAL PROJECT INFORMATION:

Introduction

The California Department of Transportation (Caltrans) in cooperation with the Santa Clara Valley Transportation Authority (VTA) and the City of San José, proposes to construct improvements on US 101 and adjacent local roadways in San José, Santa Clara County, California (Figure 1). The Project limits on US 101 are postmiles 38.6 - 39.4, which are located between the US 101/State Route (SR) 87 interchange on the west and the US 101/Interstate 880 (I-880) interchange on the east.

Purpose and Need

Purpose

The purpose of the proposed Project is to improve traffic operations and safety, as well as improve access for pedestrians and bicyclists, in the project vicinity. To fulfill this purpose, the following are the specific objectives of the proposed Project:

- Enhance transportation network within the project area to accommodate planned growth as anticipated under the adopted *Envision San José 2040 General Plan*.
- Improve pedestrian and bicycle facilities in the project area.
- Improve safety and traffic operations at the on- and off-ramps and mainline of US 101 within the Project limits.
- Improve access to/from the Norman Y. Mineta San José International Airport (SJIA).

Need

The following text describes the existing and projected deficiencies that establish the need for the improvements contemplated under the proposed Project.

Existing Congestion

Under existing conditions, there is substantial peak-period congestion in the project area, both on US 101 and on local streets. Northbound US 101 operates under congested conditions in the AM peak commute period and southbound US 101 operates under congested conditions in the PM peak commute period. Key bottlenecks along US 101 are at Trimble Road/De La Cruz Boulevard, SR 87, and I-880. During the peak hours, the queues from these key bottlenecks connect with each other and extend outside the study area.

Planned Growth and Projected Increases in Congestion

Congestion along local streets has been increasing in the North San José area in recent years and is predicted to worsen with planned development. The *Envision San José 2040 General Plan* provides for the development of 26,700,000 square feet of industrial uses, 300,000 square feet of commercial uses, and 32,000 residential dwelling units in North San José. Resulting from this growth, vehicle hours of delay will increase from 23,979 daily in 2025 to 40,731 daily in 2045.

The existing roadway network is inadequate to serve this planned growth. As a result, the connection of Zanker Road over US 101 to Skyport Drive and Fourth Street is identified as a key infrastructure improvement project in the *Envision San José 2040 General Plan*, the North San José Area Development Policy, and the North San José Deficiency Plan.

SJIA, just southwest of the North San José area, is also a substantial generator of traffic in the project area. SJIA, which accommodated 15.6 million passengers in 2019, is projected to serve 22.5 million passengers annually by 2037.

Insufficient Facilities for Bicyclists and Pedestrians

Current state, regional, and local plans include policies that mandate the provision of facilities to accommodate and promote safe travel by bicyclists and pedestrians. The project area is currently lacking adequate facilities for those modes of travel. Tenth Street and First Street are currently the only routes that bicyclists and pedestrians can use to cross US 101 in the project area. Between these two streets, a distance of 1.25 miles, there are no crossings of US 101. Along First Street, there is a narrow sidewalk on the east side, no sidewalk on the west side, and no bike lanes south of Brokaw Road under US 101. Within the Project limits, sidewalks are lacking on segments of Skyport Drive, Technology Place, Bering Drive, Old Bayshore Highway, Zanker Road, and Brokaw Road.

Roadway Deficiencies

Skyport Drive serves as the major gateway and entrance into SJIA from SR 87 and the First Street corridor. Currently, access between US 101 and SJIA is both indirect and circuitous as there is no connection to/from SR 87 and southbound US 101, as well as no connection between Skyport Drive and US 101.

Currently, there is no direct connection from southbound I-880 to northbound US 101. Such traffic must exit the southbound I-880/Gish Road off-ramp to access northbound US 101 via a nonstandard hook on-ramp at Old Bayshore Highway.

The existing off-ramp from northbound US 101 to Brokaw Road is a nonstandard freeway feature because it is "isolated" as there is no corresponding on-ramp associated with this off-ramp.

The existing US 101/Old Bayshore Highway northbound on- and off-ramps have very tight radii (60-foot), nonstandard superelevation rates and transitions, as well as nonstandard acceleration/deceleration lane lengths. Accident rates are higher than average at this location.

Project Description

The Project proposes to address the above-described needs and achieve the above-described objectives in three primary ways:

- Construct an overcrossing above US 101 that would connect Zanker Road on the north with Fourth Street and Skyport Drive on the south.
- Replace the existing nonstandard ramps on northbound US 101 at Old Bayshore Highway and Brokaw Road with new ramps at Bering Drive that meet higher design standards.
- Incorporate bicycle and pedestrian facilities into the Project design.

New Overcrossing of US 101 Connecting Zanker Road, Skyport Drive and Fourth Street

An overcrossing of US 101 would be constructed to connect Zanker Road on the northside of US 101 to Skyport Drive and Fourth Street on the southside of US 101. The overcrossing would accommodate three lanes of traffic in each direction, turning lanes, median, bike lanes, and sidewalks. Skyport Drive would loop under the new overcrossing to intersect with Fourth Street approximately 500 feet south of the overcrossing.

Freeway On- and Off-Ramps Improvements

- The northbound US 101/Old Bayshore Highway hook off-ramp and Brokaw Road off-ramp would be consolidated into one off-ramp that intersects at Bering Drive.
- The northbound US 101/Old Bayshore Highway on-ramp and First Street on-ramp would be consolidated into one on-ramp from Bering Drive.
- The southbound US 101 on-ramp from Fourth Street would be replaced with a new loop on-ramp from Skyport Drive.
- The southbound US 101 on-ramp from Technology Place (formerly Matrix Boulevard) would remain at the current location but would be extended to provide additional storage.
- The on-ramps to US 101 would be modified to include High Occupancy Vehicle (HOV) lanes and ramp metering.

Construction of Bicycle and Pedestrian Facilities

- Buffered Class 2 bike lanes[1] and sidewalks would be provided along the new Zanker Road/ Fourth Street connection between Archer Street and Bering Drive.
- A Class 1 bikeway[2] would be provided beginning from Bering Drive, along the west side of Zanker Road, traversing under the US 101/Zanker Road overcrossing, and splitting into two Class 4 bikeways[3] on Old Bayshore Highway.
- Buffered Class 2 lanes and sidewalks would be provided along Skyport Drive between First Street and Fourth Street.
- Buffered Class 2 bike lanes and sidewalks would be provided along Old Bayshore Highway between Zanker Road and Terminal Avenue.
- Class 4 bike lanes and sidewalk would be provided on Technology Place between First Street and Skyport Drive.
- A Class 1 bikeway would be provided along the west side of Fourth Street between the Skyport Drive/Technology Place/Southbound US 101 on-ramp intersection and the Skyport Drive/ Fourth Street intersection.
- Buffered Class 2 bike lanes and sidewalks would be provided along eastbound Brokaw Road between Bering Drive and Zanker Road.
- Sidewalks would be provided on both sides of Bering Drive.
- A protected intersection[4] design would be provided at the following intersections:

[1] A ***buffered Class 2 bike lane*** is a painted bike lane with the added benefit of having extra space between cyclists and passing cars, usually designated with a painted safeguard area of one to two feet in width.
[2] A ***Class 1 bikeway***, also known as a bike path or shared-use path, is a facility with exclusive right-of-way for bicyclists and pedestrians, away from the roadway and with cross flows by motor traffic minimized.
[3] A ***Class 4 bike lane***, also known as a protected bike lane, is physically separated from the auto travel lanes. Physical separation can include concrete curbs, landscaping, parking lanes, bollards, or other vertical elements.
[4] A ***protected intersection*** includes design elements to create safe, comfortable conditions for bicyclists and pedestrians. Such features may include corner safety islands, corner aprons, forward stop bars, pedestrian safety islands, setback bicycle crossings, and bicycle signal optimization.

    - Skyport Drive/Technology Place/Southbound US 101 on-ramp.
    - Skyport Drive/ Fourth Street.
    - Zanker Road/Old Bayshore Highway/Northbound US 101 on-ramp.

Other Improvements

- Old Bayshore Highway would be elevated to intersect with the new Zanker Road overcrossing. Traffic from southbound I-880 heading for northbound US 101 would ascend to the intersection, go through the traffic signal, and descend to a new northbound US 101 collector-distributor road where it would enter the freeway at a new on-ramp location.
- The following local streets would be widened to accommodate traffic from the above-described overcrossing connection and ramp modifications:
    - Skyport Drive between First Street and Fourth Street
    - Bering Drive between Brokaw Road and Zanker Road
    - Brokaw Road between Bering Drive and Zanker Road
    - Zanker Road between Bering Drive and US 101
    - Fourth Street from north of Koll Circle to US 101
- Local traffic (accessing the Bay 101 Casino and an office building planned development) would be separated from the southbound on-ramp traffic along Technology Place.

Probable Environmental Effects

Based on preliminary surveys and information, Caltrans has identified the following main subject areas for analysis in the EIR/EA. The scope of environmental analysis will be modified based on public input during the Project scoping period.

Air Quality

An air quality analysis will be completed to quantify the effects of the Project on the ambient air quality of the project study area and the region. An air quality study will be completed to document if the Project will expose residences or other sensitive receptors to substantial air quality pollutants. The environmental document will summarize this study and identify Best Management Practices (BMPs) and, if necessary, mitigation measures to reduce impacts to air quality during construction and operation.

Biological Resources

A biological study will be completed to determine if sensitive wildlife, plants, or habitat is present within the project study area. In addition, a tree survey will be completed to identify the trees anticipated to be removed by the Project. The environmental

document will summarize the biological study and tree survey and, if necessary, identify mitigation measures to reduce or avoid impacts to biological resources.

Community Impacts

Potential social, economic, public services, land use, and growth impacts will be discussed and addressed in the environmental document, including potential community concerns during construction of the Project. If necessary, mitigation measures to reduce or avoid community impacts will be identified.

Cultural Resources

Archaeological and historic architectural reports, and Native American consultation, will be completed to determine if cultural resources would be impacted by the Project. The environmental document will summarize the reports and consultation process and, if necessary, identify mitigation measures to reduce or avoid impacts to cultural resources.

Geology and Soils

Geology and paleontology reports will be completed to identify geologic hazards, such as active faults, landslides, and liquefiable soils, and the potential for fossils to be present in the project area. The reports will be summarized in the environmental document. If necessary, mitigation measures to reduce or avoid geology and soils impacts will be identified.

Greenhouse Gas Emissions

A greenhouse gas (GHG) study will be completed to determine if the Project would substantially increase GHG emissions. The environmental document will summarize the study and, if necessary, identify mitigation measures to reduce or avoid GHG emission impacts.

Hazardous Materials

A hazardous materials report will be completed to determine the potential for the Project to disturb contaminated soil. The report will be summarized in the environmental document. If necessary, mitigation measures will be identified to reduce or avoid hazardous materials impacts.

Hydrology and Water Quality

Hydraulic/flooding reports and a sea level rise analysis will be prepared to assess Project impacts on hydrologic conditions in the surrounding area. Short and long-term effects of the Project on water quality will be analyzed and summarized in the environmental document, including temporary water quality impacts resulting from construction activities. Construction BMPs and, if necessary, mitigation measures to reduce or avoid water quality impacts will be identified.

Noise and Vibration

A noise study report will be prepared to determine if construction and/or operational noise or vibration impacts would occur on nearby land uses. Current noise levels will be measured, and future noise levels will be modeled based on Project traffic operations. The environmental document will summarize the noise study and, if necessary, identify mitigation measures to reduce or avoid noise impacts.

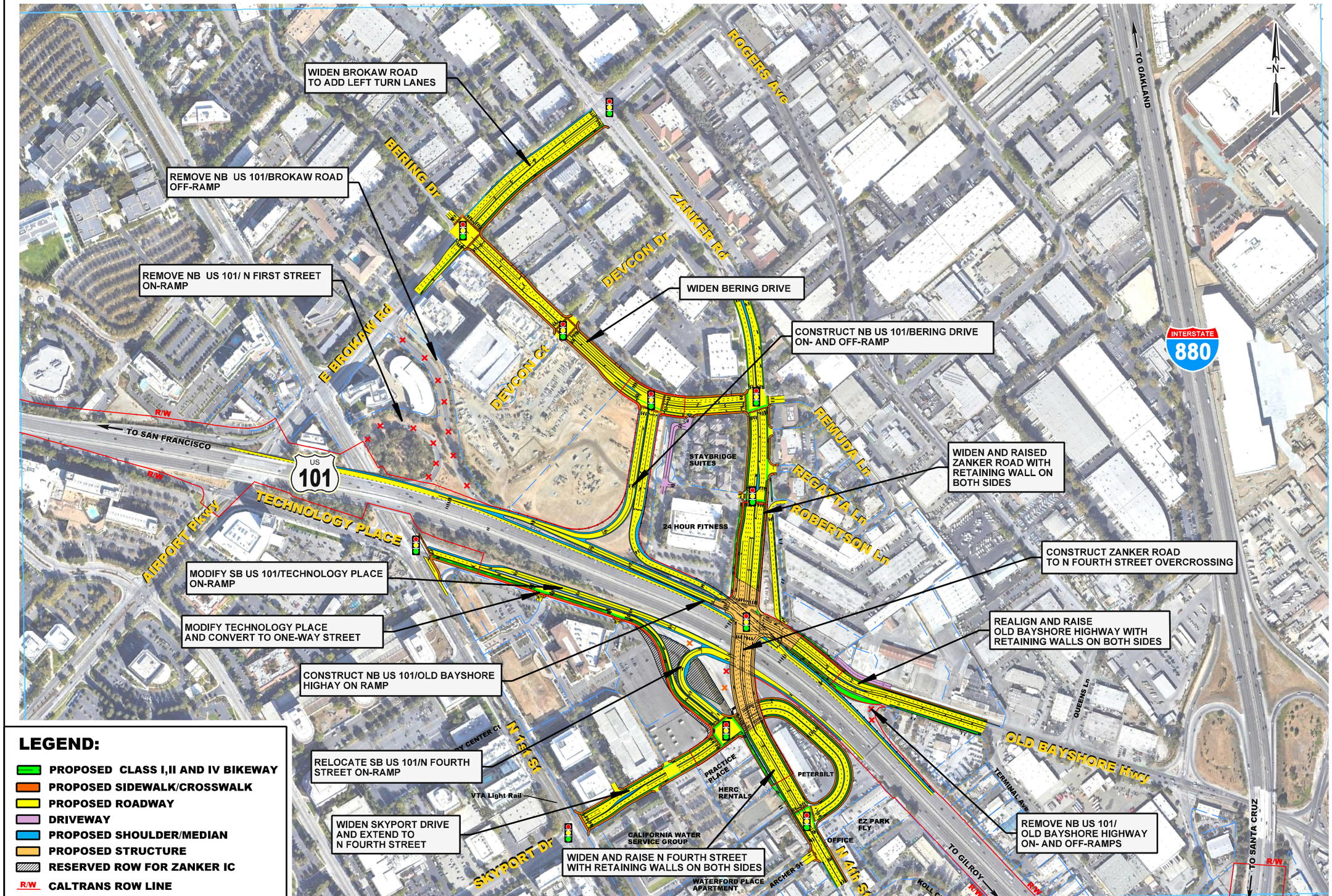
Visual

An assessment of visual and aesthetic effects due to the Project and related to proposed structures, lighting, and tree and vegetation removal will be completed and summarized in the environmental document. If necessary, mitigation measures will be identified to reduce or avoid visual and aesthetic impacts.

Traffic and Transportation

A traffic analysis will be completed for the Project. The traffic analysis will focus on improvements to freeway and roadway operations in the project area and calculate vehicle miles travelled (VMT) with and without the Project. Potential impacts to bicycle and pedestrian circulation will also be analyzed and summarized in the environmental document. If necessary, mitigation measures will be identified to reduce or avoid transportation impacts.

US 101/ZANKER ROAD/SKYPORT DRIVE/FOURTH STREET IMPROVEMENT PROJECT
CONCEPTUAL SITE PLAN



LEGEND:

- PROPOSED CLASS I,II AND IV BIKEWAY
- PROPOSED SIDEWALK/CROSSWALK
- PROPOSED ROADWAY
- DRIVEWAY
- PROPOSED SHOULDER/MEDIAN
- PROPOSED STRUCTURE
- RESERVED ROW FOR ZANKER IC
- R/W CALTRANS ROW LINE
- × × × RAMPS TO BE REMOVED
- × × × LOCAL STREETS TO BE REMOVED

AUGUST 10, 2021

CITY OF SAN JOSE · Caltrans · Santa Clara Valley Transportation Authority · AECOM

APPENDIX

E

List of

Technical Studies

List of Technical Studies

The following technical studies were prepared for the US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project:

Name of Study	Study Author	Study Date
Air Quality Report	Illingworth & Rodkin	October 2023
Community Impact Memorandum	David J. Powers & Associates	May 2022
Noise Study Report	Illingworth & Rodkin	January 2022
Natural Environment Study with Tree Survey	AECOM	July 2022
Energy Analysis Report	AECOM	October 2023
Initial Site Assessment	AECOM	May 2022
Preliminary Geotechnical Design Report	AECOM	September 2022
Historic Properties Survey Report	Far Western Anthropological Research Group	October 2021
Paleontological Investigation Report/Paleontological Evaluation Report	AECOM	March 2022
Traffic Operations Analysis Report	AECOM	May 2020
Visual Impact Assessment	Earthview Science	August 2022
Location Hydraulic Study/Floodplain Evaluation Report	WRECO	September 2022
Water Quality Assessment Report	WRECO	February 2022
Stormwater Data Report	AECOM	December 2022

APPENDIX

F

USFWS

Species List

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish And Wildlife Office
Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
Phone: (916) 414-6600 Fax: (916) 414-6713

In Reply Refer To: 07/18/2024 20:26:33 UTC
Project Code: 2024-0118439
Project Name: US 101/4TH ST/SKYPORT DR/ZANKER RD IMPROVEMENTS

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see https://www.fws.gov/program/migratory-bird-permit/what-we-do.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see https://www.fws.gov/library/collections/threats-birds.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/partner/council-conservation-migratory-birds.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Sacramento Fish And Wildlife Office
Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
(916) 414-6600

PROJECT SUMMARY

Project Code: 2024-0118439
Project Name: US 101/4TH ST/SKYPORT DR/ZANKER RD IMPROVEMENTS
Project Type: New Constr - Above Ground
Project Description: Highway improvement project to improve connections between US 101, Zanker Rd., 4th St., and Skyport Dr. Project includes new overcrossing of US 101 at Zanker Rd/4th St. Implementation is anticipated to occur within next five years.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@37.3701265,-121.90964793828388,14z

Counties: Santa Clara County, California

ENDANGERED SPECIES ACT SPECIES

There is a total of 9 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

BIRDS

NAME	STATUS
California Condor *Gymnogyps californianus* Population: Wherever found, except where listed as an experimental population There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8193	Endangered
California Least Tern *Sternula antillarum browni* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8104	Endangered
California Ridgway"s Rail *Rallus obsoletus obsoletus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4240	Endangered

REPTILES

NAME	STATUS
Northwestern Pond Turtle *Actinemys marmorata* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1111	Proposed Threatened

AMPHIBIANS

NAME	STATUS
California Red-legged Frog *Rana draytonii* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2891	Threatened
California Tiger Salamander *Ambystoma californiense* Population: U.S.A. (Central CA DPS) There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2076	Threatened
Foothill Yellow-legged Frog *Rana boylii* Population: Central Coast Distinct Population Segment (Central Coast DPS) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5133	Threatened

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

FLOWERING PLANTS

NAME	STATUS
Robust Spineflower *Chorizanthe robusta var. robusta*	Endangered

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.
Species profile: https://ecos.fws.gov/ecp/species/9287

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: California Department of Transportation District 4
Name: John Hesler
Address: 1871 The Alameda - #200
City: San Jose
State: CA
Zip: 95126
Email jhesler@davidjpowers.com
Phone: 4084543424

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Department of Transportation
Name: Charles Winter
Email: charles.winter@dot.ca.gov
Phone: 5108473752

APPENDIX

G

Comments Received

on

Draft EIR/EA

Comment 1

REGION 9
SAN FRANCISCO, CA 94105

February 15, 2024

Charles Winter
Associate Environmental Planner
Office of Environmental Analysis, California Department of Transportation, District 4
P.O. Box 23660, MS-8B
Oakland, California 94623-0660

Subject: EPA comments for the US101/Zanker Road/Skyport Drive/Fourth Street Improvement Project Draft Environmental Assessment, Santa Clara County, California

Dear Charles Winter:

The U.S. Environmental Protection Agency has reviewed the above-referenced document pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

We note the proposed improvements to the Zanker Road project area for US 101 in San Jose will include pedestrian and bicycle facilities, which will improve non-automotive connectivity between commercial and residential parts in the project area. We commend Caltrans for using the Caltrans DIB 89 "Class IV Bikeway Guidance"[1] in the proposed Class IV separated bikeway design. We note that an overpass will add significant elevation changes for pedestrians and bicycle users, which may add challenges and hazards.

Recommendations: Please consider the following recommendations, where practicable, to improve the non-motorized user experience and safety through the project facilities. We also recommend working closely with local pedestrian and bicycle advocacy organizations and community groups to identify unintended hazards and solutions.

- Lane striping with narrowing geometry, rumble strips, and road geometry to encourage vehicle drivers exiting the highway to slow their vehicles ahead of potential mixing areas with non-motorized users of all kinds.
- Maximized 'daylighting' of intersections (i.e., keeping corners clear of visual obstructions) to improve visibility and reduce conflicts along Zanker Road and other streets, particularly where driveways may connect directly to the improved corridor.

[1] https://dot.ca.gov/-/media/dot-media/programs/design/documents/dib-89-01_kf-a11y.pdf

- Class IV bike lane separation throughout the project area, including the Zanker Road bike lane diverge to the Old Bayshore Highway bike lane.
- Pavement markings for optimal bicycle turning curves from the Zanker Road bike lane diverge onto the Old Bayshore Highway bike lane to reduce potential vehicle conflicts.
- Advanced wayfinding signage to direct southbound bicyclists to the alternative 10th Street crossing if they choose.
- Smoother transitional geometry (i.e., climbs starting further back from the overpass) for non-motorized travelers needing to navigate the sharp elevation change. (We also encourage Caltrans to avoid the sharp turning radii of switchbacks for non-motorized travelers if possible.)
- Signalized intersections with bicycle users and pedestrian crossings to include separate bicycle and pedestrian lighting signals, and advantageous advanced signal timing for non-motorized travelers to reducing conflicts with turning vehicles.
- Shade structure, lighting, and seating where practicable and safe.

The EPA appreciates the opportunity to review this combined Draft Environmental Impact Report/Environmental Assessment. When the final environmental document is released for public review, please notify us and make an electronic version available. If you have any questions, please contact me at (415) 947-4167, or contact Zac Appleton, the lead reviewer for this project, at (415) 972-3321 or appleton.zac@epa.gov.

Sincerely,

CONNELL DUNNING

Digitally signed by CONNELL DUNNING
Date: 2024.02.15 09:34:32 -08'00'

For Jean Prijatel
Manager
Environmental Review Branch

cc: Sandra Rosas
North Region Environmental Coordinator, Caltrans

Karen Jang
Environmental Management Office, Caltrans

Comment 2

County of Santa Clara
Roads and Airports Department

101 Skyport Drive
San Jose, California 95110-1302
1-408-573-2400

February 16, 2024

Charles Winter,
Caltrans, District 4-Office of Environmental Analysis
P.O. Box 23660 MS-8B
Oakland, CA 94623-0660
101-zanker@vta.org

SUBJECT: Public Notice of Availability of the Draft Environmental Impact Report/Environmental Assessment for the US 101/Zanker Road Skyport Drive/Fourth Street Improvement Project

The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the Public Notice of Availability of the Draft Environmental Impact Report/Environmental Assessment for the US 101/Zanker Road Skyport Drive/Fourth Street Improvement Project. We submit the following comments:

- Determine the impact on light rail along North First Street during construction.
- Will US 101 have reduced lanes or full closure during construction?
- Determine the impact of rerouting traffic on Central and Montague Expressway during construction.

Thank you again for your continued outreach and coordination with the County. If you have any questions or concerns about these comments, please feel free to contact me at ben.aghegnehu@rda.sccgov.org

Thank you,

Comment 3

Bode, Alex

From: Matthew Sasaki <MSasaki@valleywater.org>
Sent: Friday, January 12, 2024 1:27 PM
To: 101-Zanker
Subject: [EXTERNAL] File 34559 - US 101/Zanker Road/Skyport Drive/Fourth Street improvement Project Valley Water Comments
Attachments: Design Guide 3_Invasive Species.pdf

Hi,

The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Environmental Impact Report/Environmental Assessment for the US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project in Santa Clara county, received on December 29, 2023.

Based on our review, we have the following comments:

1. Valley Water does not have any right of way or facilities within the project boundaries; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for the project.
2. The Construction General Permit (CGP) Order No. 2009-0009-DWQ (adopted on September 2 2009 and effective on July 1, 2010), as amended by Order No. 2010-0014-DWQ (effective February 14, 2011) and Order No. 2012-0006-DWQ (effective on July 17, 2012) was superseded by Order WQ 2022-0057-DWQ (adopted on September 8, 2022 and effective on September 1, 2023). Section 2.12.1.3 (Page 87) should be updated with this information.
3. Valley Water records indicate that there are 8 active wells within the project boundaries. If the wells will continue to be used following the project, they must be protected so that it does not become lost or damaged during completion of the project. If the wells will not be used following the project, they must be properly destroyed under permit from Valley Water. While Valley Water has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water's records. If previously unknown wells are found within the project boundaries, they must be property destroyed under permit from Valley water or registered with Valley Water and protected from damage.
4. According to Valley Water's Anderson Dam Inundation map and Lenihan Dam inundation map, the project is located within the inundation zone of Anderson Dam and Lenihan Dam. Section 2.11 (Pages 80-83) should be updated with this information.
5. Valley Water has compiled a list of commonly found invasive plant species to be avoided when developing a plating palette and is presented in Design Guide 3 of Valley Water's Guidelines and Standards for Land Use Near Streams (attached). Valley Water recommends that this list be taken into consideration when replacement trees are being selected for the project.

If you have any questions regarding the comments, please feel free to reach out to me. This project has been assigned to Valley Water File 34559. Please reference this number on future correspondence regarding this project.

Thank you,

MATT SASAKI
Pronouns: he/him
Assistant Engineer II

Community Projects Review Unit
msasaki@valleywater.org
Tel. (408) 630-3776

Santa Clara Valley Water District is now known as:

Clean Water • Healthy Environment • Flood Protection
5750 Almaden Expressway, San Jose CA 95118
www.valleywater.org

COMMONLY FOUND INVASIVE SPECIES TO BE AVOIDED

Acacia
Acacia spp.

Almond
Prunus dulcis

Ash, evergreen
Fraxinus uhdei

Bamboo, running types
Arundinaria, chimonobambusa, phyllostachys, etc.

Black locust
Robinia pseudoacacia

Broom, french
Genista monspessulana, previously cytisus monspessulanus

Broom, scotch
Cytisus scoparius

Broom, spanish
Spartium junceum

Cape weed
Arctotheca calendula

Cotoneaster
Cotoneaster spp.

Elm
Ulmus spp.

Eucalyptus
Eucalyptus spp.

Fig
Ficus carica

Flowering plum, fruitful varieties
Prunus spp.

Fountain grass
Pennisetum setaceum); purple variety "cupreum" is sterile and acceptable

Foxglove
Digitalis purpurea

Giant reed
Arundo donax

Glossy privet
Ligustrum lucidum

Gorse
Ulex europaea

Himalayan blackberry
Rubus discolor

Holly oak
Quercus ilex

Iceplants
Carpobrotus edulis, c. Chilensis, mesembryanthemum spp.

Ivy, algerian
Hedera canariensis

Ivy, cape
Delairea odorata, previously senecio mikanioides

Ivy, english
Hedera helix

Kikuyu grass
Pennisetum clandestinum

Lemon balm
Melissa officinalis

Lombardy poplar
Populus nigra 'italica'

London plane tree
Platanus acerifolia

Mint, any kind including pennyroyal, peppermint, spearmint
Mentha spp.

Monterey pine
Pinus radiata

Myoporum
Myoporum laetum

Olive
Olea europaea

Pampas grass, jubata grass
Cortaderia selloana, C. Jubata

Pepper trees
Schinus spp.

Periwinkle
Vinca major

Pyracantha
Pyracantha spp.

Tamarisk, salt cedar
Tamarix spp.

Tree of heaven
Ailanthus altissima

Walnut, english or black
Juglans regia, juglans californica var. Hindsii

Find it at: http://www.cnps.org/archives/archives.htm

Scroll down to:

1) Policies and Guidelines
2) Conservation Policies
3) Guidelines for Landscaping to Protect Native Vegetation from Genetic Degradation.

California Invasive Plant Council Web site: www.cal-ipc.org

RIPARIAN REVEGETATION OR MITIGATION PROJECTS

INTRODUCTION

This Design Guide is most applicable for larger scale revegetation or mitigation projects but also provides helpful information for anyone planning a revegetation project. Because of the complexity of revegetation design and the variety of ecosystems that exist within the county, it is nearly impossible to create succinct detailed Design Guidelines. Instead, a list of general, broad brush design planning guidelines is included below for riparian revegetation projects in Santa Clara County. Each individual project should be mentored through all stages of project planning and design by experienced biological staff on a case by case basis.

WATERSHED FIDELITY

- **To preserve genetic integrity in county watersheds, propagation material (seeds, cuttings, divisions) must originate from local native stock, i.e. individuals found as close as possible to the project site and within the same watershed.**
- If propagation material cannot be obtained from within the watershed, material may be collected from an immediately adjacent watershed that shares common ecological characteristics (climate, elevation, soil type, headwaters in the same mountain range, etc.).
- An ecological justification is required before any species may be planted using container stock grown from propagules that originate outside Santa Clara County.

SEED AND CONTAINER PLANTS

- Direct seeding should be used when possible. Quercus sp. and Aesculus californica have high success rates when installed in this manner.
- Direct stuck cuttings of willows, cottonwoods and mule fat is encouraged.
- Containerized native plants for revegetation or landscape plantings should be grown and installed in the smaller, deeper container sizes typically offered by revegetation nurseries rather than commercial nurseries to ensure they are healthy. For that reason, quality native plants will normally be smaller and younger than conventional nursery container stock, usually 1-gallon equivalent or smaller size. **Contract nursery production takes one-year minimum lead time before installation. Designers should take these factors into account when commitments are made to project stakeholders.**

Comment 4

BERLINER COHEN LLP

ANDREW L. FABER
SAMUEL L. FARB
JAMES P. CASHMAN
STEVEN J. CASAD
NANCY J. JOHNSON
JEROLD A. REITON
JONATHAN D. WOLF
KATHLEEN K. SIPLE
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BRADLEY HEBERT
ERIC D. CAPRON
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THOMAS P. MURPHY
KATHRYN G. SPELMAN

SENT VIA U.S. MAIL AND EMAIL

February 12, 2023

Caltrans District 4
Office of Environmental Analysis
Attn: Charles Winter, Associate Env. Planner
P.O. Box 23660 MS-8B
Oakland, CA 94623-0660

Email: 101-zanker@vta.org

Re: Comments on Draft EIR US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project

Dear Mr. Winter:

I am writing on behalf of my client, Goble Properties, owner of the Reynolds Circle Business Park located at 1780 Old Bayshore Highway and 401-499 Reynolds Circle in San Jose. Below please find our comments along with six (6) recommendations based on our review of the Draft EIR for the US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project ("Project").

Our concern is that the Project will restrict access to Reynolds Circle Business Park and preclude it from being used for industrial activities; it will impede truck access and increase congestion for the over 90 tenants in the Reynolds Circle Business Park due to the loss or change in driveway access, the rerouting of Zanker Road, the raising up of Old Bayshore Highway, and the permanent taking of parking on 1780 Old Bayshore Highway, and the loss in visibility to the Reynolds Circle Business Park from US 101 and from the newly raised portion of Zenker Road.

INADEQUATE PROJECT DESCRIPTION

We submit these comments with concern that the draft EIR relies on inaccurate information and contains an incomplete project description. See *League to Save Lake Tahoe v. County of Placer* (2022) 75 Cal. App. 5th 63 (project description must allow the reader to assess and analyze the project's potential impacts). The degree of specificity required in an EIR corresponds to the degree of specificity involved in the underlying activity. A construction project is a named example of a project that can and should provide detailed information. *CEQA Guidelines § 15146.*

The Draft EIR states a need for temporary construction easement of 3,789 square feet and a permanent taking of 4,707 square feet of 1780 Old Bayshore Highway. This take will clearly impact Reynolds Circle Business Park's environment. However, the Draft EIR does not clearly delineate where these impacts will take place. We also understand that the Park's driveway access to Old Bayshore Highway will be eliminated or moved, and a wall will be built on the taken portion of property to support a newly raised portion of Old Bayshore Highway. The location of the wall is not fully delineated, and the change in driveway access is not clearly identified. At the Draft EIR public meeting and open house we attended on January 10, 2024, we were also told that the wall may be pillars, with or without fenced parking.

It appears that the Draft EIR contains errors in the description of Reynolds Circle Business Park, as well. Reynolds Circle Business Park is zoned and used for heavy industrial use. Tenants include cabinet makers, granite and marble supply, furniture supply, and construction. The Park has over 90 tenants, and truck access and parking is essential. The Community Impact Memo states that 1780 Old Bayshore contains 8 impacted businesses and 51 parking spaces. 1780 Old Bayshore in fact contains 17 businesses and 83 parking spaces.

The Draft EIR does not state how many parking spaces will be taken, but the Community Impact Memo states that 28 parking spaces will be taken. Currently, each lessee at the Park is granted access to one parking space for every one thousand feet leased. The current demand for parking exceeds the existing supply, and so employees, visitors, and patrons regularly use street parking along Zanker Road. Box trucks and semi-trucks up to 75 feet in length access the Park multiple times each day for scheduled deliveries and pickups. 1780 Old Bayshore Highway also enjoys visibility from US 101 because cars driving along US 101 can see the signs of the businesses on the property. These units with this key view visibility from US 101 are in higher demand and have increased rental value compared to units that are not visible at the back of the park.

Reynolds Circle Business Park is zoned and used for heavy industrial use, and Goble Properties would like to continue to exercise this use. While the effects of this Project cannot be predicted with accuracy due to the inadequate Project description and incorrect references to Reynolds Circle Business Park, we respectfully request that you incorporate the following six (6) recommendations into the final EIR and project plans in a way that will allow the heavy industrial use of the Reynolds Circle Business Park to continue.

A. IMPACT ON AIR QUALITY

Draft EIR Section 2.16 states that the Project will slightly lower the emissions of Toxic Air Contaminants ("TAC") compared to the no build alternative. The way in which Zanker Road is redesigned in the Draft EIR will impede semi-truck access to and from the Reynolds Circle Business

Park. The trucks that deliver and pickup from the Park need access to the raised portion of Zanker Road, but it appears that the Project will require trucks to make several acute angle turns onto Robertson and Regatta Lane before joining up the raised portion of Zanker Road. This change from their current, immediate access to Zanker Road may preclude 75 foot semi- trucks from accessing the area at all. Idling and overall vehicle miles travelled ("VMT") would likely increase for the trucks that are still able to access the park. Increased VMT would result in increased traffic congestion, nitrate loading, airborne concentration of particulate matter, and TAC.

RECOMMENDATION 1. Merge the upraised Zanker Roads prior to Regatta Lane and retain immediate access for large trucks exiting and entering Reynolds Circle Business Park. Alternatively, design the turning radius along Robertson and Regatta Lanes in a way that is wide and large enough to accommodate semi-trucks of up to 75 feet.

B. IMPACT ON EXISTING AND FUTURE LAND USE

It is our concern that the Project, the construction of the Project, and the takings will impede existing heavy industrial land use activities for Reynolds Circle Business Park and limit heavy industrial use for the Park in misalignment with the Envision San Jose 2040 General Plan. "The Land Use Policies in the Envision San Jose 2040 General Plan restrict land use changes in areas reserved exclusively for industrial uses." (*Envision GP Chapter 5 p. 12*)

The Draft EIR states on page 26 that the Project will not change or negatively affect the land uses for the Project and that no mitigation measures are required. Construction is anticipated to begin at the end of 2028. Draft EIR Section 2.5 states that there will be a loss or change of the existing driveway at 1780 Old Bayshore, and the Community Impact Memo references a permanent taking of approximately 28 parking spaces to accommodate the widening of Old Bayshore Highway. Old Bayshore Highway will be widened, raised and supported by a wall or pillars on what is now the southern parking lot of the property.

If the driveway does move to the east and semi-trucks are no longer able to navigate to the Reynolds Circle Business Park, the land can no longer be used for heavy industrial activities. In addition, the signage at the Reynolds Circle Business Park both at the frontage of 1780 Old Bayshore and across two additional buildings of the park on Zanker Road may no longer be visible from US 101, which will be a loss both for the businesses and the business park which also currently has signage along the property. *(See Draft EIR p. 66 Impacts from Key Views)* And finally, because the funding for this Project is uncertain, there is added unpredictability about how the construction phase of the Project will have an impact on the Park.

RECOMMENDATION 2. Ensure the change in driveway access to the Reynolds Circle Business Park from Old Bayshore Highway is large enough to accommodate 75-foot truck access.

RECOMMENDATION 3. Design the project to retain visibility to 1780 Old Bayshore from US 101.

RECOMMENDATION 4. Ensure that the newly constructed raised portion of 1780 Old Bayshore Highway is supported by a solid wall to protect privacy and insulate

the heavy industrial use of the property from other land uses pursuant to the Envision San Jose 2040 General Plan Chapter 5.

RECOMMENDATION 5. Ensure semi-truck access to the property throughout the construction phase of the Project.

C. IMPACT ON WATER QUALITY AND STORMWATER RUNOF

Draft EIR Section 2.12 Water Quality and Stormwater Runoff states that there will be an increase of 1.29 acres of impervious surface. A portion of that increase in impervious surfaces appears to be adjacent to the property due to the widening of Zanker Road and Old Bayshore Highway.

RECOMMENDATION 6. Design the project to ensure stormwater runoff above the property along the expansion and widening of Old Bayshore Highway and Zanker Road is directed away from the Reynolds Circle Business Park.

We cannot fully evaluate and comment on the impact to the Reynolds Circle Business Park at this time because of the lack of specificity in the Project description and errors in the description of Reynolds Circle Business Park. We would like to schedule a visit with a VTA engineer to the Reynolds Circle Business Park to understand exactly how access to Old Bayshore Highway and Zanker Road will change. We also ask that you study and share the results with us regarding the turning radius for lower Zanker, Roberston Lane, Regatta Lane and Remuda Lane to assess the extent to which 18-wheel semi-trucks can safely navigate the area. Once the project is defined to show where the taking will take place on the property and how driveway access will change, we may have additional comments.

We look forward to hearing your good faith, reasoned responses and analysis pursuant to CEQA Guidelines § 15088. Please contact me with any questions.

Sincerely,

Andy L. Faber

BERLINER COHEN, LLP

CC: (BY EMAIL) NICK PARISI

Comment 5

Matteoni
O'Laughlin
& Hechtman
LAWYERS

Norman E. Matteoni
Peggy M. O'Laughlin
Bradley M. Matteoni
Barton G. Hechtman
Gerry Houlihan

February 14, 2024

Advance copy via email: *101-zanker@vta.org*

Charles Winters,
Associate Environmental Planner
Caltrans District 4
Office of Environmental Analysis
P.O. Box 23660
Oakland CA 94623-0660

Re: US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project; Draft Environmental Impact Report/Environmental Assessment

Dear Mr. Winters,

This office represents an owner of the property bounded by North First Street, Matrix Boulevard, North Fourth Street and the extension of Skyport Drive, excluding APNs 235-01-035 and 235-01-036 (collectively, the "**Property**"). The Property has approvals for 234,192 square feet of office space and is currently improved with a casino, surface parking required by local regulations for both the casino and the future office space, and a variety of related improvements required for those uses by local regulations.

I write today on behalf of this owner to make formal comment on the Draft Environmental Impact Report/Environmental Assessment ("**DEIR**") for the US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project (the "**Project**"). The Project may cause significant environmental impacts to the Property and the surrounding streets that are inadequately analyzed in the DEIR, including such impacts in the categories of Existing and Future Land Use (DEIR Section 2.2), Relocation and Real Property Acquisition (DEIR Section 2.5) and Traffic and Transportation (DEIR Section 2.8). CEQA requires that these impacts be adequately analyzed before the Final Environmental Impact Report can be certified and the Project approved.

848 The Alameda
San Jose, CA 95126
ph. 408.293.4300
fax. 408.293.4004
www.matteoni.com

Existing and Future Land Use (DEIR Section 2.2)

According to Table 1.3-1 of the DEIR, the Project will require the acquisition of the following portions of the Property: all of APN 235-01-034, and an 1,831 square foot portion of APN 235-01-033. As stated above, those portions of the Property are currently improved with surface parking and other improvements required by the City of San Jose for the use of the casino and future office space. Consequently, the Project will result in the removal of that parking, rendering the remaining portions of the Property physically under-parked and legally non-conforming as to parking, which adversely affects further development of the Property. Nowhere in Section 2.2 of the DEIR is this impact to the existing land use analyzed or even mentioned. The Project will cause these significant impacts to the Property, and they must be adequately analyzed to comply with CEQA's requirements.

Additionally, the authors of the DEIR will note that APN 235-01-034 has an odd shape. That is not the result of happenstance. Rather, that shape exists because nearly a decade ago when the owners of the Property sought to subdivide the Property, the City of San Jose required that this parcel be created in this shape to accommodate the future Project. The owners acceded to the City's demands, without waiving their right to ultimately obtain just compensation for that parcel based on its highest and best use rather than the limited surface parking use allowed by the City. However, according to Table 1.3-1 and certain diagrams in the DEIR, the Project will require in addition to that parcel an 1,831 square foot portion of APN 235-01-033; that parcel was not designed to accommodate the Project. Its improvements, both planned and anticipated, are based on no portion of that parcel being included in the Project. We object to the inclusion in the Project of the 1,831 square foot portion of APN 235-01-033. The Project should be modified to exclude that land and the DEIR modified accordingly.

Relocation and Real Property Acquisition (DEIR Section 2.5)

According to Table 1.3-1 of the DEIR, the Project will require the acquisition of the following portions of the Property: all of APN 235-01-034 and an 1,831 square foot portion of APN 235-01-033. Table 2.5-1 of the DEIR, which is a list of "full" acquisitions, does not include APN 235-01-034. Further, there is no table in Section 2.5 of the DEIR describing less than "full" acquisitions, including but not limited to the portion of APN 235-01-033 being acquired for the Project. CEQA requires that these deficiencies be remedied before the EIR can be certified.

Traffic and Transportation (DEIR Section 2.8)

Currently the Property has physical access to and from North Fourth Street. Once the Project construction has commenced, the Property will not have access to and from North Fourth Street. Section 2.8 of the DEIR does not analyze or even mention this loss of access and the resulting redistribution of the substantial traffic coming to and leaving from the Property. This significant impact to the internal circulation of the Property and to the network of streets bordering the Property must be adequately analyzed in Section 2.8.3.2 (Impacts on Local Traffic Patterns) of the DEIR to comply with CEQA's requirements. A mitigation measure for the loss of North Fourth Street access is needed for the Project to ensure an independently-functioning, all-directional driveway access to and from the site from the future Skyport Drive extension.

We look forward to these issues being addressed in further work on the DEIR to make the final EIR CEQA compliant.

Very truly yours,

BARTON G. HECHTMAN

cc: Brian Bumb
Royce Suba, Esq.
Erik Schoennauer
Chris Anderson, BIC
Zef Jimenez, HMH

Comment 6A

RELIABLE PROPERTY MANAGEMENT

February 13, 2024

Charles Winter, Associate Environmental Planner
Caltrans District 4 Office of Environmental Analysis
P.O. Box 23660, MS-8B,
Oakland, CA 94623-0660

Re: US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project

Dear Mr. Winter,

I am the property manager for, Roberson Remuda LLC, the owner of the properties located at 402 Roberson Lane – 1642 Remuda Lane, San Jose, CA 95112. There warehouses are right behind Zanker Road. We found the environmental report to be unclear as to what area of our property will be included in your US 101 improvement project. We would like you to define exactly what amount and part of our property that the improvement project plans on taking and using for this development. We are requesting someone from your department to come out and specifically mark the areas of our property that are included in your development plans.

We are opposed to this improvement project if your plan is to inconvenience our property and our tenants, which is why we would like someone to come out and mark the areas in question.

Please feel free to reach out to me directly to set up a time to have someone meet me onsite.

Sincerely,

Zayra Alvarez
CalBRE# 01322075
Property Manager
408-891-7727

Comment 6B

RELIABLE PROPERTY MANAGEMENT

February 12, 2024

Charles Winter, Associate Environmental Planner
Caltrans District 4 Office of Environmental Analysis
P.O. Box 23660, MS-8B,
Oakland, CA 94623-0660

Re: US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project

Dear Mr. Winter,

I am the property manager for, 1650 Zanker Road LLC, the owners of the property located at 1650 Zanker Road, San Jose, CA 95112. We found the environmental report to be unclear as to what area of our property will be included in your US 101 improvement project. We would like you to define exactly what amount and part of our property that the improvement project plans on taking and using for this development. We are requesting someone from your department to come out and specifically mark the areas of our property that are included in your development plans.

We are opposed to this improvement project if your plan is to inconvenience our property and our tenants, which is why we would like someone to come out and mark the areas in question.

Please feel free to reach out to me directly to set up a time to have someone meet me onsite.

Sincerely,

Zayra Alvarez
CalBRE# 01322075
Property Manager
408-891-7727

Comment 7

Bode, Alex

From: Haojun Li <haojun.li95@gmail.com>
Sent: Saturday, January 13, 2024 10:47 PM
To: 101-Zanker
Cc: sanjose@bikesiliconvalley.org
Subject: [EXTERNAL] Comments from the SVBC San Jose Local Team

---

Hi VTA planners,

My name is Haojun and I reside in San Jose in zip code 95126. I have attended the 101 Zanker public meeting and I'd like to submit a comment on behalf of the San Jose Silicon Valley Bicycle Coalition local team. Specifically, **we demand the VTA to plan a bicycle and pedestrian bridge** as part of this project.

A major goal of the project is to connect communities from north to south of 101. As I have learned from the presentation at the public meeting, there will be both a **raised and barrier protected bike lane and pedestrian walkway** as well as **signal priority and protected right turns (either a red arrow or no-turn-on-red at intersections)** to protect bicyclists and pedestrians. However, I believe that this is the bare minimum of what VTA can and should do to provide safe and efficient access across the US 101 for pedestrians and bicyclists as you have planned for motored vehicles.

Given the record death of pedestrians and bicyclists on our streets, providing safe and efficient access for pedestrians and bicyclists is paramount to the safety and wellbeing of San Jose residents. The proposed Class IV bike lanes offer less protection than a Class I bike path, especially when motored vehicles will be traveling at far higher speed than the local streets Class IV bike lanes were meant for. Increased speeding on local streets due to the proposed lane widening will also significantly raise the risk to pedestrians and bicyclists. The proposed intersection at Old Bayshore Hwy on the bridge is as wide as 8 lanes, making it far more difficult to safely cross, not to mention the danger of "right hook" collisions from drivers disobeying no-turn-on-red signs or signals.

Thus, the only logical conclusion is that a **Class I bicycle and pedestrian bridge should be implemented**. Not only will this provide safe access by physically separating bicyclists and pedestrians from speeding traffic, but also eliminate the need to cross a giant intersection and any danger of "right hook" collisions. It is both absurd and disheartening that VTA and Caltrans would plan a 3-year, multimillion-dollar, 6 lane overpass for motored vehicles but not even consider an extremely cost-effective bike and ped bridge similar to the South Bayfront Bridge Emeryville has built. It goes against VTA's own "commitment to Vision Zero (which) means improving conditions for people driving, walking, and biking through engineering, enforcement, education and policy change."

It would be a true injustice and a disservice to San Jose and Santa Clara county residents to plan only for motored vehicles which will not only lead to poorer air qualities but also endanger vulnerable bicyclists and pedestrians. On the other hand, this project is a great opportunity to reaffirm VTA's commitment to all road users, not just motored vehicles. We insist on a **Class I bicycle and pedestrian bridge** to be build as part of this project.

- Haojun Li, SVBC San Jose

Comment 8

Bode, Alex

From: Jeff Boissier <jboissier@gmail.com>
Sent: Friday, February 16, 2024 4:54 PM
To: 101-Zanker
Subject: [EXTERNAL] Comments: Draft EIR for US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project

I have reviewed the documentation presented at the public meeting on January 10, 2024 for the US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project Draft Environmental Impact Report/Environmental Assessment and would like to submit my public comments below concerning the proposed build as it relates to pedestrian/bicyclist safety:

1. Please consider further isolating pedestrian/bicycle traffic from vehicle traffic. The proposed Class IV bike lanes offer less protection than a Class I bike path, especially when motorized vehicles will be traveling at far higher speed than the local streets Class IV bike lanes were meant for. Increased speeding on local streets due to the proposed lane widening will also significantly raise the risk to pedestrians and bicyclists. The proposed intersection at Old Bayshore Hwy on the bridge is as wide as 8 lanes, making it far more difficult to safely cross, not to mention the danger of "right hook" collisions from drivers disobeying no-turn-on-red signs or signals.
2. The proposed roads appear to have a high design speed for vehicles. Please consider incorporating traffic calming measures that would ensure a design speed of 30 mph or lower through these interchanges. With pedestrian/bicycle traffic sharing the same road there is bound to be an inadvertent collision between peds/bikes and vehicles. Providing measures to lower the design speed will help ensure survivability for peds/bicyclists should an inadvertent collision occur.

This project is a great opportunity to reaffirm VTA's commitment to all road users, not just motorized vehicles. A Class I bicycle and pedestrian bridge and/or increased traffic calming measures to reduce vehicle design speed should be part of this project.

Thank you,

Jeff Boissier
San Jose, CA District 10

Comment 9

Bode, Alex

From: Carissa Clark <carissa.clark@gmail.com>
Sent: Friday, February 16, 2024 10:38 PM
To: 101-Zanker
Subject: [EXTERNAL] Do not proceed with this project

I'm writing to provide negative feedback for the proposed Zanker project. The off/on ramps at 4th St will increase traffic through a residential neighborhood. We are already struggling with people speeding down 4th St through Japantown, and this project will exacerbate the issue.

The current exits serving 1st/Airport and 13th are sufficient access to the area. This project is unnecessary and will have a detrimental effect on the Japantown neighborhood. We should be spending funds on traffic calming efforts instead.

Thank you,

Carissa Clark
408-640-6033
771 N 3rd St, San Jose
carissa.clark@gmail.com

Comment 10

Comment Card

US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project

NAME: Leah Cuellar

ORGANIZATION: home owner / work at Bachrodt

ADDRESS*: 735 N. 21st Street

CITY*: San Jose STATE*: CA ZIP CODE*: 95112

* ***DISCLAIMER***: The information you provide is voluntary. This form, including any personal information provided, may be posted on VTA's website and may be subject to disclosure pursuant to the California Public Records Act.

Would you like to be added to our project mailing list? YES ☐ NO ☒ EMAIL: _____

Please submit written comments on the draft environmental document by completing the back of this card or by sending an email to *101-zanker@vta.org*. Comments may also be mailed to:

Caltrans
District 4-Office of Environmental Analysis,
Attn: Charles Winter
P.O. Box 23660 MS-8B, Oakland, CA 94623-0660.

Comments must be received by **Friday, February 16, 2024.**

For more information regarding the proposed project, please contact VTA Community Outreach at (408) 321-7575, TTY for the hearing impaired: (408) 321-2330, or email us at *community.outreach@vta.org.*

VTA Caltrans CITY OF SAN JOSE CAPITAL OF SILICON VALLEY

Comment Card **US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project**

Your input on the Draft Environmental Impact Report (EIR)/Environmental Assessment (EA) is requested. Please complete both sides of this card and write legibly.

Comments must be received by **Friday, February 16, 2024.**

COMMENTS: * You mentioned how this project will help traffic into downtown from N. SJ. The area closer to downtown - particularly Taylor & 1st and Japantown area, is already a mess and this seems to only add to the JapanTown / Taylor traffic.

* South 880 to N. 101 connection will not change other than the on ramp to 101?

* 880 & 101 connections need to be a major priority!

Comment 11

Comment Card

US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project

NAME: EAMONN GORMLEY

ORGANIZATION:

ADDRESS*: 517 N. 9TH ST

CITY*: SAN JOSE STATE*: CA ZIP CODE*: 95112

* ***DISCLAIMER***: The information you provide is voluntary. This form, including any personal information provided, may be posted on VTA's website and may be subject to disclosure pursuant to the California Public Records Act.

Would you like to be added to our project mailing list? YES ☑ NO ☐ EMAIL: EAMONN.GORMLEY@ICLOUD.COM

Please submit written comments on the draft environmental document by completing the back of this card or by sending an email to *101-zanker@vta.org*. Comments may also be mailed to:

Caltrans
District 4-Office of Environmental Analysis,
Attn: Charles Winter
P.O. Box 23660 MS-8B, Oakland, CA 94623-0660.

Comments must be received by **Friday, February 16, 2024.**

For more information regarding the proposed project, please contact VTA Community Outreach at (408) 321-7575, TTY for the hearing impaired: (408) 321-2330, or email us at *community.outreach@vta.org*.

Comment Card **US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project**

Your input on the Draft Environmental Impact Report (EIR)/Environmental Assessment (EA) is requested. Please complete both sides of this card and write legibly.

Comments must be received by **Friday, February 16, 2024.**

COMMENTS: THE fire lanes and capacity expansion may not be compliant with SB 743. It would be better if the bridge were narrower, there is no need for 5 lanes that will induce more traffic and increase VMT.

Comment 12

Comment Card US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project

NAME: Karen Gauss Gormley

ORGANIZATION:

ADDRESS*: 517 N 9th St.

CITY*: San Jose STATE*: CA ZIP CODE*: 95112

* ***DISCLAIMER***: The information you provide is voluntary. This form, including any personal information provided, may be posted on VTA's website and may be subject to disclosure pursuant to the California Public Records Act.

Would you like to be added to our project mailing list? YES ☑ NO ☐ EMAIL: Karengauss@gmail.com

Please submit written comments on the draft environmental document by completing the back of this card or by sending an email to *101-zanker@vta.org*. Comments may also be mailed to:

Caltrans
District 4-Office of Environmental Analysis,
Attn: Charles Winter
P.O. Box 23660 MS-8B, Oakland, CA 94623-0660.

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COMMENTS: The overpass is too wide. 2 lanes for cars should be enough. This is designed for high speeds, when N 4th street has 2 lanes and recently had a road diet.

otherwise, I support the project, and the connection to Skyport Drive, and to the Guadalupe River trail.

Comment 13

Bode, Alex

From: Elijah Jones <ejsuperjones@gmail.com>
Sent: Friday, February 16, 2024 10:14 AM
To: 101-Zanker
Subject: [EXTERNAL] 4th 101 exit proposal comments

To whom it may concern,

I would like to state publicly that I am against this project. I view it as a waste of tax payers' money. There is already a freeway exit at 1st street that directs one easily onto 4th street. I use this often and there is never congestion. There is also an on-ramp to S-101 on 4th St. Everything is adequate and working fine the way it is. I also doubt pedestrians or bicyclists would ever use what you are proposing. Another waste of time and money from our leadership.

Sincerely,
Elijah Jones
771 N 3rd St,
San Jose, CA 95112

Comment 14

Bode, Alex

From: jjkawasaki@yahoo.com
Sent: Thursday, February 15, 2024 8:23 PM
To: 101-Zanker
Subject: [EXTERNAL] Concerns re: US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project

To Whom It May Concern -
I'm writing to voice my concerns about the potential for increased traffic flow and speeding on N. 4th St. between downtown San Jose and 101 if this project proceeds.

Per the environmental impact report, I see that one of the expected impacts to traffic flow is "Traffic shift from North First Street to North Fourth Street".

This is a concern because whereas N. First St. is predominantly commercial, N. Fourth St. in the Japantown neighborhood consists primarily of single family/small apartment housing, and includes the schoolyard of Muwekma Ohlone Middle School. Traffic on N. 4th St. is already heavy during commute hours, and I often have to wait through several cycles of light changes - and hope for a considerate driver to stop, before I am able to safely back out of the driveway of my mother's house on N. 4th St. between Mission St. and Taylor St. Increasing the flow there would make it a real nightmare!

The Yu-Ai Kai Senior Center also has its main facility at 588 N. 4th St. on the East side of N. 4th, and a secondary facility across N. 4th St. at 110 Jackson St., which means that Seniors are crossing N. 4th St. all day on M-F as they go to/from classes and activities in one building to lunch services and additional activities in the other. Because of parking shortages in the immediate area of the Japantown business district, many of these seniors are also having to park on the West side of N. 4th and walk across N. 4th when coming to our main building.

Thank you for providing this opportunity for the community to give input on this proposal.

Sincerely,
Jane Kawasaki
Daughter of an elderly resident of N. 4th St., and Yu-Ai Kai Senior Center Board President

Comment 15

Bode, Alex

From: Nick Laskowski <brickesto@nicklaskowski.com>
Sent: Wednesday, January 10, 2024 6:40 PM
To: 101-Zanker
Subject: [EXTERNAL] 101 Zanker project objectives

Hello -

I live around 2.5mi from the proposed Zanker and 101 highway project.

The project cites the objective of planning for expected regional growth but appears only to envision growth of vehicle miles traveled by private automobiles, in direct contradiction with goals set by the city, VTA, and CalTrans to reduce VMT and increase travel by transit, bicycling, and walking.

The project makes no plans to improve any of those goals, mentioning only the inclusion of unspecified bike and walking facilities.

An overpass of 101 which interconnects N 4th Street with Zanker Rd for people cycling and people walking is a good idea in keeping with Complete Streets and Vision Zero goals. It may not, however, be worth the price tag here when prioritized against other projects. As an example, an overpass for people cycling and walking over 101 between Tully and Story would be far more valuable to reduce deaths and increase equity among historically underserved and redlined communities.

As envisioned, this project will only serve to increase vehicle speeds and miles traveled (by increasing highway access and capacity and creating another high-, speed arterial street) and will further endanger people on foot, scooters, bikes, and other modes not yet envisioned by this backward looking project design.

Santa Clara county absolutely does not need any increased automotive infrastructure.

Nick Laskowski
Northside San Jose

From: Jordan Moldow (speaking on behalf of himself)
To: VTA 101-Zanker <101-zanker@vta.org>
Subject: Public Comment - Draft EIR/EA - "US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project"
Date: Fri, 16 Feb 2024

Public Comment from Jordan Moldow (speaking on behalf of himself) regarding Draft EIR/EA - "US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project":

Unaddressed Scoping Comments

The public scoping comments received during the scoping period (seen via a CPRA Public Records Request) requested that the EIR/EA scope:

- "Should evaluate traffic and community impacts along the North Fourth Street corridor south of U.S. 101," including evaluation of impact to "the San Jose Japantown area and community."
- Evaluate traffic/community impacts along 1st St, south of the defined project area, "including the intersections at Hedding and Taylor."

The Draft EIR/EA does not address these scoping comments. Nor does the Community Impact Memorandum from May 2022. Nor do the related technical studies.

Out-of-date Traffic Operations Analysis Report

The Traffic Operations Analysis Report, prepared by AECOM, is dated May 1, 2020. The data for the analysis seems to have been collected in 2019 and earlier years. This report is too old to effectively serve as the foundation of this Draft EIR/EA.

- The data is now 4+ years old. Much has changed in four years.
- The shifts in transportation habits following the COVID-19 pandemic are not captured. Notably, the fact that traffic congestion has returned to (or exceeded) pre-pandemic levels, while transit service and ridership is still significantly below pre-pandemic levels.
- The entire Traffic Operations Analysis was conducted 1.5 years before the Public Scoping phase, and has not been revisited since. As noted above, traffic was not analyzed outside of the narrow project area, including the areas requested by the Public Scoping comments.
- New highway lanes and on/off-ramp lanes (the result of various highway widening projects) have opened on US 101 and other connected highways in the last half-decade. Most notably, US 101 through San Mateo County was widened for many miles in order to accommodate new Express Lanes. Congestion has already returned to pre-widening levels, but now with an extra volume of vehicles moving through the corridor. This extra vehicular volume must necessarily put additional pressure on local roads, including

the project area. This extra pressure is not accounted for in the Traffic Operations Analysis.

- The Traffic Operations Analysis Report cites the City of San Jose 2020 Bike Plan, referencing preexisting and planned Class II bike lanes in the project area. At that time, there were apparently no Class IV protected bikeways in the area, neither preexisting nor planned. But later that year, in October 2020, the City of San Jose adopted its 2025 Bike Plan. Notable changes include: preferring Class IV protected bikeways over Class II bike lanes; preferring Class II-B (buffered) bike lanes over classic, unbuffered Class II bike lanes; and designating that Class IV protected bikeways along the following locations are planned to be provided: Airport Parkway/ Brokaw Road, Skyport Drive, Zanker Road, Old Bayshore Highway, N First Street, Technology Drive, and N Fourth Street. If the traffic modeling incorrectly assumed the use of Class II bike lanes and unprotected intersections, rather than Class IV protected bikeways with protected intersections, then its conclusions might be invalid.
- According to https://www.vta.org/projects/level-service-los-vehicle-miles-traveled-vmt-transition , VTA's Level of Service (LOS) to Vehicle Miles Traveled (VMT) Transition was not fully complete until Fall 2021, over a year after the publishing of the Traffic Operations Analysis Report. The report does analyze VMT, but places a much stronger emphasis on LOS.
- In August 2022, the City of San Jose adopted a Transit First Policy. By this policy, N 1st St, Skyport Dr, and E Brokaw Rd would presently be considered to be frequent transit corridors. After the construction of this new over-crossing, it could be advantageous for VTA to create new bus routes along N 4th St and Zanker Rd. By the Transit First Policy, the City of San Jose can convert car lanes into bus-only lanes, or take other steps to prioritize the fast movement of buses and de-prioritize car movement. The report does not analyze what would happen in the Build scenario if car lanes are converted into bus-only lanes.

For all these reasons and more, the Draft EIR/EA's traffic analysis is inadequate and likely very inaccurate. A new traffic analysis should be conducted for the final EIR/EA.

Unrealistic Visual Impact Assessment

The Visual Impact Assessment, published August 2022, concludes with the following paragraph:

> From US 101 and surrounding streets, the Project would create moderate visual impacts due to the increased hardscape and the removal of mature trees. However, minimization measures such as tree replacement in the project area would reduce impacts. With the incorporation of AMMs VIS-1 to VIS-3, long-term visual impacts would be at most moderate and would not substantially alter the general character or quality of views in the project area and vicinity.

I find that assessment unrealistic, and I strongly disagree with that conclusion.

As a cyclist and a pedestrian, the three renderings scare and repulse me. For someone trying to safely bike or walk in that area, no amount of landscaping is going to make that view welcoming. Sure, it's true that the existing views aren't very welcoming either. But adding a new nine-lane interchange will massively (not moderately) worsen the character and quality of views of most areas, including this one.

It is telling that the renderings do not attempt to improve the character by adding a lot more greenery. The project is attempting to squeeze every available inch to add more car lanes, and there doesn't seem to be any leftover space for additional green street elements.

These renderings also don't appear to be human scale. From an eye-level perspective of pedestrians and cyclists, this over-crossing will appear much more daunting. It would also be helpful to show example photographs, from eye-level, on a similar 7+ lane over-crossing. The renderings are very clean representations of what the over-crossing might look like on opening day, but not an accurate representation of what it will look like after a decade of use.

Speaking of which, the most major inaccuracy is that none of the local street renderings include cars, bicycles, or people! To get an accurate representation of the visual impact of the project, you need to additionally include eye-level renderings that show the over-crossing filled with peak rush hour traffic in Design Year 2045.

I invite the project team to present an example of a similar over-crossing that has significant pedestrian and cyclist (from the "Interested but concerned" cycling demographic) traffic who feel comfortable while using the over-crossing.

Growth and VMT

The Draft EIR/EA makes the bold claim that the project does not, and will not, induce unplanned growth, but rather facilitate planned growth. This fails to acknowledge some basic facts:

- Easier car commute to San Jose / SJC, especially with a transit system that isn't as convenient as driving, will lead to unplanned growth in other municipalities that are not accounted for in San Jose's General Plan.
- Growth is only "planned" in the time horizon of 2040 that is covered by the San Jose General Plan. All growth beyond that time horizon is by definition unplanned, and certainly that growth will be influenced by making it easier to use cars to access the highway and the airport.
- Growth does not occur because it is written into a plan. It occurs because we invest into improving the infrastructure of our city, making it a more desirable (rather than less) and/or cheaper place to live. If we invest in

higher capacity for highways, or more direct access points for highways, then we will induce growth that relies even more heavily on automobiles.

This project widens local arterial roads, lengthens Skyport Drive, lengthens a highway on-ramp, creates new, wider on/off ramps, and creates a new, extremely wide over-crossing. Overall, the highway network and the arterial road network will be expanding in capacity via this project. Roadway expansion projects on already-congested roads always, always leads to unplanned induced demand, and leads to equal or worse congestion than before the expansion. No roadway expansion projects have yet to solve congestion, and this project will be no exception. The only way to solve congestion in the long run is to improve transit, de-prioritize car travel, and reduce car capacity. But this project does none of those things *.

Given that the expanded roadway system will get used more until it is back to being fully congested, overall VMT should be expected to increase in the medium- and long-term. This makes the project for-sure a climate negative project, and as such it should not be built according to the current design.

The models used in the Draft EIR/EA say that the expected VMT net decrease is only 0.02% compared to the No Build option. So if the model hase any over-estimates of No Build VMT, or any under-estimates of Build VMT (and there almost certainly are), then you will easily blow through that 0.02% differential, and the project will be VMT inducing.

* The Draft EIR/EA claims that, once congestion along N 1st St is solved, then the light rail can be given more signal priority. But we can expect that congestion will not decrease along N 1st St, as any improvements to traffic as a result of this project will get filled in by replacement induced traffic. So it is fair to claim that this project does not improve transit in the project area.

Airport Growth

The primary justification, and primary design constraint, of the project is to create more direct connections between SJC and US 101. But SJC is already massively over-served by automobile traffic, and massively under-served by public transit, pedestrian, and bicycle traffic. SJC's growth needs to be driven by increases in public transit and carpooling, not by continually expanding the roadway network to make slight optimizations to the driving trip length. In fact, mode shift for the airport should be facilitated in part by making it more expensive (in money and/or time) to get to the airport via car.

Equity

The Draft EIR/EA claims that the project does not disproportionately impact minority- and/or low-income communities, because two adjacent census tracts have typical demographics for San Jose and above-median incomes. But

- The analysis fails to consider that better freeway access impacts everyone living along the freeway, not just two census tracts.
- The document doesn't analyze any census tracts east of 880, which is very nearby, and does have a high concentration of minority-and low-income communities. The Draft EIR/EA does talk a lot about the intersection of 880 and 101, so you cannot claim that these census tracts are not relevant to the project. These census tracts absolutely will be impacted, in terms of emissions and traffic, from the new connections between the interchange and Old Bayshore.
- The document claims that the people living near the project will equally benefit from the project improvements, which is partially-true (the over-crossing over 101 will be beneficial), but mostly-false: enhanced freeway access primarily benefits people living elsewhere. So the benefits go dis-proportionately to people who live/work further away, while the emissions and other costs go dis-proportionately to people near the highway and the interchange.

Other deficiencies

Some other deficiencies in the report:
• You did not analyze adding more bus routes to SJC to reduce VMT and congestion.
• You did not analyze putting a bus-only lane on the overcrossing to reduce VMT and congestion.
• You did not analyze an over-crossing that could handle a hypothetical future light rail line to reduce VMT and congestion.
• You did not analyze a bike/ped-only over-crossing, or a bike+ped+transit-only over-crossing.
• You don't have any design alternatives with fewer/narrower car lanes, and wider bike lanes and wider sidewalks.
• There is no guarantee that the new intersections will have bike-friendly signals. Mode shift cannot be accomplished if bicycles have to wait multiple minutes at multiple lights on a 9-lane interchange.
• Your planned congestion-relief relies non-trivially on allowed right-turn-on-red on the new intersections and ramps. If right-turn-on-red is banned in San Jose, or otherwise implemented along transit corridors to increase bicycle safety, your throughput modeling will be very incorrect.
They did not analyze how traffic would behave if right-turn-on-red were banned.
• You did not analyze any project alternatives where you close the non-standard highway ramps without replacing them.

Mode shift

To drive mode shift to biking and walking, much more needs to be done than put Class IV cycle tracks on a busy 9-lane interchange. With the current design, mode shift will not be accomplished, and VMT will not decrease.

- This over-crossing should not be an interchange. It should only connect the adjacent communities across the highway, nothing more.
- There should be many fewer car lanes.
- There should be transit-only lanes in each direction.
- If the over-crossing does remain an interchange, Class IV cycle tracks will still not seem attractive enough to drive mode shift. There must be a separated Class I trail that avoids all conflicts with cars, and ideally a pedestrian-designated half of the trail that is separate from the bicycle-designated half.

Final Suggestions

Every day, the Earth races closer to climate catastrophe. Meanwhile, we continue to over-invest in our already extremely over-invested roads and highways for SOVs, even though they are the least efficient form of transportation, and the most terrible for our environment and our social fabric.

This Valentine's Day, I'm breaking up with destructive highway widening, and I'm calling on VTA, Caltrans, and the City of San Jose to do the same. Do not construct this proposed new interchange. Do not install new highway auxiliary lanes, or new collector-distributor lanes, or new on/off/flyover ramps, or new lanes for on/off/flyover ramps. And do not widen local roads (including Zanker Road, Skyport Drive, Fourth Street, Bering Drive, and Brokaw Road).

Endless highway expansions are pulling our country into an environmental, budgetary, and public health crisis. It's time to end this destructive, unsustainable practice and set a responsible course toward a cleaner and more equitable future.

If this project moves forward, the design should be reoriented towards community-oriented transportation priorities, including:

- Safety Over Speed: No local roads or on/off ramps should be widened. Local road lane widths should be narrowed to their minimum-allowed widths, and some local road lanes should be removed and converted to transit-only lanes, protected cycle tracks, and/or extra-wide sidewalks. Right-on-red should be forbidden at all intersections in the project area. Speed limits should be reduced until Vision Zero can be achieved. In general, retrofit dangerous roads and streets to make them safer for people walking, biking, and driving.
- Make Transit Work: provide capital funding for reliable, affordable public transportation that connects people to jobs, services, amenities, health care, and each other. The City of San Jose has a transit-first policy. Insofar as a new over-crossing for vehicles is constructed, no lanes for SOVs should be constructed until ample right-of-way has been reserved for bus-only lanes and/or future capability to install a light rail line. The present-day light rail

along N 1st St should immediately receive maximum signal priority along the entire corridor; the light rail commuting needs to be made faster and easier before car commuting is made faster and easier, not after.

- Reconnect Communities: dismantle targeted interchanges and invest in the communities around highways to increase opportunity and redress the harms these projects have inflicted. The Draft EIR/EA only analyzed Build An Interchange and No Build, and therefore has three massive gaps. It did not analyze dismantling ramps without replacement. It did not analyze adding new transit lines in the project area. And it did not give any serious consideration to building an over-crossing that is not an interchange (eg similar to Alternative FZN Design Concept; though not necessarily including a Skyport extension). A nine-lane abomination of an over-crossing, designed primarily as a highway interchange, cannot effectively serve any other purpose. A community-oriented version of this project would have no connections between the over-crossing and the highway; wide sidewalks on Zanker/Skyport/Fourth/Bering/Brokaw; wide Class I (separated from pedestrians) and/or Class IV bikeways on the over-crossing and Zanker/Skyport/Fourth/Bering/Brokaw; shade trees and other green/native landscaping; bus-only lanes on Zanker/Skyport/Fourth/Bering/Brokaw; and *maybe* one general vehicular lane in each direction across the over-crossing for local neighborhood traffic only.

Infrastructure funding must urgently be redirected into community-oriented infrastructure investments. Highway investments encourage more people to drive and emit more GHGs, which makes it even harder for transit to recover from the pandemic and for our state to meet its climate obligations. It would be a massive policy failure to continue expanding highways or "improving" interchanges, and these expansions would massively offset any climate improvements we've made in other sectors.

Thank you,
Jordan Moldow (speaking on behalf of himself)
San Jose, CA, 95112

Comment 17

Comment Card — US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project

NAME: Harry Neil

ORGANIZATION: N/A

ADDRESS*: 1889 Victoria Landing

CITY*: San Jose STATE*: CA ZIP CODE*: 95132

* ***DISCLAIMER***: The information you provide is voluntary. This form, including any personal information provided, may be posted on VTA's website and may be subject to disclosure pursuant to the California Public Records Act.

Would you like to be added to our project mailing list? YES ☐ NO ☐ EMAIL: _____

Please submit written comments on the draft environmental document by completing the back of this card or by sending an email to *101-zanker@vta.org*. Comments may also be mailed to:

Caltrans
District 4-Office of Environmental Analysis,
Attn: Charles Winter
P.O. Box 23660 MS-8B, Oakland, CA 94623-0660.

Comments must be received by **Friday, February 16, 2024.**

For more information regarding the proposed project, please contact VTA Community Outreach at (408) 321-7575, TTY for the hearing impaired: (408) 321-2330, or email us at *community.outreach@vta.org*.

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COMMENTS: Use low-noise asphalt to prevent need for additional mitigations. Consider adding a bus lane on Brokaw Rd. due to 60 bus.

Comment 18

Comment Card

US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project

NAME: Harun Neil

ORGANIZATION: N/A

ADDRESS*: 1980 Victoria Lndg

CITY*: San Jose STATE*: CA ZIP CODE*: 95132

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Would you like to be added to our project mailing list? YES ☑ NO ☐ EMAIL: harryneil1102@gmail.com

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VTA Caltrans CITY OF SAN JOSE CAPITAL OF SILICON VALLEY

Comment Card **US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project**

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COMMENTS: Adding lanes, and requiring adding lanes, is short-sighted and will increase VMT long term. Please do not add additional lanes.

Comment 19

Comment Card

US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project

NAME: DEVIN SCHMIDT

ORGANIZATION: RESIDENT

ADDRESS*: 1700 N FIRST ST #113

CITY*: SAN JOSE STATE*: CA ZIP CODE*: 95112

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Would you like to be added to our project mailing list? YES [X] NO [ ] EMAIL: FUNDEVIN2@GMAIL.COM

Please submit written comments on the draft environmental document by completing the back of this card or by sending an email to *101-zanker@vta.org*. Comments may also be mailed to:

Caltrans
District 4-Office of Environmental Analysis,
Attn: Charles Winter
P.O. Box 23660 MS-8B, Oakland, CA 94623-0660.

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COMMENTS: PLEASE MAKE SURE ARCHER ST AT FOURTH ST IS NOT RIGHT - IN - RIGHT OUT. THAT WOULD ~~REALLY~~ MAKE USING THIS FACILITY EXTREMELY FRUSTRATING TO USE AS A RESIDENT @ WATER FORD PLACE. LEFT TURNS AS WELL AS RIGHT TURNS ARE ALWAYS APPRECIATED :)

Comment Card — US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project

NAME: DEVIN SCHMIDT

ORGANIZATION: RESIDENT

ADDRESS*: 1700 N First St #113

CITY*: SAN JOSE STATE*: CA ZIP CODE*: 95112

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Caltrans

CITY OF SAN JOSE CAPITAL OF SILICON VALLEY

Comment Card **US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project**

Your input on the Draft Environmental Impact Report (EIR)/Environmental Assessment (EA) is requested. Please complete both sides of this card and write legibly.

Comments must be received by **Friday, February 16, 2024.**

COMMENTS: THANK YOU FOR CONSIDERING SOUND/VISUAL IMPACT TO WATERFORD APARTMENTS FACING 4TH ST, I BELIEVE A SOUNDWALL SHOULD BE BUILT. WE LIVE ON THE FIRST FLOOR* AND HAVE ASPHALT WALL THAT BLOCKS VIEW OF THE STREET. PLEASE CONSIDER PLANTING TREES IN FRONT OF SOUNDWALL (CLOSER TO BUILDING) TO PROVIDE SOME GREENERY SINCE ALMOST ALL OF THE VIEW WILL BE LOST.

* ~~EXT~~ FACING ARCHER ST.

- OVERALL GREAT PROJECT. THANK YOU FOR PROVIDING SUCH GREAT BIKE & PED FACILITIES, ~~CONSIDERING~~

Comment 20

Bode, Alex

From: mariastaken@aol.com
Sent: Friday, February 16, 2024 5:40 PM
To: 101-Zanker
Subject: [EXTERNAL] for the road work changing the freeway for 101 - Zanker road

Hello,

I think and so do other neighbors and people that use that freeway every day to go to work is going to be a major effect on everyone who uses that road every day. The street is narrow enough and what you are planning to do is going to make more traffic than it needs to be. This section has already been worked on and fixed so that it is safe for everyone to use 4th Street and to be able to get onto 1st Street to 101 without a major issue right now. You are wasting money on changing this road that does not need to be fixed. If anything maybe adding more traffic lights on the 4th Street crossing threw to the 101 going to the North entrance? That would be helpful and make it so it's safe to cross in that section. But that is all I see we need to do. If you work on this road you will also hurt the businesses that are along that road and make it too busy for the business to have less traffic.

Please consider what this will do to the street and businesses and how to get onto 101 and avoid major traffic.

Thank you,

Maria - neighbor on North 7th Street.

Comment 21

Comment Card

US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project

NAME: Zoe Wilder

ORGANIZATION: local resident

ADDRESS*:

CITY*: San Jose STATE*: CA ZIP CODE*: 95112

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P.O. Box 23660 MS-8B, Oakland, CA 94623-0660.

Comments must be received by **Friday, February 16, 2024.**

For more information regarding the proposed project, please contact VTA Community Outreach at (408) 321-7575, TTY for the hearing impaired: (408) 321-2330, or email us at *community.outreach@vta.org.*

Caltrans

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Comment Card **US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project**

Your input on the Draft Environmental Impact Report (EIR)/Environmental Assessment (EA) is requested. Please complete both sides of this card and write legibly.

Comments must be received by **Friday, February 16, 2024.**

COMMENTS: I have concerns regarding what will be placed in the loops of Skyport Drive/4th Street. Given our state's current homeless problem, I foresee the land inside the loops could turn into camps which may negate the positive effects of the bike/pedestrian routes. I look forward to the addition of the pedestrian sidewalks and crosswalks. Please take care in the planning of whatever park/recreational area is put in. [redacted]

Comment Card — US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project

NAME: Zoe Wilder

ORGANIZATION: local resident

***ADDRESS*:**

***CITY*:** San Jose ***STATE*:** CA ***ZIP CODE*:** 95112

* ***DISCLAIMER***: The information you provide is voluntary. This form, including any personal information provided, may be posted on VTA's website and may be subject to disclosure pursuant to the California Public Records Act.

Would you like to be added to our project mailing list? YES ☐ NO ☒ **EMAIL:**

Please submit written comments on the draft environmental document by completing the back of this card or by sending an email to *101-zanker@vta.org*. Comments may also be mailed to:

Caltrans
District 4-Office of Environmental Analysis,
Attn: Charles Winter
P.O. Box 23660 MS-8B, Oakland, CA 94623-0660.

Comments must be received by **Friday, February 16, 2024.**

For more information regarding the proposed project, please contact VTA Community Outreach at (408) 321-7575, TTY for the hearing impaired: (408) 321-2330, or email us at *community.outreach@vta.org*.

Comment Card **US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project**

Your input on the Draft Environmental Impact Report (EIR)/Environmental Assessment (EA) is requested. Please complete both sides of this card and write legibly.

Comments must be received by **Friday, February 16, 2024.**

COMMENTS: It should be noted that the species of trees that replace the removed trees should be drought tolerant, non-flowering, and not stinky. A popular tree of Santa Clara and San Jose is the Callery pear trees, and they smell horrible in the spring time. Any sort of non-flowering evergreen would be fantastic.

APPENDIX

H

FHWA

Air Quality Conformity Determination Letter

U.S. Department of Transportation
Federal Highway Administration

California Division

650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
(916) 498-5001
HDACA@dot.gov

March 27, 2025

In Reply, Refer To:
HDA-CA

ELECTRONIC CORRESPONDENCE ONLY

Shilpa Mareddy, Air and Noise Branch Chief
Office of Environmental Engineering
California Department of Transportation,
District 4
P.O. Box 2366
Oakland, CA 94623-0660

SUBJECT: Project Level Conformity Determination for US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project

Dear Ms. Mareddy:

On January 8, 2025, the California Department of Transportation (Caltrans) submitted to the Federal Highway Administration (FHWA) a complete request for a project level conformity determination for the US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project. The project is in an area that is designated Non-Attainment or Maintenance for Ozone, and Particulate Matter (PM 2.5).

The project level conformity analysis submitted by Caltrans indicates that the project-level transportation conformity requirements of 40 CFR Part 93 have been met. The project is included in the Metropolitan Transportation Commission's (MTC) current Regional Transportation Plan (RTP) and Federal Transportation Improvement Program (FTIP), as amended. The design concept and scope of the preferred alternative have not changed significantly from those assumed in the regional emissions analysis.

As required by 40 CFR 93.116 and 93.123, the localized $PM_{2.5}$ and PM_{10} analyses are included in the documentation. The analyses demonstrate that the project will not create any new violations of the standards or increase the severity or number of existing violations.

Based on the information provided, FHWA finds that the US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project conforms with the State Implementation Plan (SIP) in accordance with 40 CFR Part 93.

If you have any questions pertaining to this conformity finding, please contact Jasmine Amanin at (916) 498-5044 or Jasmine.Amanin@dot.gov.

Sincerely,

Antonio D. Johnson
Director of Planning, Environment,
& Right of Way
Federal Highway Administration

TO:

Shilpa Mareddy, Caltrans

CC: (via email)

Rodney Tavitas, Caltrans
Kevin Krewson, Caltrans
Erika Espinosa, Caltrans
Karishma Becha, Caltrans
Erika Vaca, Caltrans
Antonio Johnson, FHWA
Jasmine Amanin, FHWA

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kevin.krewson@dot.ca.gov
Erika.Espinosa.Araiza@dot.ca.gov
Karishma.Becha@dot.ca.gov
Erika.Vaca@dot.ca.gov
antonio.johnson@dot.gov
jasmine.amanin@dot.gov