

# CHAPTER 1 INTRODUCTION

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## 1.1 PURPOSE OF THE FINAL 2<sup>ND</sup> SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

The Santa Clara Valley Transportation Authority (VTA) is the Lead Agency for the Bay Area Rapid Transit (BART) Silicon Valley Berryessa Extension (Phase 1). VTA has prepared this Final 2<sup>nd</sup> Supplemental Environmental Impact Report (Final SEIR-2) in accordance with the California Environmental Quality Act (CEQA), Public Resources Code 21000 et seq.; and the CEQA Guidelines, California Administrative Code, 15000 et seq. CEQA Guidelines, Section 15132, specify that a Final EIR shall consist of:

- The Draft EIR or a revision of that draft;
- Comments and recommendations received on the Draft EIR;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;
- The response of the Lead Agency to significant environmental issues raised in the review and consultation process;
- Changes to the Draft EIR based on public comment and any additional analysis conducted as a result of public comments.

VTA published the Draft SEIR-2 for Phase 1 on November 1, 2010 and circulated the document for a 47-day public and agency review period. This Final SEIR-2 updates information presented in the Draft SEIR-2, as well as the previous certified environmental documents for BART Silicon Valley (previously named the BART Extension Project). This Final SEIR-2, together with the Draft SEIR-2, constitutes the complete SEIR-2 for Phase 1 that will be reviewed and considered for certification by the VTA Board of Directors (VTA Board) as complete and adequate under CEQA. To save resources, CEQA does not require reprinting of the Draft EIR, and instead allows the Lead Agency to prepare a Final EIR volume that references the Draft EIR. The Draft SEIR-2 is thereby incorporated in this Final SEIR-2 by reference. The Draft SEIR-2 is available online at [www.vta.org/bart](http://www.vta.org/bart) and is available during normal business hours at the VTA offices at 3331 North First Street, Building B Lobby, San Jose, California.

The VTA Board previously certified the *BART Extension to Milpitas, San Jose, and Santa Clara Final EIR* (FEIR) in December 2004 and the 2007 *BART Extension to Milpitas, San Jose, and Santa Clara Draft and Final Supplemental EIR* (SEIR-1) in June 2007. Analysis of the BART Extension to Milpitas, San Jose, and Santa Clara presented in the FEIR was based on approximately 10 percent design plans prepared during the conceptual engineering design phase of the BART extension. Following the VTA Board's approval of the BART Extension Project, the preliminary engineering design phase advanced design plans to an approximately 35 percent level, which were considered in the SEIR-1. This SEIR-2 considers design changes at an approximately 65 percent level applicable to the first phase of BART Silicon Valley to San Jose just south of Berryessa Road, which is referred to as Phase 1.

This Final SEIR-2 also includes response to comments received during the public review period on the Draft SEIR-2. All written comments received during and after the 47-day public review period (November 1, 2010 through December 17, 2010) are included in this Final SEIR-2, as well as the oral comments received at the public hearing.

BART Silicon Valley aims to improve transit services and increase intermodal connectivity among transit routes and stations serving origins and destinations in Alameda County and Santa Clara Valley. Meeting this overall project purpose would address a variety of related needs in the Silicon Valley Rapid Transit Corridor (SVRTC), such as reducing traffic congestion, accommodating future travel demand, conserving energy, improving regional air quality, and meeting environmental justice and local land use goals.

## **1.2 EIR CERTIFICATION AND PROJECT SELECTION PROCESS**

In accordance with CEQA Guidelines, Section 15090, the VTA Board must certify that: (1) the Final SEIR-2 has been completed in compliance with CEQA; (2) that VTA has reviewed and considered the information within the SEIR-2; and (3) the SEIR-2 reflects the VTA's independent judgment and analysis. The VTA Board will review the SEIR-2 for adequacy and will exercise its independent judgment regarding certification. If the SEIR-2 is certified, the document will be used by responsible agencies in deciding whether, or under what conditions, to approve the required entitlements for constructing Phase 1.

Certification of the SEIR-2 is not approval of Phase 1; the VTA Board will consider the merits of Phase 1 simultaneously, but as a separate decision from their decision on the adequacy of the SEIR-2. If the VTA Board certifies the SEIR-2, it will then consider Phase 1 separately for approval or denial.

As part of the approval of Phase 1, the VTA Board must make written findings for each significant environmental impact identified in the SEIR-2. Per CEQA Guidelines, Section 1091(a), these findings will state whether the identified significant impacts can be avoided or substantially decreased through feasible mitigation measures or a feasible alternative, whether the impact can be mitigated only by the action of some agency other than VTA, or whether the identified mitigation measures are infeasible and cannot be implemented. To ensure implementation of all adopted mitigation measures, the VTA Board must also adopt a Mitigation Monitoring and Reporting Program (MMRP), as required by CEQA Guidelines, Section 15097. The MMRP for Phase 1 is included as **Appendix E** of this Final SEIR-2.

In addition, after all feasible mitigation measures are adopted, if some impacts are still considered significant and unavoidable, the VTA Board must adopt a Statement of Overriding Considerations that identifies the specific economic, social, technical, or other considerations that, in the VTA Board's judgment, outweigh the significant environmental impacts.

If the VTA Board approves Phase 1, a Notice of Determination (NOD) will be prepared and filed with the California State Clearinghouse. The NOD will include a description of Phase 1, the date of approval, an indication of whether Findings and a Statement of Overriding Considerations were prepared, and the address where the SEIR-2 and record of approval are available for public review.

### **1.3 AGENCY AND COMMUNITY PARTICIPATION**

On August 12, 2010, VTA distributed a Notice of Preparation (NOP) to advise the public and interested agencies that a 2<sup>nd</sup> Draft SEIR was to be prepared for Phase 1. VTA distributed the NOP to federal, state, and local agencies; elected officials; and interested parties in the Phase 1 study area. One formal scoping meeting was conducted by VTA on September 1, 2010 to gather input and comments prior to the development of the Draft SEIR-2.

On November 1, 2010, VTA released the Draft SEIR-2 for public review and comment. Copies of the Draft SEIR-2 were distributed to federal and state agencies, local governments, elected officials, groups, and individuals. Notices announcing completion of the Draft SEIR-2 were mailed to property owners and residents of properties within the Phase 1 area. A public hearing was held on December 9, 2010 to receive comments on the accuracy and the adequacy of the information contained in the Draft SEIR-2. The 47-day Draft SEIR-2 comment period closed on December 17, 2010.

## **1.4 OVERVIEW OF THE FINAL SEIR-2**

### **1.4.1 INTRODUCTION**

The Introduction Chapter identifies each of the Chapters that are included in the document and summarizes the content of each Chapter.

### **1.4.2 DESIGN REFINEMENTS**

**Chapter 2, Design Refinements**, of this Final SEIR-2 presents the new information and design refinements since publication of the Draft SEIR-2. This Chapter identifies any necessary revisions to the environmental impact analyses in the Draft SEIR-2 resulting from the design refinements.

### **1.4.3 PHASE 1 RECOMMENDED PROJECT DESCRIPTION**

**Chapter 3, Phase 1 Recommended Project Description**, of this Final SEIR-2 provides the Phase 1 Recommended Project Description. This includes VTA staff recommendations regarding the design changes.

### **1.4.4 COMMENTS RECEIVED ON THE DRAFT SEIR-2**

**Chapter 4, Comments Received on the Draft SEIR-2**, of this Final SEIR-2 addresses the comments received during the public review period on the Draft SEIR-2. This Chapter also includes information related to the release of the Draft SEIR-2 and the public review period process.

A total of 21 commenters provided written or oral comments on the Draft SEIR-2 during the public review period. Written comments were received by postal mail, email, and facsimile and oral comments were received at the public hearing.

**Table 1-1** summarizes the total number of commenters by category and the total number of comments received within the categories, as many single letters, facsimiles, and emails included multiple comments and several speakers offered more than one comment.

**Chapter 4, Comments Received on the Draft SEIR-2**, also includes a list of all commenters followed by the scanned copies of the written comments and public hearing transcripts. VTA's responses follow each letter, facsimile, email, or transcript.

**Table 1-1: Summary of Written and Oral Comments on the Draft SEIR-2**

<b>Comment Category</b>	<b>Total Number by Category</b>	<b>Total Number of Comments Within the Category</b>
State Agencies	5	16
Regional Agencies	3	3
Local Agencies	3	9
Public (individual, organization, business)	9	64
Transcript	1	2
<b>Total</b>	<b>21</b>	<b>94</b>

Source: CirclePoint, 2011.

### **1.4.5 DRAFT SEIR-2 ERRATA**

**Chapter 5, Draft SEIR-2 Errata**, of this Final SEIR-2 includes revisions to the Draft SEIR-2 as a result of written and oral comments received during the public review period and staff initiated changes. The Draft SEIR-2 has been revised to include revisions to text, tables, and figures, as necessary.

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