

---

# Chapter 2

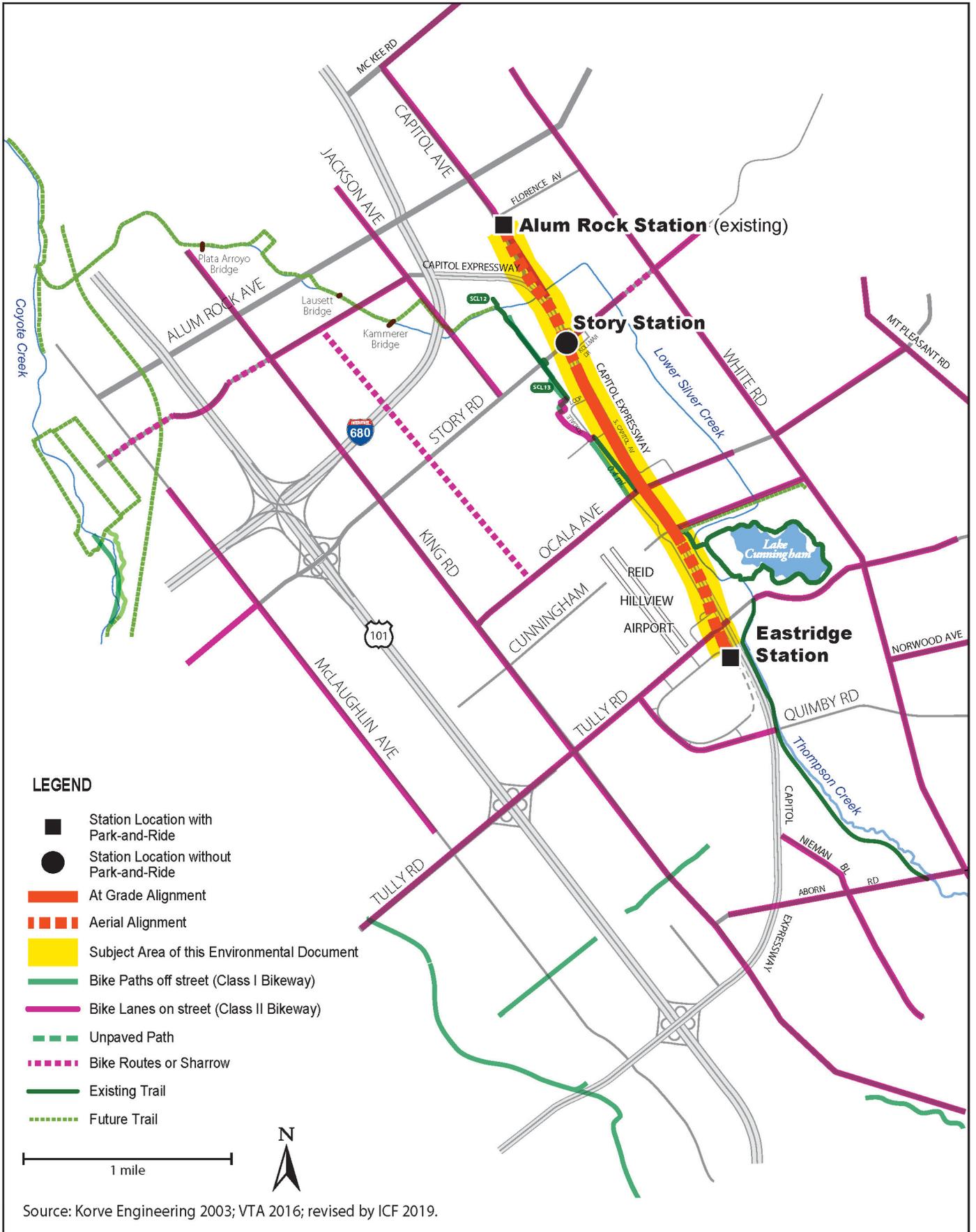
## Changes to the Approved Project, Changes in Circumstances, and Introduction of New Information

This section describes the approved project and discusses the Santa Clara Valley Transportation Authority's (VTA's) proposed changes to that project. In addition, this section discusses changes in circumstances and introduces new information since the approval of environmental documentation prepared for the project (i.e., the 2005 Final Environmental Impact Report, the 2007 Final Supplemental Environmental Impact Report, and the 2014 Subsequent Initial Study [IS]/Mitigated Negative Declaration [MND]).

### 2.1 Approved Project

The approved project would consist of the extension of light rail along Capitol Expressway between the existing Alum Rock Light Rail Station and Eastridge Transit Center, a distance of approximately 2.4 miles. Light rail would operate primarily in the median of Capitol Expressway within exclusive and semi-exclusive rights-of-way. To provide the additional right-of-way to accommodate light rail, high-occupancy vehicle (or carpool) lanes would be removed between Capitol Avenue and Tully Road. The alignment would include an elevated section that would extend north of Capitol Avenue to south of Story Road, and an elevated crossing of Tully Road. The approved project would include new light rail stations at Story Road (aerial) and Eastridge Transit Center (at-grade). At Eastridge Mall, the Park-and-Ride lot would be expanded to accommodate the project. The approved project would also include traction power substations at Ocala Avenue and Eastridge Transit Center. Five 115-kilovolt electrical transmission towers and two tubular steel poles would require relocation from the median of Capitol Expressway to the east side of Capitol Expressway in order to accommodate the approved project. Table 2-1 shows the rail crossings included in the approved project and the proposed changes to the approved project.

Figure 2-1 shows the general location of the approved project described in the 2014 Subsequent IS/MND.



**Figure 2-1**  
**Previously Approved Capitol Expressway Light Rail Project**

## 2.2 Changes to the Approved Project

VTA is proposing changes to certain elements of the approved project, which are discussed in detail in this section. The general location and overall elements of the proposed changes to the project are shown generally in Figure 1-1 in Chapter 1, *Introduction*, of the Second Subsequent IS. A detailed description of the proposed changes to the approved project is included in Attachment B of the SEIR-2.

**Extension of the Aerial Guideway to Grade-Separate the Ocala Avenue and Cunningham Avenue Intersections.** The proposed change to the project would replace the at-grade track alignment with approximately 1.25 miles of aerial guideway from south of Story Road to north of Tully Road. The aerial guideway would include concrete columns supported on pile foundations. The aerial guideway would also include aerial sound walls. The aerial guideway would typically be 20 to 35 feet high at the top-of-rail with a maximum height of approximately 60 feet with the overhead catenary system and poles. Visual simulations of the aerial guideway are provided in Section 3.16, *Visual Quality*, of the Second Subsequent IS.

As a result of an additional left turn pocket (as discussed in detail under *Revisions to Capitol Expressway Roadway Lane Configurations*) on Capitol Expressway at Story Road, the alignment of the aerial guideway between Story Road and Foxdale Drive would be shifted slightly west by 3 feet.

Table 2-1 shows the rail crossings included in the approved project and the proposed changes to the approved project. As discussed in detail under Section 2.4, *Introduction of New Information*, Senate Bill (SB 215) affected how the California Public Utilities Commission (CPUC) processes formal crossing applications.

**Table 2-1 Rail Crossings for the Approved Project and the Proposed Changes to the Approved Project**

<b>Cross Street</b>	<b>Track Stationing</b>	<b>Number of Tracks</b>	<b>Pedestrians</b>	<b>Automobiles</b>	<b>Safety Risks</b>	<b>Proposed Crossing Type</b>	<b>Proposed Safety Devices (At Grade Crossings)</b>
Wilbur Avenue/Nuestra Castillo Court	+965+00	2	1 Crosswalk	2 Lanes	VTA buses, Left turns from Wilbur to southbound Capitol Avenue	At-grade (existing crossing with t-signals)	T-signals, Traffic signals
Northbound Capitol Avenue	+974+00	2	2 Sidewalks	2 Lanes	High roadway traffic volumes	Grade separated, Aerial	n/a
Northbound Capitol Expressway	+978+00	2	1 Sidewalk	4 Lanes	High roadway traffic volumes	Grade separated, Aerial	n/a
Story Road	+995+00	2	2 Crosswalks	6 Through lanes, 4 turn lanes	High auto and pedestrian traffic volumes. Left turn movements	Grade separated, Aerial	n/a
Ocala Avenue	+1037+00	2	2 Crosswalks	4 Through lanes, 2 Turn lanes	School children, School buses, Heavy volume of LT movements	Grade separated, Aerial	n/a
Cunningham Avenue	+1050+00	2	2 Crosswalks	2 Lanes	Light traffic volumes, low risk	Grade separated, Aerial	n/a
SB Capitol Expressway	+1067+00	2	1 Sidewalk	3 Lanes	Heavy roadway traffic volumes	Grade separated, Aerial	n/a

<b>Cross Street</b>	<b>Track Stationing</b>	<b>Number of Tracks</b>	<b>Pedestrians</b>	<b>Automobiles</b>	<b>Safety Risks</b>	<b>Proposed Crossing Type</b>	<b>Proposed Safety Devices (At Grade Crossings)</b>
Swift Lane	+1073+00	2	2 Sidewalks	2 Lanes	Light traffic volumes, low risk	Grade separated, Aerial	n/a
Tully Road	+1078+00	2	2 Sidewalks	6 Lanes, 4 Turn lanes	Heavy roadway traffic volumes	Grade separated, Aerial	n/a
Northern Pedestrian Crossing to Platform	+1086+00	1	1 Crossing of SB track	None	Incoming and departing trains	At-grade	Crossing gates, Flashing Lights, and Bells
Southern Pedestrian Crossing to Platform	+1089+80	1	1 Crossing of SB track	None	Train movements in and out of tail track	At-grade	Crossing gates, Flashing Lights, and Bells

Notes:

Shaded rows indicate proposed rail crossing changes to the approved project.

Source: VTA, 2018.

**Revisions to Capitol Expressway Roadway Lane Configurations.** The proposed change to the project would revise the roadway lane configurations along Capitol Expressway. In addition, the proposed change would include resurfacing Capitol Expressway with open-graded asphalt concrete (OGAC).<sup>1</sup> A center median between Story Road and Capitol Avenue would separate traffic. Detailed track plans and profiles showing the proposed geometric design changes for the proposed changes to the approved project are included in Attachment C of the SEIR-2. The proposed roadway lane configuration changes include the following.

- *Four traffic lanes in each direction north of Story Road.* Both of the existing high-occupancy vehicle lanes (one northbound and one southbound) would be converted to general purpose traffic lanes, resulting in a total of four general purpose lanes in each direction between Story Road and Capitol Avenue. One southbound inner general purpose lane would end at the introduction of the left turn pockets at Story Road. This proposed change would be accomplished by the widening of Capitol Expressway, a reduction of the median, the removal of landscaping, and the relocation of streetlights. In addition, this would be accomplished by the narrowing of South Capitol Avenue north of Story Road where there would be additional right-of-way requirements.
- *Right turn lanes.* Exclusive right turn lanes on Capitol Expressway would be added at Story Road, Cunningham Avenue, and Tully Road intersections.
- *Bicycle Slot.* At the locations where exclusive right turn lanes are added or maintained on Capitol Expressway, bicycle slots would be included to the left of the right turn lanes. Figure 2-2 includes pictures of a typical bicycle slot with bicycle detector.
- *Left turn lanes.* Longer left turn lanes on Capitol Expressway would be added at the following intersections: northbound and southbound at Story Road, northbound at Ocala Avenue, and southbound at Tully Road. At Ocala Avenue, one northbound left turn lane would be removed.
- *Left turn pocket.* A second left turn pocket would be maintained on northbound Capitol Expressway at Story Road.

---

<sup>1</sup> Recent studies by Caltrans indicate that OGAC produces noticeably less vehicle noise than other pavement types (i.e., concrete and conventional asphalt).



a. View of an example bike slot facing west at Lawrence Expressway and Cabrillo Avenue in the City of Santa Clara.



b. View of a bike detector embedded in a bike slot. The purpose of a bike detector is to detect a bicyclist approaching an intersection and communicate with the traffic signal cabinet to provide enough time for cyclists to safely cross an intersection.

Source: VTA and ICF 2018.

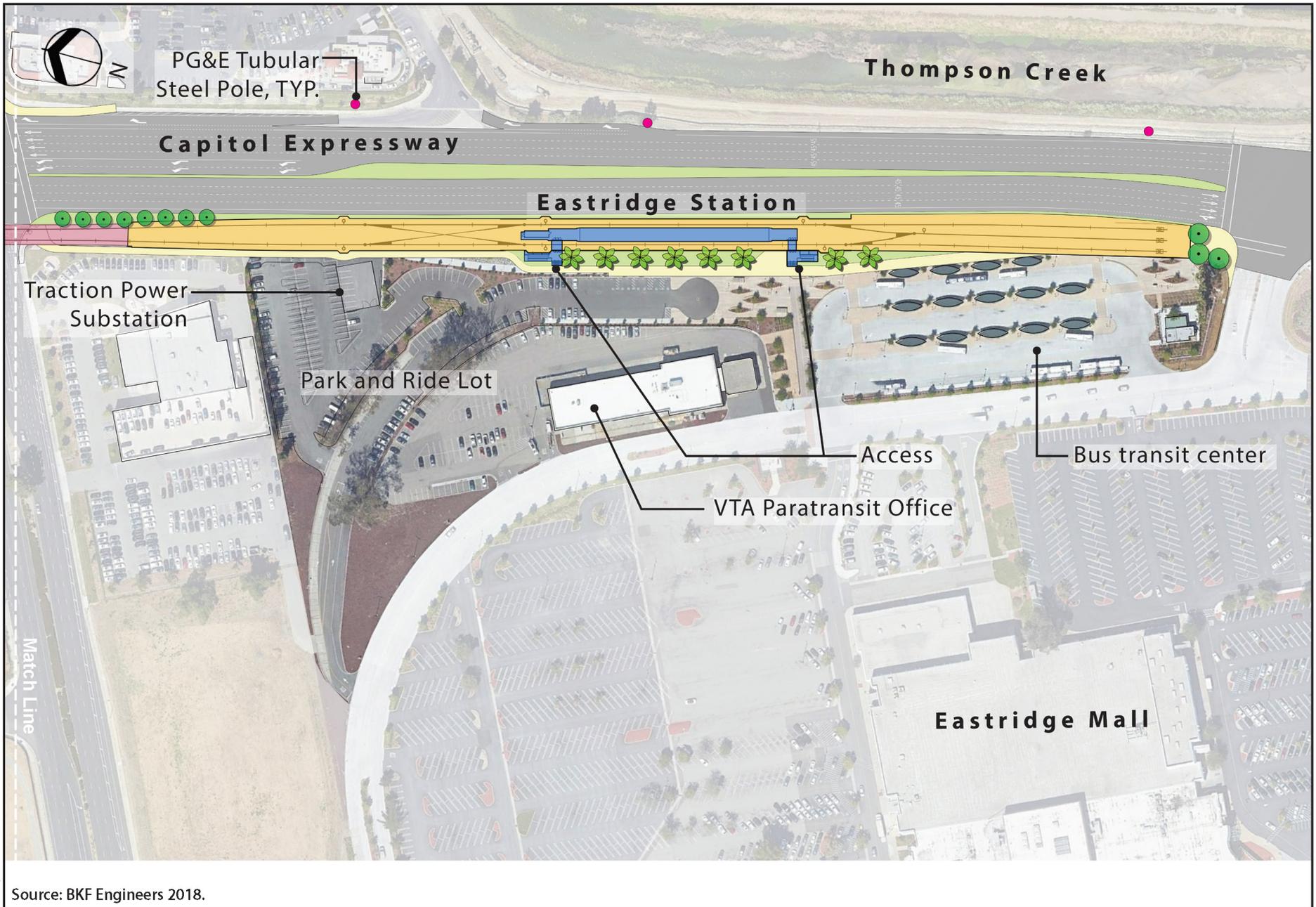
**Modifications to Eastridge Station Platforms and Track.** The approved project includes two platforms, additional tail tracks, and one traction power substation at the Eastridge Station. The proposed changes to the project include only one center platform at Eastridge Station, which would be adequate for the anticipated patronage.

Additional changes to the Eastridge Station include the following.

- Removal of the siding track.
- Reconfiguration of tail tracks, including the addition of a pocket track.
- Diamond crossover shifted from structure to ballast.
- Addition of passenger access at north end of station (adjacent to the Park-and-Ride Lot).
- Platform shifted north, which would eliminate reconstruction of Eastridge Loop/Capitol Expressway intersection.
- Platform raised on retained fill.
- Tully Road bridge crossing lowered.

Figure 2-3 shows the proposed changes to the Eastridge Station.

**Reduction in Parking Spaces at Eastridge Park-and-Ride Lot.** The Eastridge Park-and-Ride Lot currently includes approximately 180 parking spaces. The approved project increases the parking to 445 spaces at Eastridge Station to partially address the increased demand of 481 spaces from the project. As part of the proposed changes to the approved project, VTA is proposing to increase the parking to approximately 302 spaces through reconfiguration of the Eastridge Park-and-Ride lot. See Section 2.3, *Changes in Circumstances*, for a discussion of the changes to the existing VTA Paratransit Offices at the Eastridge Park-and-Ride Lot. As shown in Table 3-2, based on updated VTA forecasts, the proposed changes to the approved project would increase existing (2017) parking demand to 114 parking spaces. In years 2023 and 2043, the proposed changes to the approved project would increase parking demand to 293 vehicles and 374 vehicles, respectively.



**Figure 2-3**  
**Proposed Changes to the Eastridge Station**

**Table 2-2 Eastridge Park-and-Ride Lot Anticipated Parking Demand for the Approved Project and the Proposed Changes (Existing [2017] Year, Year 2023, Year 2035, and Year 2043)**

	Existing (2009 or 2017) <sup>1</sup>	Year 2023 <sup>2</sup>	Year 2035 <sup>3</sup>	Year 2043 <sup>2</sup>
<b>Approved Project</b>				
Demand	16	--	481	--
Supply	115	--	445	--
<b>Proposed Changes to the Approved Project</b>				
Demand	114	293	--	374
Supply	180	302	--	374

Notes:

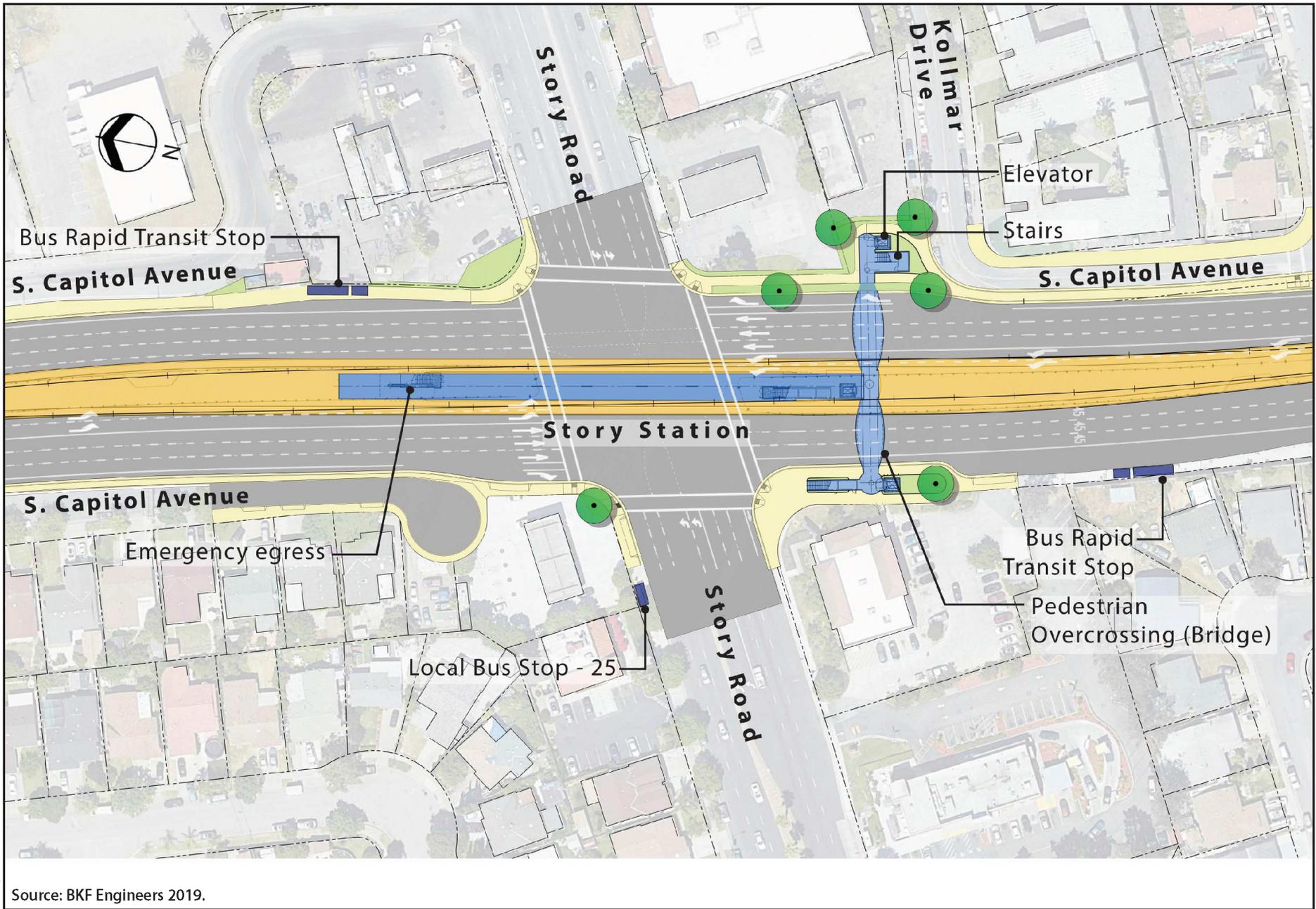
<sup>1</sup> Existing parking counts provided by VTA Operations on December 20, 2017.

<sup>2</sup> Future Parking estimates provided by VTA Modelling on May 31, 2018.

<sup>3</sup> Only parking forecasts for 2035 were provided in the 2014 Subsequent IS/MND. Updated parking forecasts were not provided for 2035 due to changes in the opening year and future year.

Source: Hexagon 2018.

**Minor Shift in the Location and Straightening of the Story Station Pedestrian Overcrossing.** The approved project includes a pedestrian overcrossing at the Story Station. The proposed change to the project would adjust the location of the eastern and western landings of the pedestrian overcrossing. On the east, this change will require the removal of an existing driveway along Capitol Expressway into the gas station located south of Story Road due to pedestrian safety and traffic operational concerns. On the west, this change provides for improved clearances at the bottom of the access stairs and the crosswalk ramps and waiting areas at the intersection. Figure 2-4 shows the proposed changes to the Story Station. The proposed change to the project would also straighten out the Story Station Pedestrian Overcrossing, which is currently designed to be curvilinear.



**Figure 2-4**  
**Proposed Changes to the Story Station**

**Modification to Story Station Pedestrian Access.** The approved project also includes a pedestrian access point to Story Station at the median. The proposed change to the project would restrict pedestrian access to the Story Station at the median to emergency purposes only.

**Relocation of a Construction Staging Area.** The approved project includes a construction staging area at Capitol Expressway/Tully Road. The proposed change to the project would eliminate this construction staging area. Thus, the project will require additional areas for staging construction material and equipment. The actual locations and associated access remain to be identified, and it is expected that the laydown areas will be adjacent to the roadway in areas that are either vacant or available for use.

**Relocation of Pacific Gas and Electric (PG&E) Electrical Transmission Facilities.**

As a result of the change in the vertical profile of the light rail from an at-grade alignment to the proposed aerial guideway, subsequent land use development, and revisions to design standards, Pacific Gas and Electric (PG&E) updated its design to relocate approximately 1.4 miles of its double-circuit Milpitas-Swift and McKee-Piercy 115 kilovolt (kV) power line electrical facilities (lines). There are currently six steel lattice towers and two tubular steel poles (TSPs) located along the Capitol Expressway between Ocala Avenue and Quimby Road in the City of San Jose. These eight structures would be replaced with a total of 10 TSPs as part of the proposed changes compared to the 8 TSPs that were included in the approved project. The relocation would start at an existing structure near the southwest intersection of Silverstone Place and Sunny Glen Drive. Progressing southbound, the lines would shift slightly along the west side of Capitol Expressway, then south of Cunningham Avenue, the lines would shift from the median in Capitol Expressway to the east side of the road and continue southerly to the final existing structure located near the southeast intersection of Quimby Road and Capitol Expressway. The TSPs were proposed to be up to 105 feet in height under the approved project and it is now anticipated that the height of at least one TSP would need to be increased to up to approximately 121 feet in height to clear the proposed aerial guideway. As a result of the increase in height and relocation of the TSPs in the proximity to Reid-Hillview Airport, PG&E may need to install Federal Aviation Administration (FAA) obstruction lighting on some or all of the new poles in accordance with FAA requirements. These lights would be powered by either solar panels or local distribution electric lines. The two additional TSPs are a result of the replacement of No. 49 lattice tower with a TSP and the insertion of a new TSP (No. 53A) between Tully Road and Quimby Road. There would also be minor shifts in the location of the replacement TSPs. One of the TSPs (No. 54) may require new right-of-way from the Santa Clara Water District for placing the TSP and its foundation. The new TSPs would be mounted on a concrete foundation. Construction of the foundation for TSP No. 53A, TSP No. 54, and TSP No. 55 may require temporary closure of the Thompson Creek Trail for safety during drilling, and foundation installation. See Section 2.3, *Changes in Circumstances*, for a discussion of the Thompson Creek Trail. Figure 2-5 shows the proposed changes to the electrical transmission facilities.



Figure 2-5  
Proposed Changes to Electrical Transmission Facilities (sheet 1 of 2)



Figure 2-5  
Proposed Changes to Electrical Transmission Facilities (sheet 2 of 2)

**Extension of Construction Duration and Modification to the Construction Scenario.**

Under the approved project, construction activities were anticipated to periodically reduce the capacity of Capitol Expressway from three lanes to two in each direction during the mid-day off peak periods. However, during the peak of the construction phase, the proposed changes to the approved project may require reducing capacity of Capitol Expressway to two lanes in the northbound direction, and one lane in the southbound direction, periodically, during non-peak hours of travel. Three travel lanes in each direction are expected to stay open during peak hours of travel. One left turn lane in each travel direction may be closed at intersections temporarily during various construction events. Lane closures would be contingent on the requirements and restrictions from the County of Santa Clara and City of San Jose. If lane closures for construction activities are further restricted, an increase of approximately one year would be anticipated for the duration of project construction, moving the construction completion from 2024 to 2025 with the proposed changes.

In addition, the proposed changes to the approved project may cause construction work to be necessary during night and early morning periods and weekend periods to minimize traffic disruption. Construction activities at night would involve partial or complete intersection closures along Capitol Expressway at Capitol Avenue, Story Road, Ocala Avenue, Cunningham Avenue, Swift Lane and Tully Road. Complete roadway closures may occur in each travel direction (northbound and southbound) of Capitol Expressway for work on the proposed pedestrian overcrossing.

## 2.3 Changes in Circumstances

There have been a number of changes in circumstances since the approval of prior environmental documentation. These changes pertain to changes to related projects.

**VTA Paratransit Offices at the Eastridge Park-and-Ride Lot.** In September 2017, VTA completed improvements to the vacant building located at the Eastridge Transit Center and moved its VTA Access Paratransit staff to the Eastridge Park-and-Ride Lot. At the VTA Access Paratransit Offices, VTA has a call center and performs minor maintenance on Paratransit vehicles. Approximately 126 parking spaces are designated for use by VTA Access Paratransit staff and visitors. An additional 56 spaces at the Eastridge Park-and-Ride Lot are currently being used by VTA Paratransit staff.

**Thompson Creek Trail.** Construction of the City of San Jose’s Thompson Creek Trail began in 2016 and was completed in 2017. The 2.25-mile trail is a Class I facility that runs between Lake Cunningham Park and Abom Park and generally follows Thompson Creek (San Jose Trails 2018). Figure 2-6 provides views of Thompson Creek Trail near Capitol Expressway and Tully Road.



a. View of trail facing north toward the intersection of Capitol Expressway and Tully Road.



b. View of trail facing south toward the intersection of Capitol Expressway and Capitol Expressway Connector Road at Eastridge Mall.

Source: ICF 2018.

**Lower Silver Creek Flood Protection Project.** Construction of the Santa Clara Valley Water District’s Lower Silver Creek Flood Protection Project began in 2003. All flood protection components of the project are complete and the remaining work, which consists of plantings, is anticipated to be completed in 2019. The main benefits of the 5-mile flood protection project are protection from flood damage and reduction in channel bank failures along Lower Silver Creek from Cunningham Reservoir to Interstate 680.

**VTA C17131F, Pedestrian Connection to Eastridge Transit Center:** In March 2018, VTA completed a project to provide pedestrian safety improvements along Capitol Expressway next to Eastridge Mall and improve connections to the Eastridge Transit Center. This project consisted of construction of a new crosswalk, including curb ramps and enhanced traffic signals at the Eastridge Loop and Capitol Expressway intersection; installation of new street lighting along Capitol Expressway; installation of fencing along the Capitol Expressway median; and construction of a new crosswalk and curb ramp at the shopping center to provide access to the Thompson Creek Trail.

**VTA C810, Capitol Expressway Pedestrian/Bus Improvements:** In 2012, VTA completed a project that included a multi-use path for pedestrians and bicycles along both sides of Capitol Expressway between Capitol Avenue and Quimby Road, as allowed by available space. The project included landscaping and lighting. In addition, the project included new bus rapid transit stations at Story Road and Ocala Avenue.

**VTA C811, Capitol Expressway Light-Rail Project/Eastridge Transit Center:** In 2015, VTA replaced the Eastridge Transit Center with a new facility with better access to bus services and shopping at Eastridge Mall. The project included upgrades to security, lighting, signs, and other amenities.

**Tully Road Vision Zero Safety Improvements:** This project will install buffered bike lanes and LED streetlight retrofits between Monterey Road and Capitol Expressway. It will further evaluate safety issues and determine feasible improvements.

## 2.4 Introduction of New Information

This document includes the following new information and new technical reports prepared for the proposed changes to the approved project.

- Updates to the California National Diversity Database (see Section 3.3, *Biological Resources*, of the Second Subsequent IS).
- March 28, 2017, *Capitol Expressway Corridor Project – Biological Resources Update prepared by H.T. Harvey & Associates* (see Section 3.3, *Biological Resources*, of the Second Subsequent IS).
- 2016 American Community Service demographic data (see Section 3.14, *Socioeconomics*, of the Second Subsequent IS and Section 5.2, *Environmental Justice*, of the SEIR-2).

- February 2018 *Capitol Expressway Light Rail - Environmental Data Resources (EDR) Radius Map Report with GeoCheck* (see Section 3.9, *Hazardous Materials*, of the Second Subsequent IS).
- Department of Parks and Recreation 523A (Primary Record) and 523B (Building, Structure, Object) forms prepared for 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue (see Section 3.5, *Cultural Resources*, of the Second Subsequent IS).
- May 16, 2018, *Eastridge to BART Regional Connector: Capitol Expressway Light Rail Project Final Cultural Resources Memorandum* (see Section 3.5, *Cultural Resources*, of the Second Subsequent IS).
- April 29, 2019, *Eastridge to BART Regional Connector: Capitol Expressway Light Rail Project Supplemental Transportation Analysis* (see Section 5.1, *Transportation*, of the SEIR-2).
- February 14, 2019, *EBRC – CELR Noise and Vibration Assessment* (see Section 5.3, *Noise and Vibration*, of the SEIR-2).

No other new technical reports specific to the changes to the approved project have been prepared since the 2014 Subsequent IS/MND.

Regulations that have gone into effect since the 2014 Subsequent IS/MND, and to which the proposed changes to the project are subject, include Assembly Bill (AB) 52, various stormwater regulations, case law regarding how existing environmental conditions will impact a project’s future users or residents, various air quality regulations, the 2017 *Clean Air Plan*, and Senate Bill (SB) 215.

**Assembly Bill 52.** Effective July 1, 2015, AB 52 formally established new requirements under the California Environmental Quality Act (CEQA) to protect tribal cultural resources. Specifically, the bill requires a lead agency to begin consultation with a California Native American tribe, if requested, and be informed of projects in the geographic area prior to determining if environmental documentation is required. Compliance with AB 52 is discussed in Section 3.5, *Cultural Resources*, of the Second Subsequent IS.

**Stormwater Regulations.** VTA was newly regulated as a Non-traditional MS4 under the Phase II General Permit for Stormwater Discharge from Small Municipal Separate Storm Sewer Systems (MS4), Order No. 2013-0001-DWQ, effective July 30, 2013. The stormwater treatment regulations under the MS4 permit require new road projects (including sidewalks and bicycle lanes) that create 5,000 square feet or more of newly constructed or replaced and contiguous impervious surface to comply with post-construction stormwater treatment requirements. These types of treatment measures, including avoiding impervious surfaces, providing site controls to manage pollutant sources, and Low Impact Development features such as bioretention basins and vegetated swales will comply with the United States Environmental Protection Agency’s (EPA) Greenstreets guidelines (EPA’s *Managing Wet Weather with Green Infrastructure Municipal Handbook Green Streets*) (Lukes & Kloss 2008).

Section 303(d) of the Clean Water Act establishes total maximum daily loads to guide the application of state water quality standards. The Clean Water Act requires each state to satisfy its 303(d) and 305(b) reporting obligations every 2 years, a requirement that the State Water Board fulfills by preparing the *California Integrated Report*. The 2002 *California Integrated Report* with 303(d) listings was most recently revised in 2017. For the current listing cycles, the State Water Board has combined its 303(d) List and the 305(b) Report into the 2014 and 2016 *California Integrated Report*.

The 1995 Basin Plan for the San Francisco Bay Basin (Basin Plan) was the master water quality control planning document for the approved project. The Basin Plan, which designates beneficial uses and water quality objectives for waters of the state and includes programs of implementation to achieve water quality objectives, is updated and reviewed every 3 years. The Basin Plan has been updated to reflect amendments adopted through May 4, 2017. Thus, beneficial uses for all water body segments and water quality objectives have been updated in the Basin Plan.

Effective June 30, 2015, VTA's *Stormwater and Landscaping Design Criteria Manual* was developed to assist engineers with incorporating post-construction stormwater treatment into VTA project designs. All roadway projects that create 5,000 square feet or more of newly constructed or replaced and contiguous impervious surface must comply with the post-construction stormwater requirements in the manual. The current State Water Board's Phase II Small MS4 Permit (Order No. 2013-0001-DWQ) was amended (Water Quality Orders 2015-0133-EXEC and 2016-0069-EXEC) to reflect changes to or removal of regulated small MS4 designations. Currently, the State Water Board is considering amending the Small MS4 Permit to incorporate new or revised total maximum daily load implementation language.

In November 2015, the Regional Water Board adopted a renewed San Francisco Bay Region Municipal Regional Stormwater Permit (MRP) (Order No. R2-2015-0049) overseen by the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). The permit regulates Waste Discharge Requirements and the National Pollutant Discharge Elimination System for the discharge of stormwater runoff from MS4s from a number of jurisdictions and entities, including SCVURPPP, and applies to City of San Jose– or Santa Clara County–owned areas that may be impacted by the changes to the project.

The approved project includes both roadway and light rail improvements, and does not require stormwater treatment. The proposed changes to the project would add impervious and rework areas,<sup>2</sup> which would require stormwater treatment. The proposed stormwater treatment measures within VTA's operational limits would comply with the stormwater guidelines presented in VTA's *Stormwater and Landscaping Design Criteria Manual*, and the proposed stormwater treatment measures for roadway improvements situated outside of VTA's operational limits would comply with the SCVURPPP. Compliance

---

<sup>2</sup> Rework area is an area that is currently impervious and would undergo a change in use as a result of the proposed changes to the project. The size of the rework area, even if currently impervious, is included in the calculation of the changes to the project's total treatment area due to the change in usage.

with the stormwater regulations summarized above is discussed in Section 3.10, *Hydrology and Water Quality*, of the Second Subsequent IS.

**California Building Industry Assoc. v. Bay Area Air Quality Management District Case Law.** In December 2015, the California Supreme Court found that “CEQA generally does not require an analysis of how existing environmental conditions will impact a project’s future users or residents” unless the project “could exacerbate hazards that are already present.” The Supreme Court identified several exceptions to this general rule in which CEQA could apply to impacts of the environment on the project, all of which are statutory provisions in CEQA that specifically require consideration of impacts of the environment, such as consideration of projects near airports, school construction projects, and statutory exemptions for housing and transit priority projects. None of these exceptions apply to the proposed changes to the approved project. (*California Building Industry Assoc. v. Bay Area Air Quality Management District* (2015) 62 Cal.4<sup>th</sup> 369).

**Air Quality Regulations.** Senate Bill (SB) 350 (Clean Energy and Pollution Reduction Act of 2015) was approved by the California legislature in September 2015 and signed by Governor Brown in October 2015. Its key provisions are to require the following by 2030: (1) a renewables portfolio standard of 50 percent and (2) a doubling of energy efficiency (electrical and natural gas) by 2030, including improvements to the efficiency of existing buildings. These mandates will be implemented by future actions of the California Public Utilities Commission and California Energy Commission.

SB 32 requires the California Air Resources Board (ARB) to ensure that statewide greenhouse gas (GHG) emissions are reduced to at least 40 percent below 1990 levels by 2030. The companion bill, AB 197, creates requirements to form a Joint Legislative Committee on Climate Change Policies, requires the ARB to prioritize direct emission reductions and consider social costs when adopting regulations to reduce GHG emissions beyond the 2020 statewide limit, requires ARB to prepare reports on sources of GHGs and other pollutants, establishes 6-year terms for voting members of ARB, and adds two legislators as non-voting members of ARB. Pursuant to SB 32, ARB updated the prior AB 32 Scoping Plan to address implementation of GHG reduction strategies to meet the 2030 reduction target. The Final Plan was approved in December 2017. The 2017 plan continues the discussion from the original scoping plan and 2014 update of identifying scientifically backed policies to reduce GHGs within six of the state’s economic sectors. The updated Scoping Plan includes various elements, including doubling energy efficiency savings, increasing the low carbon fuel standard from 10 to 18 percent, adding 4.2 million zero-emission vehicles on the road, implementing the Sustainable Freight Strategy, implementing a post-2020 Cap-and-Trade Program, creating walkable communities with expanded mass transit and other alternatives to traveling by car, and developing an Integrated Natural and Working Lands Action Plan to protect land-based carbon sinks. Compliance with the air quality regulations summarized above is discussed in Section 5.4, *Air Quality*, of the SEIR-2.

**Bay Area Air Quality Management District 2017 CEQA Guidelines.** In May 2017, the Bay Area Air Quality Management District updated their California Environmental Quality Act (CEQA) Guidelines (Bay Area Air Quality Management District 2017a).

While the 2014 Subsequent IS/MND used the BAAQMD's 2010 CEQA guidelines to determine significance, the current, 2017 CEQA Guidelines are discussed in Section 5.4, *Air Quality*, and Section 5.5, *Construction*, of the SEIR-2. There have been no substantial changes to any significance thresholds between the 2010 and 2017 guidelines, however.

**Bay Area Air Quality Management District/2017 Clean Air Plan.** On April 19, 2017, the Bay Area Air Quality Management District Board of Directors adopted an update to the *2010 Clean Air Plan* called the *2017 Clean Air Plan* (Bay Area Air Quality Management District 2017b). Both the *2010 Clean Air Plan* and *2017 Clean Air Plan* focus on protecting public health and protecting the climate, and contain control measures aimed at reducing air pollution in the region. Additionally, many of the control measures included in the *2010 Clean Air Plan* were carried forward into the *2017 Clean Air Plan*. Consistency with the *2017 Clean Air Plan* is discussed in Section 5.4, *Air Quality*, of the SEIR-2.

**Senate Bill 215.** Effective January 1, 2017, SB 215 amended the Public Utilities Code to change how the California Public Utilities Commission (CPUC) governs, particularly in regards to ex parte communication. Among other changes, SB 215 affected how the CPUC processes formal crossing applications by requiring a commissioner or administrative law judge to oversee each rail crossing application. Compliance with SB 215 is discussed in Section 3.13, *Safety and Security*, of the Second Subsequent IS.

*This Page Intentionally Left Blank*