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# Chapter 1

## Introduction

The Santa Clara Valley Transportation Authority (VTA) has prepared this Final Second Supplemental Environmental Impact Report (Final SEIR-2) for the proposed changes to the Eastridge to BART Regional Connector: Capitol Expressway Light Rail Project (approved project) in accordance with the requirements of the California Environmental Quality Act (CEQA) for a Final EIR. Before approving a project, CEQA requires the Lead Agency to prepare and certify a Final Environmental Impact Report (EIR). The contents of a Final EIR are specified in Section 15132 of the CEQA Guidelines, which state that a Final EIR shall consist of:

- a. The Draft EIR or a revision of the Draft.
- b. Comments and recommendations received on the Draft EIR either verbatim or in summary.
- c. A list of persons, organizations, and public agencies commenting on the Draft EIR.
- d. The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- e. Any other information added by the Lead Agency.

### Section 1.2 Prior Environmental Documentation

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

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

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

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

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

The Draft SEIR-2 and the Second Subsequent address minor changes to the project as well as incorporate changed circumstances and new information. The Final SEIR-2 consists of the Draft SEIR-2 (including the Second Subsequent IS) and the responses to comments on the Draft SEIR-2.

## Section 1.3 Organization of the Final SEIR-2

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

The Final SEIR-2 includes the following sections.

### Volume I

- **Chapter 1: Introduction.** Provides an overview of the components of the Final SEIR-2 and describes the certification process for the SEIR-2.
- **Chapter 2: Revised Draft Second Supplemental Environmental Impact Report.** Includes revisions to the text in the body of the Draft Second Supplemental EIR (Revised Draft SEIR-2).
- **Chapter 3: Response to Comments on the Draft Second Supplemental Environmental Impact Report.** Describes the public review process for the Draft SEIR-2. Also includes the comments on the Draft SEIR-2 received by VTA and VTA’s written responses.
- **Chapter 4: Major Revisions to the Draft Second Supplemental Environmental Impact Report.** Identifies additions to the Draft SEIR-2 in *italics* and deletions in ~~strikeout~~ text.
- Attachment A (Notice of Preparation and Public Scoping with Comments Received)
- Attachment B (Detailed Description of the Proposed Changes)
- Attachment C (Detailed Plans for the Proposed Changes)

**Volume II**

- Attachment D (Supplemental Transportation Analysis)
- Attachment E (Noise and Vibration Assessment)
- Attachment F (Air Quality Modeling Assumptions)

**Volume III**

- Attachment G (Second Subsequent IS and all attachments)

**Section 1.4 Certification of the SEIR-2**

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

VTA is the “lead agency” in accordance with Sections 15051 and 15367 of the CEQA Guidelines, which define the lead agency as the public agency that has the principal responsibility for carrying out or approving a project. The Lead Agency must provide each agency that commented on the Draft EIR with a copy of the Lead Agencies’ proposed response at least 10 days before certifying the Final EIR.

The Final SEIR-2 allows the public and the VTA Board of Directors an opportunity to review revisions to the Draft SEIR-2 and the response to comments, prior to approval of the proposed changes to the approved project. The Final SEIR-2 serves as the environmental document to support approval of the project, either in whole or in part, if the project is approved.

After completing the Final SEIR-2, and before approving the project, the Lead Agency must take the following three certifications, as required by Section 15090 of the CEQA Guidelines:

- The Final EIR has been completed in compliance with CEQA.
- The Final EIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
- The Final EIR reflects the Lead Agency’s independent judgement and analysis.

As required by Section 15091 of the CEQA Guidelines, no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more

significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale for each finding supported by substantial evidence in the record. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

These certifications and Findings of Fact are included in a separate Findings document. The Final EIR as revised by the Final Supplemental EIR, the Subsequent Initial Study and Mitigated Negative Declaration, and now the Final SEIR-2, and the Findings, are submitted to the VTA Board of Directors for consideration of the proposed changes to the approved project.