



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
Hawaii, Nevada, Guam

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

DEC 9 2010

Michael Burns
General Manager
Santa Clara Valley Rapid Transit Authority
3331 North First Street
San Jose, CA 95134

Re: Approval of Categorical Exclusion for the Capitol Expressway Corridor Bus Stop and Transit Center Improvements Project

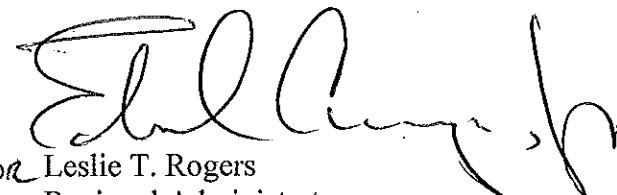
Dear Mr. Burns:

The Federal Transit Administration has completed its review of your letter, dated October 18, 2010, requesting a National Environmental Policy Act (NEPA) finding for the Capitol Expressway Corridor Bus Stop and Transit Center Improvements Project. Based on your letter and the supporting documentation submitted with your letter, we find that the project qualifies as a Categorical Exclusion under 23 CFR 771.117(c)(10), *"Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic."*

Your submission demonstrates that this project satisfies all applicable criteria for this Categorical Exclusion. In particular, this review finds that the project would not result in: significant environmental impacts that cannot be mitigated to a less-than-significant level; relocation of people or businesses; induced growth; significant air, water, traffic, or noise impacts; impacts to wetlands, endangered species or other biological resources; significant impacts to cultural, recreations or historic resources.

If you have any questions about this review, please contact Eric Eidlin at (415) 744-2502.

Sincerely,


for Leslie T. Rogers
Regional Administrator

CATEGORICAL EXCLUSION and DOCUMENTED CATEGORICAL EXCLUSION WORKSHEET

Note: The purpose of this worksheet is to assist sponsoring agencies in gathering and organizing materials for environmental analysis required under the National Environmental Policy Act (NEPA), particularly for projects that may qualify as a documented Categorical Exclusion (DCE).

Submission of the worksheet by itself does not meet NEPA requirements. FTA must concur in writing in the sponsoring agency's NEPA recommendation. Project activities may not begin until this process is complete. Contact the FTA Region 10 office at (206) 220-7954 if you have any questions or require assistance. If this is the first time you have filled out this form, FTA encourages you to contact us for guidance. Attached to this document is a list of topical resource information.

I. PROJECT DESCRIPTION

Sponsoring Agency Santa Clara Valley Transportation Authority	Date Submitted October 18, 2010	FTA Grant Number(s) (if known)
Project Title Capitol Expressway Corridor Bus and Transit Center Improvements		
Project Description (brief, 1-2 sentences) Bus facility improvements and reconfiguration of the Eastridge Transit Center		
Purpose and Need for Project (brief, 1-2 sentences, include as an attachment if adopted statement is lengthy) To improve access to transit services in the Capitol Expressway Corridor		
Project Location (include City and Street address) City of San Jose, Capitol Expressway between Story Road and Quimby Road		
Project Contact (include phone number and email address) Tom Fitzwater, 408.321.5705, Tom.Fitzwater@vta.org		
If your project involves construction, include the following maps: <ul style="list-style-type: none">• Project Vicinity• Project Site Plan• USGS quad		

II. NEPA Class of Action

Answer the following questions to determine the project's potential class of action. If the answer to any of the questions in Sections A or B is "YES", contact the FTA Regional office to determine whether the project requires preparation of a NEPA environmental assessment (EA).

A. Will the project significantly impact the natural, social and/or economic environment?

- YES (contact FTA Regional office)
 NO (continue)

B.1 Is the significance of the project's social, economic or environmental impacts unknown?

- YES (contact FTA Regional office)
 NO (continue)

B.2 Is the project likely to require detailed evaluation of more than a few potential impacts?

- YES (contact FTA Regional office)
 NO (continue)

B.3 Is the project likely to generate intense public discussion, concern or controversy, even though it may be limited to a relatively small subset of the community?

- YES (contact FTA Regional office)
 NO (continue)

C. Does the project appear on the following list of potential Categorical Exclusions (CEs)?

The projects listed below are generally categorically excluded from further NEPA analysis under 23 CFR 771.117(c) unless certain circumstances exist, such as the presence of wetlands, historic buildings and structures, parklands and floodplains in the project area.

- YES (If checked AND there are no special circumstances, as described above, mark the applicable activity and proceed to the signature block on the back page.)
 NO (continue to Section D)

- Activities not involving or directly leading to construction (technical studies, planning, preliminary engineering, etc.)
- Utility installations along or across a transit facility
- Construction of bicycle and pedestrian facilities, excluding those requiring construction in new right-of-way
- Installation of noise barriers or alterations to existing publicly-owned buildings to provide for noise reduction

- Landscaping
- Installation of fencing, signs, pavement markings, toll facilities, control centers, vehicle test centers, small passenger shelters, traffic signals, railroad warning devices, and signal controls with no substantial land acquisition or traffic disruption
- Emergency repairs under 23 USC 125
- Acquisition of scenic easements
- Ridesharing activities
- Bus, ferry, and rail car rehabilitation (including conversions to alternative fuels)
- Alterations to facilities or vehicles to make them accessible to elderly or handicapped persons
- Program administration (including safety programs), technical assistance, and operating assistance to continue existing service or increase service to meet routine changes in demand
- Purchase and lease of vehicles and equipment for use on existing facilities or new facilities that also qualify as CEs (including the capital cost of contracts for transit services)
- Track, railbed, and wayside system maintenance and improvements when carried out in existing right-of-way
- Purchase and installation of operating, maintenance and Intelligent Transportation Systems (ITS) equipment to be located solely within the transit facility and with no significant off-site impacts
- Mitigation banking
- Resurfacing and restriping
- Routine maintenance

D. Does the project appear on the following list of potential documented Categorical Exclusions?

These projects may be categorical exclusions under 23 CFR § 771.177(d), but require additional documentation demonstrating that the specific conditions or criteria for the CEs are satisfied and that significant effects will not result.

- YES (Check and continue to Part III)
- NO (Contact FTA Regional Office)

- Grade separations requiring land acquisition to replace existing at-grade railroad crossings and bridge rehabilitation (including approaches to bridges and excluding historic bridges or bridges providing access to ecologically sensitive areas)
- Corridor Fringe Parking facilities (generally located adjacent to a mass transportation corridor such as an Interstate highway system)
- Carpool programs and activities requiring land acquisition and construction

- Safety improvements including seismic retrofit and mitigation of wildlife hazards
- Construction of new bus storage and maintenance facilities and new ITS control centers in areas used predominantly for industrial or transportation purposes where such construction is consistent with existing zoning and located on a street with adequate capacity to handle anticipated traffic
- Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users
- Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks, and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic
- Construction of rail storage and maintenance facilities (or other similarly sized support facilities) in areas used predominantly for industrial or transportation purposes where such construction is consistent with existing zoning and where there is no significant noise impact on the surrounding community
- Area-wide coordination of multiple ITS elements
- Advance land acquisition including:
 - Acquisition of underutilized private railroad rights-of-way (ROW) to ensure that adjacent land uses remain generally compatible with the continued transportation use of the ROW
 - Acquisition of land for hardship or protective purposes, consistent with 23 CFR 771.117 (D)(12)

(Note: the eligibility of hardship and protective buys is very limited and must be approved, in writing, by the Regional FTA office before proceeding with any acquisition activities. Failure to do so will render the project ineligible for Federal participation.)

III. Information Required for Documented Categorical Exclusions

If you checked "Yes" to any of the options in Part II, Section D, complete Part III and submit to FTA.

A. Detailed Project Description

Include a project description and explain how the proposal satisfies the purpose and need identified in Part I. See Attachment A.

B. Location and Zoning

Attach a map identifying the project's location and surrounding land uses. Note any critical resource areas (historic, cultural or environmental) or sensitive noise or vibration receptors (schools, hospitals, churches, residences, etc). Briefly describe the existing zoning of the project area and indicate whether the proposed project is consistent. Include a description of the community (geographic, demographic, economic and population characteristics) in the vicinity of the project. See Attachment A.

C. Traffic	Describe potential traffic and parking impacts, including whether the existing roadways have adequate capacity to handle increased bus or other vehicular traffic. Include a map or diagram if the project will modify existing roadway configurations. Describe connectivity to other transportation facilities and modes. See Attachment A.
D. Aesthetics	<p>Will the project have an adverse effect on a scenic vista?</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, describe</p> <p>Will the project substantially degrade the existing visual character or quality of the site and its surroundings?</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, describe</p> <p>Will the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, describe</p>

E. Air Quality	<p>Does the project have the potential to impact air quality?</p> <p><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES, describe</p> <p>Is the project located in an Environmental Protection Agency (EPA)-designated non-attainment or maintenance area?</p> <p><input type="checkbox"/> NO <input checked="" type="checkbox"/> YES, indicate the criteria pollutant and contact FTA to determine if a hot spot analysis is necessary.</p> <p><input checked="" type="checkbox"/> Carbon Monoxide (CO) <input checked="" type="checkbox"/> Ozone (O₃) <input type="checkbox"/> Particulate Matter (PM₁₀)</p> <p>If the non-attainment area is also in a metropolitan area, was the project included in the MPO's Transportation Improvement Program (TIP) air quality conformity analysis?</p> <p><input type="checkbox"/> NO <input checked="" type="checkbox"/> YES</p> <p>Date of USDOT conformity finding November 17, 2008</p>
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F. Coastal Zone	<p>Is the proposed project located in a designated coastal zone management area?</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, describe coordination with the State regarding consistency with the coastal zone management plan and attach the State finding, if available.</p>
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G. Environmental Justice

Indicate whether the project will have disproportionately high and adverse impacts on minority or low-income populations. Describe any potential adverse effects. Describe outreach efforts targeted specifically at minority or low-income populations. See Attachment A.

H. Floodplains

Is the proposed project located within the Federal Emergency Management Agency (FEMA) 100-year floodplain?

No

Yes, describe potential impacts and include the FEMA map with the project location identified. See Attachment A.

I. Hazardous Materials

Is there any known or potential contamination at the project site?

No, describe the steps taken to determine whether hazardous materials are present on the site. See Attachment A.

Yes, note mitigation and clean-up measures that will be taken to remove hazardous materials from the project site.

J. Navigable Waterways

Does the proposed project cross or have the potential to impact a navigable waterway?

No

Yes, describe potential impacts and any coordination with the US Coast Guard.

K. Noise and vibration

Does the project have the potential to increase noise or vibration?

NO

YES, describe impact and provide map identifying sensitive receptors such as schools, hospitals, parks and residences. If the project will result in a change in noise and vibration sources, you must use FTA's "Transit Noise and Vibration Impact Assessment" methodology to determine impact.

L. Prime and Unique Farmlands

Does the proposal involve the use of any prime or unique farmlands?

No

Yes, describe potential impacts and any coordination with the Soil Conservation Service of the U.S. Department of Agriculture.

M. Resources

Does the project have the potential to impact any of the resources listed below?

NO

YES, if checked, describe resource and impacts. Impacts to cultural, historic, or recreational properties may trigger Section 4(f) evaluation, which requires consideration of avoidance alternatives.

Natural

Cultural

Historic—Indicate whether there are any historic resources in the vicinity of the project. Attach photos of structures more than 45 years old that are within or adjacent to the project site.

Recreational

Biological--The project sponsor must obtain a list of threatened and endangered species in the project area from the US Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration-Fisheries (NOAA-Fisheries). Attach species map, if available. Describe any critical habitat, essential fish habitat or other ecologically sensitive areas. See appendix for more information.

Other, describe

N. Seismic

Are there any unusual seismic conditions in the project vicinity? If so, indicate on project map and describe the seismic standards to which the project will be designed.

No

Yes, describe

O. Water Quality

Does the project have the potential to impact water quality, including during construction.

No

Yes, describe potential impacts

See Attachment A.

Will there be an increase in new impervious surface or restored pervious surface?

No

Yes, describe potential impacts and proposed treatment for stormwater runoff.

See Attachment A.

Is the project located in the vicinity of an EPA-designated sole source aquifer?

No

Yes, describe potential impacts and include a map of the sole source aquifer with project location identified.

P. Wetlands

Does the proposal temporarily or permanently impact wetlands or require alterations to streams or waterways?

- No
 Yes, describe potential impacts

Q. Construction Impacts

Describe the construction plan and identify impacts due to construction noise, utility disruption, debris and spoil disposal, and staging areas. Address air and water quality impacts, safety and security issues, and disruptions to traffic and access to property. See Attachment A.

R. Cumulative and Indirect Impacts

Are cumulative and indirect impacts likely?

- No
 Yes, describe the reasonably foreseeable:

- a) Cumulative Impacts, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.
- b) Indirect impacts, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect impacts may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air, water and other natural systems, including ecosystems.

S. Property Acquisition

If property is to be acquired for the project, indicate whether acquisition will result in relocation of businesses or individuals. See Attachment A.

Note: To ensure the eligibility for federal participation, grantees may not acquire property with either local or federal funds prior to completing the NEPA process and receiving written concurrence in the NEPA recommendation. For acquisitions over \$250,000, FTA concurrence in the property's valuation is also required.

T. Public Notification

Describe public outreach efforts undertaken on behalf of the project. Indicate opportunities for public hearings, (e.g. board meetings, open houses, special hearings). Indicate any significant concerns expressed by agencies or the public regarding the project. See Attachment A.

U. Mitigation Measures

Describe all measures to be taken to mitigate project impacts. See Attachment C.

V. Other Federal Actions

Provide a list of other federal NEPA actions related to the proposed project or in the vicinity. No other federal NEPA actions are needed for the project.

W. State and Local Policies and Ordinances

Is the project in compliance with all applicable state and local policies and ordinances?

No, describe

Yes

X. Related Federal and State/Local Actions

- Corps of Engineers (Section 10, Section 404)
- Coast Guard Permit
- Coastal Zone Management Certification
- Critical Area Ordinance Permit
- ESA and EFH Compliance
- Flood Plain Development Permit
- Forest Practice Act Permit
- Hydraulic Project Approval
- Local Building or Site Development Permits
- Local Clearing and Grubbing Permit
- National Historic Preservation Act-Section 106
- National Pollutant Discharge Elimination System Baseline General for Construction
- Shoreline Permit
- Solid Waste Discharge Permit
- Section 4(f) or 6(f) (Recreational and Historic Properties)
- Section 106 (Historic Properties)
- Stormwater Site Plan (SSP)
- Temporary Erosion and Sediment Control Plan (TESC)
- Water Rights Permit
- Water Quality Certification—Section 401
- Tribal Permits (if any, describe below)
- Other

Describe as applicable:

Submit two paper copies of this form, attachments, and a transmittal letter recommending a NEPA finding to the address below. Submit an electronic version to your area FTA Community Planner. Contact FTA at the number below if you are unsure who this is or if you need the email address. Modifications are typically necessary. When the document is approved, FTA may request additional copies.

Federal Transit Administration, Region 10
915 2nd Avenue, Suite 3142
Seattle, WA 98174-1002

phone: (206) 220-7954
fax: (206) 220-7959



ATTACHMENT A:

Project Description and Summary of Environmental Impacts

The following information is provided according to **Part III: “Information Required for Documented Categorical Exclusions,”** of the FTA Categorical Exclusion Worksheet.

A. Project Description

The objective of the Project is to improve transit facilities and provide safe and convenient pedestrian access to these facilities in the Capitol Expressway Corridor.

Bus stops at Capitol Expressway/Story Road and Capitol Expressway/Ocala Avenue intersections will be improved for existing and planned transit services. Existing amenities, including sign poles, benches and trash receptacles, will remain. Bus duckouts, stop pads, shelters, lighting and landscaping will be added.

Traffic signals will be relocated at the Capitol Expressway/Story Road intersection to align with the new curb and gutter as a result of the bus improvements. New traffic signals will be installed at all four corners of Capitol Expressway/Story Road intersection.

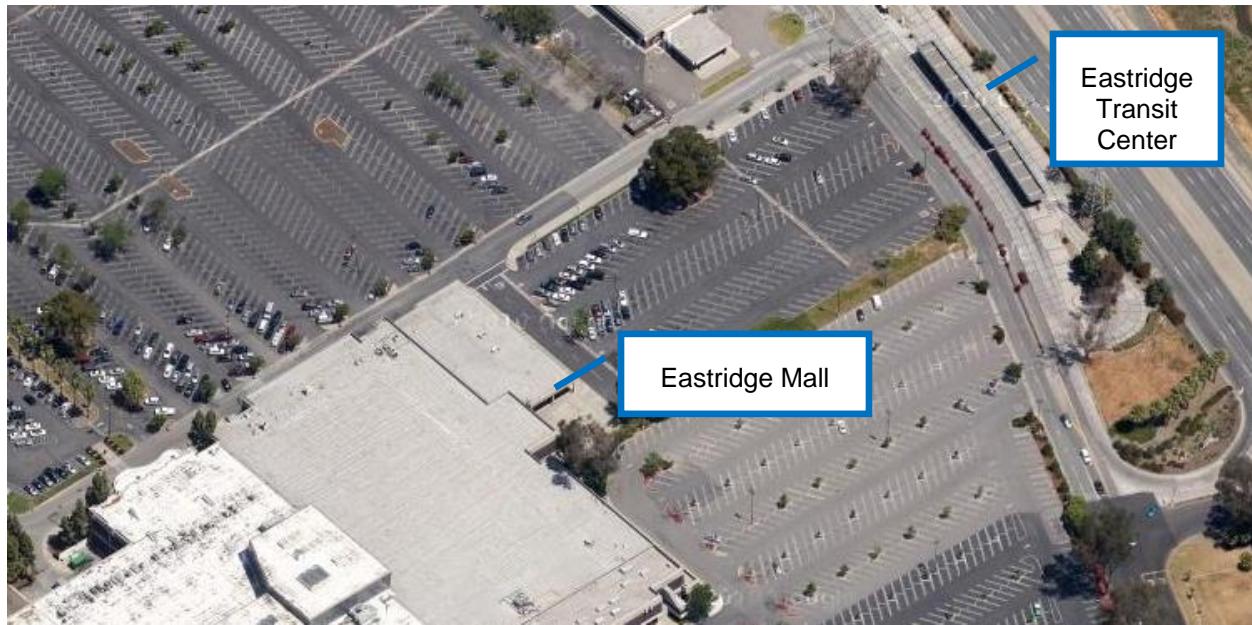
In addition, several improvements would be made to the Eastridge Transit Center (Figure 1). The improvements include relocating, reconfiguring, and expanding the existing bus transfer facilities, adding a new access road to the park-and-ride lot, relocating the Eastridge Ring Road in the vicinity of the Transit Center; and adding a multi-use path of sidewalk and landscaping along the eastern edge of the site and possibly along the entrance to the park-and-ride lot. Please refer to Figure 4, in Attachment C, for a map of the proposed Transit Center layout.

In addition, other improvements could include the following recommendations from the Eastridge Transit Center Improvement and Access Plan (Attachment E), pending negotiation and coordination with Eastridge Mall management:

- Modification of Eastridge internal ring road to a layout that improves pedestrian access from Tully Road and Quimby Road to the Transit Center. This could include a reduction of the traffic lanes to one lane in each direction, a median lane that supports various turn movements and continuous sidewalk with landscaping along the edge of the ring road. One design option for the ring road is to retain the current configuration with the addition of sidewalks and landscaping.
- Improved connection between the east entrance of the mall and the Transit Center. This includes direct sidewalk connection with landscaping and signage. Minor parking reconfiguration and access points from the ring road may also be included to support this improved connection.

- To improve bus circulation, provide for bus access from Quimby Road along the ring road to the transit center (buses from Quimby Road currently turn from Quimby to Capitol Expressway to enter the Transit Center using the intersection from the expressway); this option allows buses a more direct route to the Transit Center from Quimby Road using the ring road.

Figure 1: Eastridge Mall and VTA Eastridge Transit Center



The Project would cost \$33.2 million and is anticipated to be funded with a combination of State, Local, and Federal sources, of which FTA S.5307 Enhancement Funding is one. Construction of the bus improvements would occur over a period of approximately 2 years, beginning in October 2012.

B. Location and Zoning

The Project is located on Capitol Expressway in the City of San Jose and County of Santa Clara. Attachment B includes a Project Location Map and photos of existing land uses in the Project area. Capitol Expressway is an eight-lane limited access expressway consisting of three general purpose lanes in each direction and a High Occupancy Vehicle (HOV) lane near its intersection with U.S. 101 northward to its intersection with Interstate-680. The posted speed limit is 45 miles per hour (mph).

The major land uses within the corridor are residential and commercial. In the vicinity of the bus stop at Ocala Avenue are single-family and multifamily residential uses. Commercial facilities such as shopping centers and small strip malls are interspersed through the corridor adjacent to the expressway. The primary land use at the Story Road/Capitol Expressway intersection and Eastridge Transit Center is commercial. Major development along the corridor includes Reid-

Hillview Airport, Eastridge Mall, and the Eastridge Transit Center. The Reid-Hillview Airport is a general aviation airport owned by the County, located on the west side of the corridor, between Ocala Avenue and Tully Road. It has two runways and serves small, private planes. Southwest of the airport is the Eastridge Transit Center. The Transit Center was built in 1986. The platform, shelter, parking lot, and bicycle lockers are built on 3.64 acres within walking distance of the Eastridge Mall. The Eastridge Mall is a two-level retail center with a parking capacity of over 7,500 vehicles.

The Project would serve two high schools, two middle schools, a regional shopping facility (Eastridge Mall), three libraries, recreational facilities, and two colleges/universities. Based on data from the 2000 United States Census, the project area has neighborhoods with an average household size (4.9) that is larger than in either the city or county as a whole (3.2 and 2.9, respectively). The project area also has a higher percentage of people living below the poverty line (11%) than the city and county (9% and 8%, respectively), and a lower percentage (43%) of employed residents than the county (51%) and the city (48%). Additional geographic, demographic, economic and population characteristics of the community are described in sections 4.9 and 4.16 of the Final Environmental Impact Report (EIR) (Attachment F). The general plan land use and zoning designations of the Project area are identified in Table H-1 in Appendix H of the Final EIR.

C. Traffic

Currently, the Eastridge Ring Road's 55-foot width contains two travel lanes in each direction, plus a turn lane. VTA is proposing to reduce the number of lanes from five to three. This configuration would include one lane in each direction with a turn lane in the middle that can be treated as a landscaped median where no turn lanes are required. The remaining 21 feet would accommodate a 14-foot multi-use path on the mall-side of the street, with over a 6-foot landscape buffer separating pedestrians and bicyclists from moving traffic. Traffic studies indicate that the volumes and turning movements on Eastridge Ring Road can be accommodated even with the reduced number of travel lanes. The Eastridge Loop intersection with the connector road to Capitol Expressway operates at substandard levels (LOS F) under existing conditions, with the Christmas holiday seasonal volume adjustment. However, this intersection is anticipated to operate at improved levels with the proposed project due to changes to on-site traffic patterns, intersection geometry, and parking lot access points.

The reconfiguration of Eastridge Ring Road and the Eastridge Transit Center improvements would result in the loss of approximately 365 - 410 parking spaces. Based on a review of aerial photographs from December 13 and 20, 2008, these spaces are not usually used due to their location far from the mall entrances. Negotiations with Eastridge Mall would be an essential part of the Project. No substantial changes in traffic are anticipated with the proposed improvements.

G. Environmental Justice

The Project will not have disproportionately high or adverse impacts on minority or low-income populations. In 2007, VTA was awarded a grant through the Caltrans Environmental Justice: Context Sensitive Program to create an Eastridge Transit Center Improvement and Access Plan

(Attachment E). Through extensive community outreach, the Plan identified projects that improve access to the Transit Center from neighboring environmental justice communities. The Plan will be used as a reference during design and rebuilding of the Transit Center.

I. Hazardous Materials

The improvements would involve subsurface excavation near sites that are known to contain hazardous materials. Table 1 lists nearby hazardous sites and their remediation status. Prior to construction, VTA will conduct Phase II site investigations to determine whether any chemicals of concern are present. If necessary, a risk assessment, Health and Safety Plan, and Soil Management Work Plan will be prepared. If contaminated soil or groundwater is encountered, VTA will notify the appropriate local environmental management agencies and fire departments. Any identified environmental site conditions that may represent a risk to public health and safety will be remediated in accordance with federal, state, and local environmental laws and regulations.

Table 1: Nearby Sites Contaminated with Hazardous Materials

Site Name	Address	Description of Contaminants	Status	Remediation Activities
Chevron 9-8247	2710 Story Road	Gasoline, waste oil, and oil/water separator waste in groundwater	Open	Ongoing
SAVEK and Capitol Car Wash	2701 Story Road	MTBE and gasoline in the groundwater	Open	This site is under investigation and supervision of the Santa Clara Valley Water District and the San Francisco Bay Regional Water Quality Control Board.
Texaco	2695 Story Road	MTBE and gasoline in the groundwater	Open	Groundwater monitoring has been performed at this site since February 1992. No active remediation has occurred to date.
Southland Company/Shell	2690 Story Road	Petroleum hydrocarbons in groundwater	Closed	Complete
J.C. Penney	2242 Tully Road	Gasoline in	Open	A Corrective Action Plan

Site Name	Address	Description of Contaminants	Status	Remediation Activities
		groundwater		(CAP) proposing soil and groundwater remediation was approved by the Santa Clara County of Department of Environmental Health in 2009. Groundwater monitoring and sampling has been ongoing at the site since 1995.
Firestone Master Care #3682	2240 Tully Road	Release of an unidentified substance to soil	Closed	Complete
Eastridge Shopping Center	1 Eastridge Mall	Diesel fuel released in soil	Closed	Complete
ARCO 2187	2375 Quimby Road	Petroleum hydrocarbons in groundwater	Open	As of August 2009, the Santa Clara County of Department of Environmental Health declared that no further action was required at the site and had begun reviewing the case for closure.
SpeeDee Oil Change and Tune-Up	1825 East Capitol Expressway	This site is listed in the Hazardous Waste Information System database. However, no records of violations or releases were found.	Open	The site is not expected to pose an environmental concern.

O. Water Quality

The Capitol Expressway Corridor is located within the Federal Emergency Management Agency (FEMA) 100-year flood zone and the Coyote Creek and Guadalupe River watersheds. The Project does not have any potential impacts to the floodplain or water quality. In implementing the Project, VTA shall comply with the Clean Water Act, including all National Pollution Discharge Elimination System (NPDES) permit requirements. VTA shall require the construction contractor to develop and implement a storm water pollution prevention plan

(SWPPP) in accordance with State Water Resources Control Board (SWRCB) regulations. Please refer to Section 3.11 in Attachment C for mitigation measures pertaining to stormwater runoff.

Q. Construction Impacts

Construction would occur over a period of approximately 2 years, beginning in October 2012. Mitigation measures related to construction activities, including dust, vehicle emission, and water quality control measures, are described in Section 3.18 in Attachment C.

S. Property Acquisition

No full acquisitions are required. Partial acquisitions of six properties are listed in Table 1. The additional right-of-way needed for the project includes landscaping and parking and would not result in relocation of businesses or individuals.

Table 1: Partial Acquisitions for Bus Stop and Eastridge Transit Center Improvements

Accessor Parcel Number (APN)	Approximate Location	Use
486-43-106	Southwest corner of Capitol Expwy/ Story Rd.	Commercial
491-15-004	Northwest corner of Capitol Expwy/ Cunningham Ave.	Utility (PG&E)
491-15-003	Southwest corner of Capitol Expwy/ Ocala Ave.	Public (County)
491-04-050	Eastridge Mall	Commercial
491-48-004	Northwest corner Capitol Expwy/ Quimby Rd.	Commercial
491-48-005	Southwest corner Capitol Expwy/ Mall Entrance	Commercial

T. Previous Studies and Public Notification

The Capitol Expressway Light Rail (CELR) Project was initiated in September 2001 with the publishing 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 EIR with the State Clearinghouse. From the beginning of the conceptual engineering in January 2001 to April 2003, there were nine public meetings (including the environmental scoping meeting) and open houses

and 25 project presentations about the Capitol Expressway Corridor to community groups and organizations. 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 and approved the Light Rail Alternative (Attachment F).

As a result of Preliminary Engineering, the Light Rail Alternative was modified to improve operations, minimize right-of-way acquisition and lower costs. The Draft Supplemental EIR was circulated for public review from January 19, 2007 to March 5, 2007. A Notice of Availability was posted with the Santa Clara County Clerk and was sent to 250 public agencies, community organizations, residents, and businesses. VTA held a public meeting and open house on February 8, 2007. A total of 12 comments were received during the 45-day review period. Overall, public comments about the project have been positive and relate primarily to questions regarding funding and schedule. The VTA Board of Directors approved a Final Supplemental EIR in August 2007.

Since this approval, the CELR Project has been divided into phases. Each phase can be constructed and operated independently.

The first phase will include pedestrian, bus, and Eastridge Transit Center improvements. An Addendum to the Final Supplemental EIR was approved for Phase 1 in June 2010 (Attachment C). On September 23, 2010, the California Transportation Commission (CTC) allocated \$23.4 million in Public Transportation Account (PTA) funds for construction of pedestrian improvements and for right-of-way acquisition for bus stop and Eastridge Transit Center improvements. The pedestrian improvements will be advertised for construction on November 15, 2010. State funding of \$33.2 million for construction of bus stop and Transit Center improvements is programmed for Fiscal Year 2012; however, this state funding is uncertain given the state's continuing budget crisis. Acquisition is therefore on-hold until after the approval of this CE.

The second phase will include the light rail extension from Alum Rock to Eastridge. The Project is currently being evaluated in a Supplemental Draft Environmental Impact Statement that is scheduled for public review in February 2011. The Project website is listed here for additional reference: http://www.vta.org/projects/capitol_rail_project/index.html .