



Capitol Expressway Light Rail Project

COORDINATION PLAN FOR AGENCY AND PUBLIC INVOLVEMENT

January 2010

Federal Transit Administration

Santa Clara Valley Transportation Authority



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INTRODUCTION

Purposes of the Coordination Plan

In an effort to provide for more efficient reviews during the environmental review process, the Federal “Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users” (SAFETEA-LU), Section 6002, included the development and implementation of a coordination plan as a requirement for all projects for which an environmental impact statement (EIS) is prepared under the National Environmental Policy Act of 1969 (NEPA).

This Coordination Plan is intended to document the process by which the Santa Clara Valley Transportation Authority (VTA) will communicate with the Federal Transit Administration (FTA), as the lead federal agency. In addition, this Coordination Plan will:

- Identify early coordination efforts;
- Identify cooperating and participating agencies;
- Establish the timing and form of public involvement; and
- Describe the communication methods that will be implemented to inform the community about the Capital Expressway Light Rail project.

This Coordination Plan is a living document and can be modified throughout the progression of the EIS process. This plan is available electronically at the project website http://www.vta.org/projects/capitol_rail_project/index.html.

Project Location

The project is located along Capitol Expressway between Capitol Avenue and Quimby Road in San José, California (see Figure 1). Capitol Expressway is an eight-lane roadway, including two High Occupancy Vehicle (HOV) or carpool lanes. The predominant land use in the area is residential, but there are also businesses, churches, recreational uses, an airport, and a regional shopping center adjacent to the corridor. Based on historical data, the study area has a larger minority population, a lower income per capita, and a higher number of people living below the poverty line, than San José as a whole.

Background

The planning process for improving transit services in the Capitol Expressway Corridor has been ongoing since early 1999. Beginning with a Major Investment Study (MIS), the project has continued to evolve from the 17 alternatives initially evaluated to the light rail

alternative that the VTA Board of Directors selected as the preferred investment strategy in 2000.

The federal and state environmental process for the Capitol Expressway Light Rail (CELR) Project was initiated in September 2001 with the publishing of a Notice of Intent to prepare an EIS in the federal register and the filing of the Notice of Preparation of an EIR with the State Clearinghouse. The Environmental Document analyzed the following alternatives: (1) No-Project Alternative, (2) Baseline Alternative¹, and (3) Light Rail Alternative. The Draft EIS/EIR was made available for public review in April 2004. As a result of limited opportunities for securing federal funds at that time, a Final EIS was never completed for this project. A Final EIR was completed in April 2005. The VTA Board of Directors certified the Final EIR and approved the Light Rail Alternative in May 2005.

In August 2007, the VTA Board of Directors approved a Final Supplemental EIR that augmented the previously certified Final EIR to the extent necessary to address changes as a result of Preliminary Engineering (PE). These changes were incorporated into the project to respond to agency comments, improve operations, minimize right-of-way acquisition, reduce environmental concerns, and lower costs.

In order to be eligible for federal funds for this project, VTA is now preparing a Draft Supplemental EIS. This Draft Supplemental EIS will replace the Draft EIS that was made available in April 2004.

Project Description

The proposed project will extend light rail along Capitol Expressway between the existing Alum Rock Light Rail Station and Eastridge Transit Center, a distance of approximately 2.3 miles (see Figure 2). Light rail will operate primarily in the median of Capitol Expressway within exclusive and semi-exclusive rights-of-way. Property acquisition for the project will be minimized through the removal of two HOV lanes on Capitol Expressway. The alignment will include an elevated section north of Capitol Avenue and south of Story Road, and an elevated crossing of Tully Road. The project will include new light rail stations at Story Road (aerial), Ocala Avenue (at-grade) and Eastridge Transit Center (at-grade and aerial options). At Eastridge Mall, the existing transit center and park-and-ride lot will be modified and expanded to accommodate the project. The project will also include traction power substations at Ocala Avenue and Eastridge Transit Center. Approximately seven 115-kilovolt electrical transmission towers and two tubular steel poles (TSPs) will require relocation from the median of Capitol Expressway to the east side of Capitol Expressway in order to accommodate the project. While the project will cross over Silver Creek, no work is anticipated below the top of the bank.

¹ Enhancements to existing bus service above existing and planned levels.

Project Approvals

Other than FTA's Record of Decision for the EIS, VTA does not anticipate any other Federal permits and approvals for the Capitol Expressway Light Rail Project. State and local permits are anticipated for construction access and for protecting water quality.

AGENCY AND PUBLIC PARTICIPATION

This Coordination Plan includes the identification and involvement of agencies in the Capitol Expressway Light Rail Project environmental review process. These agencies include the lead, cooperating, and participating agencies. The plan also includes a means for public involvement in accordance with SAFETEA-LU, Section 6002.

Agencies Recognized in the Coordination Plan

Lead Agencies

FTA is the Federal lead agency and VTA is the local lead agency for the environmental review process. Both agencies are responsible for:

- Developing and implementing the Coordination Plan.
- Identifying, inviting, and involving agencies in the environmental review process.
- Providing opportunities for agency and public involvement in defining the purpose and need of the project, determining the range of alternatives, and determining methodologies and the level of detail for analysis of those alternatives.
- Supervising the preparation of the EIS.

Cooperating and Participating Agencies

A cooperating agency is defined as “any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment” (40 C.F.R. § 1508.5). In addition, “a cooperating agency may adopt without re-circulating an EIS of a lead agency when, after an independent review of the statement, the cooperating agency concludes that its comments and suggestions have been satisfied” (40 C.F.R. § 1506.3). This provision is particularly important to permitting agencies, such as the U.S. Army Corps of Engineers, who, as a cooperating agency, routinely adopts Federal environmental documents.

A participating agency is any other Federal or non-Federal agency with an interest in the project. Designation as a participating agency does not imply that the participating agency has any jurisdiction over or special expertise concerning the proposed project or its potential impacts.

The participating agencies for this project have roles and responsibilities which include, but are not limited to:

- Participating in the NEPA process starting at the earliest possible time, especially with regard to the development of the purpose and need statement, range of alternatives, and methodologies;
- Identifying, as early as practicable, any issues of concern regarding the project’s potential environmental or socioeconomic impacts. Participating agencies are also allowed to participate in the issue resolution process;
- Providing meaningful and timely input on unresolved issues; and
- Reviewing and providing comment on the preliminary draft of the EIS and the preferred alternative.

Nongovernmental organizations and private entities cannot serve as cooperating or participating agencies.

Invitations to Cooperating and Participating Agencies

FTA and VTA will distribute invitations to cooperating and participating agencies. FTA will be responsible for inviting Federal agencies and Native American Tribal Governments. VTA will be responsible for inviting State, regional, and local agencies. Each invitation will state the reasons why the project is expected to interest the invited agency and describe the roles and responsibilities of the invited agency. The draft Coordination Plan will also be included with the invitation.

Invitations will be sent by certified mail or e-mail (with verification of receipt). A copy of each invitation will be maintained in the project file. The invited agencies will have 30 days to respond to the invitation and to comment on the draft plan.

The agencies listed in Table 2.1 will be invited to participate in the environmental review process in accordance with the provisions included in this Coordination Plan. At this time, no cooperating agencies have been identified for this project. Therefore, all of the agencies involved have been identified as "participating agencies".

Table 2.1-1: Agencies Invited to Participate In Coordination Plan

Agency	Type of Agency	Type of Participation	Primary Role
California Department of Fish and Game	State	Participating	California ESA, Streambed Alteration Agreement
California Department of Transportation	State	Participating	Encroachment Permit
California Public Utilities Commission	State	Participating	Operating/safety approvals
State Office of Historic Preservation	State	Participating	NHPA, Section 106
Bay Area Air Quality Management District	Regional	Participating	Attain and maintain air quality standards
Metropolitan Transportation Commission	Regional	Participating	Administers state and federal funds for transportation
Regional Water Quality Control Board	Regional	Participating	CWA, Porter Cologne Water Quality Act
Alum Rock Elementary School District	Local	Participating	School safety
City of San José	Local	Participating	Encroachment permits, land use approvals
Santa Clara County	Local	Participating	Encroachment Permit
Santa Clara Valley Water District	Local	Participating	Encroachment Permit
Notes:			
ESA: Federal Endangered Species Act of 1970		CESA: California Endangered Species Act	
CWA: Federal Clean Water Act		NHPA: National Historic Preservation Act	

Responding to an Invitation

If a federal agency chooses to decline, the response letter (hard copy or electronic) must state that the agency:

- Has no jurisdiction or authority with respect to the project;
- Has no expertise or information relevant to the project; or
- Does not intend to submit comments on the project.

If the federal agency's response does not state the agency's position in these terms, then the agency will be treated as a participating agency. A State, regional, or local agency or a Native American Tribal Government must respond affirmatively to the invitation to be designated as a participating agency.

Other Agencies Included in the Environmental Review Process

VTA Policy Advisory Board

A Downtown East Valley Policy Advisory Board (PAB) was established in 1998 and includes five members representing the affected area. The PAB provides important policy guidance throughout the environmental review and project approval process. PAB meetings are typically scheduled quarterly and held at the Santa Clara County Government Center.

Public Participation

General Public

Public participation in the environmental scoping process includes a variety of opportunities to engage or inform the public about the proposed undertaking including: media releases; fact sheets and newsletters; general notification mailers; project website updates; individual and group contacts; circulation of draft documents; workshops; and public meetings. Meeting announcements will include information in multiple languages (English, Spanish, and Vietnamese), and include a phone number to request an interpreter. An interpreter will be provided at the meeting as needed. The public scoping process will include presentations and discussions of alternatives reviewed and evaluated in the MIS process and will entertain discussion on any reasonable alternatives proposed by the public.

Specific groups and individuals that will be targeted during VTA's public outreach efforts are as follows:

- City Council District Offices
- Strong Neighborhood Initiative Working Groups
- Utilities
- Affected Property Owners, Businesses, and Community Groups
- Schools
- VTA Customers

COORDINATION POINTS

The environmental review process involves several activities that include cooperating and participating agency coordination and public participation. This section highlights the main activities in the environmental review process, which includes coordination points where input from agencies and the public is explicitly requested.

Figure 3 shows the environmental review process schedule, which includes the coordination points and dates and timelines for input. The schedule will be posted to the project website for public access. If there are major changes to the schedule, then the new schedule will be posted on the project website with the date of modification shown (“Last Update: ...”). Cooperating and participating agencies will be notified of major schedule modifications by e-mail alert that provides a link to the project website, or by other means deemed appropriate.

Input from cooperating and participating agencies during the environmental review process may be in several written formats, but must occur on the dates or within the timelines given. Written responses and comments may be addressed to VTA in one of the following ways:

Postal mail:	Santa Clara Valley Transportation Authority Attn: Tom Fitzwater, Environmental Program Manager 3331 North First Street, Building B-2 San José, CA 95134-1927
Phone:	(408) 321-5789
E-mail:	Tom.Fitzwater@vta.org
Fax:	(408) 321-5787
Hearing impaired (TDD):	(408) 321-2330
Comments cards:	Available at the scoping and public meetings only.

Notice of Project Initiation

To initiate the environmental review process for a proposed project under SAFETEA-LU, Section 6002, VTA must notify FTA about the type of work, termini, length, and general location of the project. The Notice of Intent may serve as the initiation notice so long as the information required by Section 6002 is contained in the notice. For the Capitol Expressway Light Rail Project, this information will be included in a new Notice of Intent (NOI). Language in the new NOI will withdraw the original September 2001 NOI.

Coordination Plan

FTA and VTA will develop and implement the Coordination Plan. The draft Coordination Plan will be included with invitations to cooperating and participating agencies to participate in the plan. Agencies will have 30 days to respond to the invitations and comment on the draft plan. At the close of the 30-day period, FTA and VTA will revise the draft plan, as necessary, and VTA will print a final Coordination Plan. The final plan will be distributed to confirmed cooperating and participating agencies by mail and posted on the project website for public access.

Notice of Intent and Scoping

FTA and VTA will prepare a Notice of Intent (NOI) to inform agencies and the public that an EIS will be prepared and considered for the Capitol Expressway Light Rail Project in accordance with the National Environmental Policy Act (NEPA). The NOI will include the information required under SAFETEA-LU, Section 6002 (type of work, termini, length, and general location of the project), as well as the following information:

- A description of the proposed Capitol Expressway Light Rail Project and project background information including alternatives reviewed and dismissed in the MIS.
- A draft purpose and need statement.
- A description of the proposed project alternatives.
- Information on the methodologies to be used in the analysis of proposed project and alternatives.
- A description of the scoping process including the date, place, and time of the scoping meeting.
- Information on when and how to submit comments during the scoping period.
- Contact information at FTA and VTA for additional information about the proposed project, environmental review process, or to be placed on the project mailing list.

The NOI will be published in the *Federal Register* and distributed by postal mail or email to agencies (including the cooperating and participating agencies identified in this Coordination plan), elected officials, and other interested parties in the project area. The Notice of Intent will also be posted on the project website for public access.

A separate mailing in the form of a scoping meeting announcement will be sent to the general public. The general public includes residents, business owners, and property owners within a half mile radius from the proposed project area. It will also include Spanish and Vietnamese translations of the main heading which calls attention to the opportunity to learn more about the project's recent developments. News releases will be distributed in English and Spanish followed by media call-outs. The scoping announcement will also be emailed to stakeholder groups including City Council Offices, community and business organizations (i.e. District 8 Community Roundtable and the Latina Coalition) and members of the public who subscribe to VTA's GovDelivery service.

VTA will hold a scoping meeting to gather input and comments from agencies and the public that will be used in the development of technical studies and the EIS. The scoping meeting format will include plans, maps, and other displays for viewing. VTA staff will be available for questions. The open house will be followed by a formal presentation on the proposed project, purpose and need, and alternatives. A public comment period will follow the presentation where agencies and the public can verbally state their comments, which are recorded by staff or a court recorder. Attendees may also fill out comment cards and leave them at the meeting site or mail/fax them in prior to the end of the scoping period. The various ways to provide comments are included in the introduction to this section. Copies of the presentation and other materials from the scoping meeting, and verbal and written comments received at the meeting and throughout the 30-day scoping period will be included in a scoping report to be prepared following the end of the scoping period.

Any comments received during the scoping period on the draft purpose and need statement, proposed alternatives, and analytical methodologies will be considered by FTA and VTA in developing the final purpose and need statement and determining the alternatives to be analyzed in the Draft Supplemental EIS. Comments on the analytical methodologies will also be considered.

Project Purpose and Need Statement

FTA and VTA will provide an opportunity for cooperating and participating agencies and the public to provide input in the development of the project purpose and need statement, which focuses on the primary transportation challenges to be addressed by the project. A draft purpose and need statement will be included in the invitations to the cooperating and participating agencies, NOI, the scoping announcement, and on the project website. The purpose and need statement will also be included in the presentation at the scoping meeting. Input from cooperating and participating agencies and the public on the purpose

and need statement must be in written format (hard copy, fax, or e-mail) and received by the end of the scoping period.

FTA and VTA will consider all comments received from the cooperating and participating agencies and the public. The final project purpose and need statement will be developed and cooperating and participating agencies will be notified within 60 days following the end of the scoping period. The notification will include the considerations in making that decision. For the public, the final purpose and need statement will be posted on the project website within 60 days following the scoping period and included in the Draft Supplemental EIS.

Project Alternatives

FTA and VTA will provide an opportunity for cooperating and participating agencies and the public to provide input in the identification of the alternatives. Proposed alternatives will be included in the invitations to the cooperating and participating agencies, the NOI, and the scoping announcement. Proposed alternatives will also be included in the presentation at the scoping meeting. Input from cooperating and participating agencies and the public on the proposed alternatives must be in written format (hard copy, fax, or e-mail) and received by the end of the scoping period.

FTA and VTA will consider all comments received from the cooperating and participating agencies and the public. The final project alternatives will be identified and cooperating and participating agencies will be notified within 60 days following the end of the scoping period. Notification will include the considerations in making that decision. For the public, the final project alternatives will be posted on the project website within 60 days following the scoping period and included in the Draft Supplemental EIS.

Analytical Methodologies

FTA and VTA will collaborate with cooperating and participating agencies and the public, as appropriate, on the methodologies to be used and the level of detail required in the analysis of proposed alternatives.

The analytical methodologies will be included in the invitations to the cooperating and participating agencies and the NOI. They will also be included in the materials available at the scoping meeting. Input from cooperating and participating agencies and the public on the methodologies must be in written format (hard copy, fax, or e-mail) and received by the end of the scoping period. If a cooperating or participating agency or the public opposes a proposed methodology to be used in the analysis of alternatives, then an alternate methodology must be stated with a reason given for its preference.

The final methodologies will be identified and cooperating and participating agencies will be notified within 60 days following the end of the scoping period. Notification will include the considerations in making that decision. For the public, the final

methodologies will be posted on the project website within 60 days following the scoping period and included in the Draft Supplemental EIS.

The Preferred Alternative and the Level of Design Detail

A preferred alternative may be identified in the Draft Supplemental EIS, but is more likely to be identified in the final EIS, as FTA will not accept the identification of a preferred alternative until completion of sufficient scoping and analysis of the alternatives to support the identification. In deciding whether to accept the identification of a preferred alternative, FTA will consider the ability to comply with Federal requirements such as Section 4(f) of the Department of Transportation Act, the Section 404(b)(1) of the Clean Water Act, the Executive Order on Floodplain Management, etc. The acceptance of a preferred alternative is not a commitment by FTA to issue a Record of Decision for that alternative or to fund that alternative.

If a preferred alternative is identified by VTA and accepted by FTA, that alternative may be developed to a higher level of detail. SAFETEA-LU, Section 6002, permits this higher level of detail compared to the other alternatives to facilitate the development of mitigation measures or to provide concurrent compliance with other applicable environmental laws. FTA must weigh the issue of whether developing the preferred alternative more fully would cause an imbalanced comparison among alternatives because of time, money, or energy expended. FTA must be confident that all alternatives would be equally considered at the end of the NEPA process.

Draft Supplemental Environmental Impact Statement

VTA will prepare the Draft Supplemental EIS with FTA oversight. Once the draft document is complete, FTA and VTA will issue a Notice of Availability (NOA) to inform agencies and the public that the Draft Supplemental EIS is available for review and comment. The NOA will include a description of the Capitol Expressway Light Rail Project and alternatives, an overview of the environmental document, and information on the date, time, and location of the public meeting. An English language version of the NOA will be published in the *Federal Register* and distributed by postal mail or email to cooperating and participating agencies along with an electronic copy of the document (compact disk or link to website). An NOA announcement will also be created to include three languages (English, Spanish, and Vietnamese) for greater distribution to elected officials, other interested parties in the project area, and the general public. The NOA announcement will also be posted on the project website and published in the *San Jose Mercury News*. The NOA will include information on how to obtain a hard or electronic copy of the Draft Supplemental EIS. The Draft Supplemental EIS will be posted on the project website and mailed to several libraries in the project area. VTA will also send the Draft Supplemental EIS to anyone who requests an electronic copy.

The Draft Supplemental EIS review period begins the day the NOA is published in the *Federal Register* and ends 45 days later. During the 45-day review period, VTA will

hold a public meeting to gather input and comments from agencies and the public on the Draft Supplemental EIS. The public meeting format will include an open house where plans, maps, and other displays will be available for viewing and VTA staff will be available for questions. The open house will be followed by a formal presentation on the proposed project, purpose and need, alternatives, and the findings of the environmental analysis. A public comment period will follow the presentation where agencies and the public can verbally state their comments, which are recorded by staff or a court recorder. Attendees may also fill out comment cards and leave them at the meeting site or mail/fax them in prior to the end of the review period. The various ways to provide comments are included in the introduction to this section. All comments received will be addressed in the Final EIR. In addition, commentors who provide mailing addresses will be placed on the project mailing list, if they are not already included on the list.

Final Environmental Impact Statement

The final EIS will be prepared after the close of the Draft Supplemental EIS review period. All comments received will be included in the final EIS with responses to those comments. Any changes to the Draft Supplemental EIS as a result of comments received will be reflected in the final EIS.

Once the final document is complete, FTA and VTA will issue a Notice of Availability (NOA) to inform agencies and the public that the final EIS is available for review and comment. The NOA will be published in the *Federal Register* and distributed with an electronic copy of the document (compact disk or link to website) by postal mail or email to all commentors who provide mailing addresses with their comments. Hard copies of the FEIS will be made available to the general public at local libraries and will be sent to individuals who request hard copies in writing.

The final EIS review period begins the day the NOA is published in the *Federal Register* and ends 30 days later. During the 30-day review period, comments on the final EIS may be sent to VTA. The various ways to provide comments are included in the introduction to this section. All comments received on the final EIS will be considered by FTA before the Record of Decision is issued.

Record of Decision

FTA will issue a Record of Decision for the Capitol Expressway Light Rail Project. The Record of Decision identifies specific environmental mitigation measures and will indicate that the project has satisfied all requirements of NEPA. The Record of Decision will be distributed to cooperating and participating agencies and posted on the project website for public access.

The notice of the Record of Decision will be published in the *Federal Register*. A 180-day statute of limitations for lawsuits challenging the FTA decision is provided following publication.

Permits, Licenses, and Other Approvals

Following publication of the Record of Decision, VTA will submit completed applications to Federal agencies for permits, licenses, or other project approvals within the 180-day statutory deadline (see Section 1.3). Those Federal agencies have 180 days to act on those applications. At this time, VTA does not anticipate that any Federal permits, licenses, or other project approvals will be required.

CONTACTS

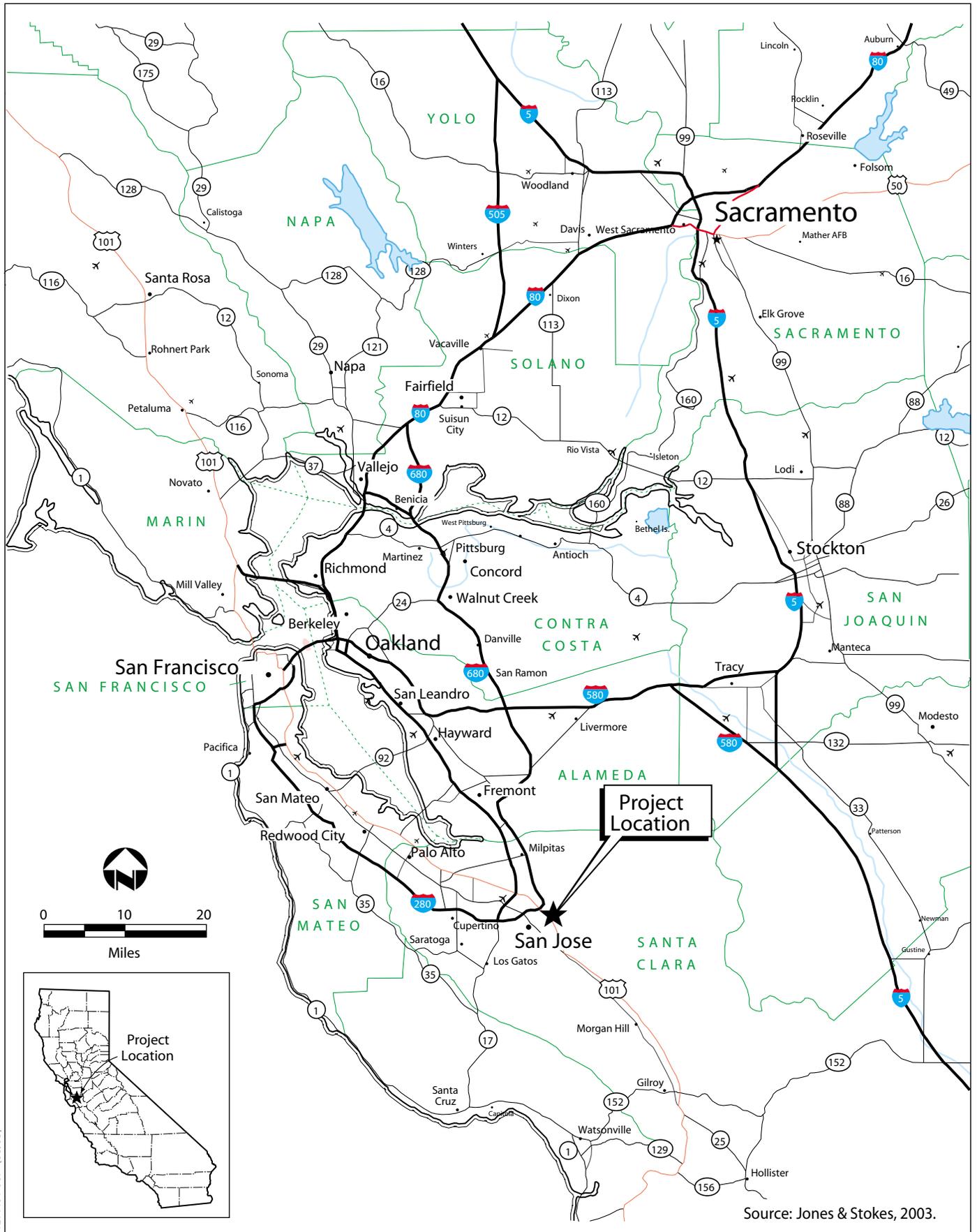
The contact for the local lead agency is:

Tom Fitzwater, Manager of Environmental Programs and Resources Management
Santa Clara Valley Transportation Authority
(408) 321-5789
Tom.Fitzwater@vta.org

The contact for the federal lead agency is:

Eric Eidlin, Community Planner
Federal Transit Administration
(415) 744-2502
Eric.Eidlin@dot.gov

Figure 1 Regional Location



012777.01.007 (08/03)

Figure 2 Capitol Expressway Light Rail Project

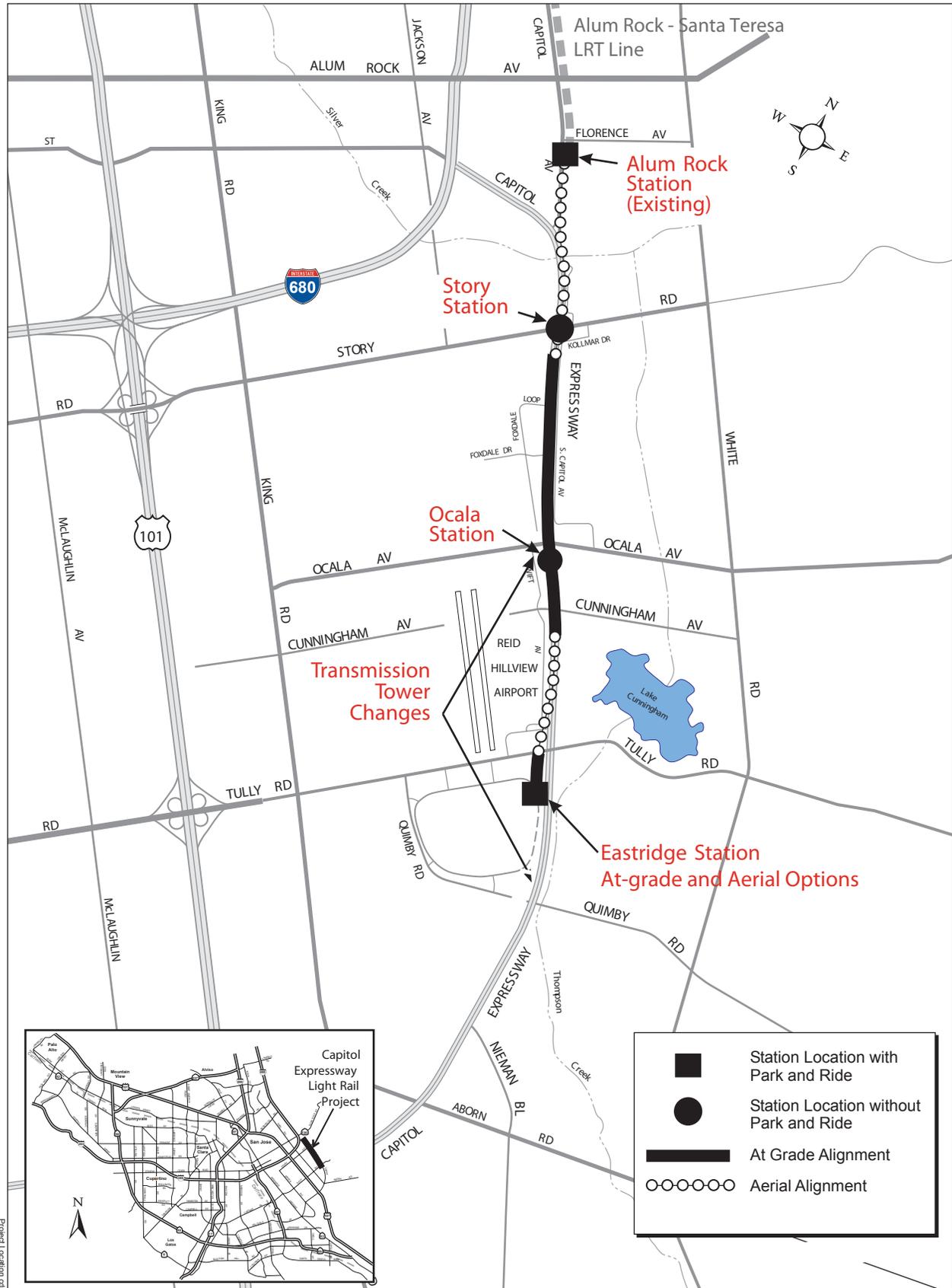


Figure 3
Capitol Expressway Light Rail Project
Coordination Plan Schedule

TASK NAME	START DATE	END DATE	DURATION
Supplemental Environmental Impact Statement	9/2/09	3/31/11	412 days
Project Initiation	9/2/09	1/21/10	102 days
Send Invitation and Draft Coordination Plan to Participating Agencies	9/2/09	9/2/09	1day
Responses to Invitation Due (30 calendar days)	10/5/09	10/5/09	1day
Public Scoping Process Begins	9/16/09	9/16/09	1day
Hold Scoping Meeting	9/30/09	9/30/09	1day
Comments on Scoping Due	10/19/09	10/19/09	1day
Distribute Final Scoping Summary Report, Updated Coordination Plan, and Annotated Outline to Participating Agencies	01/29/10	01/29/10	1day
Draft EIS	10/20/09	9/21/09	241days
Prepare Draft EIS	10/20/09	8/3/10	206 days
Public Review of Draft EIS Begins (45 calendar day comment period)	8/4/10	8/4/10	1day
Public Hearing	8/25/10	8/25/10	1day
Comments on Draft EIS Due	9/21/09	9/21/09	1day
Record of Decision	9/22/10	1/3/11	137days
Prepare Final EIS	9/22/10	2/17/11	107days
Public Review of Final EIS Begins(30 day comment period)	2/18/11	2/18/11	1day
Comments on Final EIS Due	3/24/11	3/24/11	1day
FTA Issues Record of Decision	3/31/11	3/31/11	1day

Last Updated: January 21, 2010