
Appendix C

Comments on NOI

**Capitol Expressway Light Rail Project
Summary of Comments on the Notice of Intent and Scoping Process**

#	Date of Comment	Type of Comment	Topic of Comment	First Name	Last Name	Affiliation	Summary of Comments
1	09/30/09	Verbal	Climate Change	Lowell	Grattan	Resident	Removing HOV lanes will increase GHG
2	09/30/09	Verbal	Construction	Jose	Aguila	Resident	Backyard acquisition and construction impacts to health, air quality (asthma), standard of living
3	09/30/09	Verbal	Environmental Process	Patricia	Martinez-Roach	Resident	Disappointed we are doing another study. Eastridge is always left behind/delayed.
4	09/30/09	Verbal	Environmental Process	Ted	Johnson	Resident	People on the East Side are tired of this. Why is the project always changing
5	09/30/09	Verbal	Financial	Alofa	Talivaa	Sierra N/Assoc.	Weren't the funds already approved?
6	09/30/09	Verbal	Financial	Patricia	Martinez-Roach	Resident	Why is there no money? What happened to it? We have not been included in the Measure A program. It is not okay to use our tax money on other projects.
7	09/30/09	Verbal	Financial	Ted	Johnson	Resident	Can the money be earmarked so we don't lose it?
8	09/30/09	Verbal	Financial	Tom	Hank	Resident	How does VTA board money get spent?
9	09/30/09	Verbal	Land Use	Ben	Nguyen	Resident	TOD design partnership with CSJ
10	09/30/09	Verbal	Noise/Vibration	Tom	Hank	Resident	Does the N/V study include construction impacts? Underground tunnel design would reduce sound.
11	09/30/09	Verbal	Noise/Vibration	Alofa	Talivaa	Sierra N/Assoc.	Soundwall along Capitol Expressway
12	09/30/09	Verbal	Noise/Vibration	Ian	Kluft	Resident	Combined noise of airport, construction and light rail operations.
13	09/30/09	Verbal	Outreach	Patricia	Martinez-Roach	Resident	Flyer language and translations need to be improved.
14	09/30/09	Verbal	Parking	Chris		Resident	Parking is never full at Eastridge. It be good to do joint parking initiative and expand community plaza.
15	09/30/09	Verbal	Ped/Bike/Land Design	Ian	Kluft	Resident	Ensure ped access via Cunningham and Ocala to Hillview Airport.

**Capitol Expressway Light Rail Project
Summary of Comments on the Notice of Intent and Scoping Process**

#	Date of Comment	Type of Comment	Topic of Comment	First Name	Last Name	Affiliation	Summary of Comments
16	09/30/09	Verbal	Ped/Bike/Land Design	Chris		Resident	Will there be bike lanes?
17	09/30/09	Verbal	Ped/Bike/Land Design	Tom	Hank	Resident	How will people access the median?
18	09/30/09	Verbal	Property Acquisition	Alofa	Talivaa	Sierra N/Assoc.	Were residents notified ahead of time regarding ROW takes?
19	09/30/09	Verbal	Property Acquisition	Jose	Aguila	Resident	Fair and equitable process for determining market value and ROW compensation
20	09/30/09	Verbal	Property Acquisition	Larry		Business	Acquisition of Texas BBQ; Request to be informed prior to construction and during project design
21	09/30/09	Verbal	Safety	Patricia	Martinez-Roach	Resident	Ocala and Mt. Pleasant schools, overhead towers, street crossings
22	09/30/09	Verbal	Safety	Chris		Resident	Concern about pedestrian crossings to platforms in median of Capitol Expressway
23	09/30/09	Verbal	Seismic	Tom	Hank	Resident	Earthquake and emergency safety/access and potential impacts to neighborhoods
24	09/30/09	Verbal	Traffic	Patricia	Martinez-Roach	Resident	Traffic is a large issue
25	09/30/09	Verbal	Traffic	Lowell	Arcadia	Resident	Removing HOV lanes will increase congestion, would feeder buses help to get people to light rail?
26	09/30/09	Verbal	Traffic	Tom	Hank	Resident	Will the speed limit be the same?
27	09/19/09	Written	Green Building	Perry	Mistry	Svpmtech-LabServices	How To Implement Green Building Technologies for Light Rail Projects at VTA
28	10/09/09	Written	Property Acquisition; Noise and Vibration; Safety; Traffic; Construction.	Minh	Hua	Resident	Need update on Property Acquisition; Elimination of HOV lanes will create traffic problems; At-grade pedestrian crossing of the street by using the existing crossing at the Ocala/Capitol Exp. intersection is a terrible idea

**Capitol Expressway Light Rail Project
Summary of Comments on the Notice of Intent and Scoping Process**

#	Date of Comment	Type of Comment	Topic of Comment	First Name	Last Name	Affiliation	Summary of Comments
29	10/08/09	Written	Cultural	Susan	Stratton	SHPO	SHPO does not routinely engage in NEPA reviews, nor do they accept NEPA documentation in lieu of a proper Section 106 submittal package
30	10/14/09	Written	Transportation; Purpose and Need; Alternatives	Raluca	Nitescu	County	Negative impact from removing the HOV lanes; Revisit BRT Alternative; Project will increase automobile emissions through impacts on intersection levels of service; Project will not "support local economic and land development goals" due to negative impact on road transportation which affects approximately 90% of travelers
31	10/16/09	Written	Alternatives	Raluca	Nitescu	County	It appears that the Base Line Alternative is still very viable and should be evaluated in the Draft EIS; Concerns about operating BRT and LRT concurrently

**Capitol Expressway Light Rail Project
Summary of Comments on the Notice of Intent and Scoping Process**

#	Date of Comment	Type of Comment	Topic of Comment	First Name	Last Name	Affiliation	Summary of Comments
32	10/15/09	Written	Transportation; Air Quality; Environmental Justice; Alternatives Analysis	Carolyn	Mulvihill	EPA	Disclose impacts to both the regional and local transportation network from removing two HOV lanes; Discuss air quality impacts from operation and construction of the project; Identify effects on the mobility of low-income or minority populations and provide appropriate mitigation; Impacts of facility options should be discussed and appropriate mitigation proposed; Provide justification for eliminating the range of Alternatives analyzed; Analyze whether existing and planned facilities will provide adequate power supply for the project and region; Include a cumulative analysis of energy demand and supply; Identify how industrial materials recycling will be incorporated into the project design; Identify measures to lower adverse noise and vibration impacts, particularly on sensitive receptors or low-income or minority communities
33	09/30/09	Written	Access	Ian	Kluft	Resident	Supports the Eastridge extension; Include access to Reid-Hillview Airport; Post meeting materials on VTA website

From: [Fitzwater, Tom](#)
To: [Jaworski, Christina](#); [Lee, Keelikolani](#);
Subject: FW: Request on EIR/EIS comments for Capital Expressway Light Rail Project
Date: Monday, September 21, 2009 11:55:33 AM

For you to file.

From: Childress, Brandi
Sent: Monday, September 21, 2009 11:44 AM
To: 'Perry Mistry'
Cc: Fitzwater, Tom
Subject: RE: Request on EIR/EIS comments for Capital Expressway Light Rail Project

Thank you for your email Perry!

I am forwarding this to the Environmental Resource Program Manager Tom Fitzwater to be included in the EIR comment period. If you have other comments, please send them to Tom.Fitzwater@vta.org.

Thank you,

Brandi Childress

Community Outreach Supervisor
Media Relations and Community Outreach Department
Santa Clara Valley Transportation Authority
(408) 952-4297

From: Perry Mistry [mailto:svpmtech@yahoo.com]
Sent: Saturday, September 19, 2009 9:34 PM
To: Childress, Brandi
Subject: Request on EIR/EIS comments for Capital Expressway Light Rail Project

Perry Mistry
Svpmtech-LabServices
R&D Pilot Projects:EIR-EIS
San jose-CA-USA:
Email; svpmtech@yahoo.com

REF: Tel-Con on Capital expressway LRT Project -Public Comments:

- **I will appreciate a request on How-To Implement /// implementing these listed services and additional consulting services are available for**

Implementing Green Building Technologies for Light Rail Projects at VTA:Santa Clara County Projects/ LRT Projects

- *Brandi Childress*
Community Outreach Supervisor
Media Relations and Community Outreach Department
Santa Clara Valley Transportation Authority
- Childress, Brandi <Brandi.Childress@ [vta.org](mailto:Brandi.Childress@vta.org)
(408) 952-4297
-
- Tom Fitzwater, VTA Environmental Programs and
Resources Management Manager

I have the pleasure of introducing myself Perry Mistry resident of San Jose since 1996 at District 8/Evergreen Valley Region.

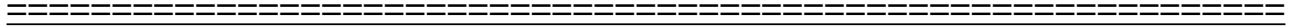
The District 8 /Evergreen Valley and Eastridge Mall Extension of Light Rail from Alum Rock to Eastridge is an important High Density Light Rail Project and I would like offer the following Public Comments for Implementation at Design State-Construction Stage-Final Completion of Project Stage:

1. Request to Conduct an Outreach Meeting for Electrical-Engineers Association/ Mechanical Engineers-Civil Engineers-Architects-Chemical engineers & high Tech Manufacturing Companies outreach with SVLG=silicon valley leadership group & Seperate Outreach for Schools-Teachers-Community Colleges-University etc:
2. Seperate Outreach for VC Investors/Venture Capital Community & Financial Investors-Accounting Mngt-Grant Writers-Administrators & retail Business Operators Association:
3. Sepeate Outreach Meetings for Mineta Transportation University Students/and Plan for Intership Programs /Research Projects-Design Projects for Implementing State of Art Green building Technology that is available Globally can be implemented at Capital Expressway-LRT
4. SAN JOSE CITY AND ITS COUNCIL MEMBERS ARE DEVELOPING VISION -NORTH SAN JOSE DEVELOPMENTAL PROJECTS AND THE SAN JOSE-RDA EXPERIENCE GAINED IN THESE DEVELOPMENTAL

PROJECTS AND LOCAL-COMMERCIAL BUILDERS & LOCAL-CONSTRUCTION CONTRACTORS MEETING AND PRESENTATION FOR PUBLIC COMMENTS FOR BUILDERS & CONTRACTORS /request a separate outreach meeting for Fast Track Implementation Financial Participation/DBOOT Projects/design -build-own-operate and transfer projects OR DBTF/design-build-transfer-finance projects (For details on DBOOT projects & DBFT Projects) please contact Perry Mistry at email svpmtech@yahoo.com:

5. Implement Green Building Technologies that are readily available at West Coast 2008 & West Coast 2009 Green Building Technology Suppliers/Contractors/Design engineers-Architects/Municipal Architects-Planners for Transportation Projects/Designers for Transportation Projects/Light Rail Projects at usa nationwide & Global Light Rail Contractors/Projects Promoters/Financiers should be able to participate for Fast Track Completion of Projects and Better Financing Solutions readily available by exploring Global Financial Opportunities:
6. **DEVELOP A SPECIAL FAST TRACK SERVICES /RAPID TRANSIT LIGHT RAIL SERVICE/ OR NON-STOP SERVICES CONNECTING TO THE TWO MALLS GREAT MALL & EASTRIDGE MALL FOR MALL SHOPPING & GLOBAL=INTERNATIONAL TOURIST SHOPPING / INTERNATIONAL TOURIST TO SAN JOSE-BAY AREA:**
7. Alum Rock=Eastridge Mall Capital Expressway will have Very Large Concentration of School-Elementary School-Middle school-High School Students /Request to Plan Financial Budget for Free Pass /Annual Pass or Quarterly/Monthly Pass for Students Only /// **Request to Consider Free Pass / Annual Pass-Quarterly Pass/Monthly Pass for k 1 to k12 with provision for Free=parents/elders pass who would like to escort these students To & Fro School to their Home**
8. Provide Drinking Water Facility at Alum Rock to Eastridge Mall on Trial Basis & expand to other stations //// Plan To Have Vendor Machines in Light Rail Coach and On Stations with Provisions for Good Cleaning at Stations/In Coach :
9. Plan for Apartments-Condominiums-Single Family Homes & Request Total Elimination of High Rise Apartments at/near Light Rail ///High Rise Office & R&D Buildings generating Employment at/near Light Rail is ok"
10. **BASED ON GLOBAL OUTREACH FOR FINANCIAL -BUDGET FOR LIGHT RAIL PROJECTS ;DEVELOP A LIGHT RAIL =ENTERPRISE ZONE WITH MAXIMUM BENEFITS RELATED TO TAX INCENTIVES AND PLAN FOR LOCAL CITY=LOCAL RDA-ECONOMIC DEV-DEPT-LOCAL STATE-LOCAL COUNTY- AND MATCHING FEDERAL ECONOMIC STIMULUS GRANTS**

**11. I STRONGLY RECOMMEND TO UTILISE SOLAR POWER -
UTILITY SCALE SOLAR POWER FOR SMALL & MEDIUM HIGH
TE4CH MNFG /SMALL BUSINESS & R&d OFFICE/SCIENTIFIC
LABORATORY**



Date: October 9, 2009

To: Tom Fitzwater, Environmental Program Manager
3331 North First Street, Building B-2
San Jose, CA 95134-1927
(408) 321-5789 (phone); (408) 321-5787 (fax)

Re: *Capitol Expressway Light Rail Extension Project*

After attending the Sep. 30th meeting at Eastridge Mall on the Environmental Impact Study and having a chance to look at the sketch of proposed extension, I have the following requests and concerns that need to be addressed.

1. I need specific details of the impact the project will have on my property at the location indicated above.
2. I need an update on the property acquisition process. I have been getting many letters in the last 3 years (2007 to now), but nothing has materialized. The uncertainty of the timeline of the project as well as the lack of commitment from the City on what it's going to do is unfair to the property owner. It makes it difficult for me to create any short or long term plans for the property.
3. The Environment Impact Study to include the followings
 - a. Additional noise and vibration from the Light rail and any other structures
 - b. Impact on neighborhood security and serenity because of additional people and traffic coming to the area.
 - c. Parking spaces for people using/working on the Light Rail
 - d. Impact on local neighborhood traffic
4. For the Environment Impact Study to include the followings during the construction phase:
 - a. An estimate of the construction date and duration.
 - b. Hours of operations
 - c. Noise and vibration
 - d. Closure of streets or impact on normal traffic.
 - e. Any utilities interruption
 - f. Any compensation provided to the property owners/renters during construction because they can not stay at the property due to construction activities.
5. The elimination of the two OHV lanes is going to create more traffic problems and more congestion on Capitol Expressway. Going from eight lanes to six lanes is a 25% reduction in capacity. A lot of drivers now are using residential streets (i.e. Leeward Drive) to bypass the clogged Capitol Expressway; the increase congestion on Capitol Expressway is going to force more drivers to use the residential streets. The additional bike lanes and pedestrian sidewalks in a crowded expressway make no sense.
6. The current plan calls out for riders going to the Light rail stations, and pedestrian crossing the street by using the existing crossing at the Ocala/Capitol Exp. intersection is a terrible idea. There should be a dedicated aerial pedestrian crossing. Many accidents and red light violations have occurred at this particular intersection.

Sincerely,



Minh H. Hua
Resident & Property Owner
1698 Silverstone Place
San Jose, CA 95122

From: [Hurley, Kim](#)
To: [Lee, Keelikolani](#); [Jaworski, Christina](#);
Subject: FW: Consultation
Date: Thursday, October 08, 2009 8:21:51 AM

FYI

From: Stratton, Susan [mailto:SSTRATTON@parks.ca.gov]
Sent: Wednesday, October 07, 2009 5:09 PM
To: Hurley, Kim; Donaldson, Milford; Lindquist, Natalie
Subject: Consultation

Kim,

The SHPO looks forward to engaging in Section 106 consultation when initiated for the Capitol Expressway Light Rail project. We do not routinely engage in NEPA reviews, nor do we accept NEPA documentation in lieu of a proper Section 106 submittal package.

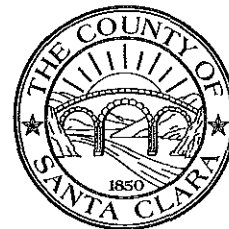
Please remember that Section 106 consultation needs to be concluded prior to the signing of the ROD. Should you have specific 106 questions, contact Natalie Lindquist, the staff reviewer currently assigned to this project. Natalie may be reached at 916 654 0631.

Thank you,
Susan Stratton

County of Santa Clara

Roads and Airports Department

101 Skyport Drive
San Jose, California 95110-1302
(408) 573-2400



October 14, 2009

Mr. Tom Fitzwater, AICP
Manager, Environmental Programs Planner, FTA
Valley Transportation Authority
3331 North First Street
San Jose, CA 95134-1927

Subject: Notice of Intent (NOI) to prepare a Supplemental Draft Environmental Impact Statement (EIS) for the Capitol Expressway Light Rail Project in the City of San Jose

Your September 2, 2009 letter along with the attachments for the subject project have been received by our office. Our comments on NOI are as follows:

1. Page 5 indicates:

"Property acquisition for the project will be minimized through of the removal of two High Occupancy Vehicle (HOV) lanes on Capitol Expressway."

However the Draft EIS does not discuss the negative traffic impact of this action. In order to prevent excessive traffic congestion (this traffic already backs up onto southbound Highway 680 in the PM) and minimize project impact, we previously suggested the fourth lane should be kept from Hwy. 680 to at least Story Road. The number one southbound lane can become a double left turn lane to eastbound Story Road and the number four lane northbound can start at Story Road as a free running right turn lane from westbound Story.

Additionally, VTA's planned Bus Transit System indicates that Bus Rapid Transit (BRT) Route 522 and Route 523 will be utilizing the Capitol Expressway High Occupancy Vehicle (HOV) lanes to connect to Eastridge Transit Center. This is part of the extension of the Santa Clara - Alum Rock routes which serve the highest number of passengers in VTA's network, as stated in VTA's marketing information. Serving the Capitol route with BRT was an option in the project's now long ago Major Investment Study. We encourage revisiting the BRT option as the fully built out alternative.

2. Page 6 indicates:

Capitol LRT offers "convenient access to downtown San Jose."
Going by way of Milpitas is not convenient access.

The project will “improve regional air quality by reducing the growth in the automobile emissions”.

The project will increase automobile emissions through impacts on intersection levels of service, impacts that will far outweigh any theoretical reduction in automobile trips.

including U.S. 101 (Guadalupe Corridor)”.

Should this say Hwy. 85 and Hwy. 87, rather than U.S. 101?

3. Page 7 indicates:

The project will “support local economic and land development goals”

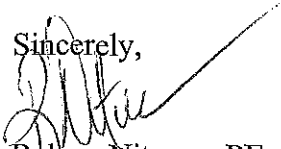
It appears that this is not possible due to negative impact on road transportation which affects approximately 90% of travelers.

“A Baseline Alternative representing the optimal level of bus service that could be provided in the corridor without an investment in major new infrastructure is not proposed”.

Our question: Why not? It seems likely that upward trending BART costs along with downward trending VTA sales tax revenue will eventually force a postponement of the Capitol LRT to a date so distant this environmental document will require a complete reassessment to align with facts on the ground when that time comes. With the next generation of plug-in hybrids and other rapidly developing automotive technologies, those facts could include a completely changed perspective about the relative financial and environmental costs of mode choice. Whether reached now or at a distant future date, a credible conclusion is the LRT extension generates too few riders to justify the expense, particularly when more economically viable alternatives are available.

Thank you for the opportunity review and comment on this application. If you have any questions, please contact me at (408)573-2464.

Sincerely,



Raluca Nitescu, PE
Associate Civil Engineer

cc: DEC, MA, MLG, TH, WRL, File



County of Santa Clara

Roads and Airports Department



101 Skyport Drive
San Jose, California 95110-1302
(408) 573-2400

October 16, 2009

Mr. Tom Fitzwater, AICP
Manager, Environmental Programs and Resources Management
Valley Transportation Authority
3331 North First Street
San Jose, CA 95134-1927

Subject: Scoping Information Packet for the Capitol Expressway Light Rail Project in the City of San Jose

Your September 29, 2009 e-mail along with the attachments for the subject project have been received by our office. Our comments on the Scoping Packet are as follows:

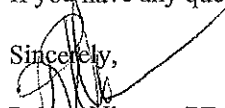
1. Page 2 of the Coordination Plan states that the original environmental document published in 2004 has analyzed:
 1. No Project Alternative
 2. Base Line Alternative
 3. Light Rail Alternative.

Currently, VTA is preparing a new Draft EIS that will replace the 2004 Draft EIS. However, as stated on Page 5 of the Scoping Packet, the new EIS will not evaluate alternative (2), Base Line Alternative. It appears that the Base Line Alternative is still a very viable alternative. For the EIS to be complete, alternative (2) should also be evaluated in the new EIS, even if investment in new infrastructure is required. Since alternative (3), Light Rail Alternative, will require infrastructure investment in all likelihood far exceeding investment requirements of alternative (2), these two alternatives (Light Rail and Base Line) should both be evaluated in the new EIS.

2. In our letter dated May 15, 2000, in response to VTA's Major Investment Study (MIS, see attachment), it was mentioned that Alternative 8 (Bus Service) Improvements has many advantages, and Alternative 8 was recommended for further study. Bus Rapid Transit (BRT) was identified as one of the alternatives in the MIS. Despite VTA's plans to not include a bus option in this EIS, other available information indicates that VTA is planning to introduce a BRT line on Capitol Expressway in the same area as the proposed Light Rail service. There is no indication the BRT will be an "interim" service, in fact VTA management has presented the concept of operating both the BRT service and the LRT in the same Capitol Expressway corridor (at SBTOA meeting October 13, 2009). We believe it is difficult to demonstrate cost effectiveness of the LRT even without the competition of the BRT, and it would seem to make more sense to implement and evaluate the operation of the BRT before making funding commitments to both options at the same time.

If you have any questions, please contact me at (408)573-2464.

Sincerely,


Raluca Nutescu, PE
Associate Civil Engineer

Attachment: Letter dated May 15, 2000

cc: DEC, MA, MLG, TH, WRL, File

Dan

County of Santa Clara

Roads and Airports Department



101 Skyport Drive
San Jose, California 95110-1302

May 15, 2000

Ms. Julie Render
Principal Transportation Planner
Santa Clara Valley Transportation Authority
3331 North First Street
San Jose, CA 95134-1906

Subject: Downtown/East Valley Major Investment Study

Dear Ms. Render:

We appreciate the time you and your staff have taken advising us of the subject study. We are in receipt of your letters of March 30, 2000 and April 10, 2000, transmitting various related documents. Our comments follow:

As you are aware, Capitol Expressway is an important transportation facility that is operated and maintained by the County. The County has long planned for HOV lanes on Capitol, and participated in the design and construction of the currently existing HOV lanes east of US101 as part of the Evergreen Development traffic mitigation.

Given our in place HOV facilities, we have reviewed your documents with interest to see how these existing investments play a part in the planned transportation improvements. Conceptual Alternatives 8, 9, 10, and 16 have elements that include use of the existing HOV lanes. None of the options appears to include full build out of the planned Capitol HOV lanes (Alternative 16 is so vaguely described it is difficult to tell what might be included), none include direct HOV connector ramps at Capitol, and none discuss HOV connection to northbound I-680. Despite this, it is noted that in "Working Paper: Evaluation of Conceptual Alternatives (December 1999)" Alternate 8 has as many positive scorings as the LRT options, and is recommended for further study. Alternative 10 is also recommended for further study, but not Alternative 9, which appears from the scoring to be the better alternative. We look forward to review of whatever further analysis is done.

Based on our meetings, communication, and the documents reviewed to date we are concerned there may be a desire to conclude positively for the LRT option regardless of quantifiable study results. The preliminary ridership numbers don't seem to justify the removal of existing transportation capacity at a time when transportation demand is growing. Our preferred alternative is the alternative which best uses the reasonable rights-of-way limits of Capitol to provide the most effective transportation corridor (effective = expressway person capacity/ expressway person delay) with the most efficient use of transportation funds (efficient = expressway person capacity/ improvement costs).

As discussed at our recent meetings, we share your concern with traffic service levels at Capitol and Story Road and look forward on working with VTA, the City of San Jose, and the local community on identification of possible improvements.

If VTA proceeds with further development of the LRT option, we feel it is important that the expressway be studied intersection by intersection for appropriate safety auxiliary lane/ turning pocket storage provisions. Impacts of removal of a lane on Capitol to add LRT will be worsened if provisions for turning movements are not carefully considered and backups block through lanes.

The LRT cross section developed in "Refined Definition of Conceptual Alternatives SUMMARY WORKING PAPER" (Figure 11) does not address the prior comment. We look forward to working with your designers as more specific plans are developed. At present we have the following concerns with the proposed section and aerial concept sketch:

- ◆ Median trees will not be permitted in the narrow median strips without additional safety provisions. At our meeting we discussed aligning the rail off center to allow a wider one-sided median landscape area.
- ◆ Shoulder areas on Capitol should be delineated.
- ◆ We have committed to improving pedestrian provisions along Capitol, and over the last few years have spent a considerable amount of time and money installing both asphalt and portland cement concrete walks. The LRT work should improve on the sidewalk along Capitol.
- ◆ Trees will not be permitted immediately behind the curb as shown in the sketch. Safety setback will be required.
- ◆ Maintenance of landscaping will need to be resolved. County cannot supply resources for any new expressway landscaping.

May 15, 2000

Page 3 of 3

- ◆ Prior commitments have been made that LRT will be responsible for improvement of sound walls along Capitol Expressway

We appreciate this opportunity to review VTA's plans for Capitol Expressway.

Sincerely,

Rollo Parsons

for
Michael J. Murdter
Director

Cc: Rollo Parsons, Jim Randall, Dan Collen, Masoud Akbarzadeh



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

October 15, 2009

Eric Eidlin
Federal Transit Administration
201 Mission Street, Suite 1650
San Francisco, California 94105

Subject: Scoping Comments for the Capitol Expressway Light Rail Project, Santa Clara County, California

Dear Mr. Eidlin:

The U.S. Environmental Protection Agency (EPA) has reviewed the Notice of Intent (NOI) published in the Federal Register on September 16, 2009, by the Federal Transit Administration (FTA) to prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the Capitol Expressway Light Rail Project. The project proposes a 2.3 mile extension of an existing light rail line along the Capitol Expressway from the existing Alum Rock Station to the Eastridge Transit Center in the City of San Jose. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's (CEQ) regulations (40 CFR 1500-1508) and Section 309 of the Clean Air Act.

EPA appreciates the opportunity to provide comments for preparation of the SDEIS for this project. We provided comments on the NOI for the original DEIS on November 1, 2001 and on the DEIS on June 25, 2004. Our comments below reflect the concerns we expressed in our comments on the DEIS and which we recommend be addressed in the SDEIS.

While EPA supports the project's goal of providing improved transit service, which could increase transit mode share and reduce air quality impacts from automobile emissions, we have concerns about various aspects of the proposed project based on our review of the proposal as identified in the DEIS in 2004 and based on information provided in the recent NOI. Our concerns are based on the project's transportation impacts, and subsequent air quality and environmental justice impacts, and the impacts of various facility options. We also continue to recommend that additional information regarding alternatives analysis and energy use be included in the SDEIS.

Transportation Impacts

The NOI states that the proposed project would remove two High Occupancy Vehicle (HOV) lanes on the Capitol Expressway. As we stated in our comments on the DEIS, the removal of these lanes could have impacts on both local circulation and on the regional transportation network, since completion of a regional HOV lane network has been a regional goal to facilitate express bus service and to provide overall congestion management.

The SDEIS should disclose the impacts to both the regional and local transportation network from removing a segment of the regional HOV network. The discussion should include the long-term impacts to existing and future express bus service, and provide an estimate of travel time increases for express bus users and other HOV lane users.

Air Quality

The San Francisco Bay Area is federally designated marginal nonattainment for the 8-hour ozone standard. Because of the area's nonattainment status, it is important to reduce emissions of ozone precursors resulting from the project. While the project has the potential to reduce air quality impacts by supporting transit service that could reduce automobile use, implementation of the project may result in impacts to air quality resulting from changes to traffic operations, parking, and local circulation. The SDEIS should include a thorough analysis of these potential air quality impacts for each of the alternatives and identify opportunities to reduce emissions.

The San Francisco Bay Area will also be designated as non-attainment for the 24-hour National Ambient Air Quality Standard (NAAQS) for fine particulate matter (PM_{2.5}). On October 8, 2009, EPA issued final area designations, including the San Francisco Bay Area, as nonattainment for the 2006 24-hour PM_{2.5} NAAQS. The designation will be effective 30 days after publication in the Federal Register, which is expected to occur within the next several weeks. EPA recommends addressing the new 24-hour PM_{2.5} NAAQS San Francisco Bay Area designation in the SDEIS and incorporating mitigation measures to address project PM_{2.5} emissions. For the latest information on the 24-hour PM_{2.5} NAAQS area designations and timelines for implementing the standard, please visit EPA's website at <http://www.epa.gov/pmdesignations/2006standards/regs.htm#4> .

As we stated in our DEIS comments, impacts to traffic levels of service in the vicinity of the project would have air quality impacts. The SDEIS should discuss these impacts, and identify and discuss mitigation as appropriate. The air quality impacts related to the transfer of HOV lane users to other routes or modes of transportation, particularly single-occupant vehicles, should also be discussed and mitigation proposed if significant impacts will result. Further, the SDEIS should discuss the impact of the removal of two HOV lanes on the region's NAAQS attainment status.

The SDEIS should also address potential air quality impacts during the construction period. EPA recommends that the following mitigation measures be included in the SDEIS to reduce construction emissions:

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

Mobile and Stationary Source Controls:

- Reduce use, trips, and unnecessary idling from heavy equipment.
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification, where applicable, levels and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications. The California Air Resources Board has a number of mobile source anti-idling requirements which could be employed. See their website at:
<http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm>
- Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations.
- If practicable, lease new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, use equipment meeting Tier 3 or greater engine standards and commit to the best available emissions control technology. Tier 3 engine standards are currently available; for some equipment Tier 4 is available for the 2009-model year and should be used for project construction equipment to the maximum extent feasible. Lacking availability of non-road construction equipment that meets Tier 3 or greater engine standards, commit to using the best available emissions control technologies on all equipment.
- Utilize EPA-registered particulate traps and other appropriate controls where suitable to reduce emissions of particulate matter and other pollutants at the construction site.

Administrative controls:

- Identify all commitments to reduce construction emissions and update the air quality analysis to reflect additional air quality improvements that would result from adopting specific air quality measures.

- Identify where implementation of mitigation measures is rejected based on economic infeasibility.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.) Meet EPA diesel fuel requirements for off-road and on-highway, and where appropriate use alternative energy sources such as natural gas and electric.
- Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.
- Identify sensitive receptors in the project area, such as children, elderly, and infirm, and specify the means by which you will minimize impacts to these populations. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.

Environmental Justice and Community Involvement

The SDEIS should identify how the proposed alternatives may affect the mobility of low-income or minority populations in the surrounding areas and provide appropriate mitigation measures for any anticipated adverse impacts. This issue is of special concern to EPA for this project, since the removal of HOV lanes could adversely impact existing bus service and other users of the HOV lanes.

Executive Order 12898 addresses Environmental Justice in minority and low-income populations, and the Council on Environmental Quality has developed guidance concerning how to address Environmental Justice in the environmental review process (<http://ceq.eh.doe.gov/nepa/regs/ej/justice.pdf>). Future environmental justice analyses for this project and the SDEIS should include a description of the area of potential impact used for the analysis and provide the source of the demographic information. The SDEIS should identify whether the proposed alternatives may disproportionately and adversely affect low-income or minority populations in the surrounding area and should provide appropriate mitigation measures for any adverse impacts.

Community involvement activities for the project should include opportunities for incorporating public input to promote context sensitive design, especially in Environmental Justice communities.

Light Rail Facilities and Options

The DEIS described three potential sites for a vehicle storage facility and our DEIS comments requested disclosure of the direct, indirect, and cumulative impacts anticipated from construction and operation of the facility at each of the three potential

locations. The SDEIS should clarify whether the storage facility is still part of the proposed project and, if so, what the impacts of that facility would be.

The NOI states that the existing transit center at the Eastridge Mall would be modified and expanded to accommodate the project. Our DEIS comments requested disclosure of the direct, indirect, and cumulative impacts anticipated from construction and operation of the previous two proposed parking lots, and we reiterate this request that the impacts of the transit center expansion be discussed in the SDEIS.

The DEIS discussed station options of at-grade, aerial, and depressed open-air platforms and either aerial, at-grade, or tunnel alignment options. We requested that the impacts of each of these options be clarified, and we reiterate that the impacts of any of the options being considered should be discussed in the SDEIS and appropriate mitigation measures proposed.

Alternatives Analysis

Our comments on the DEIS requested that the Final Environmental Impact Statement (FEIS) provide a justification for eliminating the range of alternatives analyzed through the 1999 Major Investment Study (MIS) as well as other previously studied alternatives. EPA recommends that the SDEIS include in the range of alternatives analyzed both the continued use of HOV lanes and/or additional express bus service. The SDEIS should include the justification for eliminating these alternatives from detailed analysis if they are not included within the range of alternatives analyzed. Any justification for elimination should include confirmation that there is no new, substantive information that has become available since the previous analyses that led to previously eliminated alternatives. The SDEIS should include a summary of any previous analysis of traffic and other impacts resulting from the eliminated alternatives, especially in light of the fact that construction of the proposed light rail may increase congestion levels and reduce levels of service throughout the corridor.

Energy Usage and Efficiency

The DEIS stated that the proposed light rail alternative was expected to increase annual electricity use by VTA and decrease use of diesel fuel and gasoline, and that successful implementation of the proposed project depended on the availability of sufficient sources of energy. Information presented in the DEIS identified that future supply was expected to be adequate to meet growth in demand due to the project "if the current trend toward increased transmission capacity continues." The energy analysis did not take into consideration the cumulative impact of other planned projects that will also increase demand on the existing energy supply.

As we requested in our 2004 comment letter, the SDEIS should analyze whether existing and planned facilities will provide adequate power supply for the proposed project and the region. Include a cumulative impact analysis of the proposed project and other reasonably foreseeable projects that will also increase demand on the regional

energy supply. Some reasonably foreseeable projects include: (1) the extension of Bay Area Rapid Transit to Warm Springs and/or to San Jose and Santa Clara, (2) the electrification of Caltrain, (3) the development of the California High Speed Rail system, and (4) other light rail extensions planned in the region.

For the construction of new infrastructure EPA recommends industrial materials recycling, or the reusing or recycling of byproduct materials generated from industrial processes. Nonhazardous industrial materials, such as coal ash, foundry sand, construction and demolition materials, slags, and gypsum, are valuable products of industrial processes. Industrial materials recycling preserves natural resources by decreasing the demand for virgin materials, conserves energy and reduces greenhouse gas emissions by decreasing the demand for products made from energy intensive manufacturing processes, and saves money by decreasing disposal costs for the generator and decreasing materials costs for end users. EPA recommends that, for any new construction proposed, the SDEIS identify how industrial materials recycling can be incorporated into project design. More information can be found at: <http://www.epa.gov/epawaste/consERVE/rrr/imr/index.htm>.

Noise and Vibration Impacts

The NOI stated that based on the findings of the Final and Supplemental Environmental Impact Report, it is anticipated that the project will result in adverse noise and vibration impacts. EPA encourages FTA to identify mitigation measures to lower these impacts, particularly if they will impact sensitive receptors or low-income or minority communities.

We appreciate the opportunity to provide comments on the preparation of the SDEIS, and look forward to continued participation in this process as more information becomes available. When the SDEIS is released for public review, please send two copies to the address above (mail code CED-2). If you have any questions, please contact me at 415-947-3554 or mulvihill.carolyn@epa.gov.

Sincerely,



Carolyn Mulvihill
Environmental Review Office

cc: Tom Fitzwater, VTA
David Burch, Bay Area Air Quality Management District

YOUR OPINION COUNTS

Date: 9/30/09 Name of Project: Eastridge LRT

I have a question/comment about:

- I support the Eastridge extension
- Please make sure there is pedestrian access from and to Reid-Hillman Airport to connect the two transportation resources
- please post all the meeting materials on the VTA web site

I would like more information about:

- Design Features
- Community Meetings
- Funding
- Property Acquisition
- Environmental Effects
- Schedule
- Construction Impacts
- Other: _____

Thank you for your comments. If you would like us to respond or be included in our mailing list, please fill out the information below. You may also call the Community Outreach Line at (408) 321-7575. Thank you for your interest.

Name: Jan Kluff
 Address: 1708 Goldentree Dr
 City: SJ State: CA Zip: 95181
 Phone: _____ Best time to call: _____
 Fax: _____ E-mail: ik-vta@hunder.sbay.org

0806-6409



YOUR OPINION COUNTS

Date: 9-30-09 Name of Project: EAST RIDGE

I have a question/comment about:

LIGHT-RAIL

? Increase in road congestion and EHG.

I would like more information about:

- Design Features
- Community Meetings
- Funding
- Property Acquisition
- Environmental Effects
- Schedule
- Construction Impacts
- Other: _____

Thank you for your comments. If you would like us to respond or be included in our mailing list, please fill out the information below. You may also call the Community Outreach Line at (408) 321-7575. Thank you for your interest.

Name: LOWELL GRATTAN
 Address: 204 CASITAS BLVD.
 City: LOS GATOS State: CA Zip: 95032
 Phone: 408-379-2350 Best time to call: _____
 Fax: 379-2355 E-mail: _____

0806-6409



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