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# Chapter 1

## Introduction

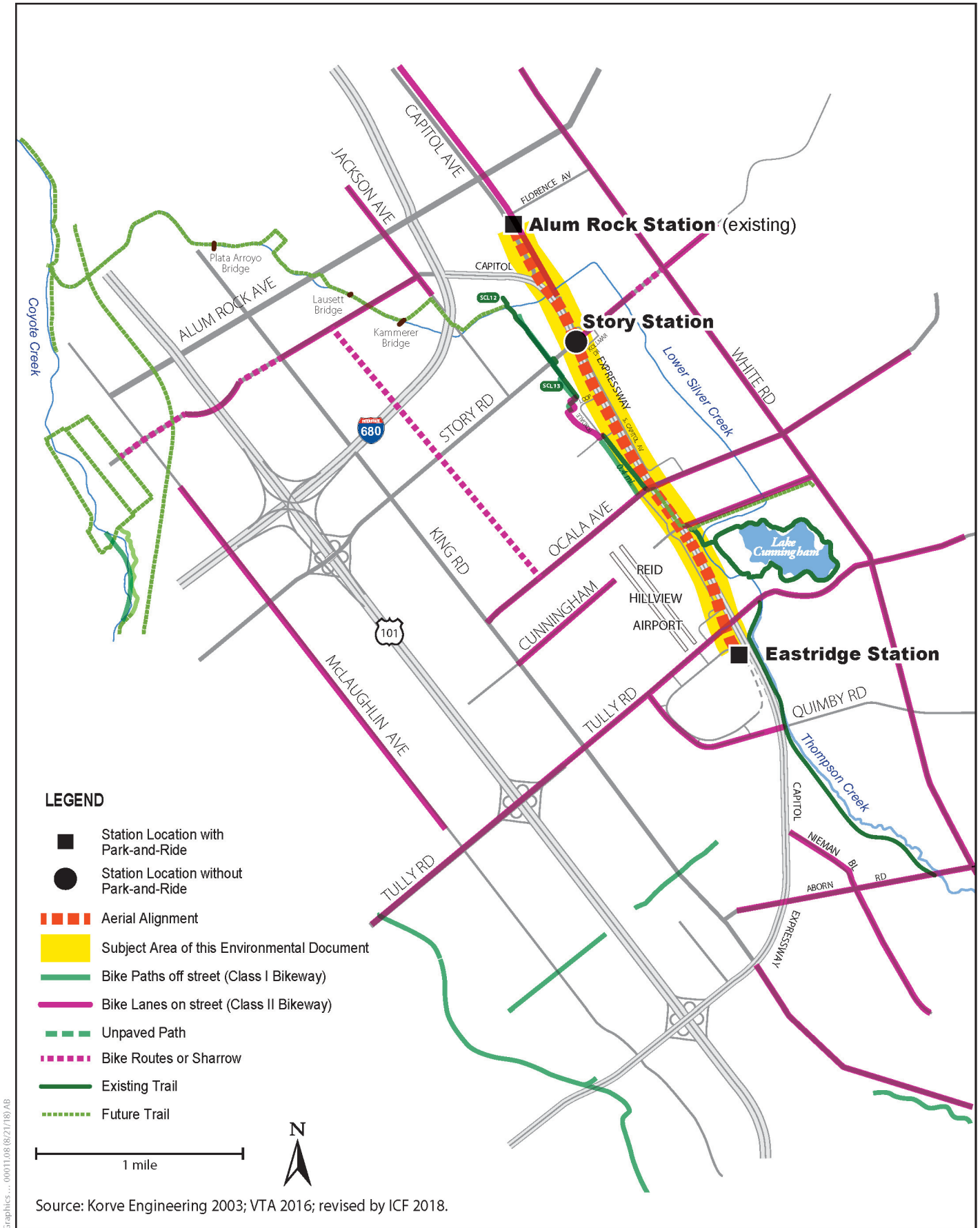
### 1.1 Overview of Proposed Changes to the Approved Project

The Santa Clara Valley Transportation Authority's (VTA's) Eastridge to BART Regional Connector: Capitol Expressway Light Rail Project (approved project) is located in the City of San Jose. The approved project would be implemented in two distinct phases. The first phase consists of pedestrian and bus improvements, including sidewalk, landscaping, and lighting along Capitol Expressway; bus stop improvements at Story Road and Ocala Avenue; and the replacement of Eastridge Transit Center. Construction of the pedestrian and bus improvements was completed in 2012 and the replacement of Eastridge Transit Center was completed in 2015. The second phase consists of the extension of light rail along Capitol Expressway between the existing Alum Rock Light Rail Station and Eastridge Transit Center, a distance of approximately 2.4 miles.

As discussed in more detail in Chapter 2, *Changes to the Approved Project, Changes in Circumstances, and Introduction of New Information*, VTA is proposing changes to certain elements of the approved project, including the:

- Extension of the aerial guideway to grade-separate the Ocala Avenue and Cunningham Avenue intersections
- Revisions to Capitol Expressway roadway lane configurations (including the conversion of the existing high-occupancy vehicle lanes to general purpose traffic lanes and maintaining eight lanes between Story Road and Capitol Avenue);
- Modifications to Eastridge Station platforms and track;
- Reduction in parking spaces at Eastridge Park-and-Ride lot;
- Minor shift in the location and straightening of the Story Station pedestrian overcrossing;
- Modification to Story Station pedestrian access;
- Relocation of a construction staging area;
- Relocation of Pacific Gas and Electric (PG&E) electrical transmission facilities; and
- Extension of construction duration and modification to the construction scenario.

The location and overall elements of the proposed changes to the project are shown in Figure 1-1.



**Figure 1-1**  
**Proposed Changes to Capitol Expressway Light Rail Project**

## 1.2 Prior Environmental Documentation

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

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

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

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

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

This Second Subsequent IS and the Second Supplemental EIR (SEIR-2) (discussed in Section 1.4, *Explanation for a Second Subsequent Initial Study and Second Supplemental EIR*) will address minor changes to the project as well as incorporate changed circumstances and new information.

### 1.3 Overview of Public Outreach since the 2014 Subsequent IS/MND

Since the approval of the 2014 Subsequent IS/MND, there has been routine community outreach, including webpage updates, Eastridge to BART Regional Connector Policy Advisory Board (PAB) meetings, and occasional attendance at district roundtables and neighborhood association meetings. The purpose of the PAB meetings is to ensure that the local jurisdictions most affected by major transportation improvement projects are involved in guiding the planning, design, and construction of the projects. There have been nine Eastridge to BART Regional Connector PAB meetings since March 2014.

VTA issued a NOP for the Draft SEIR-2 on May 29, 2018 and held a scoping meeting on June 14, 2018. The NOP was sent to over 100 agencies, community organizations, residents, and businesses. In addition, flyers were mailed to approximately 9,000 properties located within 1/2 mile of the corridor. Other outreach included a meeting announcement and reminder on Next Door; door-to-door deliveries of flyers to businesses; a blog post; a webpage announcement; advertisements in the Mercury News, El Observador, Viet Nam Daily, Philippines Today, and Sing Tao; notices at community centers and libraries; email to 751 stakeholder list; listings on Facebook, Twitter, and LinkedIn; and email to 50 organizations on the Title VI list. The six comment letters received on the scope and content of SEIR-2 are included in Attachment A of the SEIR-2. See Chapter 2, *Introduction*, of the SEIR-2 for a summary of the comments regarding environmental impacts.

### 1.4 Explanation for a Second Subsequent Initial Study and Second Supplemental EIR

The California Environmental Quality Act (CEQA) recognizes that between the date projects are approved and the date they are constructed one or more of the following changes may occur: 1) the scope of the project may change, 2) the environmental setting in which the project is located may change, 3) certain environmental laws, regulations, or policies may change, and 4) previously unknown information can come to light. CEQA requires that lead agencies evaluate these changes to determine whether they are significant.

The mechanism for assessing the significance of these changes is found in CEQA Guidelines Sections 15162 to 15164. If the changes involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, further environmental review (in the form of a Subsequent or Supplemental EIR or IS/MND) would be warranted per CEQA Guidelines Section 15162 and 15163. If the changes do not meet these criteria, then an Addendum is prepared to document a decision that no subsequent or supplemental review is required.

The proposed changes to the approved project would result in new or more significant environmental impacts compared to what was disclosed in the 2005 Final EIR, the 2007 Final SEIR, and the 2014 Subsequent IS/MND. Thus, it has been determined through the

analysis in this Second Subsequent IS that a SEIR-2 should be prepared for the proposed changes to the approved project.

The Second Subsequent IS serves to focus the analysis in the SEIR-2 on changes to the environmental impacts identified in the prior environmental documentation that would result from the proposed changes to the approved project. As such, the potential transportation, environmental justice, noise and vibration, air quality, and construction impacts associated with the proposed changes to the approved project require analysis in the SEIR-2. New or more significant environmental impacts related to other environmental resource areas, as disclosed in this Second Subsequent IS, would be avoided or minimized through project features or implementation of mitigation measures included in the 2005 Final SEIR. Thus, the SEIR-2 is focused on the potential for new significant impacts or a substantial increase in the severity of previously identified significant effects related to transportation, environmental justice, noise and vibration, air quality, and construction.

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