Executive Summary

Section ES.1 Introduction

This Executive Summary presents the major conclusions of this Supplemental DEIS, areas of controversy (including issues raised by agencies and the public during the scoping process), and the issues to be resolved (including the choice among alternatives). This summary includes the following sections:

- Purpose of the EIS;
- Background;
- Project Purpose and Need;
- Alternatives Evaluated;
- Agency and Community Participation; and,
- Summary of Impacts and Mitigation Measures.

Section ES.2 Purpose of the EIS

This document presents alternatives for the Capitol Expressway Corridor project and discloses the environmental impacts of those alternatives.

This document will be used by federal, state, regional, and local agencies to assess the environmental impacts of the alternatives on resources under their jurisdiction and/or to make discretionary decisions regarding the project. The Federal Transit Administration (FTA) will use this document in deciding whether and how to fund the project. Once the project is approved, public agencies can use this EIS as the basis for their decisions to issue permits and other approvals necessary to construct the project.

Section ES.3 Background

Project Location

The project would be located within Santa Clara County (County) in the incorporated City of San Jose (City). Figure ES-1 shows the regional location of the project.

Project Background

The original Notice of Intent (NOI) to prepare a Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) was issued on September 18, 2001. Following circulation of the Draft EIS/EIR in April 2004 (2004 EIS/EIR), it was determined that the opportunity for securing federal funds at that time was limited. As a result, a Final EIS was never completed.

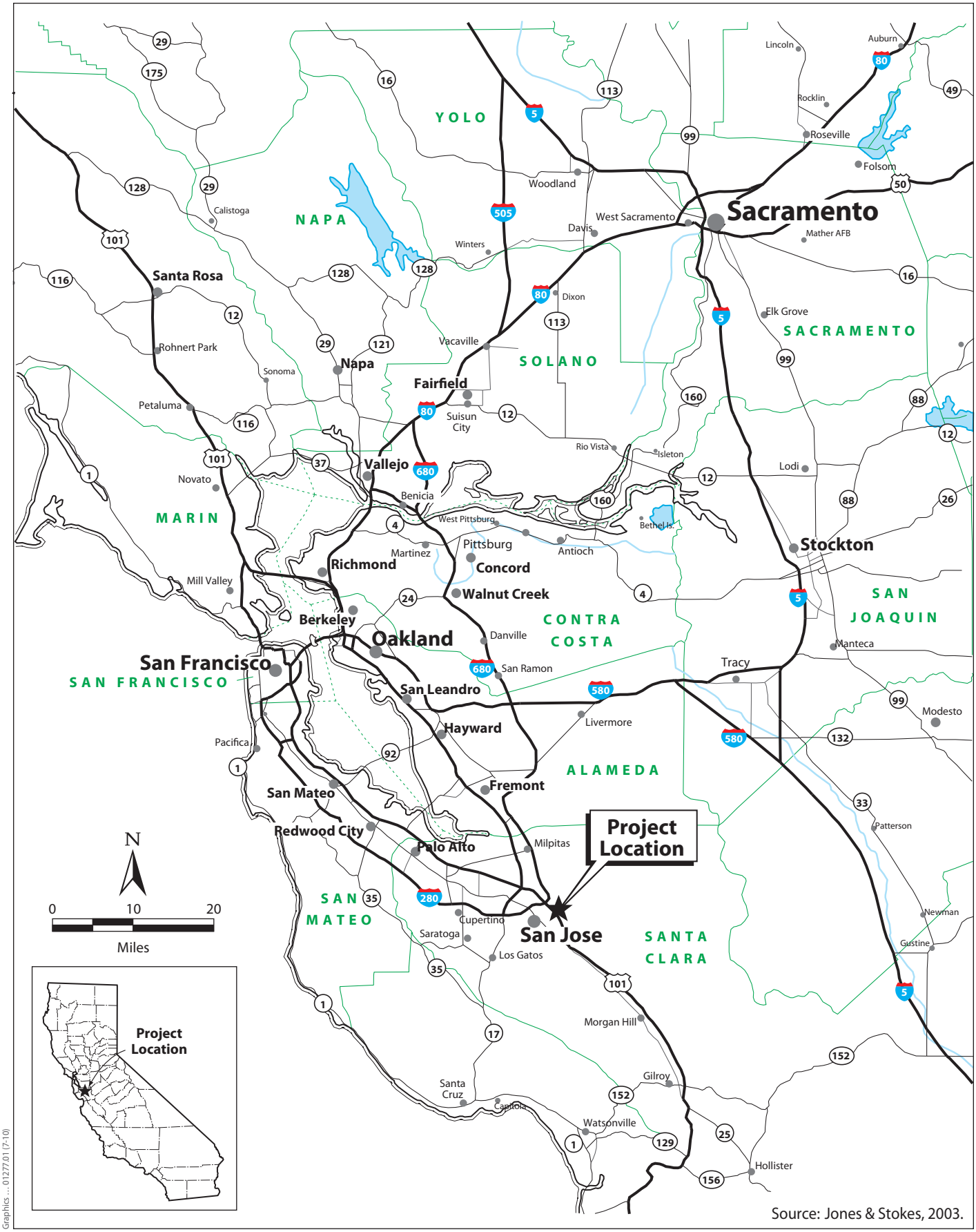
Now, a Supplemental DEIS has been prepared in order to be eligible for federal funds. The purpose of the Supplemental DEIS is to fully disclose the environmental consequences of building and operating the project in advance of any federal decisions to commit substantial financial or other resources towards its implementation. The Supplemental DEIS explores the extent to which project alternatives and design options result in environmental impacts and will discuss actions to reduce or eliminate such impacts as required by current federal (National Environmental Policy Act [NEPA]) environmental laws and current Council on Environmental Quality (CEQ) and Federal Transit Administration (FTA) guidelines.

Section ES.4 Project Purpose and Need

Purpose

The basic purpose of the proposed alternatives is to improve public transit service in the Capitol Expressway Corridor. More specifically, the purpose of the proposed project is to:

- improve public transit service in the Capitol Expressway Corridor by providing increased capacity and faster, more convenient access to downtown San Jose and major employment and activity centers;
- make public transit an attractive alternative to the automobile for travel along the expressway;
- enhance regional connectivity through expanded, interconnected transit services along some of the primary travel corridors in Santa Clara County, including U.S. 101 (Guadalupe Corridor) and I-680 (Tasman East, Capitol Avenue, and Capitol Expressway Corridors);
- improve regional air quality by reducing the growth in automobile emissions;
- improve mobility options to employment, education, medical, and retail centers for all corridor residents, in particular for low-income, transit-dependent, youth, elderly, disabled, and ethnic minority populations; and
- support local economic and land development goals.



Source: Jones & Stokes, 2003.

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Figure ES-1
Regional Location

Need

The study area, as defined in this Supplemental DEIS, is anticipated to experience a 53 percent increase in population and a 45 percent increase in employment from 2000 to 2035. Population and employment gains typically correlate to increases in traffic and congestion, which is anticipated to be worse in the study area because employment centers are located outside of the Capitol Expressway Corridor in downtown San Jose and to the northwest of the study area. Existing transit service between the study area and employment centers is limited, and the need for improved service to other major employment centers still exists. Overall, the proposed project is needed to meet projected growth, associated development, jobs, and transit demand in the study area.

The proposed project's Purpose and Need is discussed further in Chapter 1, *Purpose and Need*.

Section ES.5 Alternatives Evaluated

This Supplemental DEIS considers and evaluates the following alternatives:

- No-Build Alternative
- Light Rail Alternative

A Baseline Alternative is no longer proposed because of subsequent improvements in existing and planned bus service in the corridor. These improvements were included in the Baseline Alternative that was evaluated in the Draft EIS/EIR (April 2004) and are now included in the No-Build Alternative in this Supplemental DEIS. Since no other improvements have been identified that can address transportation needs in the corridor without a major capital investment in the infrastructure, no Baseline Alternative is proposed.

No-Build Alternative

Under the No-Build Alternative, it is assumed that transit services provided by VTA within the corridor will continue at September 2009 levels, except for planned improvements that would be reasonably expected to occur in the foreseeable future regardless of the implementation of the proposed alternative. These planned improvements include the introduction of Bus Rapid Transit (BRT) service on Capitol Expressway, which is scheduled to begin revenue service in 2013.

Light Rail Alternative

The Light Rail Alternative would extend approximately 2.3 miles south from the existing Alum Rock Station to the Eastridge Transit Center. This would include new light rail stations at Story Road, Ocala Avenue, and the Eastridge Transit Center. An expanded park-and-ride facility would be constructed at the Eastridge Transit Center,

and five major overhead electrical towers would require relocation between Story Road and the Eastridge Transit Center.

A detailed discussion of the alternatives considered, including the prior alternatives evaluated in other environmental documents, is included in Chapter 2, *Alternatives Analysis*.

Section ES.6 Agency and Community Participation

Scoping

On September 9, 2009, an NOI was published in the Federal Register. Agencies and concerned members of the public had the opportunity to submit comments regarding the project until October 19, 2009. A public meeting was held on September 30, 2009. A detailed description of the scoping process, coordination plan, and ongoing public involvement is included in Chapter 5, *Agency and Community Participation.*

Areas of Controversy

Some of the issues raised during the scoping period may be considered controversial. These issues are summarized below. This discussion is not intended to be comprehensive, rather it is to highlight the issues of apparent greatest concern raised in comments to date.

- **Traffic—**Concern was raised regarding parking, pedestrian access, and bike lanes.
- **Climate Change—**Concern was raised regarding the increase in greenhouse gas from removal of the high-occupancy vehicle (HOV) lanes.
- **Noise and Vibration—**Concern was raised regarding an increase in noise levels during construction and at project completion.
- **Safety**—Some concern was raised regarding pedestrian crossing to median of Capitol Expressway and project proximity to Ocala and Mt. Pleasant schools.
- **Seismic—**Concern was raised regarding earthquake and emergency safety/access and potential impacts to neighborhoods.
- **Other—**Concern was raised regarding property acquisition.
- **Construction**—Concerns regarding impacts from construction activities were raised.

Section ES.7 Summary of Impacts and Mitigation Measures

The impacts of the proposed project, proposed mitigation, and significance conclusions are discussed in detail in Chapter 3 and Chapter 4. Table ES-1 summarizes the adverse effects and mitigation measures proposed in this

Supplemental DEIS. Unless where otherwise noted, all adverse effects that include mitigation have been reduced so they are no longer adverse.

Table ES-1. Summary of Adverse Effects and Proposed Mitigation Measures

Impact Category	No Build Alternative	Light Rail Alternative
3.1 Transportation	No Adverse Effects	**Traffic Impacts at Intersections** Capitol Expressway/South Capitol Avenue Adverse effects. No feasible Mitigation. Capitol Expressway/Ocala Avenue Adverse effects. No feasible Mitigation. **Changes to HOV Network and Travel Time** Increase HOV Travel Times Adverse effects. No feasible Mitigation. **Changes to Bus Travel Time** Increase Bus Travel Times Adverse effects. No feasible Mitigation.
3.2 Air Quality and Climate Change	No Adverse Effects	No Adverse Effects
3.3 Biological Resources	No Adverse Effects	Permanent Loss of Potential Burrowing Owl Habitat *Mitigation Measure BIO-1: Conduct Preconstruction Surveys for Nesting and Wintering Burrowing Owls and Implement Measures to Avoid or Minimize Adverse Effects if Owls are Present* Temporary Disturbance to Nesting Habitat for Migratory Birds (Including Raptors) *Mitigation Measure BIO-2: Conduct Preconstruction Surveys for Nesting Migratory Birds, including Raptors* Loss of Urban Trees *Mitigation Measure BIO-3: Conduct a Tree Survey to Assess Tree Resources Impacted* *Mitigation Measure BIO-4: Replace Trees*

3.4 Community Services	No Adverse Effects	No Adverse Effects
3.5 Cultural Resources	No Adverse Effects	Effects to Buried Cultural Resources or Human Remains[1] *Standard Practice if Buried Cultural Resources or Human Remains are Encountered* No Adverse Effects
3.6 Electromagnetic Fields	No Adverse Effects	No Adverse Effects
3.7 Energy	No Adverse Effects	No Adverse Effects
3.8 Geology, Soils, and Seismicity	No Adverse Effects	Ground Shaking *Mitigation Measure GEO-1: Incorporate Caltrans Seismic Design Criteria* Liquefaction *Mitigation Measure GEO-2: Incorporate Liquefaction Minimization Methods to Prevent Localized Liquefaction* Lateral Spreading, Subsidence, and Collapse Caused by Underlying Unstable Geologic Units *Mitigation Measure GEO-3: Implement Proper Construction Methods to Minimize Risk of Lateral Spreading, Subsidence, and Collapse Hazards* Expansive Soils *Mitigation Measure GEO-4: Reinforce Foundations or Excavate Expansive Soil to Minimize Risk of Soil Expansivity Hazards*
3.9 Hazardous Materials	No Adverse Effects	Hazard to the Public or Environment Through Reasonable Foreseeable Upset and Accident Conditions Caused by the Release of Hazardous Materials *Mitigation Measure HAZ-1: Conduct Subsurface Investigations in Areas of the Corridor That May be Underlain by Contaminated Soil or Groundwater* *Mitigation Measure HAZ-2: Control Contamination Resulting from Previously Unidentified Hazardous Waste Materials*

[1] There are no adverse effects related to cultural resources. However, for completeness, a description of the standard practice if buried cultural resources or human remains are encountered is included in this table as the required measure.

3.10 Hydrology and Water Quality	No Adverse Effects	Violation of Water Quality Standards or Waste Discharge Requirements *Mitigation Measure HYD-1: Comply with All Applicable Regulations and Subsequent Permit Programs Related to Water Quality Control* Creation or Contribution of Additional Runoff, Including Increasing Additional Sources of Polluted Runoff *Mitigation Measures HYD-1: Comply with All Applicable Regulations and Permits Related to Water Quality Control* Exposure of People or Structures to Flood Hazards *Mitigation Measure HYD-2: Construct Facilities to Minimize Flood Impacts*
3.11 Land Use	No Adverse Effects	No Adverse Effects
3.12 Noise and Vibration	Moderate Adverse Effects	Exposure of Sensitive Receptors to Increased Noise Levels *Mitigation Measure NOI-1: Provide Quiet Pavement on Capitol Expressway and Sound Insulation at Residences* Exposure of Sensitive Receptors to Increased Vibration Levels *Mitigation Measure VIB-1:Consider Follow-Up Vibration Mitigation Assessments*[2] Potential Adverse Effects After Mitigation *Mitigation Measure VIB-2: Use Vibration Dampening Track Construction Materials* Potential Adverse Effects After Mitigation Exposure of Sensitive Receptors to Construction Noise and Vibration Levels *Mitigation Measure NOI-2: Employ Measures to Reduce Construction Noise and Vibration*[3] Potential Adverse Effects After Mitigation
3.13 Safety and Security	No Adverse Effects	Pedestrian and/or Bicycle Safety Risks at At-Grade Crossings *Mitigation Measure SAF-1: Minimize Accident Risks by Incorporating Pedestrian-Friendly Features* Inadequate Lighting or Visual Obstructions at Park-and-Ride Lots *Mitigation Measure SAF-2: Implement Safety and Security Measures to Deter Crime* *Mitigation Measure SAF-3: Use Lighting, Cameras, and Security Patrols to Enhance Safety* *Mitigation Measure SAF-4: Define Fire and Life Safety Procedures and Develop Evacuation Plans*
3.14 Socioeconomics	No Adverse Effects	No Adverse Effects
3.15 Utilities	No Adverse Effects	No Adverse Effects

[2] This effect is potentially adverse even with implementation of mitigation.
[3] Ibid.

3.16 Visual Quality	No Adverse Effects	Creation of a New Source of Light and Glare *Mitigation Measure VQ-1: Incorporate Lighting Design Standards to Minimize Fugitive Light and Glare* Degradation of Existing Visual Quality *Mitigation Measures VQ-2:Refine Project Design for Consistency Within the Community* *Mitigation Measure VQ-3: Implement Project Landscaping Plan, Including Best Management Practices*
3.17 Environmental Justice	No Adverse Effects	Disproportionately High and Adverse Effects on Minority and Low-Income Populations Adverse effects. No feasible Mitigation.
3.18 Construction Impacts[4]	No Adverse Effects	**Transportation** Long-Term Street Closure of Sidewalks, Streets, Lanes, or Interference of Traffic Flow *Mitigation Measure CON-1: Prepare Traffic Management Plan* *Mitigation Measure CON-2: Provide Signage Directing Bicyclists and Pedestrians Away from the Construction Area* *Mitigation Measure CON-3: Coordinate with Residents and Minimize Effects on Residential Access* *Mitigation Measure CON-4: Coordinate with Businesses and Minimize Effects on Business Access and Visibility* **Air Quality and Climate Change** Temporary Increase in Ozone Precursors (ROG and NO_X), CO, and PM10 Emissions During Grading and Construction Activities *Mitigation Measure CON-5: Implement the BAAQMD's Control Measures to Control Construction-Related Dust* Generate Greenhouse Gas Emissions as a Result of Construction *Mitigation Measure CON-6: Implement the BAAQMD's Best Management Practices for GHG Emissions* **Biological Resources (also discussed in Section 3.3)** Permanent Loss of Potential Burrowing Owl Habitat *Mitigation Measure BIO-1: Conduct Preconstruction Surveys for Nesting and Wintering Burrowing Owls and Implement Measures to Avoid or Minimize Adverse Effects if Owls are Present* Temporary Disturbance to Nesting Habitat for Migratory Birds (Including Raptors) *Mitigation Measure BIO-2: Conduct Preconstruction Surveys for Nesting Migratory Birds, including Raptors* Loss of Urban Trees *Mitigation Measure BIO-3: Conduct a Tree Survey to Assess Tree Resources Impacted* *Mitigation Measure BIO-4: Replace Trees*

[4] Project effects that are both operation- and construction-period effects are repeated in Section 3.18 *Construction Impacts* for consistency.

3.18 Construction Impacts (cont.)	**Community Services** Temporary Disruption of Emergency Access *Mitigation Measure CON-7: Coordinate Construction and Operational Activities with Emergency Service Providers* **Cultural Resources (also discussed in Section 3.5)** Effects to Buried Cultural Resources or Human Remains *Standard Practice if Buried Cultural Resources or Human Remains are Encountered* **Energy** Wasteful, Inefficient, and/or Unnecessary Use for Project Construction *Mitigation Measure CON-8: Adopt Energy Conservation Measures* **Geology, Soils, and Seismicity (also discussed in Section 3.8)** Ground Shaking *Mitigation Measure GEO-1: Incorporate Caltrans Seismic Design Criteria* Liquefaction *Mitigation Measure GEO-2: Incorporate Liquefaction Minimization Methods to Prevent Localized Liquefaction* Lateral Spreading, Subsidence, and Collapse Caused by Underlying Unstable Geologic Units *Mitigation Measure GEO-3: Implement Proper Construction Methods to Minimize Risk of Lateral Spreading , Subsidence, and Collapse Hazards* Expansive Soils *Mitigation Measure GEO-4: Reinforce Foundations or Excavate Expansive Soil to Minimize Risk of Soil Expansivity Hazards* **Hazardous Materials (also discussed in Section 3.9)** Hazard to the Public or Environment Through Reasonable Foreseeable Upset and Accident Conditions Caused by the Release of Hazardous Materials *Mitigation Measure HAZ-1: Conduct Subsurface Investigations in Areas of the Corridor That May be Underlain by Contaminated Soil or Groundwater* *Mitigation Measure HAZ-2: Control Contamination Resulting from Previously Unidentified Hazardous Waste Materials*

3.18 Construction Impacts (cont.)	**Hydrology and Water Quality** Creation of Contribution of Additional Runoff, Including Increasing Additional Sources of Polluted Runoff (Water Quality Impairment Caused by Grading and Construction Activities) *Mitigation Measure CON-9: Implement Water Quality Control Measures during Construction Activities* Alterations in Existing Drainage Patterns *Mitigation Measure CON-9: Implement Water Quality Control Measures During Construction Activities* Depletion of Groundwater Supplies or Interference with Groundwater Recharge *Mitigation Measure CON-10: Use Non-Potable Water for Construction Activities* **Noise and Vibration (also discussed in Section 3.12)** Exposure of Sensitive Receptors to Construction Noise and Vibration Levels *Mitigation Measure NOI-2: Employ Measures to Reduces Construction Noise and Vibration*[5] Potential Adverse Effects After Mitigation **Safety and Security** Potential for Safety Risks during Construction *Mitigation Measure CON-11: Implement Construction BMPs to Protect Workers and the Public* **Utilities** Disrupt a Utility Service for a Period of 24 Hours or More *Mitigation Measure CON-12: Coordinate with Utility Service Providers Prior to Construction of Light Rail Facilities* **Visual Quality** Creation of a New Source of Substantial Light or Glare *Mitigation Measure CON-13: Direct Lighting Toward Construction Areas*

[5] This effect is potentially adverse even with implementation of mitigation.

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