

# Section 5

## Mitigation Monitoring and Reporting Program

### Mitigation Monitoring and Reporting Program for the Eastridge to BART Regional Connector: Capitol Expressway Light Rail Project

**Project Title:** Eastridge to BART Regional Connector  
**Date Prepared:** May 17, 2019  
**Prepared By:** Christina Jaworski, Senior Environmental Planner,  
Environmental Programs  
**Approving Body:** Santa Clara Valley Transportation Authority  
**Agenda Date:** June 6, 2019  
**Designated Monitor:** Ann Calnan, Environmental Programs Manager

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#### 5.0 Introduction

The Santa Clara Valley Transportation Authority (VTA), as lead agency for the Eastridge to BART Regional Connector: Capitol Expressway Light Rail Project (Project), is responsible for compliance with Section 21081.6 of the California Environmental Quality Act (CEQA), which requires a lead agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) “for the changes made to the project or conditions of project approval adopted in order to mitigate or avoid significant effects on the environment.”

The *Capitol Expressway Corridor Project Final Environmental Impact Report (EIR)* (April 2005) (hereafter referred to as the “2005 Final EIR”), the *Capitol Expressway Light Rail Project Final Supplemental Environmental Impact Report (SEIR)* (April 2007) (hereafter referred to as the “2007 Final SEIR”), the *Capitol Expressway Light Rail Project Phase 1: Pedestrian and Bus Improvements Revised Addendum to the Final Supplemental Environmental Impact Report* (June 2010) (hereafter referred to as the “2010 Addendum”), the *Capitol Expressway Light Rail Project Phase 2: Light Rail Subsequent Initial Study/Mitigated Negative Declaration* (February 2014) (hereafter

referred to as the “2014 SMND”), and the *Eastridge to BART Regional Connector: Capitol Expressway Light Rail Project Second Supplemental Environmental Impact Report (SEIR-2)* (May 2019) (hereafter referred to as the “2019 Final SEIR-2”) identify the environmental impacts of the Project and discuss mitigation measures to reduce the effects.

## 5.1 Program Management

The Project MMRP includes the following elements:

- Identification of mitigation measures, as they appear in the 2005 Final EIR or as amended in the 2007 Final SEIR, 2010 Addendum, 2014 SMND, and 2019 Final SEIR-2;
- Identification of the time frame during which each measure is to be implemented and monitored;
- Identification of the party(ies) responsible for implementing and monitoring each mitigation measure;
- Documentation of compliance activities in quarterly MMRP Status Summary Reports.

Actions to be performed under the MMRP typically include:

- Actions to be taken during Project design;
- Actions to be taken before construction;
- Actions to be taken during construction; and
- Actions that require monitoring following construction (operations phase).

### Designated Monitor

VTA’s Manager of Environmental Programs is the Designated Monitor responsible for implementation and enforcement of the Project. The Designated Monitor will assign monitoring tasks to field monitors, who are responsible for verifying compliance with specific mitigation measures.

### Monitoring Procedures

Mitigation measures will be monitored, as specified in the attached table, *Eastridge to BART Regional Connector Project Mitigation Monitoring and Reporting Program Summary*. Mitigation measures applicable prior to construction will be discussed with the design engineer(s), architect(s), and other responsible parties and/or interested stakeholders. Mitigation measures applicable during construction will be discussed with appropriate VTA personnel, construction contractors, and other responsible parties. Mitigation measures applicable following construction will be discussed with appropriate VTA personnel and other responsible parties. These measures will be monitored weekly,

or as conditions dictate, and all parties will be kept informed, as necessary, of compliance status and any corrective action. Mitigation measures applicable following construction will be monitored and reported with compliance and non-compliance status communicated to the appropriate parties.

### **Reporting Requirements**

The Designated Monitor will submit quarterly MMRP Status Summary Reports to VTA management and appropriate staff, and to any individuals and agencies that request monitoring reports, prior to and during construction. Similarly, the Designated Monitor will submit annual status reports, as required, for the post-construction/operations mitigation measures. Copies of reports may be obtained by contacting Environmental Programs, 3331 North First Street, San Jose, CA 95134, (408) 321-5789.

Each MMRP Status Summary Report will summarize actions taken during the previous quarterly reporting period so as to meet the requirement(s) of each mitigation measure. The status report will include a checklist that indicates which mitigation measures are in compliance-to-date but require additional monitoring and which are in compliance-to-date with no further action needed (closed items).

### **Non-compliance**

If the MMRP Status Summary Report indicates noncompliance with any mitigation measure, the Designated Monitor will recommend appropriate corrective action to the party(ies) responsible for implementation. Noncompliance and corrective action information will be included in the quarterly and annual reports.

### **Refinement or Addition of Mitigation Measures**

During the Final Design phase, circumstances may arise that require the revision or addition of a mitigation measure. The Designated Monitor will make appropriate recommendations and ensure the implementation and enforcement of any revised MMRP requirements.

EASTRIDGE TO BART REGIONAL CONNECTOR PROJECT MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY					
Environmental Issue	Measure #	Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight for Implementation
<b>TRANSPORTATION</b>					
Construction-Related Traffic Impacts	<b>TRN (CON)-2a: Prepare Traffic Management Plan</b>	VTA shall require its contractors to prepare and implement traffic handling plans in concert with the City of San Jose and County of Santa Clara. Based on the Traffic Management Plan, contractors would use flagmen and follow a daily construction schedule that would restore traffic capacity during peak periods on weekdays. VTA would use a Construction Management contractor and assign a specific VTA Construction Management team to oversee construction. Construction equipment traffic from the contractors would be controlled by flagmen and the procedures contained in the Traffic Management Plan. For example, the use of the median to store large pieces of equipment overnight would be regulated. Traffic that may attempt to use neighborhood streets to avoid construction areas would be controlled.	During Project Design and Construction	VTA Construction	VTA Environmental Programs
Construction-Related Traffic Impacts	<b>TRN (CON)-2b: Inform Public of Traffic Detours</b>	VTA shall coordinate with the appropriate local jurisdiction to provide the public with advance notice of proposed traffic detours and their duration. VTA would continue to use a team of public outreach staff who would be dedicated to the Project.  VTA would establish a field office along the Project that would be open to the public during specific hours of the week and be equipped with a project phone hotline to assist phone calls. The public outreach staff would pro-actively inform the public of the ongoing project progress and exceptions to the expected plans. The staff would also respond to requests for information and assistance when impacts raise special concerns. Emergency requests would be addressed within a specific time goal.	During Project Design and Construction	VTA Construction	VTA Environmental Programs

EASTRIDGE TO BART REGIONAL CONNECTOR PROJECT MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY					
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Construction-Related Traffic Impacts	<b>TRN (CON)-2c: Inform Public of Transit Service Changes</b>	Transit service on time performance could be affected during the construction period. The public and transit users would receive notifications of any changes in transit service due to the construction of the Project. The program would be part of the public outreach effort for the Project.	During Project Design and Construction	VTA Construction	VTA Environmental Programs
Operation-Related Traffic Impacts	<b>TRN-2c: Maintain eight lanes on Capitol Expressway at Tully Road Intersection</b>	Because light rail would be located on the west side of Capitol Expressway through the Tully Road intersection, sufficient width would be available to maintain the fourth through lane on Capitol Expressway in the vicinity of Tully Road as a General Purpose Bypass Lane.	During Project Design and Operation	VTA Construction	VTA Environmental Programs
AIR QUALITY AND CLIMATE CHANGE					
Construction-Related Emissions	<b>AQ (CON)-1: BAAQMD's BMPs to reduce particulate matter emissions from construction activities</b>	In accordance with the BAAQMD's current CEQA guidelines (2017), the project applicant shall implement the following BAAQMD recommended basic control measures to reduce particulate matter emissions from construction activities. Additional control measures (including watering, washing, and other control measures) as detailed in the 2017 BAAQMD CEQA guidelines (see Additional Construction Mitigation Measures), would further reduce particulate matter emissions and should be implemented when feasible. <ul style="list-style-type: none"> <li>All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>All haul trucks transporting soil, sand, or other loose material offsite shall be covered.</li> </ul>	During Project Design and Construction	VTA Construction	VTA Environmental Programs

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		<ul style="list-style-type: none"> <li>All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> </ul> <p>Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p>			
Construction-Related	<b>AQ (CON)-2: BAAQMD's</b>	The project applicant shall implement, to the extent feasible, the BAAQMD's BMPs to reduce GHG emissions from construction	During Project Construction	VTA Construction	VTA Environmental

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Emissions	<b>BMPs to reduce GHG emissions from construction equipment</b>	<p>equipment. These BMPs are outlined in their 2010 CEQA Guidelines.</p> <ul style="list-style-type: none"> <li>• Alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15 percent of the fleet;</li> <li>• Local building materials of at least 10 percent; and</li> <li>• Recycle at least 50 percent of construction waste or demolition materials.</li> </ul>			Programs
Construction-Related Emissions	<b>AQ (CON)-3: Tier 3 or 4 Equipment</b>	Tier 3 or 4 equipment shall be used to further reduce construction-related emissions where possible.	During Project Construction	VTA Construction	VTA Environmental Programs
<b>BIOLOGICAL RESOURCES</b>					
Western Burrowing Owls	<b>BIO-7: Conduct Preconstruction Surveys for Western Burrowing Owls and Implement Measures to Avoid or Minimize Adverse Effects if Owls are Present</b>	<p>Preconstruction surveys for Western burrowing owls shall be conducted by a qualified ornithologist before any development within the habitat identified in Figure 3.3-1. These surveys, which shall include any potentially suitable habitat within 250 feet of construction areas, shall be conducted no more than 30 days before the start of site grading, regardless of the time of year in which grading occurs. If breeding owls are located on or immediately adjacent to the site, a construction-free buffer zone (typically 250 feet) around the active burrow must be established as determined by the ornithologist in consultation with CDFW. No activities, including grading or other construction work or relocation of owls, would proceed that may disturb breeding owls. If owls are resident within 250 feet of the Project Area during the nonbreeding season a qualified ornithologist, in consultation with CDFW, shall passively relocate (evict) the owls to avoid the loss of any individuals if the owls are close enough that they or their burrows could potentially be harmed</p>	Before and during Project Construction, including site preparation	VTA Environmental Programs	VTA Environmental Programs and CDFW as applicable

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		by associated activities.			
Western Pond Turtles	<b>BIO-12: Conduct Preconstruction Surveys for Western Pond Turtles and Implements Measures to Avoid or Minimize Adverse Effects if Turtles are Present</b>	Preconstruction surveys for western pond turtles shall be conducted by a qualified biologist just prior to (i.e., the day of) initiation of any construction in non-developed habitat that occurs within 100 feet of Thompson Creek. If any individual western pond turtles are detected within the project's impact areas, the individuals shall be moved to suitable habitat within the nearest creek, at least 300 feet outside the project area.	Before and during Project Construction, including site preparation	VTA Environmental Programs	VTA Environmental Programs and CDFW as applicable
Nesting Migratory Birds, Including Raptors	<b>BIO-14a: Conduct a Preconstruction Survey for Nesting Raptors</b>	Preconstruction surveys for nesting raptors will be conducted by a qualified ornithologist to ensure that no raptor nests will be disturbed during implementation of the Project. This survey shall be conducted within 48 hours of construction activity during the breeding season. For nesting raptors, the breeding season is from January 1 to August 31. During this survey, the ornithologist would inspect all trees and suitable grassland	Before Project Construction	VTA Environmental Programs	VTA Environmental Programs



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		habitat in and immediately adjacent to the affected areas for raptor nests. If the survey does not identify any nesting special-status raptor species in the area potentially affected by the proposed activity, no further mitigation is required.			
Nesting Migratory Birds, Including Raptors	<b>BIO-14b: Avoid Active Raptor Nests during the Nesting Season</b>	If an active raptor nest is found close enough to the construction area to be disturbed, the ornithologist, in consultation with CDFW, would determine the extent of a construction-free buffer zone (typically 250 feet) to be established around the nest. VTA shall require that no grading or construction be allowed within this buffer during the nesting seasons for special-status raptor species that are present, except as approved by USFWS or CDFW, as applicable.	Before Project Construction	VTA Environmental Programs	VTA Environmental Programs and CDFW as appropriate
Nesting Migratory Birds	<b>BIO-15: Conduct Preconstruction Surveys for Nesting Migratory Birds</b>	If construction activities are scheduled to occur during the migratory bird breeding season (February 1-August 31), a preconstruction survey for nesting migratory birds shall be conducted prior to commencement of construction activities. If an active nest is identified within the study area, construction activities will stop (only where a nest is located) until the young fledge or the nest is removed in accordance with CDFW approval.	Before Project Construction	VTA Environmental Programs	VTA Environmental Programs and CDFW as appropriate
Loss of Urban Trees	<b>BIO-18a: Conduct a Tree Survey to Assess Tree Resources Impacted</b>	VTA will conduct a tree survey along the Capitol Expressway Corridor to identify trees subject to removal or loss during construction. If the survey determines that no trees would be lost, no further mitigation is required. However, if the survey identifies trees that would be removed or damaged, VTA will also implement Mitigation Measure BIO-18b.	During Project Design	VTA Construction	VTA Environmental Programs
Loss of Urban	<b>BIO-18b:</b>	All urban trees that are to be removed or lost shall be replaced	During Project	VTA	VTA

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Trees	<b>Replace Trees</b>	within the Project corridor. Trees with a diameter less than 12 inches shall be replaced at a 2:1 ratio. All trees with a diameter of 12 inches or more shall be replaced at a 3:1 ratio. If urban trees (non-natives and ornamentals) are replaced with native trees, a reduced mitigation ratio of 1:1 for all trees smaller than 12 inches in diameter, and 2:1 for all trees with a diameter 12 inches or more, shall be implemented. These trees shall be irrigated and maintained for a period of not fewer than 3 years.	Design; During and After Project Construction	Construction	Environmental Programs
<b>CULTURAL RESOURCES</b>					
<p>The following procedures represent standard practice that would be followed in the case of inadvertent discovery of buried cultural resources and human remains:</p> <ul style="list-style-type: none"> <li><b>Stop work immediately if buried cultural deposits are encountered during construction activities.</b> Should any cultural and/or archaeological resources be discovered (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) during construction activities, VTA shall suspend work in the immediate vicinity, and VTA’s construction inspector shall contact VTA’s Environmental Programs Department to coordinate site investigations by a qualified archaeologist to assess the materials and determine their significance.</li> <li><b>Stop work immediately if human remains are encountered during construction activities:</b> If human remains are unearthed during construction, pursuant to Section 50977.98 of the Public Resources Code and Section 7050.5 of the State Health and Safety Code, VTA and Contractor shall immediately suspend work in the immediate vicinity and contact the Santa Clara County coroner. If the Santa Clara County coroner determines the remains are Native American in origin, VTA will contact the Native American Heritage Commission to request a Most Likely Descendent to coordinate the disposition of the remains.</li> <li><b>Native American monitoring during construction:</b> VTA shall retain the services of a Native American monitor during construction involving subsurface excavation between Cunningham Avenue and Quimby Avenue.</li> </ul>					
<b>COMMUNITY SERVICES</b>					
Disruption of Emergency Access	<b>CS (CON)-1: Coordinate with Emergency</b>	VTA shall expand fire safety and emergency response training to include the fire districts in the Capitol Expressway Corridor that will be responsible for providing these services. VTA shall work with emergency service providers to develop alternative	During Project Design and Construction	VTA Construction	VTA Environmental Programs

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	<b>Service Providers</b>	routes and to adjust service areas and destinations as necessary to maintain emergency service coverage and response times during and after construction.			
<b>ENERGY</b>					
Consumption of Nonrenewable Energy Resources During Construction	<b>E (CON)-1: Adopt Energy Conservation Measures</b>	<p>VTA will require contractors to adopt construction energy conservation measures including, but not limited to, those listed below.</p> <ul style="list-style-type: none"> <li>• Use energy-efficient equipment and incorporate energy-saving techniques in the construction of the Project.</li> <li>• Avoid unnecessary idling of construction equipment.</li> <li>• Consolidate material delivery as much as possible to ensure efficient vehicle utilization.</li> <li>• Schedule delivery of materials during non-rush hours to maximize vehicle fuel efficiency.</li> <li>• Encourage construction workers to carpool.</li> <li>• Maintain equipment and machinery, especially those using gasoline and diesel, in good working condition.</li> </ul>	During Project Design and Construction	VTA Construction	VTA Environmental Programs
<b>GEOLOGY, SOILS, AND SEISMICITY</b>					
Seismic Ground Shaking	<b>GEO-4: Incorporate Caltrans Seismic Design Criteria</b>	During the design process, VTA shall design any and all proposed infrastructure in accordance with the appropriate Caltrans Seismic Design Criteria.	During Project Design	VTA Construction	VTA Environmental Programs

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Seismic-Related Ground Failure, Including Liquefaction	<b>GEO-5: Incorporate Liquefaction Minimization Methods</b>	VTA shall conduct geotechnical and geologic investigations during final design, including field excavation and laboratory testing, to provide site-specific geotechnical conclusions and recommendations for design and construction of the proposed facilities. If liquefiable soils or soils susceptible to seismically induced settlement are determined to be present at any location along the corridor, corrective actions shall be taken, including removal and replacement of soils, in-site densification, grouting, design of special foundations, or other similar measures, depending on the extent and depth of susceptible soils.	During Project Design	VTA Construction	VTA Environmental Programs
Lateral Spreading, Subsidence, and Collapse Caused by Underlying Unstable Geologic Units	<b>GEO-6: Minimize Risk of Lateral Spreading, Subsidence, and Collapse</b>	<p>Prior to implementation of the proposed transit improvement activities, the following construction methods shall be employed:</p> <ul style="list-style-type: none"> <li>• construct edge containment structures such as berms, dikes, retaining structures, or compacted soil zones;</li> <li>• remove or treat soils and geologic materials prone to lateral spreading and settling; and</li> <li>• install drainage measures to lower the groundwater table below the level of settleable soils pursuant to the California Division of Mines and Geology's <i>Guidelines for Evaluating and Mitigating Seismic Hazards in California, Special Publication 117A</i> (2008).</li> </ul>	During Project Design	VTA Construction	VTA Environmental Programs
Presence of Expansive Soils	<b>GEO-7: Minimize Risk of Soil Expansivity</b>	Special engineering techniques such as using reinforced steel in foundations, using drainage control devices, and/or over-excavating and backfilling with non-expansive soil to be implemented during construction activities to minimize the risk of structural loss, injury, or death.	During Project Design	VTA Construction	VTA Environmental Programs

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<b>HAZARDOUS MATERIALS</b>					
Hazard to the Public or Environment Caused by the Release of Hazardous Materials	<b>HAZ-9a/HAZ (CON)-1a: Conduct Subsurface Investigations in Areas of the Corridor That May Be Underlain by Contaminated Soil or Groundwater</b>	<p>VTA shall conduct Phase I (and if necessary Phase II) site investigations to determine whether any chemicals of concern are present. If necessary, a risk assessment shall be prepared and procedures established before construction to address the identification, excavation, handling, and disposal of hazardous materials. If contaminated soil or groundwater is encountered, VTA shall notify the appropriate local environmental management agencies and local fire departments. VTA shall ensure that any identified environmental site conditions that may represent a risk to public health and safety will be remediated in accordance with federal, state, and local environmental laws and regulations.</p> <p>Furthermore, before construction, a determination shall be made by a qualified environmental assessor as to the nature of environmental risk associated with construction activities at the identified hazardous materials sites. A similar determination shall also be made for the proposed park-and-ride lot site. Recommendations of the qualified environmental assessor (e.g., preparation of a health and safety plan (HSP) for the project, implementation of a soil management work plan (SMWP) that are required to comply with federal, state, and local environmental laws and regulations shall be implemented by VTA and all its representatives, including contractors and earthwork construction workers, such that people are not exposed to an environmental condition on the project site as a result of existing sources of contamination.</p>	Before Project Construction	VTA Construction	VTA Environmental Programs

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Hazard to the Public or Environment Caused by the Release of Hazardous Materials	<b>HAZ-9b/HAZ (CON)-1b: Control Contamination</b>	<p>Before construction activities, soil samples shall be taken at the park-and-ride lot site (only where grading is planned) to determine the presence or absence of banned pesticides. If soil samples indicate the presence of any contaminant in hazardous quantities, VTA shall contact the RWQCB and Department of Toxic Substances Control (DTSC) to determine the level of any necessary remediation efforts. These soils shall be remediated in compliance with applicable laws.</p> <p>In the event that previously unidentified waste or debris is discovered during construction/grading activities, and the waste or debris is believed to involve hazardous waste or materials, the contractor shall:</p> <ul style="list-style-type: none"> <li>immediately stop work in the vicinity of the suspected contaminant, and remove workers and the public from the area;</li> <li>notify the Resident Inspector;</li> <li>secure the area as directed by the Resident Inspector;</li> <li>notify the City of San Jose Hazardous Waste/Materials Coordinator and the San Jose Fire Department; and</li> </ul>	During Project Construction	VTA Construction	VTA Environmental Programs

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Lead and Asbestos	<b>HAZ (CON)-1c: Conduct Lead and Asbestos Surveys Prior to Building Demolition or Renovation</b>	Lead-based paint and asbestos-containing material surveys will be conducted at any structure proposed for demolition or renovation during project development that is known or suspected to have been constructed prior to 1990. Identified lead-based paint and asbestos-containing materials will be abated and disposed of in accordance with applicable abatement, worker health and safety, and hazardous waste regulations.	Before and During Project Construction	VTA Construction	VTA Environmental Programs
<b>HYDROLOGY AND WATER QUALITY</b>					
Water Quality Standards and Waste Discharge Requirements	<b>HYD-11: Comply with All Applicable Regulations and Subsequent Permit Programs Related to Water Quality Control</b>	In implementing the project, VTA will comply with the Clean Water Act (CWA), including all National Pollution Discharge Elimination System (NPDES) permit requirements. VTA will require the construction contractor to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with State Water Resources Control Board (SWRCB) regulations and the NPDES Construction General Stormwater permit. VTA will obtain coverage under the State's General Construction Stormwater Permit, and will comply with applicable requirements relative to land grading and erosion control. VTA will comply with the Clean Water Act, including all NPDES permit requirements. VTA will obtain coverage under the State Water Resources Control Board's Construction	During Project Design and Construction	VTA Construction	VTA Environmental Programs

<b>EASTRIDGE TO BART REGIONAL CONNECTOR PROJECT MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY</b>					
<b>Environmental Issue</b>	<b>Measure #</b>	<b>Mitigation Measure</b>	<b>Timeframe for Implementation</b>	<b>Responsibility for Implementation</b>	<b>Oversight for Implementation</b>
		<p>General Permit for Storm Water, Order No. 2009-0009-DWQ (CGP), and contractors must meet the substantive requirements for discharge of storm water runoff associated with construction activity.</p> <p>The SWPPP will identify the specific BMPs proposed for the project, including but not limited to erosion prevention, sediment control, waste management, spill prevention/housekeeping, good housekeeping, non-storm water management, and run-on/runoff control, inspection, maintenance, and BMP repair procedures; and certain monitoring requirements, as well as permanent water quality post construction BMPs.</p> <p>For those areas in VTA right-of-way, VTA will implement water quality measures required pursuant to the Phase II General Permit for Stormwater Discharge from Small Municipal Separate Storm Sewer Systems (MS4), Order No. 2013-0001-DWQ, effective July 30, 2013. The stormwater treatment regulations under this MS4 require new projects that create 5,000 square feet or more of newly constructed or replaced and contiguous impervious surface to comply with post-construction stormwater treatment requirements. BMPs may include avoiding impervious surfaces, providing site controls to manage pollutant sources, and Low Impact Development features such as bioretention basins and vegetated swales. Roadway improvements will comply with the EPA's Greenstreets guidelines. In addition, a long-term maintenance plan (minimum</p>			



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		<p>of five years) will be developed in accordance with the Phase II MS4 requirements and will describe the procedures to ensure that the post-construction storm water management measures are adequately maintained.</p> <p>For those areas in City or County right-of-way, VTA will implement water quality measures required pursuant to provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP) Order No. R2-2015-0049, overseen by the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). This permit requires projects that result in the displacement of more than 43,560 square feet (1 acre) of impervious surface to implement treatment BMPs to the maximum extent practicable. BMPs may include detention/retention units, infiltration structures, swales, sand filters, wetlands, or other low impact development measures that improve water quality.</p>			
Operational Water Quality	<b>HYD-12: Implement Measures to Maintain Operational Water Quality</b>	<p>In accordance with the Phase II MS4 permit, VTA will perform inspections and cleanings such that NPDES permit treatment requirements will be met, and will ensure that outlet structures provide for proper energy dissipation in accordance with standard specifications for storm drainage. VTA will ensure that regular maintenance of parking facilities includes a program to clean curbside pavement areas of litter, fuel, and oils spills. Storm drain inlet traps will be inspected at least annually and cleaned as required.</p> <p>Pursuant to Provision C.3 of the MRP, those areas in City or</p>	During Project Design and Construction	VTA Construction	VTA Environmental Programs

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		<p>County right-of-way that result in the displacement of more than 43,560 square feet (1 acre) of impervious surface must implement treatment BMPs to the maximum extent practicable. Sizing of these BMPs will be in accordance with the most recent guidelines in the MEP and/or issued by the SCVURPPP, and typically relate to volume- or flow-based treatment capacity.</p> <p>Those BMPs whose primary mode of action to treat stormwater depends on volume capacity, such as detention/retention units or infiltration structures, will typically be designed to treat stormwater runoff equal to either the maximized stormwater quality capture volume for the area, based on historical rainfall records (URQM, 1998); or equal to the volume of annual runoff required to achieve 80% or more capture (CASQA, 1993).</p> <p>Treatment BMPs such as swales, sand filters, wetlands, and others whose primary mode of action depends on flow capacity will typically be sized to treat 1) 10% of the 50-year peak flow; or 2) the flow of runoff produced by a rain event equal to at least two times the 85th-percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or 3) the flow of runoff resulting from a rain event equal to at least 0.2-inch-per-hour intensity.</p>			
Flood Hazards	<b>HYD-14: Construct Facilities to Minimize Flood</b>	Where feasible, VTA shall locate all facilities outside of Federal Emergency Management Area (FEMA) identified flood hazard areas. Facilities constructed within a flood hazard area shall be designed and engineered to withstand a 100-year flood event. For facilities with potential to impede or redirect flood flows, a	During Project Design	VTA Construction	VTA Environmental Programs

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Environmental Issue	Measure #	Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight for Implementation
	<b>Impacts</b>	floodplain investigation shall also be completed that identifies the change in flood elevations as a result of the Project facilities, and VTA shall file a Letter of Map Revision with FEMA.			
Water Quality Impairment Caused by Grading and Construction Activities	<b>HYD (CON)-1: Implement Water Quality Control Measures during Construction Activities</b>	VTA shall require the contractor to submit and implement an approved erosion and sedimentation control plan to control erosion and prevent water pollution during project construction. No ground-disturbing activities shall be performed until such a plan is accepted. The plan shall emphasize standard temporary erosion control measures to reduce sedimentation and turbidity of surface runoff from disturbed areas. Each rainy season (October 1 to May 1), the contractor shall have in place desilting basins for runoff from areas disturbed by cleaning, grubbing, and grading operations.  VTA shall require the contractor to submit a spill prevention, containment, and clean-up (SPCC) plan for fuels, oils, lubricants and other hazardous substances that may be used during construction. No construction activities shall be performed until such a plan is accepted.	During Project Design and Construction	VTA Construction	VTA Environmental Programs
Depletion of Groundwater Supplies or Interference with Groundwater Recharge	<b>HYD (CON)-2: Use Non-Potable Water for Construction Activities</b>	VTA shall require that non-potable water be used for construction activities, where feasible.	During Project Design and Construction	VTA Construction	VTA Environmental Programs

EASTRIDGE TO BART REGIONAL CONNECTOR PROJECT MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY					
Environmental Issue	Measure #	Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight for Implementation
<b>NOISE AND VIBRATION</b>					
Noise Levels in Buildings from Transit Operations	<b>NV-1a: Construct Soundwalls</b>	<p>VTA shall construct soundwalls that are a minimum of 3 feet above top of rail on the aerial structure or in the median adjacent to the trackway at the following locations:</p> <ul style="list-style-type: none"> <li>NB/SB Westboro Drive to Story Road (968+54 to 992+00);</li> <li>NB: Kollmar Drive to Cunningham Avenue (997+00 to 1051+00); and</li> <li>SB: Kollmar Drive to Ocala Avenue (997+00 to 1038+00).</li> </ul> <p>All soundwall locations and heights are preliminary and are subject to change based on additional noise studies during final design.</p>	During Project Design and Construction	VTA Construction	VTA Environmental Programs
Noise Levels in Buildings from Transit Operations	<b>NV-1c: Provide Quiet Pavement</b>	Install quiet pavement such as a layer of open-graded rubberized asphalt on Capitol Expressway.	During Design and Construction	VTA Construction	VTA Environmental Programs

EASTRIDGE TO BART REGIONAL CONNECTOR PROJECT MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY					
Environmental Issue	Measure #	Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight for Implementation
Vibration Levels in Buildings from Transit Operations	<b>NV-4b: Use Vibration-Dampening Track Construction Materials</b>	VTA shall install a 12-inch layer of tire-derived aggregate beneath a subballast layer of 12 inches and a ballast layer of 12 inches between Wilbur Avenue and Westboro Drive (Sta. 966+50 to 971+50 NB/SB).	During Project Design and Construction	VTA Construction	VTA Environmental Programs
Noise Levels during Construction	<b>NV(CON)-1a: Notify Residents of Construction Activities</b>	VTA will provide notification to residents located within 300 feet of planned construction activities. The notification shall describe the overall construction schedule, the duration of construction phases, and the schedule of major noise generating activities (e.g. pile driving). The notification shall also describe the noise abatement measures to be implemented during the construction of the Project, and shall also note the infeasibility of other measures that were considered but rejected.	During Project Construction	VTA Construction	VTA Environmental Programs
Noise Levels during Construction	<b>NV (CON)-1b: Construct Temporary Noise Barriers During Construction</b>	VTA will construct temporary noise barriers or enclosures where feasible, around stationary construction equipment when such equipment will be operated for an extended period of time (i.e. more than two to three days) and where there are noise sensitive receptors that are substantially affected. Noise barriers and enclosures shall consist of absorptive material in order to prevent impacts upon other land uses due to noise reflection. In addition, complete enclosure structures shall close or secure any openings where pipes, hoses or cables penetrate the enclosure structure, between noisy activities and noise-sensitive receivers. At those locations along the alignment where existing soundwalls are to be replaced and/or new soundwalls are to be constructed, VTA will initiate construction of these walls as a	During Project Construction	VTA Construction	VTA Environmental Programs

<b>EASTRIDGE TO BART REGIONAL CONNECTOR PROJECT MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY</b>					
<b>Environmental Issue</b>	<b>Measure #</b>	<b>Mitigation Measure</b>	<b>Timeframe for Implementation</b>	<b>Responsibility for Implementation</b>	<b>Oversight for Implementation</b>
		first task in order to provide noise reduction to adjacent residences during construction whenever possible.			
Noise and Vibration Levels during Construction	<b>NV (CON)- 1c: Restrict Pile Driving Activities</b>	VTA will restrict pile-driving to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday in those segments of the alignment where support columns are required. If pile driving cannot be restricted to these hours, pile drivers will be shrouded or shielded to further buffer the noise and vibration impacts.	During Project Construction	VTA Construction	VTA Environmental Programs
Noise Levels during Construction	<b>NV (CON) - 1d: Use Noise Suppression Devices</b>	VTA will require contractors to use available noise suppression devices on quiet or “new technology” construction equipment and use properly maintained high performance exhaust mufflers where feasible. VTA shall ensure that all internal combustion engines used at the construction site will be equipped with the type of muffler recommended by the vehicle manufacturer. In addition, all equipment will be maintained in good mechanical condition in order to minimize noise created by faulty or poorly maintained engines, drive-trains or other components.	During Project Construction	VTA Construction	VTA Environmental Programs
Noise and Vibration Levels during Construction	<b>NV (CON) - 1e: Locate Stationary Construction Equipment as Far as Possible from Noise-Sensitive Sites</b>	VTA will avoid staging construction equipment and restrict unnecessary idling of equipment within (200 feet) of noise-sensitive land uses whenever feasible.	During Project Construction	VTA Construction	VTA Environmental Programs

EASTRIDGE TO BART REGIONAL CONNECTOR PROJECT MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY					
Environmental Issue	Measure #	Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight for Implementation
Noise Levels during Construction	<b>NV (CON)-1f: Reroute Construction-Related Truck Traffic</b>	Where practical, construction activities will be restricted in order to minimize construction traffic related noise impacts under an encroachment permit with the County of Santa Clara and the City of San Jose.	During Project Construction	VTA Construction	VTA Environmental Programs
Noise Levels during Construction	<b>NV (CON)-1h: Use Impact Cushions</b>	A suitable pile cap cushion could be effective at reducing the pile driving noise by up to 5 dB. The construction crew will initially use only burlap bags to reduce noise and then will also use the wood block when pile driving becomes more difficult.	During Project Construction	VTA Construction	VTA Environmental Programs
Noise and Vibration Levels during Construction	<b>NV (CON)-2</b>	<p>A combination of the following measures should be considered if reasonable and feasible to reduce noise and vibration impacts from pile driving:</p> <ol style="list-style-type: none"> <li><b>Noise Shield:</b> A pile driving noise shield could be effective at reducing the pile driving noise by a minimum 5 dBA, depending on the size of the shield and how well it surrounds the pile and hammer. A portable shield/barrier could be implemented to provide a nominal 10 dBA noise reduction.</li> <li><b>Pre-Drilling Piles:</b> Pre-drilling a portion of the hole may provide a means to reduce the duration of impact pile driving, and should be explored. Reducing the total impact time to an aggregate duration of no more than 2 hours per day will reduce the equivalent noise level by 6 dBA to a range of 80 to 90 dBA (Leq) at a distance of 100ft.</li> <li><b>Non-Impact Piles or Cast in Drilled Hole (CIDH) piles:</b> Using the Soil-Mix or CIDH method would reduce the vibration below the FTA Criteria. This method is</li> </ol>	During Project Construction	VTA Construction	VTA Environmental Programs

<b>EASTRIDGE TO BART REGIONAL CONNECTOR PROJECT MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY</b>					
<b>Environmental Issue</b>	<b>Measure #</b>	<b>Mitigation Measure</b>	<b>Timeframe for Implementation</b>	<b>Responsibility for Implementation</b>	<b>Oversight for Implementation</b>
		<p>recommended for homes which would be within 75 ft of pile driving.</p> <p>4. Reduced Impact Pile Driving Time: Limiting the hours per day of impact pile driving would reduce the equivalent noise level and would reduce potential work interference.</p> <p>5. Excessive Vibration: If pile driving amplitudes exceed the building threshold criteria, cosmetic repair work may be required at nearby buildings. A detailed preconstruction crack survey will be conducted at homes and businesses where these criteria are expected to be exceeded. Vibration monitoring, crack monitors and photo documentation will be employed at these locations during pile driving activity.</p> <p>6. Relocating Items on Shelves: Since items on shelves and walls may move during pile driving activity, nearby residents will be advised through the community outreach process that they should move fragile and precious items off of shelves and walls for the duration of the impact pile driving. Achievement of standards for building damage would not eliminate annoyance, since the vibration would still be quite perceptible.</p> <p>7. Advance Notification (Work Interference): The impact pile driving vibration may cause interference with persons working at home or the office on their computers. Nearby residents and businesses will be advised in advance of times when piles would be driven, particularly piles within 160 ft of any occupied building, so that they may plan accordingly, if possible.</p> <p>8. Notification of Pile Driving Schedule: Nearby residents and businesses will be notified of the expected pile driving</p>			



EASTRIDGE TO BART REGIONAL CONNECTOR PROJECT MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY					
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		<p>schedule. In particular, these notifications should be made with home-bound residents, homes where there is day-time occupancy (e.g., work at home, stay-at-home parents) and offices/commercial businesses where extensive computer/video monitor work is conducted.</p> <p>9. Hotel Accommodations: Residents at 660 South Capitol Avenue will be provided with hotel accommodations while pile driving activities occur adjacent to the residence.</p> <p><b>Contractor Controls</b>                      In addition to the above list of specific noise and vibration control measures, the following are recommended for inclusion in the Contractor specifications for the Indicator and Production pile driving programs if reasonable and feasible:</p> <ul style="list-style-type: none"> <li>• Comply with the equivalent noise levels (Leq) limits specified on page 12-8 of FTA 2006 and a maximum noise level limits of 90 dBA (slow) or 125 dBC (fast) for residential buildings,</li> <li>• Comply with the maximum vibration limits specified in Table 12-3 of FTA 2006,</li> <li>• Perform a detailed survey and photo documentation prior to construction of all potentially affected wood-frame buildings within 135 ft of the piling activity,</li> <li>• Coordinate and perform noise and vibration monitoring at a representative sampling of potentially affected buildings along the Project corridor,</li> <li>• Install crack monitors where appropriate and provide photo documentation at all potentially affected buildings during</li> </ul>			

EASTRIDGE TO BART REGIONAL CONNECTOR PROJECT MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY					
Environmental Issue	Measure #	Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight for Implementation
		<p>pile driving activity and through construction,</p> <ul style="list-style-type: none"> <li>Community Notification and Involvement:                             <ul style="list-style-type: none"> <li>provide a minimum four-week advance notice of the start of piling operations to all affected receptors (e.g., internet, phone and fax), and regular, up-to-date communications. This includes education of the public on the expected noise and vibration,</li> <li>provide a knowledgeable Community Liaison to respond to questions and complaints regarding pile driving noise and vibration, and</li> <li>provide assistance as needed to nearby residents or offices who may require help relocating valuable items off shelves.</li> </ul> </li> </ul>			
<b>SAFETY AND SECURITY</b>					
Inadequate Lighting of Visual Obstructions at Park-and-Ride Lots	<b>SS-4a: Implement Measures to Deter Crime</b>	<p>VTA shall solicit public participation regarding station design during the final design phase to address safety and security concerns. Design features will include adequate lighting, minimal landscaping in outlying or secluded areas, and the avoidance of poorly lit, visually obscured public waiting areas.</p> <p>VTA will design and operate the Project in accordance with applicable CPUC regulations to minimize the frequency and severity of criminal activities.</p>	During Project Design and Operation	VTA Construction	VTA Environmental Programs

EASTRIDGE TO BART REGIONAL CONNECTOR PROJECT MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY					
Environmental Issue	Measure #	Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight for Implementation
Inadequate Lighting of Visual Obstructions at Park-and-Ride Lots	<b>SS-4b: Use Lighting, Cameras, and Security Patrols to Enhance Safety</b>	VTA will design and locate station platforms so they are visible from adjacent roadways. All platforms and park-and-ride lots will be lighted during the evening and at night to enhance security. Closed-circuit television cameras may be employed at specific locations to enhance security. VTA will extend coverage provided by its Protective Services unit to any new light rail transit operations. The additional police protection service needs associated with new light rail service will be supported by the Santa Clara County Sheriff's Department and San Jose Police Department. VTA security personnel will patrol all facilities on a regular basis to maintain passenger security.	During Project Design and Operation	VTA Construction	VTA Environmental Programs
Inadequate Lighting of Visual Obstructions at Park-and-Ride Lots	<b>SS-4c: Define Fire and Life Safety Procedures and Develop Evacuation Plans</b>	VTA will work with the local fire and police departments during preliminary engineering and final design of the Project to ensure that fire and life safety issues are adequately addressed. VTA will also coordinate development of evacuation plans for grade-separated sections of the Project to ensure the safety of light rail patrons and operators.	During Project Design	VTA Construction	VTA Environmental Programs
Potential for Safety Risks during Construction	<b>SS (CON)-1: Implement Construction BMPs to Protect Workers and the Public</b>	VTA shall require construction contractors to implement BMPs to ensure the safety of construction workers and local residents during construction of the Project. Fencing and lighting of construction and staging areas, as well as recognized construction materials, shall be used to contain construction activities and avoid accidents. VTA shall require the construction project coordinator to be responsible for job-site safety and security.	During Project Design and Construction	VTA Construction	VTA Environmental Programs

EASTRIDGE TO BART REGIONAL CONNECTOR PROJECT MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY					
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<b>SOCIOECONOMICS</b>					
Displacement of Existing Businesses or Housing	<b>SOC-16a: Comply with Legislation for Acquisition and Relocation</b>	VTA shall comply with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended, and shall implement the project in conformance with all applicable regulations. VTA shall purchase properties at fair market value and shall provide relocation assistance to residents and business owners.	Prior to Project Construction	VTA Real Estate	VTA Environmental Programs
Displacement of Existing Businesses or Housing	<b>SOC-16b: Inform Residents and Businesses of Project Status</b>	VTA shall establish and conduct a community information and outreach program throughout the environmental, design, and construction phases of the project. The purpose of the program shall be to respond to community concerns (both adjacent residences and businesses). Outreach shall include, but shall not be limited to: <ul style="list-style-type: none"> <li>• holding community meetings;</li> <li>• inviting project-related public comment on environmental review and conceptual design phases;</li> <li>• notifying adjacent residences and businesses of construction activities; and</li> <li>• providing access to an information officer.</li> </ul>	During Project Design and Construction	VTA Community Outreach	VTA Environmental Programs
<b>UTILITIES</b>					
Disrupt a Utility Service for a Period of 24 Hours or More	<b>UTL (CON)-1: Coordinate with Utility Service Providers Prior to</b>	VTA shall conduct careful and periodic coordination with all utility providers during final design and construction stages to identify potential strategies for overcoming potential problems.  VTA shall coordinate with all affected utility providers to restrict utility service disruption by time duration and	During Project Design and Construction	VTA Construction	VTA Environmental Programs

EASTRIDGE TO BART REGIONAL CONNECTOR PROJECT MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY					
Environmental Issue	Measure #	Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight for Implementation
	<b>Construction of Light Rail Facilities</b>	geographic extent.			
<b>VISUAL QUALITY AND AESTHETICS</b>					
Creation of Substantial Light or Glare	<b>Section 6 Q-1: Minimize Light and Glare</b>	<p>VTA shall design lighting to illuminate designated areas only, to minimize intrusion onto adjoining land uses. VTA shall control potential light and glare by directing lighting associated with proposed park-and-ride facilities and stations onto the premises of each facility, and by ensuring that driveways providing access to parking areas are not directly opposite the windows of residential buildings. Lighting at platform-only stations shall be at reduced levels during hours when the LRT is not running. This would reduce potential light or glare and would not result in an adverse effect. The following specific elements shall be incorporated into the project design:</p> <ul style="list-style-type: none"> <li>• Luminaire placement should be the minimum allowable by VTA, and spacing should be the maximum allowable, for safety.</li> <li>• Luminaires should be cutoff-type fixtures that cast low-angle illumination to minimize incidental spillover of light onto adjacent private properties. Fixtures that project upward or horizontally should not be used.</li> <li>• Luminaires should be directed toward the facility and away from adjacent residences and open space areas.</li> </ul>	During Project Design and Construction	VTA Construction	VTA Environmental Programs

EASTRIDGE TO BART REGIONAL CONNECTOR PROJECT MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY					
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		<ul style="list-style-type: none"> <li>Luminaire lamps should provide good color rendering and natural light qualities. Low-pressure and high- pressure sodium fixtures that are not color-corrected should not be used.</li> <li>Luminaire intensity should be the minimum allowable for safety.</li> <li>Luminaire mountings should be downcast and the height of the poles minimized to reduce potential for backscatter into the nighttime sky and incidental spillover of light into adjacent private properties and open space.</li> <li>Luminaire mountings should have non-glare finishes.</li> <li>All project surfaces shall be designed and finished to reduce horizontal glare from the sun.</li> </ul>			
Degradation of Existing Visual Quality	<b>VQ-3: Minimize Light and Glare</b>	VTA shall develop and implement a public involvement program regarding station design during the final design phase of the Project.	During Project Design	VTA Construction and VTA Community Outreach	VTA Environmental Programs
Degradation of Existing Visual Quality	<b>VQ-4: Incorporate Landscaping</b>	<p>VTA will develop and implement a comprehensive landscaping plan to soften the massing, hardscape, and structural elements of the Project. The landscaping shall be designed to be consistent with vegetation types and patterns within the Capitol Expressway Corridor, and shall provide year-round aesthetic enhancement.</p> <p>As part of this plan, VTA shall review project designs to ensure that the following elements are implemented in the Project landscaping plan to the extent feasible:</p> <ul style="list-style-type: none"> <li>85 percent of the species composition of open space areas shall reflect species that are native to the Plan Area and</li> </ul>	During Project Design and Construction	VTA Construction	VTA Environmental Programs

EASTRIDGE TO BART REGIONAL CONNECTOR PROJECT MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY					
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		<p>California. The species list should include trees, shrubs, and an herbaceous understory of varying heights, as well as evergreen and deciduous types. Plant variety will increase diversity by providing multiple layers, seasonality, more diverse habitat, and reduced susceptibility to disease.</p> <ul style="list-style-type: none"> <li>• 75 percent of the plant composition for landscaping in parks and public/quasi public and commercial areas shall be comprised of species that are native to the Plan Area and California. Use of native species promotes a visual character of California that is being lost through development and reliance on non-native ornamental plant species. Native plant species can be used to create attractive spaces, high in aesthetic quality, that are not only drought-tolerant but attract more wildlife than traditional landscape palettes.</li> <li>• Under no circumstances will any invasive plant species be used at any location.</li> <li>• Vegetation shall be planted within the first year following project completion.</li> <li>• An irrigation and maintenance program shall be implemented during the plant establishment period and carried on an as needed basis, such as in a drought, as supplemental irrigation.</li> <li>• Irrigation in public and commercial areas shall utilize a smart watering system that evaluates the existing site conditions and plant material against weather conditions to avoid overwatering of such areas. The irrigation system will be managed in such a manner that any broken spray head, pipes, or other components of the system are fixed within 1</li> </ul>			

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Environmental Issue	Measure #	Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight for Implementation
		to 2 days, or the zone or system will be shut down until it can be fixed to avoid unusually high water flows.			
Creation of a New Source of Substantial Light or Glare	<b>VQ (CON)-1: Direct Lighting toward Construction Areas</b>	To reduce glare from lighting used during nighttime construction activities, VTA shall require construction contractors to direct lighting onto the immediate area under construction only, and to avoid shining lights toward residences.	During Project Design and Construction	VTA Construction	VTA Environmental Programs