

Decision 02-02-015 February 7, 2002

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the Santa Clara Valley Transportation Authority for an order authorizing construction of an at-grade crossing at West San Carlos Street (82D-3.8) by the light rail transit line of the Vasona Light Rail Project in the City of San Jose, County of Santa Clara.

Application 01-05-065  
(Filed May 29, 2001)

**O P I N I O N**

**Summary**

Santa Clara Valley Transportation Authority (VTA) requests authority to construct an at-grade crossing at West San Carlos Street by the light rail transit (LRT) line of the Vasona Light Rail Project in the City of San Jose, Santa Clara County.

**Discussion**

VTA was created as a County department by the Santa Clara County Board of Supervisors on June 6, 1972 to oversee the region's transportation system. VTA's primary responsibility since its creation has been the development, operation and maintenance of the bus and light rail system within the County. VTA separated from the County of Santa Clara and merged with the region's Congestion Management Agency in January 1995; thereby it gained the additional responsibility of managing the County's blueprint to reduce congestion and improve air quality.

The Vasona Light Rail Project will be an extension to the existing 28.6-mile VTA light rail system (see Appendix A). The alignment of the proposed Vasona Corridor extends from downtown San Jose to the Vasona Junction in the City of Los Gatos. The northerly terminus of the alignment is at the intersection of West San Carlos Street and Woz Way in downtown San Jose, where the Vasona line connects to the existing Guadalupe Corridor line. From this point, the alignment extends to the west along West San Carlos Street to Delmas Avenue, passing under the SR-87 overpass. The LRT line extends north along the east side of Delmas Avenue to San Fernando Street, at which point the alignment turns west again. The line continues to the San Jose Diridon Station on an alignment to the north of San Fernando Street, crossing Los Gatos Creek on a proposed new bridge. The segment west of Autumn Street, including the location where the LRT line crosses the existing Union Pacific Railroad and PCJPB Diridon Yard tracks, is underground. After crossing under the yard tracks at the San Jose Diridon Station, the alignment returns to the surface and heads in a southerly direction along the west side of the Diridon Yard tracks. From a point just south of Park Avenue, the proposed alignment utilizes the existing Vasona railroad corridor. The project remains within the railroad corridor all the way to the Vasona Junction in the City of Los Gatos. Existing freight rail service in this corridor will continue unchanged, although the existing single track will be relocated in many areas to allow for construction of the light rail transit tracks.

The proposed project is expected to be funded in three phases. Phase 1 constructs the portion of the project from downtown San Jose to the Downtown Campbell Station. Phase 2 extends the line from Downtown Campbell Station to the Winchester Station. Phase 3 extends the line from Winchester Station to the Vasona Junction Station in the City of Los Gatos.

Other crossings included in Phase 1 are three grade-separated crossings at Montgomery Street, Cahill Street, and Diridon Yard (subject of Application (A.) 00-09-033), two at-grade pedestrian crossings at the San Jose Diridon Station (subject of A.00-09-036), an at-grade crossing at Park Avenue (subject of A.00-09-037) and State Route 87 grade separated crossings (subject of A.00-09-038).

The light rail transit tracks will cross West San Carlos Street at-grade. The at-grade crossing is the most financially and environmentally acceptable choice and is in keeping with the open access concept of light rail transit. Alternatives to an at-grade crossing are depressing the street below the tracks, depressing the tracks below street level, elevating the street above the tracks, and elevating the tracks above street level. Each of these alternatives may be physically impossible. Other problems would also be created with a grade-separated crossing, such as conflicts with existing development and utilities, noise generation, aesthetic impacts and the creation of possible hazards due to flooding caused by depressing rail or street facilities. Construction of this project serves the public by providing efficient transportation in a growing area of the Santa Clara Valley.

VTA is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. A Draft Environmental Impact Report (EIR) for the Vasona Corridor Light Rail Transit Project was released to the public in October 1999, beginning the formal review period. VTA prepared a Final EIR/ Final Environmental Impact Statement (EIS) in March 2000 in accordance with CEQA and the National Environmental Policy Act (NEPA). The EIS/EIR evaluated the proposed rail transit project and several alternatives. Public scoping meetings were held on

April 14-15, 1999, at which meetings, the light rail project was discussed at length with local citizens in the surrounding communities. In addition, there had been previously a period of public comment wherein local citizens were asked to write in their comments and concerns regarding impact on their properties or other pertinent matters. Comments by the public, where feasible, were incorporated into the environmental documents and considered in the preparation of the EIS/EIR of the Light Rail Corridor.

On May 8, 2000, a Notice of Determination (Notice) was filed with the State Secretary of Resources - Office of Planning and Research, Sacramento and the County Clerk Recorder's Office - Santa Clara County, City of San Jose. The Notice, which is included in Appendix B, advised all interested parties that the VTA was in compliance with Section 21108 of the California Public Resources Code.

VTA has approved the project, as the lead agency, and further stated that:

1. The project will not have a significant effect on the environment.
2. A Final EIR was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A Statement of Overriding Considerations was not adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

A certification was made that the Final EIR with comments, responses and record of the project approval was made available to the general public at the Environmental Analysis, Building B in the City of San Jose on May 5, 2000.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's EIR or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050 (b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096. The site of the proposed project has been inspected by the Commission's Rail Safety and Carriers Division – Rail Crossings Engineering Section staff. Staff examined the need to construct the proposed crossing, as indicated in the exhibits attached to the application, and recommends that the application be approved.

The Commission has reviewed the lead agency environmental documents. The EIS/EIR included an analysis of potential environmental effects, including impacts related to transportation and traffic, air quality, noise and vibration, energy, land use, socio-economics and environmental justice, vegetation and wildlife, water quality, floodplains, geology, hazardous materials, magnetic fields and interference, cultural resources, aesthetic considerations, safety and security, construction and growth-inducing impacts. Safety and security, transportation, and noise are within the scope of the Commission's permitting process.

The EIS analyzed 35 potential environmental impacts. Of that number, 17 were found to have no effect, be not substantial, potentially beneficial or beneficial; 18 were found to have potentially substantial or substantial effects. Mitigation measures were adopted and will be implemented as specified by the

lead agency to either eliminate or substantially lessen those environmental impacts. Safety, security, transportation and noise are within the scope of the Commission's permitting authority. Accordingly, the following relevant information was considered.

The proposed project will reduce overall vehicle-miles-traveled (VMT) and vehicle-hours-traveled (VHT) in Santa Clara County. Reducing traffic congestion will also reduce auto emissions that degrade air quality. This is a beneficial impact because a decrease in VMT and VHT reduces congestion, air pollution and energy consumption.

The lead agency EIS/EIR did not identify any impacts from the project related to safety and security. One significant transportation impact was identified at an existing railroad crossing located between Sunnyoaks and Hacienda Avenues. This will be mitigated to a less-than-significant level by pavement modifications or lane stripping, and signs on northbound Winchester Blvd.

Noise impacts were identified as exceeding Federal Transit Administration (FTA) thresholds at various residences located along the alignment as well as vibration levels, which may exceed FTA thresholds at those locations. These impacts would be mitigated to less-than-significant levels by mitigation measures including the construction of soundwalls, building modifications, if required, and the use of vibration-dampening track construction materials and/or trenches, if required. In addition, special track design and lubrication will be employed to reduce wheel squeal.

The project will provide opportunities for joint development at various locations. Joint development, sometimes referred to as Transit-Oriented Development, has overall beneficial land use impacts because it allows for high-density infill with easy transit access.

The project will not result in any significant safety hazards due to moving trains. The project will not create any conditions that will result in substantial increases in crime.

As to each of the potentially substantial or substantial impacts identified in the EIS/EIR within the scope of the Commission's permitting authority and discussed above, the Commission finds the lead agency adopted feasible mitigation measures to either eliminate or substantially lessen the environmental impacts to a less-than-significant level.

Protection at the crossing shall be four PUC Standard No. 9 automatic flashing light signals with gates, as specified in General Order (GO) 75-C, and four pedestrian barricades to prevent pedestrian access.

The application was found to be in compliance with the Commission's filing requirements, including Rules 38-41 of the Commission's Rules of Practice and Procedure. Site maps of the grade crossing are as shown on plans attached to the application and Appendix A.

In Resolution ALJ 176-3065, dated June 14, 2001 and published in the Commission Daily Calendar on June 15, 2001, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed and no hearings were held, this preliminary determination remains accurate. The Commission's Rail

Safety and Carriers Division recommends that this application be granted. Given these developments a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3065.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Findings of Fact**

1. Notice of the application was published in the Commission Daily Calendar on June 1, 2001. There are no unresolved matters or protests; a public hearing is not necessary.

2. VTA requests authority to construct an at-grade crossing at West San Carlos Street by the light rail transit line of the Vasona Light Rail Project in San Jose, Santa Clara County.

3. Construction of the proposed project is an essential element in the construction of the Vasona Light Rail Extension Project. The project is required in order to provide quality and accessible public transportation system in the Vasona/Highway 17 Corridor area within the Cities of San Jose, Campbell and Los Gatos. The goal is to construct a system that is convenient, is integrated with other rail and bus services, and which minimizes environmental effects on existing land uses to the extent practical. The benefits of the project include a reduction in automobile trips, improvements in air quality and a reduction in energy usage.

4. The substantial growth and development that has taken place in Santa Clara County during the last decades has caused transportation system

deficiencies in the Vasona Corridor, as well as throughout the County. To address the resulting increase in traffic demand on the County's transportation system, a comprehensive transportation plan was established. The plan identified the future deficiencies in the county's transportation system by identifying the planned transportation system improvements in relation to the existing need and anticipated population growth. One of the conclusions of the plan was that the Vasona Corridor was an important corridor to be considered for future transit improvements.

5. Public convenience and necessity require the construction of the at-grade crossing.

6. Public safety requires that the at-grade crossing be protected by the installation of four PUC Standard No. 9 automatic flashing light signals with gates, as specified in GO 75-C. In addition, four pedestrian barricades will also be installed in order to prevent pedestrian access.

7. VTA is the lead agency for this project under the CEQA, as amended, and the NEPA.

8. VTA prepared a Final EIR and a Final EIS in March 2000, State Clearinghouse Document #99032027, as shown in Appendix C.

9. The Final EIS/EIR was approved by U.S. Department of Transportation, Federal Transit Administration, pursuant to (State) Division 13, Public Resources Code (Federal) 42 U.S.C. 4332 (2) (c) on May 15, 2000.

10. A Notice of Determination was filed on May 8, 2000, with the State Secretary of Resources - Office of Planning and Research, which stated that "the project will not have a significant effect on the environment."

11. The EIS/EIR analyzed 35 potential environmental impacts. Of that number, 18 were found to have potentially substantial or substantial effects. However, mitigation measures were adopted and will be implemented as specified by the lead agency to either eliminate or substantially lessen those environmental impacts.

12. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's Final EIS/EIR for the Vasona Corridor Light Rail Transit Project, prepared for and approved by the FTA and the VTA.

13. Safety and security, transportation and noise are within the scope of the Commission's permitting authority.

14. The EIS/EIR did not identify any impacts from the project related to safety and security.

15. The Commission finds that for each potentially substantial environmental impact identified in the EIS/EIR and as discussed in this decision, the lead agency adopted feasible mitigation measures to eliminate or substantially lessen the impacts.

### **Conclusion of Law**

The application should be granted as set forth in the following order.

## **O R D E R**

**IT IS ORDERED** that:

1. Santa Clara Valley Transportation Authority (VTA) is authorized to construct an at-grade crossing at West San Carlos Street, to be identified as crossing 82D-3.8, by the light rail transit line of the Vasona Light Rail Project in

the City of San Jose, Santa Clara County, as set forth in Appendices A, B, and C and as more fully described in the application.

2. Clearances and walkways shall be in accordance with General Order (GO) 143-B.

3. Protection at the crossing shall be four PUC Standard No. 9 automatic gate-type signals (GO 75-C) as indicated by text and plans attached to the application and as further described by Appendix A of this order.

4. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the parties. A copy of the agreement shall be filed with the Commission prior to starting construction.

5. Within 30 days after completion of the work under this order, VTA shall notify the Commission in writing that the authorized work was completed.

6. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

7. The application is granted as set forth above.

8. Application 01-05-065 is closed.

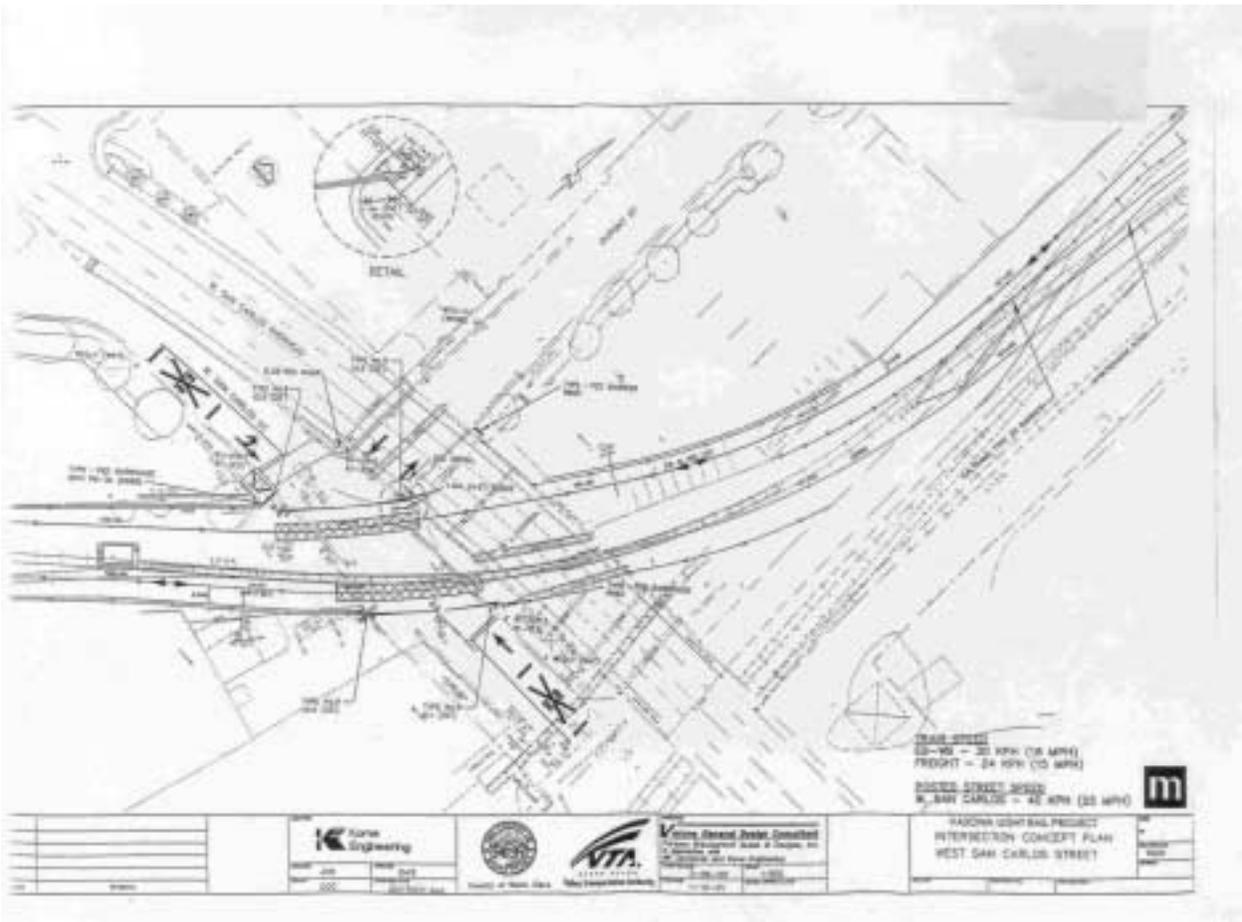
This order becomes effective 30 days from today.

Dated February 7, 2002, at San Francisco, California.

LORETTA M. LYNCH  
President  
HENRY M. DUQUE  
RICHARD A. BILAS  
CARL. W. WOOD

**GEOFFREY F. BROWN**  
**Commissioners**





(End of Appendix A)

**RECEIVED**  
 MAY 8 2000  
 STATE CLEARINGHOUSE

**Notice of Determination**

To:  X  Office of Planning and Research  
 1400 Tenth Street, Room 121  
 Sacramento, CA 95814

X  County Clerk Recorder's Office  
 County of Santa Clara  
 70 West Hedding Street, First Floor  
 San Jose, CA 95110

From: Santa Clara Valley Transportation Authority  
 3331 North First Street, Building B  
 San Jose, CA 95134-1906

Subject: Filing of Notice of Determination in compliance with Section 21108 of the Public Resources Code.

Vasana Corridor Light Rail Project

**Project Title**

99032027 -- Julie Klingmann 14081 321-5789  
 State Clearinghouse Number Lead Agency Contact Person Area Code/Telephone/Extension  
 (If submitted to Clearinghouse)

Downtown San Jose through Campbell into Los Gatos, Santa Clara County, California  
 Project Location (include county)

**Project Description:** The Project extends light rail 6.8 miles from downtown San Jose through the City of Campbell to the Town of Los Gatos in Santa Clara County California. The proposed alignment is from the existing system, along West San Carlos Street to Delmas Avenue, north to San Fernando Street, then along the future street alignment of San Fernando Street. From there the alignment would enter a tunnel, under the San Jose/Dividan Railroad yard, then surface to follow the west side of the UPRR tracks south to Vasana Junction, near Highway 85, in Los Gatos. The proposed project would, ultimately, include eleven stations and five Park and Ride lots with Transit Centers.

This is to advise that the Santa Clara Valley Transportation Authority has approved the above described project on May 4, 2000 and has made the following determinations regarding the above described project:  
 (Date)

1. The project [  will  will not] have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [  were  were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [  was  was not] adopted for this project.
5. Findings [  were  were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of the project approval is available to the General Public at:

3331 North First Street, Environmental Analysis, Building B, San Jose, CA 95134-1906 contact: Julie Klingmann

Julie Klingmann May 5, 2000 Environmental Analyst  
 Signature Julie Klingmann, VTA Date Title

Date received for filing of OPR:

(End of Appendix B)

FTA-CA-EIS-99-xx-F

State Clearinghouse # 99032027

Vasona Corridor Light Rail Transit Project  
Santa Clara County, California

**FINAL**  
**ENVIRONMENTAL IMPACT STATEMENT / ENVIRONMENTAL IMPACT REPORT**

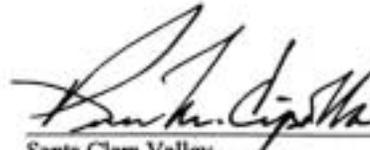
*Pursuant to (State) Division 13, Public Resources Code  
(Federal) 42 U.S.C. 4332 (2) (c)*

U.S. DEPARTMENT OF TRANSPORTATION  
Federal Transit Administration

and

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

  
Federal Transit Administration      **MAR 15 2000**      Date

  
Santa Clara Valley      3/22/00      Date  
Transportation Authority

The following persons may be contacted for additional information concerning this document.

Julie Klingmann  
Environmental Analysis Department  
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3331 N. First Street, Building B  
San Jose, CA 95133-1906  
(408) 321-5789

Jerome Wiggins  
Region 9  
Federal Transit Administration  
201 Mission Street - Room 2210  
San Francisco, CA 94105-1926  
(415) 744-3115

**ABSTRACT:** The Santa Clara Valley Transportation Authority (VTA) [also known as the Santa Clara County Transit District (SCCTD)] proposes to construct a 10.9-kilometer (6.8-mile) extension of its existing light rail transit (LRT) system into the Vasona Corridor of Santa Clara County, California. The extension will pass through portions of the Cities of San Jose, Campbell, and Los Gatos. The project will provide a high-quality public transportation facility which will directly connect to other existing commuter and intercity rail lines and bus routes. This report discloses the environmental impacts of this proposed action which include increases in noise and vibration, relocation of businesses and residences, a loss of riparian habitat, and a visual/aesthetic impacts.

(End of Appendix C)