Responses to Comments on September 3, 2013 Draft IS/MND

The following pages include responses to both general comments on the project and specific comment letters received during the review period of the initial Draft IS/MND from September 3, 2013 through October 18, 2013. The five General Comments summarize some of the recurrent questions and requests, although the exact language of the comments related to the General Comments varied. The 16 individual comment letters received follow the General Comments and the responses to each marked specific comment follow each letter.

General Comment 1

*Why do we need a tail track in this location along the Caltrain line?*

**General Response 1**

The tail track is intended to increase the capacity and reliability of the Caltrain segment between San Jose Diridon Station and Tamien Station. It would allow for greater flexibility at San Jose Diridon Station by enabling out-and-back movements of empty trains switching tracks without requiring them to travel all the way to Tamien Station, making them compete with revenue trains at CP Alameda (north of station) or south of the station. These benefits are distinct from the operational benefits provided by other phases of the South Terminal Area improvements. The structure for the tail track will be built to allow continuous two-track operation during construction and will be left in place to serve the tail track.

The tail track must tie into San Jose Diridon Station, which is immediately north of the Los Gatos Creek Bridge, in order to allow trains to tie back into the mainline. Thus, moving the track further south or north would only lengthen the track. The location of the southern tie-in of the tail track (immediately south of the Auzerais Avenue crossing), is determined by geometric constraints: the distance required to swing track alignment from existing MT2 to a distance that will clear the west side San Carlos Street overpass bridge abutments. If the track tied in north of Auzerais Avenue, there would be insufficient space to clear the abutment.

General Comment 2

*Were the following project alternatives considered: (1.) Rehabilitation/seismic retrofitting of the bridge; (2.) Replacement with a two-track bridge; and, (3.) Placement of the tail track on the east side of the existing tracks?*

**General Response 2**

*Rehabilitation/Retrofitting*

A seismic retrofit of the bridge was studied during the Project Study Report phase and it was determined that it is not practical for the following reasons:

1. The lack of a positive connection between existing wooden piles to the abutment requires reconstructing all the piles and abutments. This would be difficult to do around the existing piles.
2. Existing abutments are not reinforced, thus are under-reinforced by today's standards. This is difficult to remedy under continuous rail operations.

3. The south portion of the bridge (the wooden section) was damaged in a fire and individual timbers would need to be removed. Again, this would be very difficult to do with train operations above.

Replacement with a Two-Track Bridge

As discussed in General Response 1, Caltrain requires a tail track in its proposed location in order to achieve operational benefits at San Jose Diridon.

Caltrain operates on, but does not own both MT1 and MT2 at this location. MT1 is owned by Union Pacific Railroad (UPRR) and the Caltrain operations that take place on MT1 are governed by the joint trackage agreement between the UPRR and Caltrain. Therefore, it is required to keep both tracks in service at all times. In order to keep both tracks in service, it is required to construct a shoofly track and bridge structure, so that during demolition of one of the mainline tracks, service is maintained. Replacement of the existing two-track bridge with a two-track would require the demolition of the shoofly track and bridge structure and would not meet the near future need for a tail track at this location. Should a tail track be desired in the future, such a project would incur additional expense and impose additional environmental impacts.

Placement of the Tail Track on the East Side of the Existing Tracks

The potential alignment of the tail track on the east side would conflict with the bridge abutments for the West San Carlos Street overpass. East of the mainline tracks is a three-column pier, parallel to the Los Gatos Creek, supporting the West San Carlos Street overpass. This pier is in direct conflict with an east shoofly/tail track alignment. However, west of the mainline tracks, the West San Carlos Street overpass piers are parallel to the mainline track alignments. Due to the pier configurations, the shoofly must be located west of the mainline tracks to avoid the need to alter the San Carlos Street overpass. Although the City of San Jose intends to replace the West San Carlos Street overpass, the project is in its very early planning stages and will be completed after the completion of the Los Gatos Creek Bridge Replacement.

General Comment 3

Can the tail track be shortened so that it does not cross Auzerais Avenue?

General Response 3

The southern limit to the shoofly/tail track is governed by geometric design constraints. The length of the tail track is governed by the need to transition from the MT2 alignment to clear the bridge at West San Carlos Street. The north tie-in is defined by the need to tie the tail track back in before the San Jose Diridon Station. As a result of these design constraints, the tail track will cross Auzerais Avenue; however, trains using the tail track will not stop across and block the roadway. During final design, the track alignment will be optimized and the need to cross Auzerais Avenue will be further evaluated.
General Comment 4

Please provide more information on the sewer relocation that is part of this project.

General Response 4

There is an existing storm sewer line that runs east/west under the creek and immediately adjacent to the existing bridge abutment. In order to construct the approach slab for MT1, it is necessary to replace the existing storm sewer with a new storm sewer, located slightly to the north. The new storm sewer will be directionally bored under the creek in order to minimize impacts to the environment. Directional boring requires the construction of two temporary pits: a delivery and a receiving pit, each approximately six feet wide by approximately ten feet long. However, since the exact location of these pits is not known at the current level of design (35 percent), a larger area is being included within the construction limits for environmental clearance to account for the various possible locations of the pit.

Regarding methodology, the sewer will be advanced using horizontal directional drilling. The fluid will be recycled in the delivery pit and reused. The soils under the creek are clayey and are highly resistant to failure of the drilling fluid (a.k.a. Frac-Out). In the unlikely event that there is a pressure loss in the fluid, construction will halt immediately and the contractor shall initiate mitigation procedures in order to minimize impacts to the environment. Again, all measures can be achieved from the pit itself. The NMFS/USFWS Biological Assessment prepared for the project includes a Contingency Plan for Horizontal Directional Drill Inadvertent Returns (“Frac-Out”) of Drilling Mud as Appendix B.

General Comment 5

Please provide additional details on biological impacts and mitigation.

General Response 5

The Revised Draft IS/MND includes Table IV-5 and Figure IV-2, which identify the project’s permanent and temporary impacts by project feature. The figure shows the locations of piers, bents, and wingwalls relative to habitat. Figure IV-2 also clearly identifies the acreages associated with temporary and permanent impacts of the proposed project.

Table IV-5 in the Revised Draft IS/MND shows a decrease in temporary impacts to riparian habitat. The Biological Resource Evaluation and Draft IS/MND included a miscalculation of temporary impacts, because it included riparian habitat below the existing bridge which does not exist. In addition, grading activities were considered permanent impacts; however, grading is a temporary impact because vegetation will be restored. Permanent impacts are only associated to areas where vegetation will not be restored (e.g., abutment, wingwall, and pier footprints).

The Revised Draft IS/MND clarifies how riparian habitat will be mitigated. Specifically, the Revised Draft IS/MND identifies riparian habitat impacts as temporary; however, the JPB will mitigate for riparian impacts at the permanent level with the Santa Clara Valley HCP/NCCP. The JPB will incorporate the following additional mitigation measure options, included in the Revised Draft IS/MND, to offset impacts to riparian habitat, shaded riverine aquatic habitat, essential fish habitat, and scour impacts created by the installation of the new piers:
• The JPB will develop a restoration plan to identify areas within or adjacent to the project site and within the Los Gatos Creek watershed as target areas for bank stabilization, in-stream restoration/enhancement, and riparian restoration/enhancement.

• To offset the scour effects of the new pier alignment the JPB will incorporate one or more of the following mitigation measures:
  
  o Bank slope enhancements to include:
    
    ▪ Install rock toe slope/brush revetment along the western bank. The primary objective of placing a longitudinal stone toe with brush revetment is to stabilize the site. Adding the rock provides scour protection, but will also increase water velocity. Adding the brush revetment adds a frictional coefficient which will slow water velocity down. Addition of woody material to the top and within rock revetment provides an element of self-mitigation for loss of EFH and SRA habitat. Addition of the woody material serves to increase structure within the creek enhancing rearing habitat for juvenile steelhead and Chinook salmon.
    
    ▪ Install Geotechnical Armoring to incorporate environmental enhancements of the rock slope protection.
    
    ▪ Install terrace wall with riparian plantings. This option includes terracing the western bank of Los Gatos Creek for riparian planting.
    
    ▪ Cable large woody debris upstream and downstream of bridge.
    
    ▪ Bury rock slope protection. Burying rock slope protection involves burying the boulder with a minimum of one foot soil cover for riparian plantings. Jute netting is installed for primary bank stabilization while riparian plants take hold. The buried rock provides the slope protection and the soil cover provides a natural substrate to more closely resemble the natural condition.
    
    o Install rock weir. A rock weir would be installed downstream of the project site to provide hydrologic control including the reduction of water velocities and minimizing scour affects. More specifically, a weir will stabilize the riffle under the bridge, improve pool habitat downstream, and maintain or improve upstream fish passage conditions under a wider range of flows. A weir will provide protection against incision, but will allow sediment to move downstream past the weir during high flow conditions. If the balance of hydraulic forces and upstream sediment supply changes so that riffle-gravel sediment decreases, then the slope of the riffle will decrease, which will increase the stability of the remaining gravel. If too much riffle-gravel sediment accumulates at the riffle crest, then the slope of the riffle will increase, which increase the mobility of the accumulated gravel. If this mitigation measure option is chosen, the design of the weir will be in coordination with the NMFS, CDFW, San Francisco RWQCB, and Santa Clara Valley Water District.

• To avoid and/or minimize spread of invasive plant species:
  
  o Areas along the banks of Los Gatos Creek will be identified for exotic vegetation (i.e., giant reed, bamboo, etc.) removal. The removal of exotic vegetation will help restore native vegetation along the banks of Los Gatos Creek. Additional plantings of native
riparian species will contribute to the overall increase in native riparian and SRA habitat.

- The landscaping and erosion control included in the project will not use species listed as noxious weeds.
- All equipment and vehicles will be thoroughly cleaned to remove dirt and weed seeds prior to being transported or driven to or from the study area.
- Any borrow sites or stockpile areas will be inspected for the presence of noxious weeds or invasive plants.
- If noxious weeds or invasive plants are present at borrow sites or stockpile areas, the contractor will remove approximately five inches of the surface of the material from the site before transporting to the project.

- Consistent with the San Jose Municipal Code, California Fish and Game Code, and Santa Clara Valley HCP/NCCP, the JPB will mitigate for riparian trees that are removed during construction either through onsite or offsite mitigation, through payment of in-lieu fees, or a combination of both. Compensation of riparian trees through in-lieu fees will be mitigated through the Santa Clara Valley HCP Riparian corridor Policy at the permanent impact level. In addition, the JPB will mitigate for the Los Gatos Creek riparian corridor by: Planting riparian planting in temporarily disturbed sections of the project and contribute funds to additional in-stream programs for the Los Gatos Creek watershed, such as funding the SCVWD in-stream programs and Santa Clara County Parks for habitat restoration.

Through the process of revising the Draft IS/MND, it was determined that the Santa Clara Valley HCP/NCCP identifies willow riparian habitat as tricolored blackbird breeding habitat. With willow riparian habitat occurring within the study area, the Revised Draft IS/MND includes mitigation measures to reduce impacts to the tricolored blackbird. These measures are:

- If construction is scheduled to start during the breeding season (February 15 to September 15), preconstruction surveys for tricolored blackbird will be conducted within the study area by a JPB supplied CDFW approved biologist. If tricolored blackbird nesting colonies are found in the study area during preconstruction surveys, CDFW will be notified within 72 hours to determine the appropriate measures to prevent impacts to the species. Monitoring methods as described in the Santa Clara Valley HCP/NCCP will be followed for tricolored blackbird.

- A qualified biologist provided by a JPB supplied contractor will be present during initial grading and earthwork activities within Los Gatos Creek. Reporting requirements for tricolored blackbird will follow the Santa Clara Valley HCP/NCCP.

- Construction personnel will participate in a worker environmental awareness program. A qualified biologist (provided by a JPB supplied contractor) will inform all construction personnel about the life history of the species and its presence in the project area, and explain the state laws pertaining to protecting this species and its habitat.
San Francisco Bay Regional Water Quality Control Board

September 30, 2013
CIWQS Place ID No. 799264

Community Development Director
Peninsula Corridor Joint Powers Board
1250 San Carlos Avenue
San Carlos, CA, 94070

Attn: Hilda Lefebre (lfebreh@samtrans.com)

Subject: Comments on the Initial Study/ Mitigated Negative Declaration for the Los Gatos Creek Bridge Replacement/ South Terminal Phase III Project
State Clearinghouse Number (SCH #) 2013082087

Dear Ms. Lefebre:

Thank you for the opportunity to comment on the Initial Study/ Mitigated Negative Declaration for the Los Gatos Creek Bridge Replacement/ South Terminal Phase III Project (ISMND), dated September, 2013. The ISMND evaluates the potential environmental impacts associated with replacing the structurally deficient two-track railroad bridge that crosses Los Gatos Creek with a new, wider bridge (Project). San Francisco Bay Regional Water Quality Control Board (Water Board) staff have the following comments on the ISMND.

Comment 1, Section IV., Biological Resources, d), Fisheries, page 26.
The discussion of flow diversions during Project construction states that the “potential of entrainment and stranding is nonexistent.” This statement is not correct. While carefully designed diversion systems may be able to minimize the potential for steelhead entrainment or stranding, they cannot render the potential nonexistent. Also, while conducting work between June 15th and October 15th will avoid impacts to steelhead trout returning to spawning habitat, juvenile steelhead may be present in the Project reach during that time period.

Comment 2, Section IV., Biological Resources, f), Conflicts with an Adopted Habitat Conservation Plan, page 27.
Text in this section of ISMND states that the Santa Clara Valley Habitat Conservation Plan (HCP) was prepared by the California Department of Fish and Wildlife (CDFW), the U.S. Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service (NMFS). This is not correct. The NMFS was not one of the stakeholders that developed the HCP. Projects that impact habitat for a species that is regulated by NMFS, such as anadromous fish, will require separate consultations with NMFS. Impacts to anadromous fish are not covered by the HCP.
The HCP stakeholders are working on a U.S. Army Corps of Engineers (Corps) Regional General Permit (RGP) for projects that are covered by the HCP. In the most recent draft of the RGP that Water Board staff have been provided with, projects on streams that provide habitat for species regulated by the NMFS are excluded from coverage under the RGP.

**Comment 3, Section IV., Biological Resources, Mitigation Measure BIO-4, pages 29 and 30.** It is difficult to fully assess the adequacy of proposed mitigation measures for impacts to riparian habitat, since the ISMND does not provide much detail with respect to the Project’s impacts on Los Gatos Creek and its riparian vegetation. Text on page 7 of the ISMND states that, “rock slope and scour protection (riprap) would be installed on the north bank of the creek.” However, the ISMND does not quantify the extent of the new riprap on the banks, or the extent to which new riprap will extend into the active channel of Los Gatos Creek. In addition, the location and size of any in-channel piers for the new bridge are not provided in the ISMND.

Please revise the Project description to clearly provide the total amount of new fill that will be introduced within the bed and banks of Los Gatos Creek. Fill quantities should be provided in cubic yards, square feet, and linear feet parallel to the direction of flow.

Mitigation Measure BIO-4, states that any disturbed riparian habitat will be replanted with trees and shrubs. However, the ISMND does not describe the amount of riparian habitat would be permanently lost by the placement of the new riprap on the north bank of the creek or the additional shading provided by the wider bridge. Mitigation Measure BIO-4, also states that the success of riparian revegetation would be assessed three years after planting. The Water Board usually requires a 10-year monitoring period for riparian trees.

The ISMND fails to quantify the Project’s impacts to Los Gatos Creek and does not provide a discussion of Project-specific mitigation for those impacts. Therefore, the ISMND has not demonstrated that the Project’s impacts to riparian habitat can be mitigated to a less than significant level. Water Board staff recommend revising the ISMND to include a fuller discussion of impacts to Los Gatos Creek and appropriate mitigation measures. The Water Board cannot issue a permit to a project until the project’s impacts to waters of the State, and proposed mitigation for those impacts, have been reviewed in conformance with CEQA. The current discussion of impacts in the ISMND may not be sufficient to support the issuance of a permit from the Water Board.

**Comment 4, Section IX., Hydrology and Water Quality, Mitigation Measure WQ-03, page 48.** This mitigation measure discusses a frac-out plan for the installation of a sewer line. This is only place in the ISMND in which a sewer line is discussed. Please provide more detail.

**Comment 5, Section IX., Hydrology and Water Quality, Mitigation Measure WQ-03, page 48.** This section of the ISMND does not include a discussion of post-construction stormwater quality treatment measures. Projects that require permits from the Water Board must provide the treatment required under Provision C.3 of Water Board Order No. R2-2009-0074, the Municipal Regional Stormwater Permit (MRP), even if they create or replace less than 10,000 square feet of impervious surfaces. Please provide a description of the stormwater treatment measures that will be provided for the new bridge.
If you have any questions regarding our comments, please contact Brian Wines (bwnes@waterboards.ca.gov) at (510) 622-2342.

Sincerely,

Shin-Roei Lee
Division Chief
Watershed Division

Digitally signed by
Shin-Roei Lee
Date: 2013.09.30
16:27:50 -07'00'

Attachment:
February 13, 2013, Water Board comments on the NOP for the General Plan Tune Up

c c w/attach: Mailing List

State Clearinghouse (state.clearinghouse@opr.ca.gov)
CDFW, David Johnston (david.johnston@wildlife.ca.gov)
NFMS, Darren Howe (Darren.Howe@noaa.gov)
Responses

A-1
The commenter is correct that there is a potential for rearing steelhead to be present in the creek. During the summer, juvenile steelhead remain near their spawning location; CDFW has reported on steelhead juveniles in the lower American River being stationary until they leave (Personal Communication, Dr. Titus 2013). The fish in the American River grow very fast and leave in early fall; however, fish on the coast (e.g., Los Gatos Creek) usually grow slower and leave in the spring (March through June period). The project includes a NMFS-approved in-water work window of June 15th through October 15th.

The Santa Clara Valley Water District has been conducting redd surveys on the creek and has had very few redd observations since 2003 (see Table IV-2 in Revised Draft IS/MND). Any steelhead that may be spawning prior to construction would result in juvenile steelhead staying upstream of the project until they emigrate. Few observations of steelhead, combined with the incorporation of mitigation measured described in the IS/MND would greatly reduce the potential for entrainment and stranding. Furthermore, the potential of rearing juvenile steelhead utilizing the habitat is low due to low habitat quality. If any juvenile fish do want to emigrate downstream during construction, creek flow will be maintained throughout construction through the diversions.

The diversion system will be designed using CDFW and NMFS fish passage guidelines. During final design, JPB will coordinate with the Santa Clara Valley Water District (SCVWD) to ensure adequate flow through the diversion system will be maintained throughout the in-water construction schedule.

A-2
Text in the IS/MND has been revised to remove NMFS from the list of agencies that were involved in the preparation of the Santa Clara Valley HCP/NCCP. Consultation with NMFS, led by the Federal Transit Administration in compliance with Section 7 of the Endangered Species Act, is underway.

The project will mitigate through an USACE-approved mitigation bank for waters of the U.S. Additional mitigation measures (Mitigation Measure BIO-05, -06, and -07) have been added to the Revised Draft IS/MND to address waters of the U.S.

The Revised Draft IS/MND notes that in addition to Section 7 consultation with USFWS, the JPB will participate in the Santa Clara Valley HCP/NCCP by executing a “Participating Special Entity” agreement to mitigate for potential impacts to Los Gatos Creek and California red-legged frog (CRLF).

A-3
Additional project details on biological impacts and mitigation are discussed in General Response 5.

A-4
The Revised Draft IS/MND includes Table 1 and Figures 4A through 4F that identify all construction activities at each stage. Fill quantities in terms of square feet are provided in Table IV-5. Cubic yards of fill will be determined when 65% drawings are available.
A-5

The Revised Draft IS/MND includes language changing post-construction periodic monitoring from 3 years to 10 years. Information on riprap and shading impacts is included in Table IV-5.

A-6

Additional language is included in Mitigation Measures BIO-04, BIO-05, BIO-06, and BIO-07 to indicate that mitigation will achieve a no-net-loss of habitat.

In regards to the RWQBC’s inability to issue a permit based on the discussion of impacts in the Draft IS/MND, the JPB acknowledges that a higher level of design will be needed to apply for a Regional Water Board permit. The impacts identified in the IS/MND are based on 35% design; however, the Revised Draft IS/MND provides additional impact details and a comprehensive plan to mitigate for impacts to Shaded Riverine Aquatic and Essential Fish Habitat.

A-7

Details on the sewer line relocation are included in General Response 4. The sewer line relocation is also discussed in Section C of the Revised Draft IS/MND project description.

A-8

Caltrain/JPB is a non-traditional Permittee within the Phase II Small Municipal Separate Storm Sewer System (MS4) Program. Permittees within this program, including Caltrain/JPB, are required to regulate development (e.g. capital projects) to comply with several conditions of the permit that are directly applicable to the project design process, including:

- Site Design Measures (e.g. pours pavement, vegetated swales, etc.)
- Regulated Projects
- Source Control Measures
- Low Impact Development Design Standards
- Hydromodification Measures
- Enforceable Mechanisms
- Operation & Maintenance
- Storm Water Control Measures
- Post Construction BMPs
- A Planning and Development Review Process
- Post-Construction Management and Alternatives

The permit requires these requirements to be phased in over the next few years. For projects with a construction date in 2015 or beyond, most of these requirements will need to be met. At this time, Caltrain’s Engineering and Environmental Departments are developing a comprehensive approach to incorporate these aspects of the program into overall design processes and operations.
During final design, post-construction stormwater quality treatment measures will be finalized. However, the wider bridge with the proposed project does not cause significant adverse impacts, even without treatment.
October 3, 2013

Ms. Hilda Lafebre
Caltrain
P.O. Box 3006
San Carlos, CA 94070-1306

Subject: Initial Study/Mitigated Negative Declaration for the Los Gatos Creek Bridge Replacement/South Terminal Phase III Project

Dear Ms. Lafebre:

The Santa Clara Valley Water District (District) has reviewed the Initial Study/Mitigated Negative Declaration (MND) for the Los Gatos Creek Bridge Replacement/South Terminal Phase III Project received on September 18, 2013.

The District has an easement over portions of Los Gatos Creek within the project area. Any work on the District’s easement or fee title property will require the issuance of a District permit, prior to construction as per the District’s Water Resources Protection Ordinance. Additionally, the District is to be considered a responsible agency under CEQA. As the project moves into the design phase a permit application needs to be submitted to the District and plans provided for permit review and associated permit fees will be required.

Based on our review of the MND for the project we have the following comments:

1. Page 23 of the Biological Resources section notes that “all in-water activities will occur in the dry season and when no fish are present.” Page 26 notes that a stream diversion will be used to ensure that creek flows are not interrupted and fish passage is not blocked, which contradicts the statement on page 23. Please clarify the document for consistency.

2. Flows in Los Gatos Creek are controlled via District releases from Lexington Reservoir and typically flow is maintained through this reach year round. Flows in the creek can fluctuate during the construction season depending on operation of the reservoir and could be significant if the upcoming winters are wet. Therefore, it will be important to coordinate with the District regarding anticipated releases from the reservoir to ensure the stream diversion is designed for the anticipated maximum flows. Additionally, timing for relocation of the diversion during construction should be coordinated to take advantage of lower flows when possible. As the project moves into the permitting phase the District will work with Caltrain to coordinate this issue and the District permit will include provisions addressing this issue.

Our mission is to provide Silicon Valley safe, clean water for a healthy life, environment, and economy.
3. The discussion of the impacts to the riparian habitat on page 24 is not clear. It states there will be a temporary access road constructed, but the acreage temporarily impacted by this work is not specified. The MND goes on to state over half an acre of creek and riparian habitat will be permanently removed. Again the MND does not specify what work requires the permanent removal of this amount of habitat, as the new impacts due to the wider bridge as described are far less than half an acre. The MND needs to clearly specify the temporary impacts to the habitat as well as the new permanent impacts due to the bridge construction and associated shading and bank protection.

4. The MND doesn't provide appropriate mitigation measures for the loss of over half an acre of riparian and creek habitat that will be permanently removed as described on page 24. The mitigation measures included in the MND, BIO-04 and BIO-05, are more appropriate for the temporary impacts and do not mitigate for the permanent loss of habitat as described. The MND needs to describe how this impact will be mitigated, including stating where mitigation will occur, the type of mitigation proposed and how the mitigation's effectiveness will be determined. Typically mitigation is required at a ratio of 3:1, which for this project would be approximately 1.5 acres. Mitigation sites for riparian impacts are not readily available and typically if mitigation is provided for off-site or is not "in-kind" the requirement is increased. Without more information, specifically where mitigation will occur, is not clear if mitigation of the impacts identified is feasible and will occur.

5. The biological resources section notes use of native grasses and forbs to revegetate temporarily disturbed areas. Native riparian plants, including replacement trees, used within and adjacent to the creek and riparian corridor need to be sourced from plants in the Los Gatos Creek watershed to protect the genetic integrity of the native populations.

6. More information needs to be provided regarding how emergent and submersed vegetation will be protected, as noted on page 25.

7. The MND states that the new bridge piles will reach groundwater and there is the potential for groundwater quality to impacted. However, no mitigation measure is provided for this potential impact and the severity of this impact is not stated, i.e. less than significant with mitigation.

8. Page 45 states that a sanitary sewer line adjacent to the West San Carlos Bridge will be relocated. The MND does not provide an explanation for why the line needs to be relocated nor does it provide any information regarding where it will be relocated to relative to its current location.

9. There is mention on page 45 that dewatering discharges could impact surface water quality; however, it is not clear what activities will require dewatering.

10. The stream diversion described on page 46 specifies the use of a storm drain pipe and notes the outlet of the diversion would be a T-pipe to prevent erosion. Page 26 describes diversion of the stream by either pipes or diversion channels and states "the potential for entrainment and stranding is nonexistent" regarding fish. The MND needs to consistently describe the proposed method(s) of stream diversion that may be used. Additionally, the use of T-pipe as described does not appear to be consistent with the statement on page 26 regarding no potential to impairment to fish passage.

Reference District File Number 31901 on further correspondence regarding this project. If you
have any questions or need further information, you can reach me at (408) 630-2322.

Sincerely,

Colleen Haggerty, P.E.
Associate Civil Engineer
Community Projects Review Unit

cc: S. Tippets, C. Haggerty, M. Martin, C. Elias, File

31901_56234ch10-03
Responses

B-1
Comment noted.

B-2
The sentence in the Revised Draft IS/MND is rewritten to say: All in-water activities will occur during the June 15th through October 15th window, as recommended by NMFS and CDFW, when fish are less likely to be present in the project area.

B-3
The JPB fully intends to coordinate with the SCVWD regarding anticipated releases from the reservoir to ensure the stream diversion is designed for the anticipated maximum flows.

B-4
Additional project details on biological impacts and mitigation are discussed in General Response 5.

B-5
The Draft IS/MND has been revised to state that mitigation will be consistent with the San Jose Municipal Code, California Fish and Game Code, and Santa Clara Valley HCP/NCCP. The JPB will mitigate for riparian trees removed during construction either through onsite or offsite mitigation, through payment of in-lieu fees, or a combination of both. Compensation of riparian trees through in-lieu fees will be determined through the Santa Clara Valley Habitat Conservation Plan Riparian Corridor Policy.

In addition, the JPB will mitigate for the Los Gatos Creek riparian corridor by planting riparian vegetation in temporarily disturbed sections of the project and contributing funds to additional in-stream programs for the Los Gatos Creek watershed, such as funding the SCVWD in-stream programs and Santa Clara County Parks for habitat restoration.

B-6
Comment noted. To the extent possible, the JPB will be use native grasses and forbs local to the watershed.

In addition, areas along the banks of Los Gatos Creek will be identified for exotic vegetation (i.e., giant reed, bamboo, etc.) removal. The removal of exotic vegetation will help restore native vegetation along the banks of Los Gatos Creek.

B-7
Emergent and submergent vegetation will be retained where feasible, and rapidly sprouting plants, such as willows, will be cut off at ground level with root systems left intact, when removal is necessary.

Mitigation Measure BIO-05 in the Revised Draft IS/MND states that fencing for Environmental Sensitive Areas will be installed along the project boundaries to delineate construction limits.
Mitigation Measure WQ-03 has been added to the Revised Draft IS/MND to protect groundwater from risks associated with pile driving.

Details on the sanitary sewer relocation are included in General Response 4 and discussion of the sewer line has also been added to the project description section of the Revised Draft IS/MND.

The Revised Draft IS/MND states that the required creek diversions will maintain flow during construction. There are no plans to dewater at any point during construction of the project. The reference in the IS/MND to dewatering activities is informational only.

The Revised Draft IS/MND eliminates reference to a T-pipe. The size and type of diversion pipe will be determined prior to construction, in coordination with NMFS and CDFW to allow fish passage.

The Revised Draft IS/MND includes language that states that the likelihood for entrainment and stranding is low with incorporation of mitigation measures.
October 10, 2013

Ms. Hilda Lafebre
Manager, Capital Projects and Environmental Planning
Caltrain
P.O. Box 3006
San Carlos, CA 94070-1306

RE: Draft Initial Study/Mitigated Negative Declaration (IS/MND)
Los Gatos Creek Bridge Replacement/South Terminal Phase III

Dear Ms. Lafebre:

The City of San Jose has begun design work on a trail undercrossing which will run beneath the Los Gatos Creek Railway bridge discussed in the Draft Los Gatos Creek Bridge Replacement/South Terminal Phase III IS/MND. This undercrossing project is identified in the City’s Los Gatos Creek Reach 5 Master Plan document which was adopted by our City Council in 2008. Our department has been in conversations with the Caltrain project team since the development of that Master Plan, with our most recent meeting with Mr. Ash Golani and his team taking place in December 2012. We wish to provide you with comments on the Draft IS/MND and to request continued collaboration between our agencies as we each work to develop these multiple projects within the constrained project site.

Concerning the IS/MND, we would like to ensure that the Los Gatos Creek Trail undercrossing project is clearly identified and properly represented in your environmental document, specifically, in Section XIV. PUBLIC SERVICES and Section XVI. TRANSPORTATION/TRAFFIC, as follows:

- **Section XIV**: Under the “Parks” heading in this section (page 60) there is a brief discussion of the trail extension project and corresponding master plan. However, there is no mention of the undercrossing which will run beneath the new bridge and how these two projects will interface. The undercrossing must meet minimum clearances and we seek to remain above normal storm water levels. Thorough and consistent collaboration is necessary if we are to serve the commuting public by rail and bike within this constrained site.

- **Section XVI**: The Los Gatos Creek Trail project is mentioned here under sub-section F (page 64), however the project is not described as having an undercrossing component. As with Section XIV, we request that this section also be clarified to include the undercrossing component, with the intent and expectation that both of our projects are able to serve the public by meeting federal, state and local design guidelines and objectives.
Ms. Hilda Lafebre  
October 10, 2013  
Draft IS/MND: Los Gatos Creek Bridge Replacement/South Terminal Phase III  
Page 2 of 2

Additionally, we would like to provide comment on Caltrain’s proposal of a third rail on the new bridge. The ramp for this third rail is currently shown as extending into the west bank of the creek channel. As can be seen in the Los Gatos Creek Reach 5B Master Plan, this space is also defined by the City as the preferred location for our ramp to the trail under-crossing. We are concerned that Caltrain’s bridge design as currently proposed will significantly impact our ability to develop this under-crossing and that there will be significant riparian impacts should an altered and/or relocated trail ramp be required. Additionally, there may be significant clearance issues as the trail travels beneath the Caltrain bridge due to the proposed location of this third rail. The placement and width of the bridge is a primary concern for the City, and we seek to collaborate on this issue as early as possible.

The Santa Clara Valley Water District manages portions of the creek channel and is often a partner in San Jose’s Trail development efforts. It is critical to engage them early in and throughout the design process of all projects involving the channel. Additionally, the City’s Department of Transportation (DOT) has plans to elevate the West San Carlos Street roadway bridge in this same location, and the planned High Speed Rail alignment also travels through the area. As we have several agencies working within a confined space, I would encourage the continuation of a collaborative effort so that our individual projects can support our mutual interests.

If you have any questions or concerns regarding these comments or should you require any further information, please contact Mr. Yves Zsitty, Trail Network Manager, at (408) 793-5561.

Sincerely,

Julie Edmonds-Mares  
Director

C-3

C-4

c: Hans Larsen, SJ DOT  
Sue Tippets, SCVWD  
Craig Goldblatt, MTC  
Ben Tripodi, CHSRA  
Michael Burns, VTA

200 E. Santa Clara St., 9th Floor, San José, CA 95113 tel (408) 535-3570 fax (408) 292-6299 www.sanjoseca.gov/prms
Responses

C-1
The Revised Draft IS/MND explains the City’s proposed trail extension project, including the undercrossing component. Coordination between the JPB and the City of San Jose to refine the details of how the two projects will interface is ongoing. The JPB has committed to ensuring that the railroad bridge replacement and tail track do not preclude future construction of the trail undercrossing, including consideration of the City’s requirements with respect to minimum vertical clearance and stormwater.

A technical working group, comprised of members of the JPB’s bridge project team and City's trail extension project team, has been created to guide the ongoing coordination and ensure that both projects can be constructed within the constrained site.

C-2
The Draft IS/MND has been revised to discuss the City’s proposed trail extension project, including the undercrossing component.

C-3
The JPB has committed to ensuring that the railroad bridge replacement and tail track do not preclude future construction of the trail undercrossing and associated access ramp. Both projects need to minimize riparian habitat impacts and any design option that increases riparian habitat impacts is not an acceptable solution.

Through the technical working group noted in the response to Comment C-1, the JPB and City will ensure that both projects can be constructed with minimal impact to the riparian habitat. In addition, the coordination will ensure that potential vertical clearance constraints between the trail and the top of the bridge for the tail track are resolved.

C-4
The Santa Clara Valley Water District is engaged in the project and provided comments on the Draft IS/MND (comment letter B) that are addressed in the Revised Draft IS/MND. The JPB will continue to coordinate with the District through final design.

JPB’s understanding is that the West San Carlos Street overpass project is in the very early planning stages. The project does not appear on the City’s Capital Project Management System as of Nov. 2013 ([http://www3.sanjoseca.gov/gis/cip/default.asp?districtid=6](http://www3.sanjoseca.gov/gis/cip/default.asp?districtid=6)). The JPB will coordinate with the City as the details of the overpass replacement project are developed. It is expected an overpass design compatible with the Los Gatos Creek Bridge Replacement/South Terminal Phase III project is achievable.

The San Jose to Merced section of the California High Speed Rail program completed a preliminary alternatives analysis in 2010. The preliminary alternatives analysis recommended the SR 87/I-280 alignment as the preferred option for the San Jose Diridon Station approach segment. The SR 87/I-280 alignment as proposed in 2010 would cross Los Gatos Creek in a different location to the north of the existing railroad bridge and thus would have no effect on this project. Further alternatives
study is ongoing for the San Jose Diridon Station approach segment in coordination with the City of San Jose, the JPB, and other stakeholders.

http://www.hsr.ca.gov/docs/programs/statewide_rail/proj_sections/SanJose_Merced/SR_87_1_280_Alternative_Map_5_6_10.pdf
October 2, 2013

Hilda Lafiabre
Peninsula Corridor Joint Powers Board
1250 San Carlos Avenue
San Carlos, CA 94070

Re: Notice of Completion (NOC)
Los Gatos Creek Bridge Replacement / South Terminal Phase III Project SCH # 2013062087

Dear Ms. Lafiabre:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that railroad development projects be planned with the safety of these corridors in mind. Working with Commission staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

This project directly impacts the West San Carlos Street grade-separated railroad crossing (CPUC # 105E-47.30-A, SCL-1464, DOT # 755096D) and the Auzerais Avenue at-grade railroad crossing (CPUC # 105E-47.45, SCL-1465, DOT # 755097X). Below are Commission’s comments to the Notice of Completion and Draft Initial Study.

1. The proposed modifications include installation of a 3rd track at the West San Carlos Street overpass. Any modifications to existing highway-rail crossings require Commission authorization via General Order (GO) 88-B. Information on filing a GO 88-B can be found on the Commission website at http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/go88b.htm.

2. While the project Draft Initial Study states there would be no additional rail traffic as a result of the project, the Commission recommends mitigation measures be included at the Auzerais Avenue crossing due to the potential for future increased rail traffic. Potential mitigation measures include installation of raised concrete medians, pedestrian safety improvements, and closure of the adjacent driveways.

Thank you for your consideration of these comments. We look forward to working with the Peninsula Corridor Joint Powers Board on this project.
Hilda Lafbvre  
Peninsula Corridor Joint Powers Board  
October 2, 2013  
Page 2 of 2

Should you have any questions and to schedule the safety diagnostic, please contact me at (415) 703-3722 or email at felix.ko@cpue.ca.gov.

Sincerely,

[Signature]

Felix Ko  
Utilities Engineer  
Safety and Enforcement Division  
Rail Crossings Engineering Section  
505 Van Ness Ave  
San Francisco, CA 94102
Responses

D-1
Authorization from the Public Utilities Commission under General Order (GO) 88-B will be requested for the additional track under the West San Carlos Street overpass during the final design/permitting phase.

D-2
Specific grade-crossing safety improvements at Auzerais Avenue would be determined in final design in consultation with the Commission and the City of San Jose. JPB will also consider the deficiencies of the existing crossing identified in VTA’s 2009 study, Consolidated Safety Study for Caltrain in Santa Clara County.
October 17, 2013
CTWQS Place ID No. 799264

Community Development Director
Peninsula Corridor Joint Powers Board
1250 San Carlos Avenue
San Carlos, CA, 94070

Attn: Hilda Lafobre (lafobre@samtrans.com)

Subject: Second Set of Water Board Comments on the Initial Study/Mitigated Negative Declaration for the Los Gatos Creek Bridge Replacement / South Terminal Phase III Project
State Clearinghouse Number (SCH #) 2013082087

Dear Ms. Lafobre:

Thank you for the providing Water Board staff with additional supporting documents to supplement our review of the Initial Study/Mitigated Negative Declaration for the Los Gatos Creek Bridge Replacement / South Terminal Phase III Project (ISMND), dated September, 2013. The ISMND evaluates the potential environmental impacts associated with replacing a structurally deficient two-track railroad bridge that crosses Los Gatos Creek with a new, wider bridge (Project). San Francisco Bay Regional Water Quality Control Board (Water Board) staff provided initial comments on the ISMND in a letter dated September 30, 2013. In response to that letter and a subsequent conference call with the Project team, the Peninsula Corridor Joint Powers Board (PCJPB) emailed Water Board staff six supporting technical documents for the bridge replacement Project. These reports were also posted on the PCJBP website and the comment period was extended to October 18, 2013. Water Board staff have reviewed these documents, which appear to support the concerns that were raised in the September 30, 2013, comment letter. Based on our review of the technical documents, Water Board staff has the following additional comments on the ISMND.

Comment 1, Section IV., Biological Resources, d), Fisheries, page 26.
In the Water Board’s September 30, 2013, comment letter, Comment 1 stated:

The discussion of flow diversions during Project construction states that the “potential of entrainment and stranding is nonexistent.” This statement is not correct. While carefully designed diversion systems may be able to minimize the potential for steelhead entrainment or stranding, they cannot render the potential nonexistent. Also, while conducting work between June 15th and October 15th will avoid impacts to steelhead trout returning to spawning habitat, juvenile steelhead may be present in the Project reach during that time period.

John Muller, chair | Bruce H. Wolte, executive officer
1516 Clay St., Suite 1400, Oakland, CA 94612 | www.waterboards.ca.gov/sanfranciscobay

Recycled Paper
The additional technical reports support our original concerns with respect to impacts to fish during project construction. Section 1.3 of the Geomorphic Recommendations for Los Gatos Creek Railroad Bridge Replacement Project, San Jose, California (Balance Hydrologics, July 2009), notes that:

Summer migration of juvenile salmonids is locally significant and should be protected by minimizing the potential blockage at very low summer flows.

Text on page 5-3 of the Los Gatos Creek Bridge Replacement/South Terminal Phase III Project, NMFS and USFWS Biological Assessments (HDR, August 2013) also notes that steelhead have been observed spawning upstream of the project site and that juvenile steelhead have been observed upstream of the project site.

Page 48 of the ISMND states that the downstream outlet of the diversion pipe would discharge via a T-pipe over riprap to reduce erosion. This discharge outlet configuration could cause significant damage to any juvenile steelhead that may be carried through the bypass pipe. In addition, bypass pipelines increase the risk of predation. Water Board staff have observed egrets predating at the outlet of bypass pipes in creek channels.

Comment 2, Section IV., Biological Resources, Mitigation Measure BIO-4, pages 29 and 30. As Water Board staff noted in Comment 2 of the September 30, 2013, comment letter:

It is difficult to fully assess the adequacy of proposed mitigation measures for impacts to riparian habitat, since the ISMND does not provide much detail with respect to the Project’s impacts on Los Gatos Creek and its riparian vegetation. Text on page 7 of the ISMND states that, “rock slope and scour protection (riprap) would be installed on the north bank of the creek.” However, the ISMND does not quantify the extent of the new riprap on the bank, or the extent to which new riprap will extend into the active channel of Los Gatos Creek. In addition, the location and size of any in channel piers for the new bridge are not provided in the ISMND.

The information that Water Board staff requested in the September 30, 2013, letter was already available in Section 6.1.1 (page 5-4) and Table 6-1, Effects of the Proposed Action on Los Gatos Creek, in the Los Gatos Creek Bridge Replacement/South Terminal Phase III Project, NMFS and USFWS Biological Assessments (HDR, August 2013). This information, which shows that the new bridge will result in a net increase in fill within the channel banks and a reduction of shaded riparian habitat, should have been included in the ISMND so that stakeholders could more accurately assess the project’s impacts. According to text on page 5-4, the project will result in the loss of 0.365 acres of riparian habitat. The ISMND does not describe where adequate mitigation for this impact could be established. Therefore, the ISMND does not demonstrate that this impact can be reduced to less than significant levels.

Water Board staff continue to recommend revising the ISMND to include a fuller discussion of impacts to Los Gatos Creek and appropriate mitigation measures. The Water Board cannot issue a permit to a project until the project’s impacts to waters of the State, and proposed mitigation for those impacts, have been reviewed in conformance with CEQA. The current discussion of impacts in the ISMND is not likely to be sufficient to support the issuance of a permit from the Water Board.
Comment 3, Section IX., Hydrology and Water Quality, Mitigation Measure WQ-03, page 48.
Comment 4 in the September 30, 2013, comment letter stated:

This mitigation measure discusses a frac-out plan for the installation of a sewer line. This is only place in the ISMND in which a sewer line is discussed. Please provide more detail.

The use of horizontal directional drilling (HDD) under Los Gatos Creek is discussed on page 6-8 of the *Los Gatos Creek Bridge Replacement/South Terminal Phase III Project, NMFS and USFWS Biological Assessments* (HDR, August 2013). This document acknowledges that a frac out of the bentonite drilling mud could impair the surface of fill structures. According to the discussion of HDD drilling, a frac out is “highly unlikely” because of the depth of the proposed boring. However, the project site is located in an alluvial plain with many interbedded layers of clay and gravel. This type of heterogeneous substrate is especially vulnerable to frac outs, which may occur at depths of about 50 feet below ground surface. The PCJBP is encouraged to contact the Santa Clara Valley Transportation Agency (VTA) for more information about subsurface conditions in the vicinity of the site. VTA has conducted subsurface investigation in preparation for a potential future BART tunnel under San Jose.

Comment 4, Section IX., Hydrology and Water Quality, Mitigation Measure WQ-03, page 48.
Comment 5 in the September 30, 2013, comment letter stated:

This section of the ISMND does not include a discussion of post-construction stormwater quality treatment measures. Projects that require permits from the Water Board must provide the treatment required under Provision C.3 of Water Board Order No. R2-2009-0074, the Municipal Regional Stormwater Permit (MRP), even if they create or replace less than 10,000 square feet of impervious surfaces. Please provide a description of the stormwater treatment measures that will be provided for the new bridge.

Page 7-3 of the *Los Gatos Creek Bridge Replacement/South Terminal Phase III Project, NMFS and USFWS Biological Assessments* (HDR, August 2013) includes a list of potential post-construction stormwater quality treatment BMPs. However the list does not appear to be project-specific. For example, it includes roof drains that discharge to natural surfaces and swales and the use of detention basins. The project team should develop stormwater BMPs that are appropriate to the project location and include them in a revised ISMND.

Comment 5, The ISMND did not Provide Alternatives to Placing the New Tail Track over Los Gatos Creek.
The discussion of the tail track in the ISMND describes the need for a new tail track in the vicinity of the Diridon Station. But the discussion does not indicate that the PCJBP has examined alternative locations that would result in fewer impacts to Los Gatos Creek.

Subsequent to the September 30, 2013, comment letter PCJBP provided Water Board staff with preliminary plans for the new bridge; these plans showed that the upstream ends of the new piers would be out of alignment with the channel walls (Note: These plans were included in Section 2.2 of the *Los Gatos Creek Bridge Replacement/South Terminal Phase III Project, Water Quality Technical Report* (HDR, August 2013), so they were available for inclusion in the ISMND and their inclusion in the ISMND would have improved the ISMND's usefulness).
Section 3.4 of the *Geomorphic Recommendations for Los Gatos Creek Railroad Bridge Replacement Project, San Jose, California* (Balance Hydrologics, July 2009) states that:

The new rail line will be placed upstream of the two existing rail lines, so the bridge will be extended upstream. Currently the downstream end of the bridge piers seem to be well aligned with the flow direction, but the upstream ends of the bridge piers are not as well aligned. Extending the bridge piers upstream will make the misalignment worse at the upstream end of the bridge. If it were possible, adding the third rail line to the downstream end of the bridge would be better from a flow-alignment perspective.

The ISMND should have evaluated both a bridge alignment with the third rail line on the downstream side of the current bridge and an alternative that located the rail line in a location that did not cross Los Gatos Creek.

An alternative that avoided adding a third rail line over Los Gatos Creek and maintained the existing alignment over the creek channel would have significantly lower mitigation requirements than the current Project design. The cost savings associated with lower mitigation costs and the lower costs of constructing a narrower bridge may be sufficient to offset any land acquisition costs necessary to construct a rail line that does not cross Los Gatos Creek.

As the *Los Gatos Creek Bridge Replacement/South Terminal Phase III Project, NMFS and USFWS Biological Assessments* (HDR, August 2013) acknowledges, the proposed three rail bridge would permanently impact about 0.365 acres of riparian habitat and 0.208 acres of creek habitat. The costs associated with obtaining sufficient creekside land to provide appropriate mitigation for these impacts to a steelhead stream are likely to be considerable. In addition, it may be difficult to find available creekside land that can be acquired by the PCJPB in the vicinity of the Project site. The amount of mitigation required by the project increases as the distance increases between the impact site and the mitigation site. The costs of a minimum 10-year long monitoring period for the mitigation site should also be considered when evaluating the benefits of not constructing the new rail track over Los Gatos Creek.

In addition to direct impacts to riparian habitat, the proposed upstream end of the new piers will be out of alignment with the creek banks and, therefore, the flow lines in the channel (See Comment 6). Misalignment between the in-channel piers and the bank is likely to trigger erosion of the channel banks. This impact of bridge piers on bank erosion is evident at the Caltrain bridge crossings over the Guadalupe River to the south of the project site, where channel bank erosion appears to have increased after the second bridge was built with piers that were misaligned with the channel. Because of the increased potential for channel erosion associated with the current Project design, the Water Board is likely to require 15 to 20 years of post-Project monitoring of channel stability.

**Comment 6. The Geomorphic Recommendations for Los Gatos Creek Railroad Bridge Replacement Project, San Jose, California (Balance Hydrologics, July 2009) Discusses Potential Negative Impacts to Creek Stability Associated with the Proposed Alignment of the New Bridge Piers.**

The *Geomorphic Recommendations for Los Gatos Creek Railroad Bridge Replacement Project, San Jose, California* (Balance Hydrologics, July 2009) notes that the channel at the current Los Gatos Creek Bridge has been stable for several years (pg. 13 and pg. 16), but that there are two factors which may tend to create channel instability: the stream reach is probably sediment deficient, which can lead to bed and bank erosion (pg. 22); and the flow volumes released at the
Lenihan Dam are being increased as repair work at the dam’s outlet piping is completed (pg. 17 and pg. 29). The upstream extent of the proposed new bridge will create additional erosional forces on the creek channel. The combination of the increased release volumes from the dam and the increased extent of pier misalignment with the channel banks may further increase erosional stresses on the creek bed and banks. These erosive impacts may compromise the Beneficial Uses of fish migration and spawning at the project site.

Section 3.4.1 states that bent or curved piers may create slightly less shear stress at the upstream ends of the piers than would be created at straight piers, but would provide slightly less flow width between piers. It would be useful to know how many feet narrower the flow width would be with curved piers rather than straight piers. If the width is still sufficient to accommodate the bankfull channel, then the impacts of the slightly narrower flow width may not be significant.

Section 3.5 states that scour along the western bank may be increased at the upstream end of the new western pier. The increase in scour could be eliminated if the tail track is removed from the bridge design.

Section 5 states that the use of round columns instead of straight piers was rejected because the columns would have a greater risk of catching large wood. It is not clear how the study determined the potential for catching large wood was a greater risk to channel integrity than extending the new piers so far upstream that they create a condition of misalignment with the channel banks. Please provide a more detailed discussion of these potential impacts.

Comment 7. Water Board Concerns with Respect to Information in the Los Gatos Creek Bridge Replacement/South Terminal Phase III Project, NMFS and USFWS Biological Assessments (HDR, August 2013).

Text in the discussion of Interrelated and Interdependent Effects (pg. 6-11), states that the “Proposed Action is reconstruction of an existing facility and will not incur any interrelated or interdependent effects.” Based on the information provided to the Water Board, the statement that the Project consists only of the reconstruction of an existing facility is not correct. The Project will replace and expand the existing bridge. The majority of the Project’s riparian impacts and potential impacts to channel stability are associated with the expansion of the bridge by the width of one rail line upstream of the current bridge. Maintaining the bridge at two lanes in its current alignment would significantly reduce the Project’s impacts, as well as reducing the amount of mitigation that will be required by the permits issued to the Project by the resource agencies.

The discussion of Cumulative Effects (pg. 6-12) also includes the incorrect statement that the “Proposed Action is not anticipated to change conditions from existing conditions as it is a reconstruction of an existing facility and will not add to the existing infrastructure.” As Water Board staff noted above, the addition of a third rail line to the bridge is a significant addition to the existing infrastructure.

The summary of Conservation Measures in Section 7 (pg. 7-2) states that impacted shaded riparian habitat will replanted at the Project site. However, the discussion of impacts to shaded riparian habitat does not address the permanent loss of shaded riparian habitat that will occur within the footprint of the portion of the bridge supporting the new rail track.

Section 8.5, PFMC Recommended Minimization Measures, includes the following minimization measure (pg. 8-8).
Protect existing, and wherever practicable, establish new riparian buffer zones of appropriate width on all permanent and ephemeral streams that include or influence EFH. Establish buffers wide enough to support shading, large woody debris, leaf litter inputs, sediment and nutrient control, and bank stabilization functions.

Constructing the new bridge with extra width for a new rail track is not consistent with this minimization measure.


The Beneficial Uses that the San Francisco Bay Basin Water Quality Control Plan (Basin Plan) assigns to Los Gatos Creek are presented on page 3-8. Potential impacts to those Beneficial Uses are listed on page 4-1, but the list on page 4-1 does not include the Beneficial Uses of fish migration or fish spawning. As Water Board staff have noted above, the proposed alignment of the new piers beneath the rail track have the potential to cause erosion that could impair fish migration and the substrate necessary to support fish spawning in the Project vicinity. The Los Gatos Creek Bridge Replacement/South Terminal Phase III Project, Water Quality Technical Report should have addressed potential impacts to these Beneficial Uses.

Comment 9. The ISMND Should be Significantly Revised and Re-Circulated in order to Facilitate the Issuance of Permits for the Project from the Water Board.

As we noted in our initial comment letter on September 30, 2013, the ISMND did not quantify the project’s impacts to Los Gatos Creek and did not provide a discussion of project-specific mitigation for those projects. We are concerned that the low level of detail with respect to mitigation measures may have resulted in the design team significantly under-estimating the likely costs that would be associated with providing mitigation for the Project’s current design.

We encourage the PCJPB to further explore options for replacing the existing two rail line bridge with a new bridge of the same width and relocating the new rail line away from the channel of Los Gatos Creek. If the new two lane bridge was constructed with the wider pier spacing proposed in the current Project design, the new bridge would improve flow conditions below the bridge. Maintaining the current width of the bridge would also minimize impacts to shaded riparian habitat and greatly reduce the mitigation costs and mitigation monitoring period for the new bridge. The revised ISMND should include a thorough discussion of options for locating the rail track outside of the creek channel.

If you have any questions regarding our comments, please contact Brian Wines of my staff at bwines@waterboards.ca.gov at (510) 622-2342.

Sincerely,

Shin Rocci Lee
Division Chief
Watershed Division
cc
State Clearinghouse (state.clearinghouse@opr.ca.gov)
CDFW, David Johnston (david.johnston@wildlife.ca.gov)
NFMS, Darren Howe (Darren.Howe@noaa.gov)
USACE, Jane Hicks (Jane.m.Hicks@usace.army.mil)
SCVWD, Sue Tippets (stippets@valleywater.org)
SCVWD, Colleen Haggerty (chaggerty@valleywater.org)
Responses

E-1
Fish passage will be maintained throughout construction via diversion channels. The JPB will coordinate with the Santa Clara Valley Water District regarding anticipated releases from the reservoir to ensure the stream diversion is designed for the anticipated maximum flows. The Revised Draft IS/MND has been corrected to state the likelihood of entrainment or stranding is low. Also, see response to Comment A-1.

Mitigation Measure WQ-2 has been revised. Language referring to a riprap apron has been deleted in the Revised Draft IS/MND and replaced with language noting that the size and type of diversion pipe will be coordinate with NMFS and CDFW to allow fish passage and minimize risk of predation.

E-2
The Revised Draft IS/MND provides additional and specific mitigation to offset impacts to riparian habitat, shaded riverine aquatic habitat, essential fish habitat, and scour impacts created by the installation of the new piers, as discussed in General Response 5.

E-3
Information on the sewer relocation and methodology is included in General Response 4 and in the project description of the Revised Draft IS/MND. In addition to the frac-out contingency plan identified in Appendix B of the NMFS/USFWS Biological Assessment, the JPB has geotechnical data which supports the contingency plan from previous studies and will seek to gather more information on the sub-surface conditions of the site if necessary.

E-4
See response to Comment A-8.

E-5
Information on the alternatives examined is included in General Response 2.

Construction Staging Plans that were included in the technical reports have been inserted into the Revised Draft IS/MND.

E-6
Information on the alternatives examined is included in General Response 2. Locating the tail track downstream (east) of the existing bridge is not feasible because it would conflict with a pier of the West San Carlos Street Bridge.

E-7
The JPB has explored different options for riparian habitat mitigation, including creekside habitat improvements in the vicinity of the study area. Additional mitigation options to offset impacts to riparian habitat, shaded riverine aquatic habitat, essential fish habitat, and scour impacts created by the installation of the new piers are included in the Revised IS/MND, as further discussed in General Response 5.
E-8
An updated hydraulic analysis will be completed during final design. During final design, the JPB will coordinate with the RWQCB on the appropriate post-construction channel stability monitoring.

E-9
The Revised Draft IS/MND includes a comprehensive plan to offset scour impacts; therefore, erosive impacts of the proposed project are not significant and will not compromise the beneficial uses of fish migration and spawning.

The current 35% plans utilized the *Geomorphic Recommendations* report (Balance Hydrologics July 2009) when factoring in scour and erosion with current project elements (e.g., piers, riprap, etc.). Final design of the proposed project will use information from an updated hydraulic analysis and will coordinate with the SCVWD to incorporate future operations, including dam releases.

E-10
The comparative advantage of straight piers versus curved piers based on shear stress and flow width will be evaluated at a later design phase. At this phase precise numbers are unavailable; the requested information is not pertinent to the CEQA review process and will be addressed in permitting.

E-11
The Revised Draft IS/MND includes additional mitigation options that address the potential for scour impacts with the tail track. Removing the tail track is not an option from both a construction staging and future operations perspective. See General Response 1 for further information on the need for the tail track.

E-12
The qualitative comparison of risk associated with round columns instead of straight piers accounted for a number of criteria of concern, including the possibility of disturbing the banks, size of channel opening, as well as the tendency of larger piers to trap additional debris. The various pier configurations and designs were analyzed during the project study report (PSR) phase and it was determined that the proposed pier design was the one that maximized utility, while minimizing negative impacts. While there may be design options with comparatively fewer impacts to any one given criterion of concern, the option selected minimizes those impacts for each of the criteria taken holistically.

E-13
The Revised Draft IS/MND includes additional mitigation options that address the impacts to shaded riverine aquatic habitat.

The comments on the BA will be considered in future revisions/addenda to the BA and do not pertain to this CEQA document.

E-14
The Water Quality Technical Report has been revised to include beneficial uses and potential impacts to fish spawning and migration. The insertion also refers to a footnote that states that the NMFS and USFWS Biological Assessment includes an analysis of project impacts on listed species.
The Water Quality Technical Report and Biological Assessment include discussions of impacts during construction. The Revised Draft IS/MND includes a full mitigation plan that further minimizes the potential for scour and contributes to the recovery of the species.

E-15

The IS/MND has been revised and recirculated as requested with additional information on impacts and mitigation. A detailed mitigation plan is included and costs associated with mitigation will be determined during the final design and permitting phase. The alternatives suggested in the comment were considered and found not feasible as explained in response to General Comment 2.

A conservative project footprint was assumed in the analyses presented in the technical studies and Draft IS/MND, and a programmatic approach was used when determining temporary and permanent impacts. During final design, when specific project details are refined (e.g., sewer location area, exact amount of riprap required) exact impacts are anticipated to be less than identified in these reports.
From: Steve Holmes friendslgcreek@yahoo.com
To: Tietjen, Brent <TietjenB@samtrans.com>
Cc: Rick Koury <rickmx767@yahoo.com>; Chris Elias <celias@valleywater.org>; Phil Hood <phil@drumlhnk.com>; Richard Zappelli <richard.zappelli@me.com>; pierluigi.oliviero <Pierluigi.Oliviero@sanjoseca.gov>
Subject: Re: Pwd: Caltrain/Los Gatos Creek/MND

Dear Brent,

Re: Caltrain project on Los Gatos Creek

Friends of Los Gatos Creek has done a preliminary review of the materials relative to the subject project.

We find that there is insufficient detail about the construction process to determine the extent to which construction activities and post-construction recovery (staging, access construction, vegetation removal, materials movement) will adversely impact the creek flow, water quality, habitat value. Please provide additional details about how the bridge will be constructed and how the creek and its riparian corridor will be impacted.

Similarly, the lack of detail on construction and post-construction makes it impossible to determine the adequacy of a mitigation program.

Since spawning gravel quality is the major issue in Los Gatos Creek for salmonid population, the mitigation program should focus on augmenting gravel in a way that improves spawning and spawning success in Los Gatos Creek.

Sincerely,

Steve Holmes
Friends of Los Gatos Creek
(408) 529-4460
https://www.facebook.com/FriendsLG Creek
Responses

F-1
Additional project details on biological impacts and mitigation are discussed in General Response 5.

F-2
A Mitigation Monitoring and Reporting Program will be included in the Final Mitigated Negative Declaration.

F-3
In coordination with NMFS, incorporation of spawning gravel into a mitigation program will be considered.
Hilda Lefebre, CalTrain
P.O. Box 3006
San Carlos, CA 94070-1306
sent via email: lafebreh@samtrans.com

re: Los Gatos Creek Bridge Replacement / South Terminal Phase III Project

Ms. Lefebre,

Thank you for your outreach to the community regarding the proposed replacement of the CalTrain bridge across the Los Gatos Creek in San José.

I am the Land Use Chairman of the Shasta Hanchett Park Neighborhood Association and sending you this letter in that official capacity to reflect questions our organization has regarding this project. Shasta Hanchett Park is located in San Jose’s 6th District and we are adjacent to the project area.

Many of our residents frequent the project area, are CalTrain riders and commuters, drive the streets and walk/ride the Los Gatos Creek trail and will be affected by this project. We understand the need to replace the bridge and our desire is to ensure that if this project is implemented, it is done so in the very best possible manner, providing protection to the greatest degree possible for all interested parties that will be impacted during and after construction.

Several of our community members have reviewed the draft Initial Study / Mitigated Negative Declaration (IS/MND) and based on that review, I would like to ask a number of questions.

Draft Inconsistencies

There are several possible errors and inconsistencies in the Draft. In general, these raise concerns about the thoroughness of the Draft study and the conclusions that are drawn from the study. We would like to request a revision of the draft to address these inconsistencies and a subsequent community meeting be held following the publication of the revised draft and a suitable time period for the public to review and consider the new more accurate draft. The errors and inconsistencies we have found thus far include:

1. Stated on page 7: “staging and laydown areas have been identified on the west side of the existing bridge”. The areas shown in the Draft diagram for staging and
laydown are on the east side of the bridge. Are there additional staging and/or laydown areas that are not shown in the draft diagrams, and if so where are they?

2. Stated on page 7 of the draft: “The Los Gatos Creek Trail runs along the townhome community’s western perimeter and is adjacent to the project.” The Los Gatos Creek Trail is located on the east side of the townhomes. Does the incorrect assessment of the location of the Los Gatos Creek Trail in the Draft implicate other findings in the Draft? Are there any additional impacts to the Trail that are not included in the Draft?

3. Under Environmental Factors Potentially Affected the following factors are not checked:
   a. Aesthetics
   b. Land Use/Planning
   c. Hazards and Hazardous Materials
   d. Recreation

Why are these factors not evaluated when there seems to be prima facia evidence produced in the Draft that there are potentially significant impacts on these areas. For instance, the staging and laydown areas are located in what appears to be an embankment less than 100 feet from the center of the Los Gatos Creek. The location of diesel-powered equipment in these areas raises the potential for a hazardous material spill, but that factor is not significantly investigated in the report. Similarly the evaluation of the impact of the release of creosote, the restriction of the use of the Los Gatos Creek Trail and the erection of plywood barriers impact areas such as Aesthetics, Land Use, and Recreation.

We would request that these Environmental Factors be again reviewed as Potentially Affected, and that the Draft provide additional detail on the potential effects and mitigations for these factors.

4. In the language of the mitigations reported on pages 29, 30, 33, and 40 the word “should” is used with regard to the implementation of the mitigation whereas in the rest of the mitigations the word “will” is used with regard to the implementation. Does the use of the word “should” imply that the implementation of these mitigations is optional, and if so under what authority will the decision be made as to whether or not to implement the mitigations? We request that the Draft be revised to provide more clarity on specifically which mitigations will and which mitigations will not be implemented.

Freight Trains

5. The IS/MND does not mention the number of freight trains per day. How many are there? How long is the typical train, and how fast does it go?

6. Will the third track be for the sole use of passenger trains, or would it also be for freight?

7. While replacing the bridge may not directly affect freight train volume, is there a projection as to whether freight train traffic is likely to increase as a result of the installation of a third track?
Auzerais Avenue
Auzerais is one of the main access routes to a number of new and planned higher-density housing developments. There is the Monte Vista development just west of the creek, 680 units are planned at Sunol and Auzerais (the “Ohlone Towers”) and to the south the site of Reed & Graham is slated for housing. The freeway access for all these developments is via Auzerais eastward, across the (at grade) crossing, and over to the Bird Avenue interchange to I-280.

8. How will the wider crossing affect vehicle flow on Auzerais? (A wider crossing may require a longer time to “clear the tracks”, which in turn could mean that the barriers would be lowered earlier, thus resulting in more traffic delays.)
9. Will trains slow, stop, and change direction on Auzerais?
10. Would it not cause less traffic congestion if the trains continue to travel to Tamien to turn around?

Timber Removal
The IS/MND states that existing bridge is partially made of wood. Old wood train bridges were often made of creosote-treated timbers. The mitigations outlined in draft plan do not specifically address the procedures that will be used for managing the possible release of toxins related to the disturbance of any possible creosote peers either during or after construction. Our group believes that the potential for the release of toxic materials related to creosote would have a Potentially Significant Impact on the Los Gatos Creek channel and would like to see the mitigations substantially improved to protect against this outcome. Our questions are:

11. No mention is made of creosote in the IS/MND. Are any of the pilings or other timbers creosote-treated?
12. How will any creosote-treated pilings be removed from the creek?
13. The Los Gatos Creek is home to salmon and steelhead trout. What procedures will be implemented to prevent toxic debris from entering the waterway, either immediately or later when rains may wash nearby debris into the channel?
14. Creosote-treated timber is a toxic waste. How will it be disposed?

Habitat Impacts
15. Is the installation of riprap to protect against erosion on the north west bank of the creek not inconsistent with the notion of restoring damage to the natural creek bed?
16. What is the impact of riprap on the habitat restoration and how will it impact the protected native species of plants fish and turtles?
17. Are there alternatives to rip rap that would be more compatible with complete restoration, and if so, why have they not been considered for this project?
18. What are the specific impacts of the temporary access roads?
19. Will the roads be removed and the land returned to native riparian habitat?

**Sound Mitigation Barriers**
The IS/MND mentions temporary sound mitigation barriers: “Lower cost temporary noise barriers (such as plywood mounted on jersey barriers) should be used for the residential areas further from the bridge construction site and incorporated in the final design of the site perimeter control measures.”

20. Where will these barriers be placed?
21. How long will they be there?
22. Will they impede access to other structures?
23. Will they impede access to the Los Gatos Creek Trail in any way and if so for how long?

**The Los Gatos Creek Trail**
The Los Gatos Creek Trail, which presently ends at the end of Dupont Street under the San Carlos St. Bridge, is planned to continue through this project site and on to its junction with the Guadalupe River at Confluence Point Park.

Page 61 of the IS/MND says “During construction, the Los Gatos Creek Trail will remain open to users at all times. Therefore, there would be no impact”, on p. 54 it says “Noise levels similar to those discussed above for the closest Monte Vista Townhome would occur along portions of the Los Gatos Creek Trail adjacent to the construction site. This would temporarily impact the enjoyment of the trail by some users, but is considered a substantial impact because the portion of the trail most affected is the terminus at Dupont Street and there are many miles of the trail unaffected by construction that would remain available. Also, the users of the trail could easily shift to a different area of the trail to avoid construction (unlike the exposure of residences to construction noise). These two statements seem to be in direct conflict- either there is no impact or it is too noisy.

24. Is this project coordinating with the design of the Los Gatos Creek Trail?
25. Is the replacement bridge designed to accommodate the planned extension of the trail?
26. Does the installation of “rock slope and scour protection (riprap)” on the north bank preclude good design of the Trail.
27. The Los Gatos Creek Trail is not only for recreation, it provides a link from the neighborhood and nearby Willow Glen to the Diridon Light Rail and CalTrain Stations. Will continuous trail access be assured throughout the construction period? Will reasonable and safe bike/pedestrian detours be provided during periods when the trail is inaccessible?
28. Will the staging of drilling or other construction equipment at the end of Dupont St. affect access to/from the Los Gatos Creek Trail
and the connection between the trail terminus and the Diridon Station?

High Speed Rail (HSR)
The California HSR is planned for San José Diridon Station. There are two alternatives under consideration: “underground” and “aerial”. The aerial alignment has the HSR tracks elevated in this region, crossing over the Los Gatos Creek and the San Carlos St. Bridge in the immediate vicinity of the planned CalTrain replacement bridge.

29. Is CalTrain coordinating with the HSR Authority to assure that any planned CalTrain bridge designs do not have any adverse impact on the HSR designs?

30. Will placement of bridge piers, any modifications to the creek channel, or the wider CalTrain bridge impact the placement of the HSR bridge support structures?

SCVWD
The Santa Clara Valley Water District (SCVWD) has long-range plans for modifying a number of creek channels in the region to reduce flood danger.

31. Has CalTrain coordinated with the SCVWD to accommodate any channel modification plans that SCVWD may have?

CEQA Alternatives

The draft study does not appear to make a convincing case of the real need for an additional tail track. On page one the study states that with out this project “operations at Diridon Station would not be improved, and system-wide delays would be likely to occur.”

On page two of the Draft, it states “a tail track needed for construction staging and improved operations at the San Jose Diridon Station”.

On page 5 of the Draft it states “trains that terminate at San Jose Diridon Station have limited rail yard space to efficiently maneuver and change directions. A tail track extending south from San Jose Diridon Station would improve operations at San Jose Diridon Station.

Also on page 5 of the Draft states: “Currently, the two track are sufficient to provide service through this rail corridor.” Also, “non-revenue, non-passenger trains are traveling the full length between Diridon and Tamien Stations just to turn around”.

32. It appears from these statements that this project is tightly connected with operations at Diridon Station and therefore, actually is an expansion of Diridon Station. Why is their not a full and complete EIR being developed for a Diridon Station expansion?
33. If this is NOT and expansion of operational capability at Diridon Station, then why are Diridon Station operations being advanced as a reason for the addition of a tail track to what would otherwise be bridge repair or replacement project?

34. If two tracks in this corridor are currently sufficient, why has there not been a detailed study produced on how to repair or replace the existing bridge with a more minimal impact to the environment?

35. The Draft implies that “the full length” trains must travel from Diridon to Tamien to make their turn is a long distance. Exactly how far is that distance along the track? How long does it take? How much of that distance would be reduced by the use of the tail track? What is the diesel fuel used under current conditions, and how much fuel would be potentially saved if that distance were reduced? From an economic perspective how long would it take for the increased cost (including the cost of acquiring needed rights of way) of the third tail track to be repaid from operations, fuel and/or time savings from the reduced distance the trains would travel?

Generally an environmental study will include the evaluation of several alternatives.

36. One option is always the “no project” option: don’t do anything and hope the bridge doesn’t fall down. Has this option been evaluated? Is there a quantitative analysis for the risk associated leaving the current bridge in place?

37. Is there a viable option to perform retrofit upgrades that would bring the existing bridge in to compliance with acceptable safety standards?

38. A third option is the full-blown proposal presented here, with the wider three track bridge and the tail track across Auzerais. Why is this the only option discussed in the draft proposal?

39. Would a two-track replacement bridge alternative be a reasonable alternative? Do not change the rail crossing at Auzerais, and do not cover over riparian habitat with a wider bridge.

As stated in the beginning, I appreciate your need to address the maintenance issues and risks associated with the old CalTrain bridge. However, our desire is to make sure that this project is done in a manner that is more environmentally responsible, and that it have minimal negative impacts to the community during and after construction. As residents, and taxpayers, we also have an economic interest in making sure that the expense of an additional tail track is not incurred unless there is a solid case made for the return on investment both in dollars, community and ecological costs. As the Draft is incomplete in this regard we are requesting that a further more detailed analysis be conducted.
We are committed to working together to ensure that this project does improve CalTrain, as well as help improve the community and the environment by anticipating and accommodating future plans and the Los Gatos Creek Trail extension.

Regards,

Deborah Arant
Shasta/Hanchett Park Neighborhood Association
Land Use Chair
Responses

G-1
The IS/MND has been revised and recirculated to address public comments on the draft. The changes to the document do not alter the conclusion of the Draft IS/MND that the impacts of the project can be mitigated to less than significant.

G-2
Commenter is correct. Corrections made in the Revised Draft IS/MND.

G-3
Commenter is correct. Corrections made in the Revised Draft IS/MND.

G-4
Those environmental resource areas for which mitigation is required have been checked.

The Draft IS/MND discusses spill prevention in Section IV (Biology). The Revised Draft IS/MND includes discussions of creosote in Sections IV and VIII (Hazardous Materials).

The Revised IS/MND states in Section X (Land Use) that the JPB will coordinate with the City of San Jose during final design to accommodate the planned Los Gatos Creek trail extension that will cross under the Los Gatos Creek railroad bridge. Additional details on the planned trail extension are included in Section XIV (Public Services). However, no change is made to Section XV (Recreation) section because the project will not result in additional use of these facilities nor require the construction/expansion of recreational facilities.

G-5
The Draft IS/MND has been revised to use of the word "will" instead of "should" where appropriate.

G-6
There are approximately six freight trains per weekday operating on MT1. There is no one standard freight train length; the length can vary substantially from train to train. UPRR trains generally have one to three locomotives and 9 to 50 rail cars. For noise analysis purposes, a freight train length of 20 cars was assumed. The JPB estimated a maximum speed for passenger and freight trains of 35 mph in the project area.

G-7
The tail track would normally be used by Caltrain passenger trains only; there is no intention for it to be used by freight trains. This has been clarified in the project description section of the Revised Draft IS/MND.

G-8
The Draft IS/MND considered freight movements as they currently exist. In the South Terminal area from CP Coast to CP Lick (MP 51.9), MT1 (owned by UPRR) freight use has priority. Note that freight trains would not normally use the tail track, thus the only potential benefit to freight would be a reduction in occasional Caltrain use of MT1. A projection of increased freight service as a
result of tail track is not available. Market conditions are a key factor in frequency of freight movements and changes to market factors driving freight in this specific area are not reasonably foreseeable.

**G-9**

Trains will not block Auzerais Avenue when using the tail track to turn around. Therefore, significant traffic delays that would occur if the crossing were blocked will not occur.

The gate down time would increase by three to five seconds based on the wider crossing. This information has been added to the Revised Draft IS/MND, which concludes the additional delay would not create significant adverse traffic impacts because the crossing operates with relatively low delay under existing conditions (Level of Service A). A few seconds of additional delay would not change LOS to such an extent that it would violate San Jose’s LOS standards (which were selected as the significance threshold).

The Monte Vista townhome development was incorporated in the existing conditions traffic analysis of Auzerais Avenue because traffic counts were performed in 2013. As documented in the Revised Draft IS/MND, the cumulative impacts of reasonably foreseeable future development projects on the LOS of the at-grade crossing (including Ohlone Towers) would not result in significant adverse impacts.

Since the addition of the tail track will not cause significant traffic congestion impacts, the comment suggesting train turnarounds occur at Tamien Station instead to reduce congestion is not applicable.

**G-10**

The discussion of creosote management has been added to the hazardous materials and biological resources sections of the Revised Draft IS/MND. With the incorporation of mitigation/standard best management practices to remove railroad timbers, no significant adverse impacts from creosote exposure would occur. Pile removal would occur out of the water (when the creek is temporarily diverted), avoiding the potential for impacts related to creosote release in water during pile removal. The contractor will be required to handle, store and dispose of creosote-treated wood according to California Department of Toxic Substances Control’s Alternative Management Standards for treated wood waste. The standards are an alternative to the full hazardous waste regulations and allow for treated wood waste to be disposed of at approved solid waste landfills (as opposed to special hazardous materials disposal facilities). Wood waste would not be stored near Los Gatos Creek.

**G-11**

The riprap that is included in the project is not considered a restoration activity; it will be installed for bank stabilization and scour protection against high water flows. There are components of restoration within the riprap design for Shaded Riverine Aquatic (SRA) Habitat and Essential Fish Habitat (EFH) for salmonids.

The Revised Draft IS/MND includes mitigation options for rock toe brush revetment to stabilize the bank. Components of this option include areas for riparian replanting and scour effects. These restoration components will mitigate for SRA and EFH. The loss of this habitat will reduce upland habitat for the western pond turtle; however, the project will increase its basking area.
The Revised Draft IS/MND includes additional mitigation options, such as rock slope protection (RSP), rock toe brush revetment, geo textile armoring, and buried RSP as alternatives to rip rap. Ultimate mitigation will be developed with close coordination with the natural resource agencies (RWQCB, CDFW, NMFS, and USFWS).

G-12
Site development will require contour grading to enable access for construction equipment and provide staging for the installation of the piers and bridge abutment. Impacts of the temporary access pathways include the temporary loss of riparian vegetation. Grading, which includes grading for access pathways, will require temporary removal of approximately 0.365 acre of riparian vegetation during the period of construction.

The temporary access pathways will be removed following construction. Native riparian habitat lost due to the access pathways will be replanted. The areas of temporary construction areas and access pathways will be used as post-construction riparian mitigation replanting areas to meet the project’s mitigation requirements. Replanting is only one component of a comprehensive mitigation plan. Environmentally Sensitive Areas will be designated and fenced off prior to the start of construction.

G-13
The details of temporary noise barrier placement, including height, length, and specific materials, will be determined as part of the preparation of a construction noise mitigation plan in final design. The approach to noise mitigation for this project sets an aggressive management target (10 dB reduction at nearest townhome) against which the performance of the construction noise mitigation plan will be measured (through continuous construction noise monitoring), and modified, as appropriate to ensure the mitigation works as was assumed in the IS/MND. The Revised Draft IS/MND includes an explicit mitigation commitment that ensures temporary noise barriers do not impede access to the Los Gatos Creek Trail, local businesses, or other structures.

G-14
The statement quoted from page 61 of the Draft IS/MND has been revised to indicate that there would be no direct physical impact to the trail, but the trail users would temporarily experience increased noise. It is acknowledged that transportation users of the trail cannot relocate to avoid temporary construction noise. On the other hand, such commuters would be less sensitive to noise than recreational users potentially seeking a more tranquil experience. In either case, the exposure to construction noise would be brief as individuals continuously move along the trail and out of the project area.

G-15
The Revised Draft IS/MND explains the City’s proposed trail extension project, including the undercrossing component. Coordination between the JPB and the City of San Jose to refine the details of how the two projects will interface is ongoing. The JPB has committed to ensuring that the railroad bridge replacement and tail track do not preclude future construction of the trail undercrossing.
Through a technical working group, the JPB is coordinating with the City of San Jose to ensure that the trail extension is accommodated with the new bridge. No elements of the Los Gatos Creek Bridge Replacement project would preclude good design of the trail.

The contractor would be required to prepare and implement a traffic management plan which will include provisions for continuous trail access during construction.

There are no staging activities planned on the west side of the creek and trail. The previous reference to west side staging areas has been corrected. Construction activity at the end of Dupont Street associated with the sewer relocation would not block access to the Los Gatos Creek Trail. The trail would remain accessible via the sidewalk on the south side of Dupont Street.

The project is not in conflict with proposed CA High Speed Rail alignments, or with any future City of San Jose projects within the area. The JPB continues to meet regularly with HSR. In addition, the JPB is coordinating its efforts with the City of San Jose to ensure compatibility of the project with any proposed future projects within the project area.

SCVWD provided comments on the Draft IS/MND that are addressed in the responses to Comment Letter B. Caltrain is initiating coordination with the SCVWD and will accommodate any channel modifications during final design.

General Response 1 provides an explanation of the need for the tail track.

Each of the phases of the South Terminal Area improvement program have independent utility from one another as well. Phase I of the South Terminal improvement program was completed in 2012 and involved the addition of two new platforms and four new tracks at San Jose Diridon Station. Caltrain has completed operational analyses that indicate the need for track improvements north and south of Diridon station to meet planned increases in passenger and freight rail service by 2019. South Terminal Phase II would add a fourth main track of approximately 2,100 feet in length from Caltrain’s Centralized Equipment Maintenance and Operations Facility (CEMOF) (MP 46.9) to the north end of San Jose Diridon Station (MP 47.3), just north of West Santa Clara Street. The Phase II project is integral to ensuring all passenger trains can efficiently maneuver between the tracks at Diridon Station and the main tracks north of the station, while following the required operating profile, as well as providing capacity for Caltrain non-revenue equipment moves between CEMOF and San Jose Diridon Station.

The South Terminal Phase III project would increase the capacity and reliability of the Caltrain segment from San Jose Diridon Station to Tamien Station, and would allow greater flexibility at San Jose Diridon Station by enabling out-and-back movements of empty trains switching tracks without
competing with revenue trains at CP Alameda (north of the station) or south of the station. These benefits are distinct from the operational benefits provided by the Phase II project. In addition, completion of the Phase III project will not cause or require the Phase II project to be built in the future. Therefore, it is appropriate for South Terminal Phase II and III to be addressed in separate CEQA documents.

G-22

South Terminal Phase III is incorporated into the Los Gatos Creek Bridge Replacement Project because the railroad bridge requires a complete replacement at this time. As General Response 1 further discusses, it is cost-effective to utilize the required shoofly track as the tail track required to accommodate rail operational improvements.

G-23

General Comment 1 discusses the need for the tail track and General Comment 2 discusses the alternatives to the proposed project that have been considered, including a two-track replacement bridge.

G-24

While fuel saving is one of the benefits of operating on a tail track, it is not the primary reason for constructing a tail track. First, and foremost, the tail track is required in order to maintain operations during construction. Secondly, the tail track will provide a number of operational benefits. The main benefit is that it will remove a “pinch point” for Caltrain, Amtrak, and other rail service during an unforeseen single tracking incident (i.e., if there is a break down on either MT2 or MT1 it will minimize impacts to service).

G-25

Without the proposed project, the replacement of the Los Gatos Creek Bridge, the bridge would present an increasing safety hazard to all users. A quantitative risk analysis is not available and is not a requirement for the evaluation of the project under CEQA. The need for the project is clearly explained in the IS/MND.

G-26

The IS/MND doesn’t require an alternatives analysis; however, additional information on alternatives considered, including retrofitting the bridge and constructing a two-track replacement bridge, is presented in General Response 2.

G-27

Further analysis and elaboration on the rationale for the tail track has been provided in the revised Draft IS/MND.
Hilda Latibe, CalTrain
P.O. Box 3006
San Carlos, CA 94070-1306

re: Los Gatos Creek Bridge Replacement / South Terminal Phase III Project

Ms. Latibe,

Thank you for your outreach to the community regarding the proposed replacement of the CalTrain bridge across the Los Gatos Creek in San Jose.

The North Willow Glen Neighborhood Association appreciates the opportunity to comment on the draft Initial Study/Negative Declaration for the subject project.

Our comments/concerns relate to both the short term construction impacts as well as the longer term operational impacts.

**Short term**

The project poses a number of impacts during construction. See the following:

The proposed noise mitigation of plywood mounted on k-rail does not seem to offer much in the way of noise attenuation. Further analysis of noise impacts and alternate mitigation options should be explored.  

What will be the effect of 2 years of stream/water diversion on fish and other wildlife adjacent to the stream? How will this be mitigated?  

Removal of the existing timber bridge will cause significant disruption and the IS does not seem to fully address whether the timbers contain toxins and what impact the removal will have on aquatic species.  

The IS underestimates the impact to trail users during construction. Statements that trail users can use other trail segments does not take account how people utilize trails. Users typically access trails by walking to trail locations close to their residences or work places. Suggesting that trail users can easily divert to another segment is an incorrect assumption. Can they walk to other segments or would they have to use other transportation modes such as driving? Also the noise during construction impacts both trail users as well as birds and other animals in the 

North Willow Glen Neighborhood Association - https://www.facebook.com/NWNGA
vicinity. Therefore it should be considered as an unmitigated impact. Appropriate mitigation should be identified. If it cannot, then a Mitigated Negative Declaration is inadequate and a full EIR would be the appropriate planning document.

Long term

The IS does not seem to adequately address the multitude of future projects in the vicinity. For example, High Speed Rail, Bus Rapid Transit, BART, expanded trail system, proposed new ball park etc. This omission is particularly a concern given the traffic changes that will take place on Auzerais Street due to the addition of a new rail track. There needs to be a detailed operational analysis to evaluate current and future traffic at the rail crossing. This intersection is already problematic and future increases in traffic in this area associated with planned projects, coupled with the additional train track, will likely create unacceptable traffic levels of service at this location. Again this appears to be an impact that cannot be completely mitigated, and therefore an EIR is warranted.

The IS does not include a full analysis as to the effects of Disturbance/removal of riparian Habitat. A detailed restoration plan and appropriate levels of replacement needs to be developed. Also the additional shading on the creek due to the third track needs to be evaluated in terms of the effect on aquatic life.

Many of the long term impacts appear to be worsened by the addition of a third track. The option to remove and replace the existing structure and maintain two tracks only should also be evaluated.

In general we are supportive of the project, but we believe that further study is warranted. We know you share our interest in that the project be done in an environmentally responsible manner, and that it have minimal impact to the community, both during construction and after completion. We further believe that the project cannot be considered in isolation and that impacts, particularly those that cannot be fully mitigated must be adequately addressed. For that reason, we request that an EIR be prepare

Executive Board Members of NWGNA:

Dev Davis, President Harvey Darnell, EVP and Past President Mary Pizzo, Secretary Sheila Hunter, Treasurer Advocates; Mark Lloyd, Walt Vierra, Barbara Keegan, Andrea Steele, Bill Rankin, Dan Erceg

North Willow Glen Neighborhood Association - https://www.facebook.com/NWGNA
Responses

H-1
The statement regarding plywood mounted on jersey barriers was intended as an example of a secondary noise mitigation measure, not the primary mitigation for townhomes closest to the existing bridge where materials with a higher insertion loss would be needed. For clarity, this statement has been removed from the Revised Draft IS/MND. The details of temporary noise barrier placement, including height, length, and specific materials will be determined as part of the preparation of a construction noise mitigation plan in final design. The approach to noise mitigation for this project sets an aggressive management target (10 dB reduction at nearest townhome) against which the performance of the construction noise mitigation plan will be measured (through continuous construction noise monitoring), and modified, as appropriate to ensure the mitigation works as was assumed in the Draft IS/MND.

H-2
Stream channel diversion is a temporary impact. Stream diversions would be installed during the NMFS and CDFW recommended in-water work window (June 15 through October 15) when fish are least likely to be present. Temporary impacted areas will be restored to pre-project conditions. All mitigation measures will be developed in consultation with natural resource agencies (NMFS, USFWS, RWQCB, and CDFW).

H-3
The issue of creosote management has been added to the hazardous materials and biological resources sections of the Revised Draft IS/MND. Pile removal would occur out of the water (when the creek is temporarily diverted), avoiding the potential for impacts related to creosote release in water during pile removal.

H-4
The contractor would be required to prepare and implement a traffic management plan which will include provisions for continuous trail access during construction.

There will be no direct physical impact to the trail, but the trail users would temporarily experience increased noise. It is acknowledged that transportation users of the trail cannot relocate to avoid temporary construction noise. On the other hand, such commuters would be less sensitive to noise than recreational users potentially seeking a more tranquil experience. In either case, the exposure to construction noise would be brief as individuals continuously move along the trail and out of the project area.

Preconstruction surveys will be conducted for migratory birds to identify if any nesting birds are within the construction area. If active nests are found, CDFW will be consulted to determine the appropriate avoidance measures, including noise disturbance buffer. In consideration of the extensive mitigation measures developed for both noise and biological resources, the remaining impact of construction would be less than significant and therefore an EIR is not required.
H-5
A cumulative impact analysis for the Auzerais Avenue at-grade crossing is summarized in the Revised Draft IS/MND that includes the reasonably foreseeable effects of other planned projects. Details are provided in the Traffic Technical Report. Traffic delay at this crossing is not expected to exceed City of San Jose LOS standards even under the cumulative impact condition, in part because the crossing currently has a low level of delay (LOS A). Therefore, the impact to the crossing is less than significant and an EIR is not required.

H-6
General Response 5 includes information on biological resource impacts and mitigation measures. The Revised Draft IS/MND states that although shaded area will increase by 0.111 acres; the area of shaded habitat is negligible compared to the amount of habitat present in the vicinity of proposed project (both upstream and downstream). The negligible increase in shade will not impact the average daily temperature of the creek.

H-7
General Response 2 includes information on alternatives considered.

H-8
The Revised Draft IS/MND concludes that all potential significant impacts can be mitigated; therefore, a Mitigated Negative Declaration is the appropriate CEQA document. The conclusions in the Revised Draft IS/MND are supported by technical studies available on the project website.
October 18, 2013

Ms. Hilda Lafebre
Caltrain
P.O. Box 3006
San Carlos, CA 94070-1306
lafebre@sanfrans.com

Re: Comments on the Initial Study/Mitigated Negative Declaration for the Los Gatos Creek Bridge Replacement / South Terminal Phase III Project

Dear Ms. Lafebre,

With regard to the above-referenced project, please accept these comments on behalf of Committee for Green Foothills, Santa Clara Valley Audubon Society, and the Sierra Club. Our organizations are dedicated to working to protect the environment and natural resources. We have a strong interest in protecting the health of Los Gatos Creek and the habitat and wildlife of the riparian corridor.

Here in the semi-arid Bay Area, creeks and rivers are lifelines of survival for the vast majority of wildlife. Riparian vegetation is denser and more diverse than that found in drier upland areas, which means that a wide array of species utilize the riparian corridor for nesting, foraging and breeding; for example, more species of birds use riparian areas to breed than in any other habitat. In addition, riparian corridors serve as vital wildlife migratory pathways, especially in urban developed areas.

Los Gatos Creek is a rare example of a Bay Area stream that is still in its natural state. In the area of the Project, Los Gatos Creek is thickly wooded with mature trees that provide a continuous forest canopy to shelter wildlife, including several species that are threatened or of special concern. Thus, any project that destroys riparian habitat along Los Gatos Creek, even temporarily, may have significant environmental impacts that reach far beyond the actual footprint of the project.

The California Environmental Quality Act (CEQA) requires the preparation of an Environmental Impact Report (EIR) whenever substantial evidence, in light of the entire record, supports a “fair argument” that the project may have a significant adverse impact on the environment. Because there is substantial evidence supporting a fair argument that the Los Gatos Creek Bridge Replacement/South Terminal Phase III Project (“Project”) may have a significant adverse impact on the environment, an EIR is required here. Although the Initial Study/Mitigated Negative Declaration (ISMND) concludes that there will be less than significant impacts after mitigation, this conclusion is not borne out by the analysis in the ISMND. The Project is likely to cause significant impacts to the Los Gatos Creek channel and corridor that the mitigation described in the ISMND will not be sufficient to reduce to less than significant. Additionally, there are feasible alternatives to the Project as described that would avoid or substantially lessen these impacts. These alternatives should be analyzed in an EIR.

A. The Project’s Significant Impacts Are Not Mitigated By The ISMND

Although the description of the Project contained in the ISMND is vague and lacks detail, it is clear that the Project will involve significant disturbance of the creek bed and banks. The Project is estimated to take 24 months for construction, during which time Los Gatos Creek would be realigned via a diversion channel or pipe.
and rock slope and scour protection (riprap) would be installed on the north bank of the creek. ISMND p. 7. Diversion of an entire creek, plus major modification of the bank, is not a less than significant impact on that creek. In addition, there will be clearing, grubbing and grading of the banks in order to construct the temporary access roads on both sides of the creek, which would permanently remove over 15,000 square feet of riparian habitat and over 9,000 square feet of creek habitat. ISMND p. 24.

The creek is home to several listed species, including the federally threatened California Coast steelhead, the federally threatened California red-legged frog, the federal species of concern California Valley Chincote salmon, the state species of special concern Western Pond Turtle and pallid bat, and the state ranking hoary bat and Cooper’s hawk. ISMND pp 23-24. All of these species will be impacted by the destruction of habitat and the disturbances resulting from the Project construction.

The ISMND concludes that these impacts will be reduced to a less than significant level by the proposed mitigation measures. However, those mitigations are inadequate. For the federally listed species, the ISMND provides no mitigation at all – merely a statement that the conservation measures already required by the U.S. Fish and Wildlife Service and National Marine Fisheries Service, will be complied with. ISMND p. 28. Compliance with mandatory regulations does not qualify as mitigation for a project’s impacts.

For the state listed species, the ISMND proposes to physically move any animals found on the Project site (in the case of Western Pond Turtles) or, in the case of the bats, to physically exclude them from any roosts they may be occupying on the Project site. ISMND p. 28. These measures do nothing to mitigate for the loss of habitat resulting from the Project’s construction activities, which remains a significant impact. The ISMND proposes that “any disturbed riparian vegetation should be replanted with native trees and shrubs” (ISMND at 30), but again, this does nothing to mitigate for the permanent destruction of both riparian and creek habitat resulting from the Project.

The mitigation measures proposed to avoid impacts to nesting birds are also inadequate. Mitigation Measure BIO-06 states that pre-construction nest surveys will be conducted, and “if no nests are found during the survey, no further action will be necessary.” ISMND p. 31. However, birds can build a nest, lay eggs, and start raising young within two weeks, and an entire reproductive cycle may start and end within 30 days. For example, the Yellow Warbler, a California species of special concern, is known to nest in the Los Gatos/Cuadratup River riparian corridor. The Yellow Warbler takes about 4 days to build a nest, the incubation period is 10-13 days, and nestlings fledge 9-12 days after hatching. This species nests in Santa Clara County in May through July. The potential presence of this species is not mentioned in the ISMND, and there are no mitigations proposed for potential impacts to this special status species.

Finally, Mitigation Measure BIO-06 proposes the use of exclusionary netting to be installed around the undersides of the bridges to prevent birds from building nests. ISMND p. 31. Exclusionary netting is known to pose a deadly hazard to birds, which may become entangled in the mesh and die. If netting is used on the Project site, the nets must be monitored twice daily and any trapped birds released.

**B. Alternatives To The Proposed Project Should Be Considered**

Many of the significant impacts of the Project as proposed could be reduced or avoided if changes were made to the Project design. Specifically, if the new bridge were to be constructed on the east side of the existing tracks rather than the west side, the impacts to the riparian habitat could be significantly lessened because the new bridge would impact a shorter stretch of the riparian corridor due to the curvilinear stretch of the creek at that point. Although this would require use of privately owned land, the cost savings achieved through the reduction of necessary mitigation measures make this an alternative worth pursuing.
In conclusion, the Project proposes to conduct an extensive construction project on the banks and in the creek bed of a creek that provides crucial habitat to many species of wildlife, including federal and state listed species. The Project would destroy more than half an acre of habitat to create temporary access roads on both sides, armor of the north bank, and diversion of the creek flow through an artificial channel or pipe. These are significant impacts that are not mitigated to a less than significant level by the mitigation measures proposed in the ISMND. For this reason, the ISMND is inadequate, and a full EIR that analyzes feasible alternatives that would reduce or avoid these impacts should be prepared.

Thank you for your consideration of these comments.

Sincerely,

[Signature]

Alice Kaufman
Legislative Advocate, Committee for Green Foothills

[Signature]

Shani Kleinhaus
Environmental Advocate, Santa Clara Valley Audubon Society

[Signature]

Katja Irvin
Water Committee Chair, Sierra Club Loma Prieta Chapter

c: Tasha Bartholomew, bartholomewt@samtrans.com
Brent Tietjen, TietjenB@samtrans.com
Responses

I-1

Comment noted.

All potential impacts to riparian habitat and mitigation measures are identified in the Revised Draft IS/MND, as discussed further in General Response 5.

I-2

The Revised Draft IS/MND concludes that all potential significant impacts can be mitigated; therefore, a Mitigated Negative Declaration is the appropriate CEQA document. The conclusions in the IS/MND are supported by technical studies available on the project website.

I-3

The project description in the Revised Draft IS/MND clarifies that the diversion channel/pipe will only be needed during the June through October in-water work window. It will not be in place for the entire 24-month construction period. The project description states: During the in-creek work windows, discussed more fully in Sections D and IV, diversion channels will redirect flow away from construction areas; during the out-of-creek work windows, when no construction will take place in the water, the creek channel will be returned to its natural state.

Permanently removed riparian habitat will be mitigated and will be consistent with the San Jose Municipal Code, California Fish and Game Code, and Santa Clara Valley HCP/NCCP. General Response 5 provides additional information on project impacts and the comprehensive Mitigation Plan developed for the project.

I-4

The proposed project is consulting with NMFS and USFWS under Section 7 of the Endangered Species Act. The Biological Assessment to initiate consultation with these agencies provided specific conservation measures that are incorporated by reference into the revised Draft IS/MND. These conservation measures reduced impacts to less than significant to listed species (i.e., Central Valley steelhead and California red-legged frog).

Additional mitigation options are included in the Revised Draft IS/MND that contribute to the recovery of the species. These options will be coordinated with the natural resource agencies (CDFW, RWQCB, USFWS, and NMFS). In addition, JPB will participate in the Santa Clara Valley HCP/NCCP.

I-5

Mitigation Measures BIO-04, BIO-05, BIO-06, and BIO-07 discuss mitigation measures for impacts to riparian habitat and waters of the U.S. to achieve a no-net loss. The current bridge does not provide day roosting habitat for bats. Riparian habitat provides potential night roosting habitat for bats. Construction activities will occur during the day time hours and will not affect day roosting bat habitat.
Yellow warbler is covered under the Migratory Bird Treaty Act (MBTA). The Revised Draft IS/MND includes mitigation measures for additional pre-construction surveys for MBTA if construction activities are suspended for two weeks or more. Furthermore, the Santa Clara Valley HCP calls out specific bird species (e.g., tricolor black bird) which will include additional preconstruction survey requirements with which the project will comply.

The Revised Draft IS/MND includes language stating that a contractor will be responsible to provide monitoring of the exclusionary netting to ensure that no birds or other species are trapped. If an entrapment is identified, a qualified biologist (provided by the contractor) will be immediately called in to free the animal safely.

General Response 2 presents a discussion of project alternatives that were considered, including the placement of the tail track on the east side of the existing tracks.

The Revised Draft IS/MND concludes that all potential significant impacts can be mitigated; therefore, a Mitigated Negative Declaration is the appropriate CEQA document. The conclusions in the IS/MND are supported by technical studies available on the project website.
From: L.Ames@aol.com
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Subject: Los Gatos Creek Bridge Replacement / South Terminal Phase III Project draft IS/M

Hilda Lafebvre, CalTrain
P.O. Box 3006
San Carlos, CA 94070-1306
sent via email: lafebreh@samtrans.com; Oct. 1, 2013

re: Los Gatos Creek Bridge Replacement / South Terminal Phase III Project draft IS/MND

Ms. Lafebvre,

Thank you for your outreach to the community regarding the proposed replacement of the CalTrain bridge across the Los Gatos Creek in San José. Thank you, too, for posting the supporting materials on-line at www.caltrain.com/losgatos.

I understand the need to replace the bridge and I wish you the best of luck. I attended the public presentation at the Gardner Community Center on Sept. 17th and had a number of my questions answered then. However, “for the record”, and also after having (quickly) reviewed the draft Initial Study / Mitigated Negative Declaration (IS/MND), I (as an individual and not on behalf of any organization) would like to ask a number of questions. Please accept my apologies if the answers are already given somewhere in the Draft IS/MND.

Many of my questions and concerns are related to the widening of the bridge and the addition of the "Tail Track". I hope CalTrain will thoroughly evaluate the various two-track solutions as well, and hopefully can find that a narrower bridge can meet their requirements. Several other questions and comments concern the future extension of the very popular Los Gatos Creek Trail.

Freight Trains
- The IS/MND mentions the number of CalTrain passenger trains serving the Diridon and Tamien stations per day, and it says that one track on the bridge is used by Union Pacific Railroad (UPRR), but the report does not say how many freight trains use the bridge per day. How many are there? How long is the typical train, and how fast does it go?
- Will the Tail Track be used solely for the passenger trains, or would it also be used by freight trains?
While repairing the bridge may not directly affect freight train volume, are there projections as to whether freight train traffic likely to increase or decrease in the coming years?

Auzerais Avenue
Auzerais is one of the main access routes to a number of new and planned higher-density housing developments. In addition to the Monte Vista development just west of the creek, development is planned nearby at Sunol, both on the north side of Auzerais (the "Oblone Towers") and on the south (on the site of Reed & Graham). The freeway access for all these developments is via Auzerais eastward, across the CalTrain and UPRR tracks, and over to the Bird Avenue interchange to I-280.

- The addition of the Tail Track will widen the track crossing of Auzerais. Will this affect the timing of the crossing barriers? (A wider crossing may require a longer time to "clear the tracks", which in turn could mean that the barriers would be lowered earlier, thus resulting in more traffic delays.)
- The stated purpose of the Tail Track is to allow trains to change direction without having to travel to Tamien Station. Does that mean that sometimes trains would slow to a stop and change direction while blocking Auzerais? (I have been blocked by a freight train doing just such a maneuver, and it seemed to take ages before it finally got out of the way!)
- Would the surrounding community have better access if there were no Tail Track, and the trains changed direction at Tamien as they currently do?

Timber Removal
The IS/MND states that existing bridge is old and partially made of wood. Old wood train bridges were often made of creosote-treated timbers.

- The word "creosote" does not appear in the IS/MND. Are any of the pilings or other timbers creosote-treated?
- How will any creosote-treated pilings be removed from the creek?
- The Los Gatos Creek is home to native salmon and steelhead trout. Debris scraped from timbers during removal can look like food to the fish but be toxic to them. What procedures will be implemented to prevent toxic debris from entering the waterway, either immediately or later when rains may wash nearby debris into the channel?
- The treated lumber may be considered a toxic waste. Where will it be disposed?

Habitat Impacts
The proposed replacement bridge is wider than the current bridge, and thus will affect a larger area.

- How will the loss of habitat due to the wider bridge be mitigated?
- What is the mitigation ratio: for example, will 3 sq.ft. of native riparian habitat be restored for every square foot lost to the wider bridge?
- Where will the mitigation be implemented? Will it be in the same watershed?
- What are the maintenance plans for the mitigation site?
- What are the impacts of the temporary access roads?
- When will the roads be removed?
- How will the land returned to native riparian habitat?
• What are the maintenance plans for this restoration?

The IS/MND says that the in-channel construction will occur over two seasons, but it also says that the creek will be would be realigned via a diversion channel or pipe three times during construction.
• Are these statements consistent?
• Is the creek going to be realigned, restored, and then realigned again in a single season?

Sound Mitigation Barriers
The IS/MND mentions temporary sound mitigation barriers: “Lower cost temporary noise barriers (such as plywood mounted on jersey barriers) should be used for the residential areas further from the bridge construction site and incorporated in the final design of the site perimeter control measures.”
• Where will these barriers be placed?
• Will they be placed in areas outside the “Project Limits” shown on p. 6?
• How long will they be there?
• Will they impede access to the structures?
• Will they impede traffic to local businesses?
• Will the land-owners and tenants be compensated for any inconvenience or loss-of-business/loss-of-use?
• How will the barriers be maintained (e.g., graffiti paint-out, repair/replacement if damaged by weather or traffic, etc.)?

the Los Gatos Creek Trail
The Los Gatos Creek Trail, which presently ends at the end of Dupont Street under the San Carlos St. Bridge, is planned to continue through this project site and on to its junction with the Guadalupe River at Confluence Point Park.

Page 61 of the IS/MND says “During construction, the Los Gatos Creek Trail will remain open to users at all times. Therefore, there would be no impact”, but on p. 54 it says “Noise levels similar to those discussed above for the closest Monte Vista Townhome would occur along portions of the Los Gatos Creek Trail adjacent to the construction site. This would temporarily impact the enjoyment of the trail by some users, but is not considered a substantial impact because the portion of the trail most affected is the terminus at Dupont Street and there are many miles of the trail unaffected by construction that would remain available. Also, the users of the trail could easily shift to a different area of the trail to avoid construction (unlike the exposure of residences to construction noise).”

• Are the plans for this project and the City’s Los Gatos Creek Trail Plans being coordinated?
• The City has contracted with an engineering firm (CH2M-Hill) to study trail access through this region: is CalTrain coordinating with them?

Often when a bridge is replaced in the vicinity of a planned trail, a “bench” is created in the bridge embankment to facilitate the planned trail undercrossing, and the adjacent sections of the bank can be graded to accommodate the future trail. The statement on p. 7 (“rock slope and
scour protection (rapids) would be installed on the north bank of the creek would seem to preclude that.

- Will the replacement bridge be designed so as to accommodate the planned extension of the trail?

The Los Gatos Creek Trail is used for transportation as well as recreation, and provides a valuable link for commuters from the neighborhood and nearby Willow Glen to the Diridon Light Rail and CalTrain Stations. Stating that trail-using commuters "could easily shift to a different area of the trail" does not address these multimodal transportation needs.

- Will continuous trail access be assured throughout the construction period?
- Will reasonable and safe bike/pedestrian detours be provided during periods when the trail is inaccessible?
- Will the staging of drilling or other construction equipment at the end of Dupont St. affect access to/from the Los Gatos Creek Trail and the connection between the trail terminus and the Diridon Station?

**High Speed Rail (HSR)**

The California HSR is planned to come to San José, and to go to and through the Diridon Station. At the current time, there are two alternatives under consideration: "underground" and "aerial". The aerial alignment has the HSR tracks elevated in this region, crossing over the Los Gatos Creek and the San Carlos St. Bridge in the immediate vicinity of the planned CalTrain replacement bridge.

- Is CalTrain coordinating with the HSR Authority to assure that any planned CalTrain bridge designs do not have any adverse impact on the HSR designs?
- Will placement of bridge piers, any modifications to the creek channel, or the wider CalTrain bridge impact the placement of the HSR bridge support structures?

**Bus Rapid Transit (BRT)**

Bus Rapid Transit (BRT) is being planned for the San Carlos Street corridor. Some plans may involve modification of the roadway and possible changes to, or replacement of, the San Carlos Bridge.

- Is CalTrain coordinating with the City of San José, VTA, and the BRT team to assure that any planned CalTrain bridge designs do not have any adverse impact on the BRT designs?
- Will placement of bridge piers, any modifications to the creek channel, or the wider CalTrain bridge impact the placement of any San Carlos Street replacement bridge support structures?

**SCVWD**

The Santa Clara Valley Water District (SCVWD) has long-range plans for modifying a number of creek channels in the region to reduce flood danger.

- Has CalTrain coordinated with the SCVWD to accommodate any channel modification plans that SCVWD may have?

**CEQA Alternatives**

Generally an environmental study will include the evaluation of several alternatives.
• One option is always the “no project” option: don’t do anything and hope the bridge doesn’t fall down.
• A second option is the full-blown proposal presented here, with the wider three track bridge and the tail track across Auzerais.

I would ask that two additional alternatives be evaluated:
• A two-track replacement bridge accomplished in two-stages: adjust and coordinate the CalTrain and freight schedules as needed to operate single-track (which is how the bridge currently appears to be used most of the time). Replace one half of the bridge; route all traffic over to the new half; then demolish and replace the other half. Do not change the rail crossing at Auzerais, and do not cover over riparian habitat with a wider bridge.
• A two-track replacement bridge accomplished using a temporary bridge. If the CalTrain and freight schedules can not be coordinated, then build a temporary bridge. This bridge needs to be sturdy enough to handle the CalTrain passenger train, but it does not need to carry heavy freight. CalTrain uses the temporary replacement bridge while freight uses half of the current bridge while the other half is replaced; freight shifts to the new half while the remaining half is replaced; and when the bridge is complete, then CalTrain can use its half and the temporary bridge is removed. Again, no impact to Auzerais, and only a temporary impact to the riparian habitat.

I hope CalTrain will seriously consider a two-track alternative, since having the replacement bridge have the same width as the current one eliminates or reduces a number of the negative impacts to the environment and to the community.

As stated in the beginning, I appreciate your need to replace the old CalTrain bridge, and I wish you good luck. I just want that the project be done in an environmentally responsible manner, and that it have minimal impact to the community, both during construction and after completion.

By working together, this project can not only improve CalTrain safety, it can also help improve the community and the environment by anticipating and accommodating various regional plans, including the extension of the popular Los Gatos Creek Trail.

I would be glad to answer any questions; I can be reached at 408/742-1798 or by email at Larry@L-Ames.com.

Thank you,

Dr. Larry Ames,
Chair, District 6 Neighborhood Leaders Group (D6NLG)
past member, Santa Clara Valley Water District (SCVWD) Environmental Advisory Committee
past member, Los Gatos Creek Streamside Park Committee

cc: Brent Tietjen, Public Affairs Specialist, SamTrans | Caltrain | TA
    the Community: D6NLG
    Trail Advocates: Save Our Trails; Friends of the Willow Glen Trestle;
Citizens for a Livable San José (CalSJ)
SCVWD: Boardmember Barbara Keegan; staff Sarah Young, Sue Tippets
San José Parks, Recreation & Neighborhood Services (PRNS):
   Director Julie Edmonds-Mares, Deputy Director Matt Cano, trails Yves Zsutty
CH2M-Hill: Program Manager David Von Rueden
San José Transportation Dept.: Director Hans Larsen, bikes John Brazil
High Speed Rail: Ben Tripousis
Environmental: Shani Kleinhaus (Audubon Society); Trish Mulvey; Terri Balandra;
   Alice Kaufman (Committee for Green Foothills)
**Responses**

**J-1**

There are approximately six freight trains per weekday operating on MT1. There is no one standard freight train length; the length can vary substantially from train to train. UPRR trains generally have one to three locomotives and 9 to 50 rail cars. For noise analysis purposes, a freight train length of 20 cars was assumed. The JPB estimated a maximum speed for passenger and freight trains of 35 mph in the project area.

The tail track would normally be used by Caltrain passenger trains only. This has been clarified in the project description section of the Revised Draft IS/MND.

The Draft IS/MND considered freight movements as they currently exist. In the South Terminal area from CP Coast to CP Lick (MP 51.9), MT1 (owned by UPRR) freight use has priority. Note that freight trains would not normally use the tail track, thus the only potential benefit to freight would be a reduction in Caltrain use of MT1. A projection of increased freight service as a result of tail track is not available. Market conditions are a key factor in frequency of freight movements and changes to market factors driving freight in this specific area are not reasonably foreseeable.

**J-2**

Trains will not block Auzerais Avenue when using the tail track to turn around. Therefore, any significant traffic delays that would occur with the blocking of the grade crossing will not occur.

The commenter is correct that the gate down time would increase by a few seconds (approximately three to five seconds) based on the wider crossing. This potential impact has been added to the Revised Draft IS/MND, which concludes the additional delay would not create significant adverse traffic impacts because the crossing operates with relatively low delay under existing conditions (Level of Service A). A few seconds of additional delay would not change LOS to such an extent that it would violate San Jose’s LOS standards (which were selected as the significance threshold).

The Monte Vista townhome development was incorporated in the existing conditions traffic analysis of Auzerais Avenue because traffic counts were performed in 2013. As documented in the Revised Draft IS/MND, the cumulative impacts of reasonably foreseeable future development projects on the LOS of the at-grade crossing (including Ohlone Towers) would not result in significant adverse impacts.

Since the addition of the tail track will not cause significant traffic congestion impacts, the comment suggesting train turnarounds occur at Tamien Station instead to reduce congestion is not applicable.

**J-3**

The discussion of creosote management has been added to the hazardous materials and biological resources sections of the Revised Draft IS/MND. With the incorporation of mitigation/standard best management practices to remove railroad timbers, no significant adverse impacts from creosote exposure would occur. Pile removal would occur out of the water (when the creek is temporarily diverted), avoiding the potential for impacts related to creosote release in water during pile removal. The contractor will be required to handle, store and dispose of creosote-treated wood.
according to California Department of Toxic Substances Control’s Alternative Management Standards for treated wood waste. The standards are an alternative to the full hazardous waste regulations and allow for treated wood waste to be disposed of at approved solid waste landfills (as opposed to special hazardous materials disposal facilities). Wood waste would not be stored near Los Gatos Creek.

J-4

The Draft IS/MND has been revised to state that mitigation will be consistent with the San Jose Municipal Code, California Fish and Game Code, and Santa Clara Valley HCP/NCCP. The JPB will mitigate for riparian trees removed during construction either through onsite or offsite mitigation, through payment of in-lieu fees, or a combination of both. Compensation of riparian trees (i.e., ratio) through in-lieu fees will be determined through the Santa Clara Valley Habitat Conservation Plan Riparian Corridor Policy. The Revised Draft IS/MND includes a complete Mitigation Plan that will mitigate for Shaded Riverine Aquatic and Essential Fish Habitat and a 10-year monitoring period for riparian trees.

J-5

Site development will require contour grading to enable access for construction equipment and provide staging for the installation of the piers and bridge abutment. Impacts of the temporary access roads are temporary loss of riparian vegetation.

The temporary pathways will be removed following the completion of construction. Native riparian habitat lost due to the roads will be replanted. The areas of temporary construction areas and access roads will be used as post construction riparian mitigation replanting areas to help meet the project’s mitigation requirements. The restoration plan to be developed as part of Mitigation Measure BIO-04 will include a maintenance plan. Environmentally Sensitive Areas will be designated and fenced off prior to the start of construction.

J-6

The creek will be temporarily diverted twice, as discussed in Table 1 – Construction Stage Work Elements.

J-7

Temporary noise barriers would be constructed with the project limits shown on Figure 3 of the Revised Draft IS/MND. However, the details of temporary noise barrier placement, including height, length, and specific materials will be determined as part of the preparation of a construction noise mitigation plan in final design. The approach to noise mitigation for this project sets an aggressive management target (10 dB reduction at nearest townhome) against which the performance of the construction noise mitigation plan will be measured (through continuous construction noise monitoring), and modified, as appropriate to ensure the mitigation works as was assumed in the Draft IS/MND. The Revised Draft IS/MND includes an explicit mitigation commitment that ensures temporary noise barriers do not impede the use of the Los Gatos Creek Trail, residences, local businesses or other structures.

In terms of the duration of temporary noise barrier placement, the barriers could be in place for up to two years (the duration of construction). Depending on the exact type of barrier system, it may be practicable to remove the barriers after the first summer construction season and reinstall them...
for the second summer season. The practicability of removing the barriers between summers would be evaluated in final design and as part of the construction noise mitigation plan. For the evaluation of aesthetic impacts under CEQA, the worst-case assumption that the temporary barriers would be in place for two years is utilized.

Businesses and residences would not be compensated for the placement of temporary construction noise barriers on JPB property. As noted above, access to businesses and residences would not be impaired.

Evaluation of temporary noise barrier aesthetics and addressing maintenance issues (such as a plan for monthly graffiti removal) is a required component of the project construction noise mitigation plan that would be prepared in final design (see mitigation measure NOI-05).

J-8

The statement quoted from page 61 of the Draft IS/MND has been revised to indicate that there would be no direct physical impact to the trail, but the trail users would temporarily experience increased noise. It is acknowledged that transportation users of the trail cannot relocate to avoid temporary construction noise. On the other hand, such commuters would be less sensitive to noise than recreational users potentially seeking a more tranquil experience. In either case, the exposure to construction noise would be brief as individuals continuously move along the trail and out of the project area.

J-9

The Revised Draft IS/MND explains the City’s proposed trail extension project, including the undercrossing component. Coordination between the JPB and the City of San Jose, including the City’s consultant, to refine the details of how the two projects will interface is ongoing.

J-10

The JPB has committed to ensuring that the railroad bridge replacement and tail track do not preclude future construction of the trail undercrossing.

J-11

The contractor would be required to prepare and implement a traffic management plan which will include provisions for continuous trail access during construction.

There are no staging activities planned on the west side of the creek and trail. The previous reference to west side staging areas has been corrected.

J-12

The project is not in conflict with proposed CA High Speed Rail alignments, or with any future City of San Jose projects within the area. The JPB continues to meet regularly with HSR. In addition, the JPB is coordinating its efforts with the City of San Jose to ensure compatibility of the project with any proposed future projects within the project area.

J-13

The JPB will coordinate with the City of San Jose and VTA during final design to ensure compatibility of the proposed project with BRT designs and West San Carlos Street bridge replacement project.
J-14
Caltrain is initiating coordination with the SCVWD at this time and will accommodate any channel modifications during final design.

J-15
General Comment 1 discusses the need for the tail track and General Comment 2 discusses the alternatives to the proposed project that have been considered, including a two-track replacement bridge.
Hi Hilda,

Sorry I missed the community meeting last night in San Jose. The multi-unit building I live in is next to the proposed construction site that will begin January 2015. I know there will be vibrations from the construction. My concern is the subsequent ground vibration after the project is complete. Will there be ground vibration from all trains’ traveling over the bridge towards the Monte Vista community? Appreciate your comments on this matter.

Take care,
Bill
Responses

K-1

Long-term vibration from trains was considered in the Draft IS/MND. The document concluded that the addition of a tail track across the replacement bridge would increase vibration levels at the Monte Vista Townhomes because it would be 18 feet closer than the closest existing track. However, the size of the vibration increase would be less than the annoyance impact threshold established by the Federal Transit Administration (the threshold for existing rail corridors is an increase of 3 VdB; vibration decibels relative to a level of 1x10⁻⁶ inches per second). The project would not increase the number of trains per day. An important factor in the vibration analysis results is the relatively low train speed on the tail track (35 mph). Based on the analysis results, it was concluded that long-term vibration impacts would be less than significant under CEQA and would not require mitigation. Please note that with respect to construction vibration impacts, several mitigation measures are proposed in the Revised Draft IS/MND, including pre-construction building surveys of the townhomes and construction vibration monitoring.
Hilda Lafebre, CalTrain
P.O. Box 3006
San Carlos, CA 94070-1306
via email: lafebreh@samtrans.com; 10/16/13

re: additional comments on the Los Gatos Creek Bridge Replacement / South Terminal Phase III Project draft IS/MND

Ms. Lafebre,

Thank you for hosting a follow-up public meeting Oct. 8 on the plans for replacing the CalTrain bridge over the Los Gatos Creek in San José. Thank you, too, for posting the various supporting memos on the CalTrain website (www.CalTrain.org/LosGatos); there's a lot of information there, and I've only had a chance to skim some of it.

I submitted a number of questions and comments on Oct. 1st. After having attended the Oct. 8th meeting, I have some additional questions to ask and comments to submit.

Q1: Is it really necessary to always have two tracks in operation? I understand that one of the tracks is operated by Union Pacific and the other by CalTrain, but can't some sort of memo of understanding (MOU) be arranged for the temporary sharing of tracks? If all the services can be accommodated by a single track, then half the existing bridge can be rebuilt one season and the other half the next, without requiring a wider bridge or the loss of sensitive riparian ("streamside") habitat.

The main passenger lines north from San José, including Amtrak, ACE and the Capitol Corridor, all travel at high speeds for miles along a single-track line in the vicinity of Alviso, and have done so -- successfully -- for decades. Why is that acceptable there and not here, over such a short distance and for only a couple months?

Q2: If it is really necessary to always have two tracks in operation, can this be accomplished with a temporary bridge? Build a new third bridge, repair half the old bridge, repair the other half of the old bridge, and then remove the temporary bridge. The temporary bridge does not have to be built to last a lifetime, and thus may be less expensive. While this has the added cost of constructing and removing the temporary bridge, the additional cost may be less than that of mitigating for the increased loss of riparian habitat.

Q3: What is the mitigation ratio? In searching the Biological Resources Report, I find only a single reference to mitigation ratios, and that is for a 1:1 replacement of trees.
(1) Is that actually the appropriate mitigation ratio? Commonly it is more like 3:1 or even 10:1, especially when replacing mature trees with small saplings.
(2) Where will the mitigation be provided? It should be nearby in the same watershed, with native plants from that watershed. Available land is scarce and expensive in central San José.
(3) What are the plans for maintaining the mitigation site? Will CalTrain assure proper habitat mitigation, including repair or replacement if not initially successful? A quick word-search of the document did not reveal any details on the subject.
Q4: If there really is a need for a permanent third bridge for the creation of a “Tail Track”, does this track really need to extend all the way to Auzerais?

As shown in Fig. 1, extending the tail track across Auzerais (purple line) is not significantly longer than stopping shy of Auzerais (red line). As mentioned in my earlier set of comments, having a third track across Auzerais will necessitate longer crossing-clearing times and thus longer delays of traffic.

The Traffic Impact Report discusses the traffic impact of the actual bridge construction on Auzerais, but it doesn’t address the impact of the longer train crossing times. Additionally, if the purpose of the tail track is to allow for trains to stop and change direction here rather than at Tamien Station, this could result in significant delays: this should be analyzed in the Traffic Impact Report.

Note that there are now several new and planned higher-density residential developments in the region, all of which would be impacted by delays in train crossings of Auzerais. As shown, the alternative access from these sites to the freeway I-280 are significantly longer (dashed line) if the Auzerais-to-Bird route is impacted. In searching the Traffic Report, I find no mention of the planned Reed & Graham development, or any mention of any planned residential developments at all.
Q5: Regardless of whether the third bridge is temporary or permanent, can it be on the eastern side of the existing tracks rather than the western?
As shown in Fig. 2 (above), because of a bend in the Los Gatos Creek, a third bridge to the west of the current tracks would impact a significant area of riparian habitat (shaded in purple), several times more than if the bridge were constructed on the eastern side. There would be less impact to the adjacent residential units if the tail track were to be built on the eastern side.

Additionally, the eastern tail-track alignment gives an easier alignment for the continuation of the Los Gatos Creek Trail (shown by the dotted line), with an easier slope and less removed vegetation. The Los Gatos Creek Trail is used by thousands daily, and, once it’s extended here, will provide an off-road connection to the SAP (Shark Tank) Arena, the planned baseball stadium, and to the Diridon Station. (I would have expected to see the trail undercrossing prominently featured in these bridge plans, since the trail will help the community to get to the Diridon Station so that they can use the CalTrain services!)

While the eastern alignment would require the purchase of additional land, you might find that Orchard Supply Hardware may be a willing seller. Given the significant advantages of an eastern alignment – and the significant savings of needing less habitat mitigation to provide and maintain – it may be cost-beneficial to pursue.

Also, as I mentioned at the Oct. 8th meeting, I hope that you will work with the City of San José, their engineering consultants, and the trail-user and bicycling community, on the design of the creek channel and bridge abutments, so as to enable the planned extension of the Los Gatos Creek Trail. Please be sure to work with the bicycling community so as to avoid some mistakes – e.g., blind curves, sharp turns, and improperly banked or graded surfaces – that all too often can occur in engineering projects such as this. (I would be pleased to suggest some cyclists to invite, and I would also be glad to assist myself.)

As I said in my first set of comments, I look forward to a project that not only improves CalTrain safety, but also helps improve the community and the environment by anticipating and accommodating various regional plans, including the extension of the popular Los Gatos Creek Trail.

Please contact me at 408/742-1798 or by email at Larry@L-Ames.com if I can answer any questions.

Thank you,

Dr. Larry Ames,
Chair, District 6 Neighborhood Leaders Group (DGNLG)
past member, Santa Clara Valley Water District (SCVWD) Environmental Advisory Committee
past member, Los Gatos Creek Streamside Park Committee
cc: Brent Tietjen, Public Affairs Specialist, SanTrans | Caltrain | TA
the Community: D6NLG
Trail Advocates: Save Our Trails; Friends of the Willow Glen Trestle;
        Citizens for a Livable San José (CalSJ)
SCVWD: Boardmember Barbara Keegan; staff Sarah Young, Sue Tippets
San José Parks, Recreation & Neighborhood Services (PRNS):
        Director Julie Edmonds-Mares, Deputy Director Matt Cano, trails Yves Zsutty
CH2M-Hill: Program Manager David Von Rueden
San José Transportation Dept.: Director Hans Larsen, bikes John Brazil
High Speed Rail: Ben Triposis
Environmental: Shani Kleinhaus (Audubon Society); Richard McMurtry; Terri Balandra;
        Alice Kaufman & Jeff Segall (Committee for Green Foothills); Trish Mulvey
Responses

L-1
Although Caltrain and other rail passenger services operate trains on MT1, it is owned by the UPRR and used for their freight operations. Operations by Caltrain on MT1 are governed by the joint trackage agreement between the UPRR and Caltrain. The joint trackage agreement was signed at the time that Caltrain acquired right-of-way from the UPRR and was part of the overall systemwide agreement between the UPRR and the JPB. In addition, UPRR operations are partially governed by agreements between the UPRR and its various customers. Therefore, it is not realistic to assume that UPRR would be able to renegotiate all of these various agreements in order to lesson construction time for the project.

L-2
As discussed in General Response 2, the option to build a shoofly bridge to accommodate rail service during construction and then remove it upon completion of construction was examined and eliminated from further consideration. Any shoofly or permanent bridge structure needs to meet certain design guidelines in order to safely carry passengers. Constructing a shoofly to be demolished after construction was found to not be cost-effective and damaging to the environment since a permanent tail track is necessary in this location.

L-3
The Revised Draft IS/MND includes additional discussion regarding impacts and mitigation. It notes that mitigation will be consistent with the San Jose Municipal Code, California Fish and Game Code, and Santa Clara Valley HCP/NCCP, and that the JPB will mitigate for riparian trees removed during construction either through onsite or offsite mitigation, through payment of in-lieu fees, or a combination of both. Compensation of riparian trees (i.e., ratio) through in-lieu fees will be determined through the Santa Clara Valley Habitat Conservation Plan Riparian Corridor Policy. The 1:1 ratio is typical for the replacement of heritage trees (clarified in the Revised Draft IS/MND). Riparian habitat typically is replaced at a 3:1 ratio; however, the specific ratio will be coordinated through the Santa Clara Valley Habitat Conservation Plan Riparian Corridor Policy.

The Revised Draft IS/MND includes a 10-year monitoring period for riparian trees as required by the RWQCB.

Furthermore, the Revised Draft IS/MND includes additional mitigation measures that will mitigate for impacts to Shaded Riverine Aquatic and Essential Fish Habitat.

L-4
General Response 3 discusses the reason for the length of the tail track and why its design requires it to cross Auzerais Avenue. The gate down time at Auzerais Avenue with the tail track in addition to the existing two mainline tracks will increase by three to five seconds each time a train passes.

L-5
Trains will not block Auzerais Avenue when using the tail track to turn around. Therefore, significant traffic delays that would occur if the crossing were blocked will not occur.
The gate down time would increase by three to five seconds based on the wider crossing. This potential impact has been added to the Revised Draft IS/MND, which concludes the additional delay would not create significant adverse traffic impacts because the crossing operates with relatively low delay under existing conditions (Level of Service A). A few seconds of additional delay would not change LOS to such an extent that it would violate San Jose’s LOS standards (which were selected as the significance threshold).

Since the addition of the tail track will not cause significant traffic congestion impacts, the comment suggesting train turnarounds occur at Tamien Station instead to reduce congestion is not applicable.

L-6

The Monte Vista townhome development was incorporated in the existing conditions traffic analysis of Auzerais Avenue because traffic counts were performed in 2013. As documented in the Revised Draft IS/MND, the cumulative impacts of reasonably foreseeable future development projects on the LOS of the at-grade crossing (including Ohlone Towers) would not result in significant adverse impacts.

L-7

General Response 2 provides a discussion of the option to locate the tail track on the east side.

L-8

The JPB is coordinating with the City of San Jose to accommodate the planned Los Gatos Creek trail extension that will cross under the Los Gatos Creek railroad bridge. Commenters concerns regarding blind curves, sharp turns, etc. are noted and appreciated.
October 14, 2013

Ms. Lefebre;

Re: CalTrain’s Los Gatos Creek Bridge Replacement / South Terminal Phase III, IS/MND draft

As a Realtor, I have some questions regarding impacts of the new Tail track, so close to the townhome development. I am concerned as this project will take years to complete – with not only daytime construction, but possibly nighttime & weekends, as well. It will impact sales there, as well as Disclosures that Sellers will need to complete, for prospective Buyers.

1) Temporary Perimeter Noise Barriers or Curtains (plywood mounted on jersey barriers):
   What will they look like? How close will they be to the townhomes? How will you take care of the graffiti? How will you notify residents of the worst dates? How many hours of pile driving will there be? Will the proximity of the Tail track cause more train honking noise, at Auzerais – when the gates go down, and train stops & starts again? Will the proximity of the Tail track cause new noise issues – that Sellers will need to disclose to new Buyers? If so, how will they be compensated for their new loss of desirability? Have you spoken with the K & B Monte Vista town home property management company (Community Management, 408.559.1977, Property Manager Mike Brasil) & discussed an outreach strategy yet?

Other questions regarding your project:
2) Staging: Has OSH granted CalTrain permission to stage your equipment on OSH property? If not, what is your alternative site? How will you keep homeless people from camping there?

3) Haul route: Are you using McEvoy or Sunol as your haul routes? McEvoy is an abrupt sharp turn – off of WSC St, at the base of the viaduct. Sunol has residential townhomes and the Novo Community School. How will the community outreach and traffic disruption be handled, as heavy equipment comes & goes?

4) Traffic Analysis: How will the street closure of Royal – or the new placement of the OSH driveway, affect traffic? How will the additional traffic from the new Ohlone Towers project (WSC S/Sunol Sts.) with 600-800 units + 14,000-30,000 sf of commercial/retail - affect traffic in that area?

5) Tail Track: At what point in time in this process, is your Tail track submitted for approval? What California Agency oversees this final approval? Does CalTrain have to get Tail track approval from the California Public Utilities Commission? Is there a possibility that the Tail track may require grade separation? Why is there a need for a Tail track, when there are so many tracks so close, at the Diridon Station? How soon will the community know the result of your talks with OSH – regarding placement of the Tail track on the East side, instead of your West side proposal - that you presented to us on Oct 8th?

6) Agency Coordination: Could you please post your communications with High-Speed Rail, San Jose Planning & DOT Departments, & Santa Clara County Regional Planning Depts? This would help assure the community that your new bridge is not interfering with any piling placements – with any new HSR overpass or new WSC viaduct, over your new bridge.

Terri Balandra, Realtor, D6 Leadership Group member, 408.309.3711, tbalandra@apr.com
Responses

M-1
Photographs of typical temporary noise barriers and equipment shrouds are provided in Section I (Aesthetics) of the Revised Draft IS/MND. The minimum distance between the townhomes and the temporary noise barriers (which will be within existing right-of-way) is 50 feet.

A plan for monthly graffiti removal is a required component of the project construction noise mitigation plan that would be prepared in final design (see Mitigation Measure NOI-05).

Upcoming construction activities will be listed on the Project website. Residences will be able to sign-up for notifications of changes to the website once it becomes active. Residences directly affected by particularly noisy construction activities will be notified through postcard mailings and email.

Pile driving will last approximately a few weeks for each abutment. The potential noise and vibration impacts of the tail track were evaluated in the Noise and Vibration Technical Report and summarized in the Revised Draft IS/MND. No significant adverse impacts would occur; therefore, no compensation to homeowners would be provided.

The tail track will not increase the number of trains per day and thus the number of horn soundings will not increase. Trains would not stop at or block the Auzerais Avenue when turning around.

The JPB has informed the Cannery Row Homeowners Association and residents of the proposed project and will continue communications with the property manager and residents as the project develops.

M-2
The project requires a temporary construction easement (TCE) along the western fringe of the existing OSH parking lot. Negotiations with OSH will begin during the final design phase of the project. The TCE is required for the project; in the event that negotiations with OSH do not yield results, the JPB has access to eminent domain powers and would pursue access to the site through the condemnation process. Therefore, it is not necessary to consider alternative construction staging sites.

Fencing and signs would be used to discourage unauthorized public access to the construction site.

M-3
Exact construction access / haul routes have not yet been determined at this phase of design. Once they are determined the project will reach out to those residences and businesses affected by construction traffic to maintain safe access to the neighboring properties and establish a communication and outreach program.

M-4
No such closure of Royal Avenue is required for the proposed project.

A cumulative impact analysis was performed for the Auzerais Avenue at-grade crossing, which is the only location where traffic operations are changed due to this project (as a result of the addition of the tail track through the crossing). The analysis showed that even with the additional traffic...
estimated for the Ohlone Towers EIR and future increase in train traffic, the at-grade crossing would operate at an acceptable LOS C. The proposed OSH access is located far enough away from Auzerais Avenue such that queues would not impact the at-grade crossing.

M-5

The Peninsula Corridor Joint Powers Board is the approving agency of the proposed project which includes the tail track; however, before the project can begin construction, approvals from several other agencies are necessary. These include: U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Department of Fish and Wildlife, Regional Water Quality Control Board, Santa Clara Valley Water District, California Public Utilities Commission, City of San Jose, and U.S. Army Corps of Engineers.

There is no need for a grade separation at Auzerais Avenue. The need for the tail track is discussed in General Response 1, and the option to place the tail track on the east side is discussed in General Response 2. Discussions with OSH will occur during final design.

M-6

The project is not in conflict with proposed CA High Speed Rail alignments, or with any future City of San Jose projects within the area. The JPB continues to meet regularly with HSR. In addition, the JPB is coordinating its efforts with the City of San Jose to ensure compatibility of the project with any proposed future projects within the project area.
Dear Ms. Lafebre,

Thank you for the opportunity to comment on the Los Gatos bridge replacement draft IS/MND. I ride Caltrain over this bridge many times a week and am somewhat familiar with its deteriorating condition, so I strongly support its replacement. Having said that, I would like to take this opportunity to highlight inaccuracies in the draft IS/MND and contribute a couple of (hopefully) constructive suggestions.

Page 2

"The two tracks that currently utilize this bridge are Main Track 1 (MT1) located on the east side of the bridge, which is owned by Union Pacific Railroad (UPRR) and used for freight service."

This is inaccurate. Please refer to the legend of the applicable Caltrain JPBR right-of-way (ROW) map (http://www.tiller.net/caltrain_maps/47_TCCM-200-B.pdf) and you will find that MT1 is known as shared or "paired trackage" whereby UPRR maintains the rails, the ties and the ballast but the Caltrain JPBR owns the land below the ballast. MT1 is also used by the following passenger rail services: Capitol Corridor, Amtrak, the Altamont Commuter Express (ACE) and northbound Caltrain traffic between MP 49.0 and MP 47.8 as seen in this video (please fast-forward 7 minutes and 30 seconds): http://www.youtube.com/watch?feature=player_detailpage&v=Ux6E6XeA248#t=458

"The new bridge would be wider than the original with the expansion occurring on the west side to accommodate a tail track needed for construction staging and improved operations at the San Jose Diridon Station just to the north of the project area."

I understand the need for a tail track to maintain service during construction but locating this track on the west side would potentially conflict with the City of San Jose's 100-foot riparian setback requirements and the VTA's plans to double-track the Vasona light rail extension http://www.vta.org/projects/vasona/project/. Please consider mitigating these impacts by moving the tail track to the east side where the Caltrain JPBR already owns the right of way with the exception of an abandoned section of track which used to dead-end at Auger's (see yellow line in the above ROW map). "The ultimate alignment of the MT1 and the MT2 over the new bridge would be unaltered from their current configuration."

This assumption is based on the configuration of the existing West San Carlos overpass and does not take into consideration the City of San Jose's plans to replace the overpass which could be reconfigured to provide additional horizontal and vertical clearances. Such a reconfiguration would make it possible to increase the curve radius between MP 47.8 and MP 48.1 to support higher speeds and this change in track geometry could potentially result in a more direct crossing of the Los Gatos creek which would mitigate the impact of the wider bridge on the riparian habitat.
"The new bridge will be a pre-stressed/pre-cut concrete bridge with new foundations and a new widened bridge deck".

Please bear in mind that a pre-stressed/pre-cast concrete bridge design has the potential to reduce clearance for the Los Gatos Creek trail underpass and that this could be mitigated by raising the bridge.

"Box girders will support three spans, each totaling approximately 175 feet long and 35 feet wide."

This would appear to be incorrect as it would make the new bridge 105 feet wide. Assuming three 15-foot wide spans + 10 feet each side, the overall bridge width should be 65 feet but this could be widened further if there is insufficient clearance to allow light between the spans.

"From the Park Avenue Overpass, the double-track alignment continues southward for approximately 800 feet before passing beneath the West San Carlos Avenue vehicular bridge. Immediately south of the West San Carlos Avenue vehicular bridge, the two tracks turn in a southeasterly direction and extend approximately 200 feet across the Los Gatos Creek Railroad Bridge. Both tracks continue southeast for approximately 500 feet before crossing Auzerais Avenue at grade."

It can be derived from the above that a tail track extending from the South Terminal to Auzerais would be approximately 1,500 feet long which is more than twice the length of a single Caltrain consist so there is no immediately apparent need to extend the tail track beyond Auzerais just to turn trains around. Should the project require extending the tail track beyond Auzerais, thereby increasing gate down time due to having to widen the crossing by a minimum of 15 feet, a full traffic impact analysis would be required and would likely result in a recommendation for grade separation at Auzerais.

Need for a Tail Track

"Caltrain currently operates 46 northbound and 46 southbound trains per weekday (for a total of 92 trains per day). Thirty-four of these trains originate and terminate at Tamien Station, located approximately 1.3 miles south of the Los Gatos Creek Bridge. All Caltrain service to Tamien Station and further south utilizes only one of the two tracks through the project area, MT2."

This is incorrect. According to its weekday schedule, Caltrain currently terminates and originates forty (not thirty-four) trains at Tamien [http://www.caltrain.com/schedules/weekdaytimetable.html](http://www.caltrain.com/schedules/weekdaytimetable.html). The majority of these trains use MT2 in the southbound direction and MT1 in the northbound direction.
“Therefore non-revenue, non-passenger trains are traveling the full length between Diridon and Tamien Stations just to turn around.”

This is inaccurate. The majority of these trains either continue on south or head for the Tamien siding for storage during the day, not just to turn around. It is worthwhile mentioning at this point that congestion at Tamien could be significantly relieved by adding a siding track and a third platform east of MT1 that would mirror the existing Tamien station siding west of MT2. This track would make it possible for ACE and Capitol Corridor to provide additional service north and south of Tamien including special services to the SAP Arena, the future Ball Park and the Levi’s Stadium in Santa Clara.

I hope that you find this information useful and I look forward to reviewing the revised IS/MND.

Sincerely,  

Roland Lebrun
Responses

N-1
It is true that MT1 is used for freight service; however Caltrain and other rail passenger services operate trains on MT1 as well. Caltrain has six regularly scheduled trains each day and MT1 would typically carry half that number in a given day. MT1 is owned by the UPRR and operations by Caltrain on MT1 are governed by the joint trackage agreement between the UPRR and Caltrain. The joint trackage agreement was signed at the time that Caltrain acquired right-of-way from the UPRR and was part of the overall system wide agreement between the UPRR and the JPB.

N-2
The discussion of the east side alignment for the tail track is included in General Comment 2. The tail track will not conflict with the VTA Vasona LRT extension.

The project recognizes that the City of San Jose has a 100-foot setback for riparian habitat within its Urban Use Service Area. The City of San Jose Regional 1999 Riparian Corridor Policy also states that specific setbacks vary depending on the agency requirements; general guidelines for minimum setback depths depend on land use. The 100-foot setback rule is generally for housing and commercial development. Additionally, the policy states: “bridges have an exception of the 100-foot setback” (http://www.sanjoseca.gov/DocumentCenter/Home/View/376). The project will closely coordinate with the City of San Jose to ensure compliance with all of their policies.

N-3
The City of San Jose’s plans to replace the West San Carlos Street overpass are not as advanced as those for the Los Gatos Creek Bridge Replacement. The JPB will coordinate with the City of San Jose during final design to ensure that the proposed project does not conflict with the City’s plans for the overpass.

N-4
The track elevations on either side of the bridge are controlled by the existing elevations set at San Jose Diridon Station and the grade crossing at Auzerais Avenue; thus, raising the bridge elevation is feasibly unattainable.

N-5
Pre-cast box girders are 3.5 feet wide and up to 80 feet long. The existing bridge is 35 feet wide and the new bridge will be approximately 55 feet wide.

N-6
A discussion of the constraints that determine the length of the tail track is included in General Response 3.

N-7
The commenter is correct regarding the number of trains using this segment of track. The Draft IS/MND has been revised to reflect this change.
The JPB does not store Caltrain trains at Tamien Station. An additional siding in another location will not meet the purpose and need of the proposed project. General Comment 1 discusses why a tail track is needed in the proposed location.
1276 Blewett Avenue
San Jose, CA 95125
October 15, 2013

Ms. Hilda Lafebre
Caltrain
PO Box 3006
San Carlos, CA 94070-1306

Subject: Initial Study/Mitigated Negative Declaration for the Los Gatos Creek Bridge Replacement/South Terminal Phase III Project

Dear Ms. Lafebre:

In reviewing the Initiation Study/Mitigated Negative Declaration (IS/MND), several concerns arise.

1. Segregation. This project is part of a larger series of Transportation projects and the cumulative impacts should be evaluated together and not segregated. Specifically, the title of the IS/MND is “South Terminal Phase III Project,” indicating it is part of a larger project. In addition, Caltrain is currently working on an EIR for the electrification program that includes this area; that analysis includes the development of several new bypass siding. The new permanent siding proposed in this project would also allow train bypasses (as made explicit in the Traffic Analysis report). The new permanent siding would allow increased operations compatible with the numbers proposed in the Notice of Preparation for Caltrain Electrification. The analysis of the increased permanent track capacity should be part of the larger analysis and not segregated.

In addition, the project location is where the Los Gatos Creek trail is planned for crossing the Los Gatos Creek. The location and design of this project impacts the feasibility and environmental consequence of the Los Gatos Creek trail. Specifically, a wider bridge expanded to the west would require the trail construction to remove more riparian habitat than either a two-track design or a design with a third track to the east of the current alignment. The cumulative riparian habitat loss and other impacts should be analyzed in conjunction with the planned Los Gatos Creek Trail.

2. Feasible Alternatives. The IS/MND does not include analysis of feasible alternatives. Caltrain staff has indicated that it did not approach the property owners of OSH/Lowe’s about a friendly acquisition for an eastern alignment for the new permanent siding. In addition, staff indicated they did not approach the Union Pacific Railroad (UPRR) regarding single tracking operations in order to produce a two track bridge.

Feasible Alternatives Not Analyzed:
The IS/MND did not include feasible alternatives that are environmentally superior.

a) Construction of temporary shoo-fly tracks that are removed at the end of construction.
b) Construction of a tail-track/siding on the eastern side of the track away from the single family residents and the riparian corridor. [Although Caltrain staff referenced the difficult of acquiring the property, it is not infeasible and the alternative should be analyzed.]
c) Construction of a tail-track on the east side which stops prior to the crossing at Auzerais.
d) Construction of a tail-track on the west side which stop prior to the crossing at Auzerais.
e) Construction of a pocket track between the two tracks to allow for managing broken down equipment with continued use of Tamien station as the turn-around point.
f) Construction with single tracking method through negotiation with the UPRR about use of their MT1 track and the use of bus bridges from Tamien.
g) Construction of another tail track north of West San Carlos Street.

3. Transportation Impacts/Land Use Impacts/Greenhouse Gas Impacts. Los Gatos Creek Trail. The IS/MND mentions the Los Gatos Creek trail but does not specify that the trail was under this new proposed bridge and new permanent third track/siding. The Los Gatos Creek Trail is part of the City of San Jose’s Envision 2040 General Plan transportation element. It is also part of the 2008 Los Gatos Creek Trail Master Plan. In order to meet state mandated reduction to greenhouse gases, the City of San Jose has an aggressive plan to build a comprehensive network of pedestrian and bicycle trails. Current trails data show that 53% of users are commuters. Any bridge design features that impede the construction of the next segment of the Los Gatos Creek trail would violate previously approved Transportation and Land Use plans and would increase Greenhouse Gas. The IS/MND must include analysis of impacts (transportation and riparian). Further, the current IS/MND dismisses construction impacts with a discussion that trail users could go elsewhere. Since trails are heavily used by commuters, they cannot just “go elsewhere” as the trail takes them to their destination. The IS/MND does not include a discussion of alternatives for commuters nor does it provide mitigation for the construction impacts, ie a safe alternative route for commuters.

4. Land Use Plans/Riparian Setback/Third Siding Track. The City of San Jose Envision 2040 General Plan includes a 100 foot riparian setback. When an area is redeveloped or an addition is made, substandard setbacks (such as currently exists on the southern side of the bridge crossing) are to be improved/held constant and not reduced. Placing the third siding track on the western side reduces the setback and will cause the permanent removal of 0.3-0.6 acres of riparian habitat—in addition to the habitat disruption caused by construction activities. This violates
City of San Jose land use policy. The specific numbers are unclear due to the unclear way in which the numbers are presented in the IS. See below.

5. Riparian Habitat. The IS/MND does not make clear the amount of habitat that will be disrupted by the construction of temporary access roads, nor does it clarify the amount of habitat destroyed by the construction of rip-rap on the northern bank, nor does it clarify how much habitat is permanently destroyed by the construction of the third siding track. The word “temporary” suggests that Caltrain can replant, but the sentence indicates that riparian habitat will be permanently removed.

“The Proposed Project would require clearing, grubbing, and grading to construct the temporary access roads on both sides of the creek. Grading would permanently remove 0.365 acres (15,893 square feet) of riparian habitat and approximately 0.208 acres (9,057 square feet) of creek habitat.”

That is the IS/MND should provide explicit detail. I have filled in what seems clear.

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<td>0.068</td>
<td>Permanent</td>
<td></td>
</tr>
<tr>
<td>Third track/riparian</td>
<td>?</td>
<td>?</td>
<td>Perm</td>
<td></td>
</tr>
<tr>
<td>Construction Roads</td>
<td>?</td>
<td>?</td>
<td>Temp</td>
<td></td>
</tr>
<tr>
<td>Unknown Source/Creek</td>
<td>9057</td>
<td>0.208</td>
<td>Perm</td>
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<tr>
<td>Unknown Source/Plants</td>
<td>15893</td>
<td>0.365</td>
<td>Perm</td>
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5. Land Use Plans/Riparian Setback/Construction Staging/Alternate Sites. The IS/MND proposes using the OSH/Lowe property adjacent to the bridge. Staff acknowledged that OSH/Lowe has not been approached about using this land. Language in the IS/MND indicates that staff expects to stage its construction materials within the 100 ft. riparian setback in violation of City of San Jose riparian setback policy as specified in the Envision 2040 General Plan. Further, where does Caltrain propose to stage construction if OSH/Lowes refuses the use of this land? What construction impacts will result from staging at this alternate location? Will the trail be closed? Will noisy equipment be closer to single family homes? Impacts from an alternate staging location were not discussed.

6. Riparian Habitat Mitigation. The IS/MND is non-specific and under-commits to local riparian habitat mitigation policy.

   Riparian Habitat is mitigated at the rate of 3:1. Where will Caltrain restore 1.5 acres of riparian habitat? Mitigation requirements are higher if Caltrain does not replace like for like and seeks to mitigate off-site.

   Riparian Habitat is replanted with native plants from the watershed in order to maintain genetic integrity. Where will Caltrain gather the seeds from the Los
Gatos Creek watershed and what nursery will it use to develop the seedlings? Has this already occurred? What is the timeline for the mitigation? How will Caltrain coordinate construction with the availability of genetically compatible riparian plants?

The City of San Jose requires 3:1 mitigation for native trees that have a circumference of 56 inches or greater at 24 inches above ground. These are called “ordinance” trees, not “heritage” trees.

San Jose now requires 5 years of mitigation monitoring. Successful plantings require regular and intensive maintenance and monitoring. How will Caltrain ensure the success of plantings? What standards will Caltrain use to declare the mitigation “successful”?

How will Caltrain handle vandalism? How will Caltrain replant to discourage homeless encampments?

7. Riparian Habitat/Construction Roads. For what reasons are TWO construction roads needed? How much soil will be moved around? For what reason will it be graded and regarded for the two wet seasons? How will Caltrain ensure that the stream banks stay stable? How will Caltrain ensure that appropriate top soil is available for successful replanting? How will Caltrain ensure that regarding will be compatible with future Los Gatos Creek trail construction? How will Caltrain regrade the construction access roads to ensure they do not become campsites for homeless?

8. Riparian Habitat. The IS/MND indicates that the creek is dry in the summer months. The Santa Clara Valley Water District releases water throughout the summer from the dams upstream. There is always water in the creek. Sometimes quite a bit.

9. Riparian Habitat. The IS/MND indicates that “no fish” will get trapped in the bypass. It is not possible to guarantee that. However, what strategies will Caltrain use to ensure the fewest number of fish will die? What design elements? What will the length of the bypass be? Size? Location? Length? How will water quality be monitored? How will the fewest fish be killed?

9. Sewer Construction. The IS/MND mentions a sewer construction project but does not further elucidate. Where is the construction staging? For what reason is it part of this IS/MND? Where is the construction located? What is the lead agency? Why is it needed? Is it related to the Caltrain new plittings? What impacts will there be on riparian habitats, residents, trail users, traffic, noise? Are there any risks to water quality?

10. Noise. The IS/MND neglects to include Sunol Community School on Sunol Avenue as a sensitive receiver within ¼ mile. Sunol is a year-round school operated by the Santa Clara County Office of Education.
11. Noise The noise technical report shows that the baseline measurements were not made in the area with the greatest likelihood of experiencing impact. Monitoring was conducted in Nov. 2010. From the technical report (page 20):

"The meter was placed along the Los Gatos Creek Trail. Due to construction activity near Dupont Street, just south of the West San Carlos Street Bridge, the meter was placed approximately half-way down the trail across from 875 Gaspar Vista. The microphone was situated on the dirt/mulch surface adjacent to the trail, outside of the Monte Vista property line. The monitor location was approximately 140 feet from the existing railroad tracks."

In later pages, authors argue that the worst impacts would be at Dupont and the Los Gatos Creek trail. "The focus of the [construction impact] analysis was the closest Monte Vista townhome to the bridge, where the greatest potential for impacts would occur (worst-case analysis location). Impacts at townhomes further from the bridge would experience lower noise levels than the closest location."

The nearest townhome is 73 ft. from the proposed rail track. If the monitoring equipment were placed at the property line of Monte Vista/KB homes it would have been a mere 35 ft. from the tracks. This location is where the understructure of the West San Carlos Viaduct would serve to amplify and reflect construction noise on the bridge. The baseline number would be expected to be higher in this location closer to the train tracks and suffering from reflection of noise from West San Carlos Viaduct understructure.

The MND/IS is inadequate because noise monitoring was conducted in an area twice as far from the tracks (140 ft) than the most impacted townhome. It also was far from the reflective effects of the West San Carlos Viaduct.

The noise study should be re-done in the correct location. This is important because the FRA Noise standards allow a smaller delta for higher baseline levels. That is, at 50 dBA baseline, it takes 5 dBA increase for a moderate impact. At 65 dBA, it takes a mere 1 dBA increase for a moderate impact.

The consultant determined a weekday Ldn 67.7 dBA and weekend Ldn of 61.7 dBA at the location 140 ft from the train tracks. Also acknowledged were common Lmax events over 90dBA "likely associated with the sounding of the horn on the track closest the sound level meter."

The IS/MND is inadequate because there is no discussion of the likely number Leq for the closest townhome. Using the law of doubling and the 6 dBA rule of thumb, it suggests that monitoring measurement located half the distance from the source would be 6 dBA higher. That is

| Measured location 140 ft from tracks | Leq = 67 |
| Closest townhome 73 ft from tracks | Leq = 73 (6 dba more) |
| At the LG Creek trail 35 ft from tracks | Leq = 79 (6 dba more) |
Recognizing that not ALL noise is from the trains, one could take a conservative number and show that the impacts are much greater at the closest townhome and on the recreational facility, Los Gatos Creek Trail.

The MND/IS is inadequate because this analysis for the specific townhome was not conducted. The baseline noise measurement should be made at the correct location.

12. Noise. The noise consultant modeled current operations and compared it to modeled proposed operations of current traffic conditions. Yet, the project report explains that a primary purpose of the trail track is to allow for increased train operations associated with electrification. This increased use is NOT modeled.

From the report: “The modeled Ldn in the screening analysis is lower than the monitored Ldn (67.7 dBA) because it included the train operation noise only (excluding other noise sources such as train horns, roadway traffic, aircraft etc.). The proposed project would have no effect on the number of times train horns would be blown in advance of the Auzerais Ave. grade crossing.”

The future conditions were not modeled with all impacts. This analysis should be done. If Caltrain believes the model is accurate, then all impacts should be included. The IS/MND is inadequate for this reason.

13. Noise. The Consultant used the EIR for the MonteVista/KB project to claim that the interiors of these properties meet the residential standards. The consultant did not measure actual sound levels within the actual properties that are affected. The EIR was based on modeled scenarios and not as built. The EIR was based on a proposed site plan with a proposed construction product.

The IS/MND is inadequate because actual data was not collected from the interiors of the townhomes and analysis was based on a modeled prediction prior to construction. Actual data and inspection of the homes should be included in the IS/MND analysis and a determination made whether the homes can be brought to legal standards for interior noise. Did Caltrain check to determine whether the townhomes were built as recommended in the EIR? Did Caltrain check to determine whether the interior sound levels are actually achieved as the model predicted? What are the actual levels of interior noise in the homes closest to the trains?

13. Noise. The IS/MND does not provide sufficient specificity about the sound barriers that Caltrain suggests constructing. Where will they be built? How tall will they be? How will there placement affect the noise levels on the Los Gatos Creek Trail? How will Caltrain monitor whether the sound barriers achieve the goal of decreasing interior noise to ordinance levels? How will Caltrain handle vandalism and graffiti on the sound barriers? The MND should include interior monitoring of noise levels of the closest town homes. If levels are exceeded, Caltrain must redesign and improve sound barriers before continuing construction activities.
Alternatively, Caltrain must offer a mitigation of re-locating residents during the months of construction.

14. Noise. The IS/MND noise analysis models the noise impacts by moving 40% of Caltrain traffic to the third track that will be closer to the Monte Vista townhomes. The IS/MND suggests that the average speed of the trains on that track will be 35 mph. However, trains that are being turned around slow to a stop and then accelerate to return. Noise exposure will be a greater amount of time. Engine acceleration will be much greater as the trains return uphill to Diridon Station. There will be braking noise and the noise of cars hitting against each other during starting and stopping. There will be idling periods while the engineer moves from one cab to the other. Additional idling periods will occur when station operations are complicated and the train at this tail track/siding must wait. The noise analysis does not take these operational differences into account. Further, there is additional noise caused by stopped trains triggering the Auzerais gates. Also, there is no guarantee that the siding will not be used for additional numbers of trains. There is no mitigation stating an absolute limit to the number of trains allowed on the third track. The noise analysis should be revised with these additional impacts (duration, acceleration, braking, idling, increased traffic, etc.). A mitigation limiting the absolute number of trains on the third track is a must.

15. Noise. In many of the Mitigations the verb “should” is used. Mitigations must have the word “Will” or “shall.” For example, machine operators WILL be trained and WILL have a manual. Please revise.

16. Noise. One of the mitigations provides for a hotline number with a 48-hour response time. That is inadequate and unacceptable. A hotline number directly linked to an on-site supervisor with decision-making authority must be provided to every resident within the nexus of the project. Another number for the project manager must be made available, too with a promise of same day (4-hour) response time, including weekends when the project is working. A number for the general public must be posted on the construction site—readily available and visible to all members of the public.

17. Noise. Caltrain has indicated that residents will be notified in advance of construction activities, e.g., pile driving and night-time work. When asked, staff indicated that they did not know what residents would do with the information. If anticipated noise levels are high enough that Caltrain believes residents should be notified in advance, so that the residents can modify their lives accordingly, then these are significant impacts. An EIR/EIS is needed.

19. Third Track. The purpose for the third track varies depending on the report and the Caltrain staff. Construction diagrams show that it is a siding with connections to the MT2 track both north of Los Gatos Creek bridge and south of Auzerais Street. Supporting technical reports indicate that it could be used as a bypass track and that trains could stack on the “siding” when not in operation. Technical reports also
indicate that its purpose is for safety to allow bypasses as a “safety” item, even though much of Caltrain has no bypass sildings and Diridon station is very nearby. However, the IS/MND references the third track as a “tail track” and does not allude to its use as a bypass or storage facility. However, the mitigations do not limit its operations, so it could be used for a parking lot or bypass as soon as it was constructed. Why is the third track being constructed as a siding and not just a “tail track?” The IS/MND must reveal and analyze these impacts if it were used as a siding, bypass, storage track. Also, the presence of the track will encourage additional station movement. The MND must indicate that maximum number of movements allowed. Further, Caltrain must reveal and analyze the impacts of the increased Caltrain operations expected by Caltrain electrification. Since this third track/siding/bypass does not appear to be part of that Caltrain electrification EIR. However, this violates the principle of segmentation and the third track really should be part of the Caltrain EIR—especially since it is being built as a bypass track.

20. Third track. The staff indicated that the “tail track” [ie siding] had to cross Auzerais in order to reconnect with the MT2 track. For what reason can’t the third track connect prior to the crossing of Auzerais? Why is a siding constructed instead of a tail track?

21. Third track. Transportation impacts. The IS/MND does not mention VTA’s long term plan for double tracking on the Vasona LRT, which is included in VTA’s Transportation 2035 plan. How will the presence of the third track on the west side of MT1 hinder VTA’s double tracking plans?

22. Third track/tail track/siding/Land Use. The City of San Jose plans to construct a replacement for the West San Carlos Viaduct using a somewhat different alignment. Historic properties on the west side of the viaduct at McEvoy limit design alternatives and placement of support structures. Placement of the third track on the west side of the MT1 limits construction alternatives that protect these historic properties. This is not discussed in the IS/MND.

23. Traffic/Tail track/Siding. The third track impacts are not adequately analyzed in the MND/IS. The third track will cause increased dwell time for reasons beyond the width of the right of way. The trains will be slowing to a stop. Until they do stop and only if they stop before an electronic check-point, the arms will stay down. This does not appear to have been analyzed. Increased operations (which are not limited in the MND) will increase the number of times the arms go down. Increased traffic from the high density housing that is entitled does not appear to have been included in the analysis.

24. Traffic/Tail Track/Siding. For what reason is the tail track designed at 1500 ft, more than twice the length of a Caltrain train? A shorter tail track would not impact Auzerais. Please explain why a longer track is needed? Is this siding being designed to store or stack Ace Altumont, Capitol Corridor, or High Speed Rail trainsets? Is this
being designed so that trains can bypass these trainsets? And if this track is being planned for this use in the future, it must be revealed in the IS/MND. If not planned for this use, then the MND must state that these uses are not allowed as part of the MND.

25. Traffic/Tail Track. The new OSH/Lowes has been designed with a primary entrance off Auzerias. Royal Street will be closed at West San Carlos Street. Did the traffic analysis take into account these closures and how cars backed up at the gate will impact Lowe’s?

26. Traffic/Tail Track/Siding. The California PUC has jurisdiction about whether a grade crossing is required when new tracks are installed. Has the CaPUC already ruled on this new configuration? If not, why isn’t the possibility of a grade separation discussed in the IS/MND? Certainly, a new grade separation would be a significant impact to many property owners in the area. For what reason are pedestrian safety gates not discussed?

27. Construction Traffic. The Traffic Consultant’s report shows a proposed traffic plan for construction. The City of San Jose will point out that the Left Turn at Bird and Auzerias stacks with trucks already and should be avoided. The turn off West San Carlos westbound onto McEvoy north can’t be safely handled by a large construction vehicle. Sunol Street is undersized, narrow, full of single family homes with cars backing out of driveways, and cannot handle the weight of construction vehicles hauling fill and construction debris.

28. Vibration. Cracking. The IS/MND indicates that Monte Vista KB homes to Font Terrace are at risk of cracking. It also reveals that the decorative historic elements are at risk of damage. There is no mention of the possible impacts on the West San Carlos Viaduct. What impact is expected to this structure? How will Caltrain protect the decorative historic elements from falling? Will they be cordoned off during the construction years? Or will Caltrain merely tell the HOA to “take prudent caution?” How will Caltrain set up a damage monitoring and repair program? The MND lacks specificity.

Sincerely,

Jean Dresden
Responses

O-1
The South Terminal Phase III project is not part of the Caltrain Modernization Program and has independent utility. Infrastructure and increased service related to the Peninsula Corridor Electrification Project (PCEP) will be analyzed in the PCEP EIR.

Each of the phases of the South Terminal Area improvement program have independent utility from one another as well. Phase I of the South Terminal improvement program was completed in 2012 and involved the addition of two new platforms and four new tracks at San Jose Diridon Station. Caltrain has completed operational analyses that indicate the need for track improvements north and south of Diridon station to meet planned increases in passenger and freight rail service by 2019. South Terminal Phase II would add a fourth main track of approximately 2,100 feet in length from Caltrain’s Centralized Equipment Maintenance and Operations Facility (CEMOF) (MP 46.9) to the north end of San Jose Diridon Station (MP 47.3), just north of West Santa Clara Street. The Phase II project is integral to ensuring all passenger trains can efficiently maneuver between the tracks at Diridon Station and the main tracks north of the station, while following the required operating profile, as well as providing capacity for Caltrain non-revenue equipment moves between CEMOF and San Jose Diridon Station.

The South Terminal Phase III project would increase the capacity and reliability of the Caltrain segment from San Jose Diridon Station to Tamien Station, and would allow greater flexibility at San Jose Diridon Station by enabling out-and-back movements of empty trains switching tracks without competing with revenue trains at CP Alameda (north of the station) or south of the station. These benefits are distinct from the operational benefits provided by the Phase II project. In addition, completion of the Phase III project will not cause or require the Phase II project to be built in the future. Therefore, it is appropriate for South Terminal Phase II and III to be addressed in separate CEQA documents.

O-2
The proposed project does not preclude the City of San Jose’s plans to extend the Los Gatos Creek Trail under the bridge. The trail extension will not cross the creek; it will continue along the northwest bank. The JPB has been coordinating with the City, and will continue to do so, to ensure that the final design of the bridge accommodates the planned trail extension and impacts to the riparian habitat are minimized.

O-3
General Response 2 includes discussions of the alternatives to the proposed project that were considered.

O-4
The location of the proposed Los Gatos Creek Trail extension under the railroad bridge and the role of the trail in providing transportation connectivity for pedestrians and bicyclists has been clarified in the Revised Draft IS/MND. The JPB is coordinating with the City of San Jose to ensure the design of the bridge does not impede construction of the trail extension.
The JPB has committed to keeping the Los Gatos Creek Trail open throughout construction.
Therefore, provision of alternative routes for commuters is not necessary.

It is acknowledged that transportation users of the trail cannot relocate to avoid temporary
collection noise. On the other hand, such commuters would be less sensitive to noise than
recreational users potentially seeking a more tranquil experience. In either case, the exposure to
construction noise would be brief as individuals continuously move along the trail and out of the
project area.

O-5

The project recognizes that the City of San Jose has a 100-foot setback for riparian habitat within its
Urban Use Service Area. The City of San Jose Regional 1999 Riparian Corridor Policy also states that
specific setbacks vary depending on the agency requirements; general guidelines for minimum
setback depths depend on land use. The 100-foot setback rule is generally for housing and
commercial development. Additionally, the policy states: “bridges have an exception of the 100-foot
setback” (http://www.sanjoseca.gov/DocumentCenter/Home/View/376). The project will closely
coordinate with the City of San Jose to ensure compliance with all of their policies.

O-6

The Revised Draft IS/MND includes additional details on the permanent and temporary impacts to
riparian and creek habitat with the proposed project. The existing bridge is being replaced with a
new bridge therefore all calculated impacts associated with individual project components cannot
be calculated individually.

The Revised Draft IS/MND states that the access pathways are temporary; however, impacts
related to the access and other grading activities will be mitigated as permanent impacts through
the HCP in-lieu fee program. Graded areas that are temporarily impacted will be restored through
onsite or offsite mitigation, through payment of additional in-lieu fees, or a combination of both.
Compensation of riparian trees (i.e., ratio) through in-lieu fees will be determined through the
Santa Clara Valley Habitat Conservation Plan Riparian Corridor Policy at permanent impact level.

O-7

As discussed in response to Comment O-5, the 100-foot riparian setback does not apply to the
proposed project.

The project requires a temporary construction easement (TCE) along the western fringe of the
existing OSH parking lot. Negotiations with OSH will begin during the final design phase of the
project. The TCE is required for the project and in the event that negotiations with OSH do not yield
results, the JPB has access to eminent domain powers and would pursue access to the site through
the condemnation process. Therefore, it is not necessary to consider alternative construction
staging sites.

The JPB has committed to keeping the Los Gatos Creek Trail open throughout construction.
The Noise and Vibration Technical Report provides the analysis completed that concludes that
construction noise will not exceed CEQA thresholds for significance with mitigation measures. A
detailed discussion of the noise analysis is included in the response to Comment O-14.
The Revised Draft IS/MND includes additional discussion of specific impacts and mitigation. The document states that mitigation will be consistent with the San Jose Municipal Code, California Fish and Game Code, and Santa Clara Valley HCP/NCCP, the JPB will mitigate for riparian trees removed during construction either through onsite or offsite mitigation, through payment of in-lieu fees, or a combination of both. Compensation of riparian trees (i.e., ratio) through in-lieu fees will be determined through the Santa Clara Valley Habitat Conservation Plan Riparian Corridor Policy at the permanent impact level.

Crossing the creek with construction equipment will be restricted. Therefore, two construction pathways are needed to access both sides of the Los Gatos Creek, in order to construct the bridge piers on both sides of the creek.

The total amount of fill will be based on minimum slopes required for construction equipment and will be determined during final design. The project area will be graded and regraded for two seasons since each track's substructures need to be built and completed in order to restore service within one allowed work window. Two substructures can be completed in one season, but not all three. The JPB is coordinating with the regulatory agencies to develop a viable plan for maintaining existing bank stabilization and slopes.

The JPB is also coordinating with the City of San Jose to ensure that the new bridge design accommodates the planned trail extension.

Access pathways are temporary and will be removed and the site will be returned to its existing state when construction of that phase is completed.

The IS/MND states all activities will occur in the dry season and when fish are less likely to be present in the study area. The natural resource agencies (e.g. NMFS and CDFW) allow in-water construction to occur during the June 15th to October 15th work window, when a diversion system will be installed. No in-water work will occur outside the June 15th to October 15th work window.

During final design, JPB will coordinate with the SCVWD ensure adequate flow through the diversion system will be maintained thought out the in-water construction schedule.

A diversion bypass channel will be installed to provide continuous flow of water during construction. The design of the diversion bypass channel (type, size, length, etc.) will be determined in consultation with CDFW, RWQCB, and NMFS during final design to ensure flow rates stay constant upstream and downstream of the bypass to allow for proper fish passage. The Revised Draft IS/MND states that the likelihood of entrainment and stranding is low.

Water quality will be monitored according to the conditions in the RWQCB 401 Water Quality Certification. Each permit is unique, however typical language for projects that include diversion bypass can include water quality monitoring conditions, such as the following:
- Surface water sampling to be performed during in-water work, in the event that project activities result in any materials reaching surface waters, or when any activities result in the creation of a visible plume in surface waters.

- Activities shall not cause turbidity increases in surface water to exceed established criteria.

- Activities shall not cause established settleable matter exceedances.

Agencies will typically include language within the permit or biological opinion that includes fish salvage during the dewatering phase. Fish salvage requirements may include a biologist to be present during the dewatering phase and moving any trapped fish within the dewatered area to an area downstream of the diversion bypass channel.

O-12

Information on the sewer relocation is included in General Response 4. This project element is part of the proposed project, with the JPB as the lead agency. The directional drilling construction methodology minimizes environmental impacts by avoiding riparian areas; however, there is a contingency plan in the unlikely event of pressure loss in the drilling fluid (called a frac-out).

O-13

The Sunol Community School has been added to the noise analysis as requested by the comment. Construction activity would be audible, but would remain below levels that would result in significant adverse impacts.

O-14

The comment raises several issues/questions with the noise analysis that are addressed in the subsections below.

Existing Conditions Noise Levels at Townhomes

The comment states the location of the existing conditions noise monitoring was not appropriate given the FTA criteria for long-term operation noise impacts that take into account existing noise levels. Additional noise monitoring in the location requested by the comment is not necessary because a similar location to where the comment suggests monitoring be conducted (worst-case townhome location closest to railroad tracks) was monitored previously as part of the Monte Vista townhomes EIR process in 2005 (see the technical memo prepared by Veneklasen Associates entitled Del Monte Site, San Jose, California, Exterior Envelope Acoustical Design). The 2005 monitoring was conducted at a site east of the Los Gatos Creek trail (which did not exist at that time) and within 50 feet of the existing railroad tracks. The existing Ldn based on the monitoring in 2005 was 73 dBA and this information has been added to the revised draft IS/MND.

However, it is recognized that the 2005 monitoring may no longer be representative of current train service levels (the dominant noise source for this location). Therefore, the existing conditions noise level at the closest townhome (91 feet from closest track) was modeled using FTA procedures, resulting in an existing Ldn of 70.2 dBA, approximately 3 dBA less than the monitored result for the location 50 feet from the tracks. The modeled result is consistent with the 2005 monitoring given that noise from line sources (such as rail lines) decreases 3 dBA per doubling of distance from the source.
The validity of the modeled existing conditions at the worst-case townhome location was further confirmed by also modeling the townhome location where monitoring was conducted in 2010 (140 feet from tracks). The modeled Ldn at the monitoring location was 70 dBA, 2 dBA higher than the monitored Ldn of 67.7 dBA. Therefore, the model assumptions regarding train frequency and source levels were judged to be reasonable, but conservative (over predicting vs. under predicting noise). The train operational noise impact assessment was based on the difference between the modeled existing condition and the modeled proposed condition. Even with the conservative modeled existing noise levels, the project would not exceed the FTA criterion for moderate impacts and would be well below the criterion for severe impact (the level that triggers the need for consideration of mitigation under FTA procedures). The severe impact level was selected as the CEQA threshold of significance for train operational noise.

With respect to construction noise, the existing noise level is not a critical input because the noise environment would be dominated by construction noise.

*Reflections off West San Carlos Street Overpass*

The West San Carlos Street overpass does not cross over the Los Gatos Creek bridge. The amount of construction occurring under the overpass would be limited to a small amount of track work; the majority of construction activity would be at the existing railroad bridge. The Los Gatos Creek bridge and nearby residential receptors are both south of West San Carlos Street. The geometry of the site does not contain conditions where the noise levels would be amplified by reflections off the West San Carlos Street bridge.

*Other Issues*

The comment incorrectly summarizes the FTA operational noise impact criteria. An increase in cumulative noise levels of 1 dBA with an existing noise level of 65 dBA does not result in a moderate impact. See FTA manual figure 3-2 – a 1 dB increase is within the “no impact” region, however a 2 dB increase with an existing condition of 65 dBA would be a moderate impact. For this project, the increase in cumulative noise levels is 0.4 dB and does not result in an impact given the existing Ldn of 70 dBA (the threshold for moderate impact would be cumulative noise level increase of just over 1 dB).

The comment incorrectly states that a 6 dBA rule of thumb applies. This is the attenuation rate for point sources. For vehicles passing along a track or roadway (called line sources), divergence with distance is less: 3 decibels per doubling of distance for Leq and Ldn (see page 2-10 of FTA noise and vibration manual).

*O-15*

The comment states future increases in train traffic associated with electrification should have been included in the noise analysis. However, it is not necessary to include future increases in train service because such increases are independent of this project and would undergo their own environmental review, as appropriate. The tail track does not cause increased train service in and of itself and increases in train service are not part of this project. An EIR is being prepared for the Peninsula Corridor Electrification Project, which will address increased train service frequency related impacts.
With respect to cumulative impacts, the contribution of this project to operational train noise impacts is less than cumulatively considerable. The dominant contributor to future noise impacts is the electrification program and increases in service planned by others.

O-16

The comment suggests monitoring of the interior of the Monte Vista townhomes is required to prove that the noise mitigation requirements of the Monte Vista EIR were in fact implemented. To confirm that mitigation was implemented, the project team requested records from the City of San Jose. The subdivision permit from the City (2/14/2006) included the following requirement (#50):

- Construction of all structures and other improvements approved by this permit shall include implementation of the noise mitigation measures identified in the Exterior Envelope Acoustical Design, prepared by Veneklasen Associates and dated November 11, 2005, to the satisfaction of the Director of Planning. Any changes in window size shall require additional permitting as deemed necessary by the Director of Planning.

The Veneklasen Associates acoustical design study, included as an appendix to the Noise and Vibration Technical Report, required windows with a sound transmission class (STC) of 37 adjacent to the railroad, similar to the 35 STC windows recommended at the EIR stage.

The permits from the City of San Jose also required a conformance review, whereby the developer confirmed and the City planning department agreed that the project was constructed in accordance with the permit conditions.

Based on this permitting and design information, sufficient evidence indicates the mitigation in the EIR was incorporated in the Monte Vista townhome project and interior noise monitoring is not required to prove its existence for environmental planning purposes.

O-17

A specific design for noise barriers has not been prepared at this time. The Revised Draft IS/MND requires preparation of a noise mitigation plan in final design and specifies the measurable criteria that the mitigation plan must meet to be in conformance with the CEQA analysis. The mitigation plan is expected to contain a mix of equipment specific shrouds and temporary barriers constructed around particularly noisy activity sites. The barrier placement cannot be determined at the current level of design given the tight constraints of the site. The general visual appearance of various temporary noise barrier systems is discussed in Section I (Aesthetics) of the Revised Draft IS/MND, along with pictures of sample barriers.

The noise mitigation measures also include a noise monitoring commitment that will ensure the mitigation performs as required and identify if modifications are needed. Note that because construction would be during the daytime hours only, relocating residents to avoid construction noise is not an option being considered at this time.

O-18

The operational noise analysis followed FTA procedures and was conducted using an average speed of 35 mph, the actual operational speed that JPB expects. The commenter is correct that noise exposure would last longer if trains are turned around on the tail track; however, such train movements would also be at lower speeds, thus resulting in slightly lower noise levels than those that occur at 35 mph. Regarding the potential idling issue, the tail track is not intended to be used
for idling or train storage. Indeed, the tail track is intended help prevent idling of trains on all tracks by freeing up capacity in the vicinity of San Jose Diridon Station. The impact of slow train movements can be tested by lowering speed used in the FTA General Assessment of train operational noise of the tail track to 10 mph. The results show the impact would be below the moderate impact threshold.

The comment suggests acceleration noise would be an issue for trains returning “uphill” to San Jose Diridon Station. This is not the case; the track grades in the project area are minimal.

The warning bells at the Auzerais Avenue at-grade crossing have negligible effects on the noise results at the worst case receptor because the grade crossing is 700 feet away. Train horns and trains themselves are the dominant source at this location. The closest townhome is 400 feet away from the at-grade crossing. The land uses adjacent to the at-grade crossing that would experience the most noise from the warning bells on the gates are commercial and are not considered noise sensitive.

With respect to the comment on the analysis of future increases in train service, refer to the response to Comment O-15.

With respect to limits on future train activity on the tail track, the JPB projects a maximum number of trains using the tail track to be 40 percent of main track traffic per 24-hour period. This information has been added to the Revised Draft IS/MND.

O-19

The terminology of the noise mitigation has been changed to be consistent with other sections of the Revised Draft IS/MND.

O-20

The comment is incorrect – a hotline number with a 48-hour response time was not proposed as a noise mitigation item in the Draft IS/MND. The 48-hour response time is a requirement of a standard air quality mitigation measure recommended by the Bay Area Air Quality Management District’s CEQA guidance, and pertains to dust complaints (not noise complaints). However, the suggestion to incorporate a hotline for noise complaints is reasonable and has been added to the Revised Draft IS/MND as a potential component of the community outreach for construction noise mitigation.

O-21

The notification of residents about noisy activities is a courtesy to adjacent residences and businesses. Although such construction activities may be annoying, people may appreciate knowing there will be noise in advance. The notification also helps people know specifically when the noise will stop. The decision to modify activities based on noise is a personal decision. The JPB will help people make their own informed decisions by telling them when noisy activities will occur, but does not presume to decide what individuals will do based on that information. The provision of a courtesy notification does not equate with significant adverse impacts under CEQA. The Draft IS/MND and Noise and Vibration Technical Report provide significance thresholds for construction noise and demonstrate how the project is in compliance with the thresholds. Therefore, an EIR is not required.
O-22
The South Terminal Phase III Project has independent utility; it is not part of the Peninsula Corridor Electrification Project. The PCEP EIR will reference the South Terminal Phase III project in its cumulative analysis and will analyze the impacts of increased Caltrain operations associated with electrification.

O-23
A discussion of the required length of the tail track is included in General Response 3. A tail track and a siding are essentially the same; the tail track proposed in this project is labeled as such due to the fact that it ties into the track at the southern end of the San Jose Diridon Station.

O-24
The tail track will not impact the plans for a proposed second VTA track. The VTA and the JPB will continue to coordinate during the design and construction phases of the project to ensure that there is no incompatibility between the projects.

O-25
The comment suggests that the Los Gatos Bridge Replacement Project will cause San Jose’s West San Carlos Street bridge project to have greater potential for impact to historic properties. No information is provided in the comment on why the tail track would restrict alternatives for the West San Carlos Street Bridge to support this conclusion.

JPB will coordinate with the City of San Jose as the details of the overpass replacement project are developed. It is important to note that the proposed project has no effect on historic properties. Any impacts of the West San Carlos Street bridge replacement on historic properties would not be JPB’s responsibility to mitigate.

O-26
Trains would not slow, stop, or turn around in the Auzerais Avenue grade crossing. Therefore, the comment about additional gate down time due to these maneuvers is not applicable.

Increased train operations are not part of this project, but were considered with respect to cumulative impacts. The cumulative impact analysis results show the at-grade crossing would operate at LOS C, even with increased train frequency and additional traffic from development projects.

O-27
A discussion of the constraints that determine the length of the tail track is included in General Comment 3.

The tail track is not designed for train storage; the tail track is necessary to improve Caltrain operations. The tail track is not intended to be a bypass track. Passenger trains would be permitted to use the tail track to bypass emergency situations along MT1 or MT2, and such use is analyzed in the IS/MND.

O-28
The plans for the new Orchard Supply Hardware store were reviewed. No information about Royal Avenue being closed was located in the IS/MND for that project. In addition, no closures of Royal
Avenue are contemplated as part of this project. The commenter may be referring to the City’s requirement that the westbound left-turn lane from West San Carlos Street to Royal Avenue to be closed and the median extended prior to issuance of occupancy permits for the Phase 2 of the OSH development. The left turn lane does not need to be closed for Phase I and there is no timeline for when Phase II of the OSH project would occur. In addition, the closure of this turn lane would not affect the proposed construction vehicle routing, which does not use Royal Avenue.

The at-grade crossing analysis results show that there would not be queuing such that the main entrance to the new OSH would be impacted. The entrance is located over 300 feet from the at-grade crossing.

O-29

CPUC has been contacted and submitted comments on the Draft IS/MND. There is no indication that a grade separation is warranted at this location. CPUC would require various safety improvements, and pedestrian safety gates may be among those improvements, the details of which would be coordinated in final design.

O-30

Construction vehicle access routes will be determined in final design.

O-31

The comment is incorrect; the vibration analysis does not indicate the potential for damage to any occupied structure, including the townhomes.

The decorative Del Monte remnant walls are at the threshold for possible cosmetic damage from pile driving-related ground vibrations. This finding would be confirmed through vibration monitoring at the start of pile driving. It is likely that actual measured vibration levels will be below those predicted through conservative assumptions in the CEQA process. There is no risk of major structural damage or a public safety hazard. Any cosmetic damage (minor cracks) to remnant walls would be repaired. The vibration mitigation commitments include a preconstruction building survey to assess potential damage as a result of construction activities.

At the request of the commenter, the West San Carlos Street overpass has been added to the vibration impact analysis for the Revised Draft IS/MND. The results show no potential for impact.
897 Delmas Av
San Jose Ca
October 18, 2013

Hilda Lafebre
CalTrain, Manager, Capital Projects & Environmental Planning
P.O. Box 3006
San Carlos, CA 94070-1306

re: Los Gatos Creek Bridge Replacement / South Terminal Phase II Project

Ms. Lafebre:

Thank you for your outreach to the community regarding the proposed replacement of the CalTrainbridge across the Los Gatos Creek in San José.

I appreciate the additional opportunity to comment on the draft Initial Study/Negative Declaration for the subject project. I was a signatory of the October 3, 2013 Letter from North Willow Glen Neighborhood Association as its Vice President and Immediate Past President and am adding my personal comments below as a concerned Neighborhood Leader.

First, I want to echo the comments from the Santa Clara Valley Water District in their letter to you on October 3, 2013 and the San Francisco Bay Regional Water Quality Board in their letter to you on September 30, 2013. I endorse all of their comments and requests. Your IS/NMD is far too general and lacks sufficient detail on the existing riparian conditions, the detailed impacts of the work you propose in and adjacent to the riparian corridor and a detailed riparian habitat restoration plan after you complete the work you propose. My feeling is that given the sensitive nature of this unique Riparian Corridor that the report you issue should rise to the level of that found in a full EIR. I know you wish to expedite this work but I feel that this area is far too sensitive to intrusions and a full EIR is warranted.

Secondly, I have serious concerns about the addition of a permanent third track in this area. In a series of meetings this spring regarding the electrification of the Caltrain line from San Francisco to Tamlen station, Marian Lee, Executive Office, Caltrain Modernization Program, assured the Community that any changes to the track including Bypass tracks and the possibility of Grade Crossing changes or Grade Separations would be addressed in a series of Community Meetings and be the subject of a full EIR under CEQA. I know that you claim the additional track would have no impacts on operations, traffic or noise, but I feel your analysis is inadequate. The addition of a siding, which given its length could be used as bypass tracks, could potentially change the operations of the station and could increase the rail traffic through this section of the corridor. Since JPB has track sharing agreements with the UP, I am concerned about the increased usage of this section for parking and changing configuration of trains by the UP as well as the Altamont Commuter Express, Amtrak or other operators of Heavy Rail service. They may be attracted to the easier operations of Rail changes through the use of this new siding so
close to the station yard. I do not understand why you label this siding as a tail track when it clearly
renters the main line and should be identified as a siding or Bypass Track, not a dead end tail track. I do
not believe that you have fully analyzed and disclosed the possibility of increased operations on this new
Bypass/siding Track by other rail entities given its especially long length and their impacts on the
surrounding community.

I also do not understand why you require the length of this siding to be so long as to cross Auzerais Av.
By increasing the width of the crossing at Auzerais, I believe you must seek approval from the California
Public Utilities Commission to make those changes. Given the increased width of the crossing it will
require more time to clear the intersection with the gates down for longer times and create significant
traffic impacts on this area. As a member of the San Jose Envision 2040 General Plan Task Force I know
this area is in the process of significant redevelopment with increase in auto traffic from the new
residences and businesses already permitted as well as those envisioned in the San Jose Envision 2040
General Plan. I do not believe you have fully studied the impact of your changes in light of this increased
use of Auzerais. Also I believe the convenience of this siding may actually increase rail traffic to this area
in the station operational plan and consequently increase the number of times a day the train horns are
sounded before crossing Auzerais impacting the surrounding community. Given this potential for
increased vehicle traffic on Auzerais the CPUC may even require a grade separation at Auzerais which
would have significant impacts on the adjacent homes and businesses and City of San Jose development
plans.

Given the number of variables at play here with the addition of the Bypass/rail siding crossing Auzerais, I
call for the full EIR with its Alternatives Analysis which Marian Lee promised to the community for any
changes to the track in the Caltrain Electrification and Modernization Process.

Again thank you for soliciting my input to this process.

Sincerely,

Harvey S. Darnell

Member, Diridon Good Neighbor Committee

897 Delmas Av, San Jose Ca 95125
Responses

P-1
Comment noted. The Revised Draft IS/MND concludes that all potential significant impacts can be mitigated; therefore, a Mitigated Negative Declaration is the appropriate CEQA document. The conclusions in the Revised Draft IS/MND are supported by technical studies available on the project website.

P-2
The South Terminal Phase III project is not part of the Caltrain Modernization Program and is independent from the Peninsula Corridor Electrification Project. The siding referenced in the Draft IS/MND is not related to any contemplated Caltrain /CAHSR Blended System overtake track.

The need for a tail track in this location is discussed in General Response 1 and the constraints that determine the length of the tail track is included in General Response 3. The tail track is not intended to be a bypass track, nor is it a dead-end track. Passenger trains would be permitted to use the tail track to bypass emergency situations along MT1 or MT2.

P-3
A discussion of the constraints that determine the length of the tail track is included in General Response 3.

Increased train operations are not part of this project, but were considered with respect to cumulative impacts. The cumulative impact analysis results show the Auzerais Avenue at-grade crossing would operate at LOS C, even with increased train frequency and additional traffic from development projects. There is no indication that a grade separation is warranted at this location. CPUC has been contacted and submitted comments on the Draft IS/MND, and the JPB will continue coordination with the CPUC through final design.

P-4
As noted in the response to Comment P-1, the Revised Draft IS/MND concludes that all potential significant impacts can be mitigated; therefore, a Mitigated Negative Declaration is the appropriate CEQA document. Since the proposed project and the Peninsula Corridor Electrification Project are independent of each other, any promises made in reference to the Peninsula Corridor Electrification Project do not apply to the Los Gatos Creek Bridge Replacement / South Terminal Phase III Project.