

RESPONSES TO COMMENTS ON THE INITIAL STUDY FOR THE SEWER INTERCEPTOR PHASE VIA PROJECT

Letter from Caltrans dated June 10, 2011 (Letter 1)

Comment 1A: As lead agency, the City of San Jose (City) is responsible for all project mitigation, including any needed improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. The project's traffic mitigation fees should be specifically identified in the environmental document. Any required roadway improvements should be completed prior to issuance of project occupancy permits. While an encroachment permit is only required when the project involves work in the State Right of Way (ROW), the Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of the Department's California Environmental Quality Act (CEQA) concerns prior to submittal of the encroachment permit application. Further comments will be provided during the encroachment permit process if required.

Highway Operations

The MND should clearly state the hours of construction activities, specifically along US 101 and Zanker Road, and elaborate what would be the traffic impacts during construction hours. Also, a queuing analysis for US 101 off-ramp at Zanker Road must be provided by the City to the Department.

Response 1A: The project is proposing to intercept and divert flow from an existing 60-inch brick sanitary sewer line to a new reinforced concrete pipe (RCP) sewer interceptor line to be installed within the existing right-of-way of Commercial Street, North Fourth Street (under a portion of Interstate 880) and finally under U.S. Highway 101. The proposed project would not impact traffic trips, nor would it impact the U.S. Highway 101 off-ramp at Zanker Road.

Hours of construction are provided in Section 4.12 of the IS/MND. Construction would be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building, and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses. During boring work under U.S. Highway 101, which is anticipated to last four months, hours of construction will be 24 hours a day, seven days a week.¹

¹ Personal communication. Andy Romer, AECOM. July 20, 2011.

Comment 1B: Traffic Safety

An encroachment permit will be required from the Department for this project.

Response 1B: The comment is noted. An encroachment permit will be obtained for work within the State right-of-way, as necessary.

Comment 1C: Geotechnical

The Department recommends the City change the MND, Section 4.6.2 “Environmental Checklist and Discussion” “Geology and Soils,1b” (see page 39), checkbox from “Less than Significant Impact” to “Less than Significant Impact with Mitigation Incorporated” in accordance with the discussion in Section 4.6.1.2 “Seismicity and Seismic Hazards” (see page 38).

Response 1C: The project site is located in a seismically active region. Therefore, in accordance with City practice, the proposed project intends to incorporate standard engineering and design practices, as mentioned in Section 4.6.2.2 of the IS/MND. The proposed project would not require further mitigation measures.

Comment 1D: Environmental Planning

Erosion control measures must not introduce plant species listed as noxious or invasive. Precautions must be taken to not spread noxious or invasive plant species, if these species are found in or adjacent to the construction areas. Such precautions include, but are not limited to, daily inspection and cleaning of equipment. Also, precautions include the development and implementation of eradication strategies, should noxious or invasive plant species be found in the construction areas.

Response 1D: The project will comply with the City of San Jose Grading Ordinance, including erosion and dust control during site preparation and with the City of San Jose Zoning Ordinance requirement for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

1. Restrict grading to the dry season (June 15 through October 15) or meet City requirements for grading during the rainy season.
2. Utilize on-site sediment control BMPs (such as fiber rolls, sand bag barriers, sediment traps, silt fences, straw bales, and storm drain inlet protection) to retain sediment on the project site;
3. Utilize stabilized construction entrances and/or wash racks;
4. Implement damp street sweeping;
5. Provide temporary cover of disturbed surfaces to help control erosion during construction;
6. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

The project will not use species listed as noxious weeds. Precautions will be taken if invasive species are found in or adjacent to the construction areas. These include the inspection and cleaning of construction equipment and eradication strategies to be implemented should an invasion occur.

Prior to grading, any infested areas will be cleared of vegetation and all vegetative material destroyed off-site, taking care to prevent any seed dispersal in the process. Native seed from a local source (within the same watershed if practicable) will be planted on all disturbed ground outside of the roadway areas.

The proposed project does not include ramp closures for U.S. 101 or Interstate 880. Therefore, mitigation measures have not been included in the IS/MND document.

Comment 1E: Cultural Resources

The Cultural Resources study and mitigation measures outlined in the MND satisfies environmental legal compliance for cultural resources within State ROW for the Department. Should construction activities within State ROW take place as part of this project, these mitigation measures shall be implemented for an archaeological discovery. If there should be an inadvertent archaeological or burial discovery within State ROW, the Department's Office of Cultural Resource Studies shall be immediately contacted at (510) 286-5618. A staff archaeologist will evaluate the finds within one business day after contact. The Department requires review of any potential data recovery plans within State ROW.

Response 1E: The comment is noted and does not raise any questions regarding the environmental analysis. The procedures outlined will be followed in the event of an unanticipated discovery.

Comment 1F: Encroachment Permit

Work that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process.

Response 1F: The comment is noted. An encroachment permit will be obtained for work within the State right-of-way, as necessary.

Letter From Caltrans Dated June 21, 2011 (Letter 2)

Comment 2A: Right-of-Way

1. The Draft MND states the project will not have significant traffic impacts; therefore, no mitigation is required. Section 3.2.3, on page 9, lists numerous impacts to traffic (e.g., reduction of traffic to one lane, closing of two intersections for up to two months, etc.). Because there are significant traffic

impacts listed in the Draft MND, the statement that the project will not have significant impacts to traffic is false and must be corrected.

2. The change in alignment would require either: (a) an Encroachment Permit for work within or below the State ROW; or (b) an alteration of any existing Joint Use or Consent to Common Use Agreements. Any new crossing of the ROW will require a new Encroachment Permit or Joint Agreement.

Response 2A: The project is proposing temporary restriping and detours for various local City roadway segments in the project area during construction. The temporary nature of the limited roadway access would avoid any significant traffic impacts, and mitigation measures would not be required in accordance with CEQA.

The project proposes excavations in relation to the proposed boring under U.S. 101. The boring holes are located within the Caltrans right-of-way and will require approval from Caltrans in the form of an encroachment permit, which will be processed in advance of the work.

Letter From VTA Dated June 15, 2011 (Letter 3)

Comment 3A: VTA, in conjunction with Caltrans, is conducting planning, engineering, and environmental studies for the U.S. 101 Express Lanes Project. Because the proposed pipeline would cross U.S. 101 at 4th Street and Old Bayshore Freeway, it is important that VTA be provided the pipeline alignments and profiles when available so that we can review them for any potential conflicts with the U.S. 101 Express Lane Project.

VTA is also interested in reviewing the alignments and profiles of the pipeline along 4th Street that runs under I-880 to determine if the pipeline would impact any future work on I-880.

Response 3A: The alignments and cross-sections for the proposed pipeline are provided in Appendix A of the Initial Study document.