

## Comment Set C



November 27, 2000

California Public Utilities Commission  
c/o Aspen Environmental Group  
235 Montgomery Street, Suite 800  
San Francisco, CA 94104

Attention: Brad Wetstone

Subject: File No. A.99-09-029 / Northeast San Jose Transmission Reinforcement Project

Dear Mr. Wetstone:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Supplemental Draft EIR for construction of a 7.3-mile long transmission line from Newark Substation to a new substation on the north side of SR 237, east of Zanker Road. We have the following comments.

Project Alternatives

Our understanding is that the preferred location for the substation is north of SR 237. The Supplemental Draft EIR includes a new alternative site for the substation, which is also located north of SR 237. As we have stated previously, VTA strongly opposes any alternatives involving a substation on our Cerone property, which is located south of SR 237 and east of Zanker Road.

Review of Plans

VTA requests the opportunity to review plans for this project as they are developed in order to determine if there are impacts to transit facilities or services as well as to determine if an access permit is required.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

Roy Molseed  
Senior Environmental Analyst

RM:kh

cc: Bob Bonderud, PG&E  
Timm Borden, San Jose Public Works Department

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## Comment Set D



### CITY OF MILPITAS

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Temporary Location: 1210 Great Mall Drive

November 27, 2000

**VIA E-MAIL, FAX AND CERTIFIED MAIL**  
**(RETURN RECEIPT REQUESTED)**

Brad Wetstone, CPUC  
c/o Aspen Environmental Group  
235 Montgomery Street, Suite 800  
San Francisco, CA 94104

Fax: (408) 351-8858  
E-mail: Nesanjo@aspene.com

Subject: Northeast San Jose Transmission Reinforcement Project

Dear Mr. Wetstone:

I am writing to comment on the draft Supplemental Environmental Impact Report (SEIR) to the previously released draft Environmental Impact Report on the subject project. Because of its direct and significant impacts on Milpitas, my comments focus on the McCarthy Boulevard Alternative, which would relocate the transmission lines easterly into the McCarthy Ranch, a commercial, office and R&D project in Milpitas.

It appears that the only environmental factor that triggered the analysis of an alternative route for this portion of the Proposed Route is the potential for birds using the mitigation pond south of Dixon Landing Road to collide with the proposed transmission lines. However, the SEIR's analysis of the transmission line's impact on local bird populations does not provide an adequate basis for its conclusion that the McCarthy Boulevard Alternative is "environmentally superior" to the Proposed Route. Indeed, there is more evidence presented that indicates that the Proposed Route is the superior alternative, since it does not involve any land use impacts (see Table D-4) and its visual impacts are acknowledged to be substantially less than those of the McCarthy Boulevard Alternative.

Finally the City is very concerned that the SEIR fails to sufficiently consider a wide-range of significant environmental impacts associated with the McCarthy Boulevard Alternative.

**SEIR's Analysis Regarding Bird Collisions**

The conclusion of the SEIR that the McCarthy Boulevard Alternative significantly reduces the potential for bird collisions is reached mostly through speculation with little factual evidence. Furthermore, these conclusions area reached about reached without

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consideration of specific potentially affected bird populations, or whether such collisions would threaten the sustainability those populations.

The McCarthy Boulevard Alternative is still very close to the mitigation pond, and the SEIR presents no firm evidence (only speculation) that it would result in a significant reduction in the aggregate risk for bird collisions compared to the Proposed Route or the Westerly Route Alternative. The SEIR notes that bird collisions could be reduced significantly with appropriate mitigation measures, yet concludes, based only on qualitative analysis, that the McCarthy Boulevard Alternative would have a significantly reduced impact on bird collisions than the Proposed Route.

The City finds that the SEIR's analysis of bird collision impacts is inconclusive and fails to provide an adequate basis for the unqualified conclusion that the McCarthy Boulevard Alternative is "environmentally superior".

### Other Environmental Impacts of the McCarthy Boulevard Alternative

The SEIR fails to adequately consider the impact of the McCarthy Boulevard Alternative on the property owners, businesses, employees, motorists and trail users in the vicinity of those transmission facilities.

The McCarthy Ranch property owners and the City of Milpitas have spent considerable time and resources in connection with the development of that land for commercial, office and R&D uses of very high design quality. The McCarthy Ranch has its own Design Guidelines and Development Standards which "mandate a consistent design vocabulary of site details that will make the overall project a high quality of development". In addition, the City is currently working with McCarthy Ranch property owners to improve public access to the Coyote Creek and to develop significant entry structures just south of the Dixon Landing/North McCarthy Boulevard intersection (two 40 ft. private McCarthy Ranch gateway towers and a 60 ft. City entrance identification sign). Clearly the McCarthy Boulevard Alternative would have a negative impact on these efforts.

The corridor along McCarthy Boulevard will eventually be the home to a number of technology companies that collectively will employ thousands. A transmission line with 200+/- foot tall towers through the middle this area will certainly have substantial negative impacts. Among other things, the McCarthy Boulevard Alternative will substantially increase the cost of the project due to the high price of land in that area as well as the potential for severance damage payments to the remaining portions of affected parcels in the McCarthy Center.

More importantly the SEIR fails to sufficiently consider a number of significant environmental impacts of the McCarthy Boulevard Alternative, including:

1. Land Use and Socioeconomic: The SEIR does not discuss land use or socioeconomic effects such as:
  - The negative impact on the ability to attract well-designed, high-paying technology companies in to the area; or
  - Whether the businesses that would be willing to be near high power transmission facilities are likely to have environmental effects different than those businesses which would otherwise have located there.

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- The adverse effect on the City's ability to generate tax revenues that provide adequate public services to its growing population.
2. Noise and Vibration: The SEIR does not discuss the impact of noise and vibrations generated by the construction or operation of the transmission lines (with and without the bird mitigation devices) and along the McCarthy Boulevard Alternative upon businesses, employees and Coyote Creek trail users
  3. Health, Safety and Nuisance: The SEIR fails to discuss EMF mitigation strategies for the McCarthy Boulevard Alternative, where both technological equipment, employees and trail users will be in closer proximity to the transmission lines.
  4. Visual Resources: The SEIR's analysis of the McCarthy Boulevard Alternative's visual impact is inadequate and fails to discuss the impact on the thousands of workers, motorists and trail users or on the plans to make the McCarthy Ranch a gateway to the City. In addition, bird collision and EMF mitigation measures would significantly increase the adverse visual impact of the transmission facilities, which is of greater concern for the McCarthy Boulevard Alternative where they would be very visible from:
    - A major interstate highway that is a local Scenic Route;
    - The Coyote Creek portion of the Bay Trail; and,
    - A high-tech business park with thousands of employees.
  5. Public Services: Other than acknowledge that the City has concerns that the transmission lines and towers might restrict the operation of the Milpitas Sewage Pump station, the SEIR provides no analysis of the potential impacts to this extremely critical facility. The proposed "Mitigation Measure S-1a" merely proposes that future studies determine how "to minimize the safety and other disruptions to the Sewer Lift Plant operations", if it is indeed possible to reduce that impact to an insignificant level.

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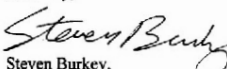
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The City appreciates the opportunity of commenting on the SEIR. If you have any questions regarding these comments and concerns please feel free to contact me at (408) 586-3275, or sburkey@ci.milpitas.ca.gov.

Sincerely,

  
Steven Burkey,  
Principal Planner

cc: Director of Planning & Neighborhood Preservation  
City Engineer  
Joseph McCarthy