

# **RECORD OF DECISION**

## **CENTRAL SUBWAY PROJECT Phase 2 of the Third Street Light Rail Project City and County of San Francisco, California San Francisco Municipal Transportation Agency**

### **Decision**

The U.S. Department of Transportation (DOT), Federal Transit Administration (FTA) has determined that the requirements of the National Environmental Policy Act (NEPA) of 1969 have been satisfied for the Central Subway Project proposed by the San Francisco Municipal Transportation Agency (SFMTA). This FTA decision applies to Alternative 3B, Fourth/Stockton Alignment, which is described and evaluated in the Central Subway Final Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (Final SEIS/SEIR). The Response to Comments, Volume II of the Final SEIR was issued by the City and County of San Francisco in July 2008, and the Final SEIS/SEIR Volume I was issued by FTA in September 2008.

The Central Subway Project is Phase 2 of the Third Street Light Rail Project, which began operation in April 2007. The Project consists of a 1.7 mile extension, along Fourth and Stockton Streets, from the existing Third Street Light Rail Station at Fourth and King Streets to a new terminus in Chinatown at Stockton and Jackson streets. The Project would operate as a surface double-track light rail in a primarily semi-exclusive median on Fourth Street between King and Bryant streets. The rail would transition to a subway operation at a portal under the I-80 Freeway, between Bryant and Harrison streets, and continue underground along Fourth Street in a twin-tunnel configuration, passing under the BART / Muni Market Street tube and continuing north under Stockton Street to the Chinatown Station. The Project would have four stations: one surface station between Brannan and Bryant streets and three subway stations: Moscone, Union Square/Market Street, and Chinatown. Twin construction tunnels would extend under Stockton Street beyond the Chinatown Station, located under Stockton Street between Clay and Jackson streets, and continuing north under Stockton Street to Columbus Avenue in the vicinity of Washington Square. This temporary construction tunnel would be used for the extraction of the Tunnel Boring Machines. Alternative 3B was selected as the Locally Preferred Alternative (LPA) by the SFMTA on February 19, 2008.

This Record of Decision covers final design and construction of the Phase 2, Central Subway Project, to complete the 7.1 mile long Third Street Light Rail Project. The Project was adopted by the SFMTA Board on August 19, 2008.

### **Background**

The Bayshore System Planning Study completed by Muni in December 1993 was the first step in the planning process to implement major public transportation improvements in the southeastern quadrant of San Francisco. The study recommended implementation of light rail service along the Third Street Corridor, linking Visitacion Valley in the south with the Bayview Hunters Point, Mission Bay, South of Market, Downtown and Chinatown and promoting economic revitalization in these congested neighborhoods along the corridor within San Francisco.

The Federal environmental review process for the Third Street Light Rail Project, that included both the Phase 1 Initial Operating Segment, and the Phase 2 Central Subway, was initiated with a Notice of Intent published in the Federal Register on October 25, 1996 and the Final EIS/EIR was completed in November 1998. FTA issued a Record of Decision (ROD) for the Initial

Operating Segment in March 1999. Approval of the Phase 2 Central Subway Project was deferred until the Third Street Light Rail was included in MTC's Regional Transportation Plan, which occurred in 2001 and made the Project eligible for federal funding. Preliminary engineering studies were initiated in 2003 to re-evaluate the feasibility of alignment and station alternatives, construction methods and tunnel portal locations. These studies were presented to the Community Advisory Group (CAG) beginning in 2003 and to the public beginning in 2004 and resulted in changes to the Project. As a result of these changes and with the approval of FTA, a Supplemental environmental review was initiated in 2005.

### **Public Opportunity to Comment**

A Notice of Preparation (NOP) for the Supplemental Environmental Impact Report for The Central Subway Project was sent to the State Clearinghouse and was circulated by the San Francisco Planning Department in June of 2005. A second NOP was sent to all property owners and occupants within 300 feet of the alignment alternatives in September 2006. A Scoping meeting was held on June 21, 2005 and a Scoping Report was transmitted to FTA on November 27, 2006.

The Central Subway project has had an extensive public outreach program as a continuation of the outreach activities for the Initial Operating Segment (Phase 1) of the Third Street Light Rail. The outreach activities for the Central Subway, Phase 2 of the Project, include:

- Twenty-five community and Community Advisory Group meetings were held at various locations along the alignment to address issues of importance to the local residents and businesses.
- Over 150 presentations by SFMTA project staff to agencies, organizations and community groups throughout the City and the Bay Area.
- A project website, [www.sfmta.com/central](http://www.sfmta.com/central), which is continually updated with the latest information.
- A project hotline, 415.701.4371, and an email address, [central.subway@sfmta.com](mailto:central.subway@sfmta.com), provided for the public to submit comments and ask questions about the Project.
- Project newsletters in English, Chinese and Spanish.
- A Community Advisory Group with over 20 members representing major associations and stakeholder groups along the corridor.
- A news conference held on October 17, 2007, to announce the release of the Draft Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (Draft SEIS/SEIR).
- A press conference held by Mayor Gavin Newsom in Chinatown on February 19, 2008.
- The Project website incorporating an electronic version of the Draft SEIS/SEIR which increased the public's ability to review and comment on the document.
- Two widely publicized community meetings held in the fall of 2007 immediately following the release of the Draft SEIS/SEIR.
- A Public Hearing on November 15, 2007 occurred to receive public input on the Draft Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (Draft SEIS/SEIR).
- Presentations to several City agencies and Commissions.

The Draft Supplemental Environmental Impact Statement/Environmental Impact Report ("Draft SEIS/SEIR") was prepared and distributed to the public (affected agencies and organizations and individuals who had requested a copy of the document) on October 17, 2007. The Notice of availability of the Draft SEIS/SEIR was published in the San Francisco Examiner newspaper and was sent to a standard San Francisco Planning Department mailing list, including public libraries and persons requesting notification, and to those individuals expressing interest in the project. A

Notice of Availability for the Draft SEIS was published in the Federal Register (Vol. 72, No 207, page 60847), October 26, 2007. The Notice of Availability was also posted in English and Chinese along the project corridor, including along both Third Street and Fourth Street beginning at King Street to Market Street and along Stockton Street to Washington Square. Newsletters were sent to the project mailing list announcing the availability of the Draft SEIS/SEIR. A postcard, announcing public meetings held on October 30, 2007 and November 8, 2007 to discuss the Draft SEIS/SEIR were mailed to property owners and occupants within 300 feet of the project corridor. The Draft SEIS/SEIR was available for on-line review on the SFMTA web site. Over 160 copies in printed and compact disc versions, of the Draft SEIS/SEIR were mailed to agencies and individuals, including the State Clearinghouse.

The document was also available for review at the following locations:

- San Francisco Planning Department, 1660 Mission Street, First Floor Public Information Center;
- SFMTA Central Subway Project office at 821 Howard Street, 2<sup>nd</sup> floor
- San Francisco Central Library, 100 Larkin Street;
- Hastings College of Law Library, 200 McAllister Street;
- Chinatown Library, 1135 Powell Street;
- North Beach Library, 2000 Mason Street;
- San Francisco State University Library, 1630 Holloway Street;
- Institute of Governmental Studies Library, Moses Hall, at University of California, Berkeley; and
- Stanford University Libraries, Stanford, CA.

In addition to the public meetings held over the course of the Project, three community meetings to share information about the Draft SEIS/SEIR were held in 2007 (October 30 at the Pacific Energy Center at 851 Howard Street; November 8, at the Gordon J. Lau Elementary School in Chinatown, and November 13 at One South Van Ness with the Community Advisory Group). The Public Hearing on the Draft SEIS/SEIR was held on November 15, 2007 at the San Francisco Planning Commission in San Francisco City Hall. Forty written comments on the Draft SEIS/SEIR were received and 23 persons commented at the Public Hearing.

### **Alternatives Considered in the Supplemental EIS/EIR**

The No Project / No Build/TSM Alternative consists of the existing T-Third LRT and existing Muni bus service with projects programmed in the financially constrained Regional Transportation Plan. It includes growth and proposed development in San Francisco in the 2030 horizon year. Under this alternative it is assumed that bus service would increase by about 80 percent by 2015 to meet demand and increased frequencies on the 30 Stockton and 45-Union bus line would be among bus changes.

The No Build/TSM Alternative is rejected for the following reasons:

- Fails to Accommodate Year 2030 Transit Demand of 99,600 weekday bus passengers, an increase over existing ridership of 30,900 bus passengers.
- Fails to complete the Third Street LRT (T-Line) as described in the 1998 EIR/EIS, and is not consistent with the 1995 *Four Corridor Plan* or *Regional Transportation Plan*.

- Fails to Create a Transit Oriented Development – The No Build Alternative will not facilitate the development of high density mixed use development south of Market (Moscone Station) or in the Chinatown area that would encourage the use of environmentally friendly transportation thereby reducing transportation impacts of the development.
- The No Project / No Build Alternative would result in reduced transit service reliability, increased transit travel times, increased energy consumption, and increased air pollution when compared to some or all of the Build Alternatives.

The No Build/TSM Alternative would also be less consistent than the Locally Preferred Alternative (LPA) with many of the policies and goals of the General Plan including, but not limited to: transit services would not keep pace with future travel demand in the Study Area. As the quality and efficiency of public transit service deteriorates users could be attracted to alternative modes of transportation, including use of private vehicles. For this reason, the No Project/TSM Alternative would be inconsistent with transportation policies contained in Area Plans that encourage accommodating future employment and population growth in San Francisco through transit, rather than private automobiles. For the economic, social, travel demand and other considerations set forth herein and in the Final SEIS/SEIR, the No Build Alternative is rejected as infeasible.

Under the Build Alternatives, Alternative 2 is the same alignment along King, Third, Fourth, Harrison, Kearny, Geary, and Stockton streets with a shallow subway crossing of Market Street as presented in the 1998 FEIS/FEIR, but with the addition of above-ground emergency ventilation shafts, off-sidewalk subway station entries where feasible, and the provision of a closed barrier fare system. This alternative includes one surface platform at Third and King Streets and four subway stations at Moscone, Market Street, Union Square and Chinatown.

Alternative 2 is rejected for the following reasons:

- The Community Advisory Group (CAG) and public input did not prefer this alternative; and in particular, the residents along Third Street expressed concern that the Third Street surface alignment portion of this alternative would significantly disrupt their neighborhood.
- The split alignment (along a section of Third Street and Fourth Street) made operation of the T-Third/Central Subway system less efficient for operation than the straight alignment of Alternative 3A and 3B. Alternative 2 has the highest incremental cost per hour of transportation system-user benefit of all of the build alternatives (+\$9 per hour over 3A and 3B) and would be assigned a low cost effectiveness rating based on FTA criteria.
- The Alternative 2 connection to the BART/Muni Market Street Subway at Montgomery Station involves a long narrow pedestrian walkway as compared to the more direct connection to the BART/Muni Market Street Subway at Powell Street Station for Alternatives 3A and 3B.
- The Capital Cost of this Alternative would be \$1,685 million in the year of expenditure (YOE) dollars which is higher than either Alternative 3A (\$1,407 million) or 3B (\$1,235 million).
- This alternative would not offer fewer environmental impacts than Alternatives 3A or 3B and would impact Union Square with vent shafts and visual changes to the eastern stairway of the Park; would displace 59 off-street parking spaces; would result in impacts (shadow and visual) to Willie “Woo Woo” Wong Park from the station at 814-828 Stockton Street in Chinatown; would displace 10 small businesses compared with eight small businesses in Alternative 3B; would potentially impact 14 highly sensitive prehistoric archaeological sites, three sensitive historical archaeological sites, and three historical architectural properties (as compared to seven highly sensitive prehistoric archaeological properties for Alternative 3B LPA); and would have significant traffic impacts at the intersections at Third and King streets and Sixth and Brannan Streets.

Alternative 3A is the same alignment as Alternative 3B (the LPA and the Proposed Project) but differs from Alternative 3B in the station locations and station platform size and tunnel length and has no surface station. Alternative 3A is rejected for the following reasons:

- The Capital Cost of this alternative would be \$1,407 million (YOE) compared with the cost of Alternative 3B at \$1,235 million (YOE), a \$172 million difference.
- The Chinatown Station located at 814-828 Stockton Street is one block further from the core of Chinatown retail district than the Chinatown Station in Alternative 3B.
- The property at 814-828 Stockton Street would need to be demolished for the station, and this building has been identified as potentially historic (built in 1923) and a contributor to the potential Chinatown Historic District.
- This alternative would displace ten small business compared with eight for Alternative 3B.
- The Chinatown station at 814-828 Stockton would have significant impacts to the Willie "Woo Woo" Wong Park to the east including visual, shadow, pedestrian traffic, and noise impacts during construction. This alternative is not preferred by the Recreation and Park Commission.
- The station at Union Square/Market Street would have a vent shaft in Union Square and the entry to the station in the middle of the steps along the east side (Stockton Street) of the Park; this was not preferred by the Recreation and Park Commission when compared with Alternative 3B because of the vent shafts in the Park and the cross-Park pedestrian traffic to the entry on the Stockton Street side of the Park.

### **Basis for the Record of Decision**

The Central Subway Project has been the subject of a series of environmental and planning studies supported by preliminary engineering. These studies were used to help identify a series of alternatives for evaluation in the SEIS/SEIR planning process that began in early 2004.

The Draft SEIS/SEIR presented a complete analysis of the environmental impacts of alternatives. During the Draft SEIS/SEIR comment period members of the public and agencies suggested several additional alternatives or refinements to the existing alternatives. These alternatives and refinements were considered by the SFMTA and used to help define the Locally Preferred Alternative (LPA).

The Fourth/Stockton Alignment 3B Alternative is selected as the LPA because it has the following major advantages:

- Lowest capital cost of all Build Alternatives and is the only Build Alternative that can be completed within the currently identified Project funding commitment.
- Least impact of the Build Alternatives to Union Square Park because the station entry would be on the Geary Street terraced side of the Square, not in the middle of the steps to the plaza on the east side of the park on Stockton Street. This alternative has been approved to have "de minimis" impacts to Section 4(f) resources by the San Francisco Recreation and Park Commission. No shadow impacts would result from the Geary Street station entry on Union Square Park because the station entry would be incorporated into the terraced edge of the Park below the Park plaza and visual impacts would be less-than-significant.
- Reduced construction duration and less surface disturbance and other construction-related impacts as compared to Alternative 2 as a result of using deep (TBM) tunneling methods.
- Reduced impacts associated with archaeological and historical resources, utility relocations, noise and vibration, and park and recreation facility impacts compared to the other Build Alternatives.

- Semi-exclusive right-of-way for light rail vehicles (similar to much of the N-Judah and the Third Street operation) on most of the surface portion of the rail line, thereby improving rail operations by reducing potential delays associated with traffic congestion on Fourth Street and improving travel times for Central Subway patrons on the surface portion of the rail line.

### **Measures to Minimize Harm**

All mitigation measures set forth in the Final SEIS/SEIR are reproduced in Attachment 1, Mitigation Monitoring and Reporting Program (MMRP). None of the mitigation measures set forth in the Final SEIS/SEIR are rejected. Responsibility for implementation and monitoring are identified in the MMRP. FTA finds that the measures presented in the Final SEIS/SEIR will mitigate, reduce, or avoid the significant environmental effects of the Project. The MMRP was adopted by SFMTA as part of Project approval on August 19, 2008. Mitigation measures will be incorporated into the final plans and specifications for the project and will be implemented by San Francisco City Departments (including SFMTA in cooperation with the Transbay Joint Powers Authority, the Golden Gate Bridge, Highway and Transportation District), with applicable jurisdiction as set forth in the MMRP.

The mitigation measures also include mitigation in the areas of traffic, freight and loading, socioeconomics, archaeological resources, geology and seismicity, hydrology and water quality, noise and vibration, hazardous materials during construction, air emissions, and visual/aesthetics during construction. SFMTA is responsible for making sure that all mitigation measures are implemented during construction and operation of the Project.

The City and County of San Francisco, in accordance with federal and state law, and to the extent it is within its jurisdiction, will mitigate the impacts of property acquisition and relocations required by the Project providing information and relocation assistance to those as set forth therein. Future development of the Moscone and Chinatown stations with retail space and low-income housing units will further reduce impacts of relocated businesses and residents.

Final design of the proposed Transit Oriented Development above the Chinatown Station at 933-949 Stockton Street will be under the jurisdiction of the San Francisco Planning Department. The Final SEIS/SEIR and the Memorandum of Agreement (MOA) with the State Historic Preservation Officer (SHPO) includes mitigation for the demolition of this potentially historic resource that incorporates partial preservation of the building at 933-949 Stockton Street, which has been concurred with by the SFMTA. FTA thereby urges San Francisco Planning, in approving any new development of the parcel, to require the incorporation of historic elements of the building façade into the design of the station. In proposing final design, SFMTA and San Francisco Planning should work cooperatively with representatives of the Chinatown community in developing the final design and with the SF Landmarks Preservation Advisory Board and the SHPO as described in Attachment 2, Memorandum of Agreement. The final station design will undergo independent environmental review.

### **Determination and Findings**

The environmental record for the Central Subway project is included in the Final SEIS, Volume II dated July 11, 2008, and the Final SEIS, Volume I, dated September 23, 2008. These documents present the detailed statement required by NEPA and U.S.C. 5324(b) and include:

- The environmental impacts of the Project;
- The adverse environmental impacts that cannot be avoided should the Project be implemented; and
- Alternatives to the proposed Project.

## **Comments Received on SFEIS within 30-day Comment Period**

In response to the public notice of availability published in the Federal Register on October 3, 2008, the Federal Transit Administration received one response letter, from the United State Environmental Protection Agency (EPA), Region IX office (see Attachment 3). The letter noted EPA's ongoing support of several of the project's goals for minimizing environmental impacts, maximizing transit use, and meeting community needs. EPA also requested further clarification on whether the trucks removing excavated soil from the project site will be subject to the same air quality mitigation requirements as on-site construction vehicles. The air quality control measures, as outline on pages 6-112 and 6-112a of the Central Subway Finals SEIS/SEIR, Volume I September 2008 will be applied, where feasible, to soil haul trucks as well as to construction vehicles operating on-site to meet EPA standards. These control measures will be incorporated into the construction specifications and contract documents. With the implementation of these control measures, no significant air quality impacts were identified for the implementation of the Central Subway Project.

On August 7, 2008, the San Francisco Planning Commission certified the Final Supplemental Environmental Impact Report. The SFMTA adopted the Project Findings, the Mitigation Monitoring and Reporting Program, and the Statement of Overriding Considerations on August 19, 2008. Three appeals of the Final SEIR certification by the Planning commission were filed with the San Francisco Board of Supervisors; however, two were withdrawn prior to the public hearing held before the Board of Supervisor on September 16, 2008. At the Board of Supervisors hearing, eleven individuals spoke in support of the appellant and nine individuals spoke in support of the certification for the environmental document. The Board of Supervisors voted to uphold the Planning Commission's certification of the Final SEIR (see Attachment 4).

On the basis of the evaluation of the social, environmental and economic impacts contained in the final SEIS and the written and oral comments offered by the public and other agencies, FTA has determined, in accordance with 49 U.S.C. 5324(b) that:

- Adequate opportunity was afforded for the presentation of views by all parties with vested economic, social or environmental interest in the Project and that fair consideration has been given to the preservation and enhancement of the environment and to the interests of the community in which the proposed Project is to be located; and
- All reasonable steps have been taken to minimize the adverse environmental effects of the proposed Project and where adverse environmental effects remain, no reasonable alternative to avoid or further mitigate such effects exists.

## **Conformity with Air Quality Plans**

The Federal Clean Air Act, as implemented by 40 CFR Parts 51 and 93, as amended, requires that transportation projects conform with the State Implementation Plan's (SIP) purpose of eliminating or reducing the severity and number of violations of the national ambient Air Quality Standards (NAAQS) and of achieving expeditious attainment of such standards. The Environmental Protection Agency (EPA) regulation implementing this provision of the Clean Air Act establishes criteria for demonstrating that a transportation project conforms to the applicable air quality plans. The performance of the selected light rail project in meeting the conformity criteria contained in the EPA regulation was evaluated in the Draft and Final SEIS, Section 5.11. The Project meets the criteria in 40 CFR Parts 51 and 93 for projects from a conforming plan and Transportation Improvement Program (TIP) and conforms to air quality plans for the Bay Area Region and the Clean Air Act Amendments of 1990.

**Section 4(f) Coordination and Determination**

A total of three publicly-owned parks and recreation areas and one potentially historic property protected by Section 4(f) of the Department of Transportation Act of 1966, amended in 2005 as part of SAFETEA-LU (Section 6009(a)) to address de minimis, or minor impacts and simplify the review and approval process, are addressed in the SEIS. FTA concurs with the San Francisco Recreation and Parks Department with the De Minimis Finding for impacts to Union Square, Willie “Woo Woo” Wong and Washington Square parks. Attachment 5 describes the San Francisco Recreation and Parks unanimous vote to support a de minimis finding by FTA. Coordination and concurrence with San Francisco regarding the temporary impacts is found in the Final SEIS.

FTA’s rule establishing procedures for determining that the use of a Section 4(f) property has a de minimis impact on the property is found at 23 CFR 771 and 774. In accordance with the provisions of 23 CFR Part 774.7 (b), FTA has determined there is sufficient supporting documentation to demonstrate that the impacts to Section 4(f) property, after avoidance, minimization, mitigation, or enhancement measures are taken into account, are de minimis as defined in Part 774.17 and the coordination required in Part 774.5 (b) has been completed.

**Section 106**

The Programmatic Agreement between FTA and the SHPO and SFMTA signed in 1998 for the Third Street Light Rail Project (that included the Phase 2 Central Subway), has been revised in a MOA (Attachment 2) to address the treatment plan and documentation and mitigation for the Central Subway, Alternative 3B. The MOA addresses both archaeological resources for the sub-surface excavation/tunneling, and the historic property for Transit Oriented Development (TOD) above the Chinatown Station at 933-949 Stockton Street. The final design for the TOD portion of the station will be under the jurisdiction of the San Francisco Planning Department and will include input from architectural historians, the Chinatown community, and the Landmarks Preservation Advisory Board consistent with the mitigation measures in the MOA and MMRP.

Based on the findings in the Final SEIS, and the MOA for the Section 106 properties, FTA and the California SHPO agree that a finding of adverse effect will occur at 933-949 Stockton Street. SFMTA will abide by all MOA requirements.

**Finding**

On the basis of the determinations made in compliance with relevant provisions of federal law, FTA finds the Central Subway, Phase 2 of the Third Street Light Rail Project, has satisfied the requirements of the National Environmental Policy Act of 1969, the Clean Air Act of 1970, and the U.S. Department of Transportation Act of 1966, all as amended.

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Leslie T. Rogers  
Regional Administrator, Region IX

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Date