



FAQ Series: Questions about the EIR/EIS and CEQA/NEPA Processes

1. What are the key elements of the EIR/EIS?

State and Federal environmental law requires that projects be subjected to a detailed environmental assessment to determine what the positive or negative environmental, social, and economic impacts might be. The Metro Board requested that an environmental impact report (EIR) and environmental impact statement (EIS) be prepared for the SR-710 Study to develop and evaluate a range of alternative transportation improvements to address traffic and congestion in the Project Study Area.

An Environmental Impact Report/Environmental Impact Statement (EIR/EIS) accomplishes the following:

- Evaluates how well the selected alternatives address the purpose and need
- Evaluates environmental impacts of project alternatives
- Discusses possible mitigation measures to offset the impacts
- Serves as an informational document for the public and government agencies
- Discloses significant impacts
- An EIR is required for the California Environmental Quality Act (CEQA)
- An EIS is required for the National Environmental Policy Act (NEPA)

2. What are the key milestones in the EIR/EIS process?

The key milestones in the SR-710 EIR/EIS process are as follows:

- In the Spring of 2011, a Notice of Intent/Preparation was issued.
- Eight scoping meetings in addition to one virtual meeting were conducted and a Scoping report was produced.
- In the Fall of 2011, the Alternatives Analysis Phase began during which the public was invited to share their feedback. Two All Community Convening meetings, seven Open Houses, Twenty Community Liaison Council Meetings, three Stakeholder Outreach Advisory Committee Meetings, and seven Technical Advisory Committee meetings were conducted.



- In the Fall of 2012, the Study Team will finalize the alternatives recommended to be carried forth into the Draft EIR/EIS.

The next milestone is the Environmental Documentation phase. In this phase, the SR-710 Study team will refine the design of the alternatives, prepare technical studies, draft the EIR/EIS document, and conduct subject-specific Study Sessions. Specific milestones include:

- Circulate Draft EIR/EIS for public review
- Conduct public hearings during the public review period
- Prepare response to comments on the Draft EIR/EIS
- Identify a Preferred Alternative
- Prepare the Final EIR/EIS, which includes the responses to comments and focuses on the Preferred Alternative
- Under CEQA, provide the responses to comments to public agencies that commented 10 days prior to certification of the Final EIR by Caltrans
- Under NEPA, make the Final EIS available for public review and comment for a 30-day period
- Under CEQA, file a Notice of Determination with the State Clearinghouse (this starts the clock on a 30-day period in which legal challenges may be filed on the EIR)
- Under NEPA, prepare a Record of Decision (which documents the selection of a Preferred Alternative) and a Statute of Limitations letter which is published in Federal Register (this starts the clock on a 150-day period in which legal challenges may be filed on the EIS)

3. What is the CEQA/NEPA process?

The California Environmental Quality Act (CEQA) was enacted in 1970 to ensure that state and local agencies consider the environmental impact of their decisions when approving a public or private project. The National Environmental Policy Act (NEPA) was enacted in 1969 and requires that environmental factors are accounted for in each project. In summary, CEQA/NEPA applies when federal, state, or local agencies build something, fund a project, or issue a permit for an activity. CEQA applies to all projects in California, and NEPA applies to projects with federal funding or that may require some future federal approvals.



4. Will the public have the opportunity to provide further input before the EIR/EIS is drafted?

The public will continue to have opportunities to provide feedback on the SR-710 Study as it progresses. The comments and questions are part of the project record and are helpful in refining the design of the alternatives and making sure that key issues are addressed in the environmental technical studies.

After the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS) is prepared and approved by the lead agency (Caltrans), it is circulated for public review. A Notice of Availability is circulated to inform the public and agencies that the Draft EIR/EIS is available for review and comment. During public circulation, a Public Hearing is held to provide information to the public and to answer questions regarding the project. At the close of public circulation, public comments are formally responded to in writing in the Final EIR/EIS.

5. What types of environmental impacts will be considered?

The types of environmental impacts that are considered within the SR-710 Study include a full range of impacts to the human, physical, and natural environment, including: air quality; noise; visual; land use; growth inducement; property acquisition; consistency with plans and policies; community cohesion; environmental justice; transportation (including vehicle traffic, transit, bicycles, and pedestrians); utilities; historical properties; parks, recreation, and community facilities; utilities, geology, paleontology, water quality, hydrology/floodplains; hazardous waste, biological resources, aquatic resources, and cumulative impacts.

6. Is respiratory health being considered in the analysis?

Yes. Several health indicators are considered in this study. The Federal Clean Air Act (FCAA), as amended in 1990, is the federal law that governs air quality, while the California Clean Air Act of 1988 is its companion state law. These laws, and related regulations by the U.S. Environmental Protection Agency (U.S. EPA) and California Air Resources Board (ARB), set standards for the quantity of pollutants that can be in the air. At the federal level, these standards are called National Ambient Air Quality Standards (NAAQS). NAAQS and state ambient air quality standards have been established for six transportation-related criteria pollutants that have been linked to potential health concerns. The criteria pollutants are: carbon monoxide (CO), nitrogen dioxide (NO₂), ozone (O₃), particulate matter (PM), broken down for regulatory purposes into particles of 10 micrometers or smaller—(PM₁₀) and particles of 2.5 micrometers and smaller—(PM_{2.5}), lead (Pb), and sulfur dioxide (SO₂). In addition, state standards exist for visibility reducing particles, sulfates, hydrogen sulfide (H₂S), and vinyl chloride. The NAAQS and state standards are set at a level that protects public health with a margin



of safety, and are subject to periodic review and revision. Both state and federal regulatory standards also cover toxic air contaminants (air toxics). Some criteria pollutants are also air toxics or may include certain air toxics within their general definition. The study team will also identify and analyze sensitive receptors (schools, hospitals, etc.) as part of the evaluation/analysis.

Federal and state air quality standards and regulations provide the basic framework for project-level air quality analysis under NEPA and CEQA. In addition to this type of environmental analysis, a parallel “Conformity” requirement under the FCAA also applies.

7. Is historic architecture taken into account in the study?

Yes. The National Historic Preservation Act of 1966 (NHPA), as amended, sets forth national policy and procedures regarding historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places. Section 106 of NHPA requires federal agencies to take into account the effects of their undertakings on such properties and to allow the Advisory Council on Historic Preservation the opportunity to comment on those undertakings, following regulations issued by the Advisory Council on Historic Preservation (36 Code of Federal Regulations [CFR] 800). Caltrans is responsible for addressing the requirements of Section 106 for the SR-710 Study. The Study will address historic architectural properties identified in previous SR-710 Studies, as well as identify any additional properties of an age (45+ years) that should be addressed.

8. How will Environmental Justice be considered in the EIR/EIS?

All projects involving a federal action (funding, permit, or land) must comply with Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, signed by President Clinton on February 11, 1994. This EO directs federal agencies to take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law. Each of the impact areas will be evaluated to determine if they result in disproportionate impacts to minority and low-income populations, and if so, whether they are offset by project benefits for those populations.