

**NORTH SAN JOSE CAPACITY PROJECT (NORTECH SUBSTATION)
PERMIT TO CONSTRUCT (A.98-06-001)**

**COMMENTS AND RESPONSES TO COMMENTS ON
THE DRAFT MITIGATED NEGATIVE DECLARATION (SCH#98092051)
AND DRAFT INITIAL STUDY**

1. INTRODUCTION

On September 16, 1998, the California Public Utilities Commission (CPUC) released for public review a Draft Mitigated Negative Declaration and Draft Initial Study for the proposed construction of the North San Jose Capacity (Nortech Substation) Project in San Jose, California, in compliance with the California Environmental Quality Act (CEQA) and Rule 17.1 of the CPUC's Rules of Practice and Procedure. The reports were filed with the State Clearinghouse on that date. A minimum 30-day review and comment period (CEQA Guidelines § 15105) began on that date. On October 6, 1998, during the review period, a public Prehearing Conference was noticed and held at Sony Electronics Inc., 3300 Zanker Road, San Jose. The official public review period closed on October 16, 1998. The CPUC is the Lead Agency for the application and is responsible for compliance with CEQA. The CPUC has prepared a response to all comments received during the public review period on the content of the Draft Mitigated Negative Declaration and the appended Initial Study. This document is a compilation of all written comments received by the CPUC on the documents. This document also presents responses to the comments.

Section 2 of this document contains the comment letters. Each comment letter was assigned a letter of the alphabet for tracking, indicated in the upper right hand corner of the letter. Each comment was assigned a number, placed in the margin of the letter, that does not necessarily coincide with the numbering provided by the comment writer. All comment letters have been reproduced in their entirety in this document.

Section 3 of this document presents the responses to the comment letters. Responses are organized by letter in the assigned alphabetical order and keyed to the assigned comment number. Comments stating an individual's or group's position on an issue and comments on whether the project should or should not be approved are noted without additional response

2. COMMENT LETTERS

The following is a list of comment letters received on the Draft Negative Declaration:

- A Antero A. Rivasplata, State of California, Governor's Office of Planning and Research, October 19, 1998
- B Brian Hunter, Regional Manager, Region 3, State of California, Department of Fish and Game, October 15, 1998
- C Brian Hunter, Regional Manager, Region 3, State of California, Department of Fish and Game, October 22, 1998
- D Thomas Rountree, Environmental Program Manager, Santa Clara Valley Transportation Authority, October 16, 1998
- E Terry P. Bredek, Sr., Director of Facilities, Sony Electronics Inc., August 10, 1998
- F Eddie and Lavelle Souza, September 16, 1998

Letter A is reproduced in the previous section, 4. State Clearinghouse Compliance Letter. Each of the remaining letters are reproduced in this section.

3. RESPONSES TO COMMENTS BY LETTER

LETTER A

Antero A. Rivasplata,
State of California
Governor's Office of Planning and Research
October 19, 1998

- A-1) Comment noted. No response is necessary.

LETTER B With Attachments

Brian Hunter, Regional Manager,
Central Coast Section,
State of California
Department of Fish and Game
October 15, 1998

Letter B is the first of two letters received from Department of Fish and Game. Responses to both letters, Letter B and Letter C, are presented together following Letter C.

LETTER C

Brian Hunter, Regional Manager,
Region 3,
State of California
Department of Fish and Game
October 22, 1998

- B-1) The methodology used to conduct the survey involved direct observation from vehicles and on foot throughout the proposed project area on May 5 and 6, 1998. The area surveyed included potential burrowing owl habitat along the proposed power line routes, the substation site and within the temporary laydown area. The survey also included a review of five recorded nest sites in the project vicinity. That survey was performed by ornithologist David Plumpton (H.T. Harvey and Associates).
- B-2) Comment noted.
- B-3) No impact is anticipated due to the placement or replacement of power poles. The substation site is considered burrowing owl breeding and forging habitat, and additional surveys are not needed to confirm this fact.

B-4, C-1, C-2, C-3) The Department letter of October 15th (Letter B) appeared to disallow participation in the City-wide burrowing owl habitat plan. Because ESA was in contact with Department staff during the development of the Initial Study (IS) and Negative Declaration (ND), and because the Department was participating in the creation of the San Jose Burrowing Owl Habitat Conservation and Implementation Plan, ESA requested clarification. The Department's response, in the October 22nd letter (Letter C), clearly acknowledges the owl plan and would accept participation in the plan as adequate mitigation, provided that the plan will have been approved before any ground-disturbing activity would commence. Though the phrasing is slightly different, this is essentially the mitigation measure contained in the IS and ND. The difference between the two is the use of the phrase "adequate mitigation" instead of "full mitigation," which are equivalent under CEQA. Another difference in phrasing is in the description of when the San Jose Burrowing Owl Habitat Conservation and Implementation Plan would be complete and approved by the Department of Fish and Game. However, the Initial Study mitigation measure mandates, and the applicant has agreed, that construction activity will not proceed until the plan is complete and approved, which renders the phrasing difference concerning timelines moot.

B-5, B-6, B-7) Comments noted. When burrowing owls are presumed to be present on a site, it is not necessary to conduct a burrowing owl survey. The portion of the site presumed occupied by owls may be mitigated by a conservation easement or fee title acquisition of replacement habitat in a 1:1 acreage ratio. Mitigation lands would be within the northern San Jose and Alviso area, and a mitigation plan and mitigation agreement would be prepared which would legally bind PG&E to manage the land for habitat enhancement and to monitor the replacement habitat for five years.

B-8, B-9) Comments noted. As stated in the IS, a direct impact to any burrowing owl or nest can be avoided by conducting a pre-construction survey at least 30 days prior to construction according to the Burrowing Owl Survey Protocol referenced above. If owls are found to be using the site and avoidance (including a 250 foot protective buffer) is not feasible through project redesign (e.g., if the size and position of the facility is such that establishing a 250-foot buffer is not physically possible), a passive relocation effort (displacing the owls from the site) may be conducted, subject to the approval of CDFG. Passive relocation would involve sealing the burrow, such as installing a one-way door that allows the owl to get out but not back in, as opposed to active relocation, which involves trapping the animal and physically moving it to another location. CDFG would ensure that any relocation plan conforms with all applicable rules, regulations and protocols, including the Burrowing Owl Survey Protocol and Mitigation Guidelines, developed by the Burrowing Owl Consortium in 1993.

B-10) The commenter also requests additional information on sensitive plant surveys. This information is provided in the report *Special Status Plant Species Study for the Proposed Kifer-Nortech 115KV Transmission Line, Trimble-Nortech 115KV Transmission Line and Nortech Substation site in San Jose*, which is appended.

The 191 landscape trees to be removed are as follows: 70 Lombardy poplars (*Populus nigra*) with a diameter-at-breast-height (dbh) in the 12-inch size class; 60 Lombardy poplars in the 6-inch dbh class; 57 California redwoods (*Sequoia sempervirens*) in the

10-inch dbh class; and 4 California fan palm (*Washingtonia filifera*) in the 18-inch dbh class. All are in highly urbanized areas with very limited associated wildlife values.

LETTER D

Thomas Rountree
Environmental Program Manager
Santa Clara Valley Transportation Authority
October 16, 1998

- D-1) Comment noted.
- D-2) The easement for the power line would limit the uses of the land within the easement. The use of easements would be negotiated between PG&E and property owners, who would be compensated for the loss of use that would result. As an economic matter, this is not a topic of the environmental impact analysis under the California Environmental Quality Act (CEQA).
- D-3) Visual characteristics and expected impacts of the power line, including the presence of the poles and the conductors, were discussed in detail in Section XIII. Aesthetics, pp. 71-74, of the Initial Study. In addition, since the VTA's October 16, 1998, letter, PG&E has negotiated with the transit authority to address aesthetic issues and restrictions on the use of VTA property. According to a January 8, 1999 letter (which is attached to this Response to Comments) from Mr. Rountree, the VTA is now mainly concerned that the project along Zanker Road may interfere with the planned entrance to a new facility it intends to develop on VTA's existing undeveloped property. This is an issue that is properly being handled through direct negotiations between VTA and PG&E.
- D-4) Comment noted.
- D-5) Alternative substation sites and alternative routes of the Trimble-Nortech power line were considered by PG&E. These alternatives were presented and discussed in Application A-98-06-001, under Alternatives, pages 9 through 14 of the application, and in the PEA, pages 2-44 through 2-62. Three alternative routes for the Trimble-Nortech power line, together with the selection criteria and evaluation results, are presented and discussed on pages 2-58 through 2-62 of the PEA. In addition, since the VTA's October 16, 1998, letter, PG&E has negotiated with the transit authority to alter the project in order to accommodate VTA's concerns related to aesthetic issues and restrictions on the use of VTA property. According to a January 8, 1999 letter (attached) from Mr. Rountree, the VTA is still officially opposed to the project because of potential effects on the value of VTA property in the area, but it no longer is concerned about potential impacts, as defined by CEQA, caused by the project. The January 8 letter stated that the revised plan for routing the 115 kV transmission line along Zanker Road and SR 237 now may interfere with existing easements on VTA property and that some planned poles may interfere with the planned entrance to a new facility it intends to develop on VTA's existing undeveloped property. Analysis of VTA's concern of possible interference with its planned entranceway reveals no significant environmental impact. As to the commenter's suggestion for routing the line along Coyote Creek, PG&E

- rejected such a route during its planning process because of potential impacts on habitat and water quality in and near the creek bed.
- D-6) As stated in the Initial Study, page 21 and pages 47-50, construction activities would be coordinated with the cognizant agencies to mitigate potential adverse effects of power line construction on traffic and transportation.
- D-7) Comment noted. In a telephone conversation on October 27, 1998 between C. Bennett, of ESA, and Roy Molseed, of VTA, the VTA was provided with the name of the appropriate project contact at PG&E.
- D-8, 9) These measures amplify the mitigation measure proposed by PG&E as part of the project, and listed on page 21 of the Draft Negative Declaration. Coordination of power line construction with construction of the Tasman East Light Rail Project would be achieved by the PG&E project manager's coordination with Arch Walters, Tasman East Project Manager.

LETTER E

Terry P. Bredek, Sr.
Director of Facilities
Sony Electronics Inc.
August 10, 1998

- E-1) Comment noted. Visual characteristics and expected visual impacts of the power line, including the presence of the poles and the conductors, were discussed in detail in Section XIII. Aesthetics, pp. 71-74, of the Initial Study.
- E-2, 3) Alternatives to the project, including other routes for the Trimble-Nortech power line and undergrounding of portions of that power line, were considered and discussed in the PEA, pages 2-59 through 2-62. Undergrounding of the transmission line is considered infeasible because of the multiplicity of utility easements under the street.
- E-4) Comment noted. As noted above, the visual effects of the project were discussed in the Initial Study. The commenter's concern about the project's effect on property values does not allege or reveal any potentially significant environmental impact.
- E-5) Power line facilities are constructed in accordance with CPUC General Order Number 95 (G.O. 95) requirements, which in turn are based on construction guidelines developed by the Institute of Electrical and Electronics Engineers (IEEE). These guidelines were most recently updated because of knowledge gained from studying the effects of the 1992 Northridge Earthquake. Because the towers would be constructed to these requirements and standards, structural failure of the towers would not be anticipated, even in the event of a substantial earthquake. The commenter also expressed concern about "radiation damage on humans, plants, animals and environmental damage," presumably referring to potential health effects from the propagation of electric and magnetic fields from the proposed transmission line. The risks and the EMF intensities expected from the project are discussed in detail in Section IX. Hazards, pages 59 through 64, of the Initial Study.

Because of the lack of scientific or medical conclusions about potential health effects from utility electric facilities and power lines, the Commission in 1993 adopted interim measures that help to address public concern on this subject, including the deployment of no/low-cost steps to reduce EMF levels in new or upgraded facilities, identification of residential and workplace EMF measurement programs available to utility customers, and the establishment of an education and research program managed by the California Department of Health Services (DHS).

In its application for authority to construct the new transmission facilities PG&E proposes to take low- or no-cost steps to reduce EMF intensities caused by the project. As described on Page 20 of the Initial Study/Mitigated Negative Declaration, these include use of elevated poles and a “delta” arrangement of the transmission lines such that their magnetic fields partially cancel each other out, thus reducing field intensities to any nearby receptor.

Pending conclusive scientific evidence of possible harm from utility facilities, EMF cannot be considered as an “impact” or “hazard” pursuant to CEQA. The Commission has pursued a policy of avoiding any unnecessary new exposure if it can be avoided at a cost that is reasonable. The Commission is awaiting the results of the DHS-managed research program and, in the meantime, relies upon DHS to provide guidance about any future identified public health risk.

Given the Commission’s pending conclusion about the health risks posed by EMF, this project has no impact associated with EMFs that could be considered significant.

- E-6) Comment noted. Please see the response to Comments E-4 and E-5 above.
- E-7) The park course may be near or directly under the power line, where some AM radio interference may occur. The Federal Communications Commission (FCC) is the relevant authority concerning radio interference. PG&E is required by law to identify and correct any problems with its electrical system, including defects in the system that cause radio interference. If PG&E identifies a defect in its system that causes radio interference, it will determine the source of the defect and fix the problem in accordance with applicable laws (PEA, Page 12-7). However, interference with AM radio reception alone would not constitute a significant environmental impact under CEQA. The commenter’s referral to “a reduced enjoyment” of the property is apparently referring to aesthetic impacts, which are addressed in the response to comment E-1 above.
- E-8, 9) The EMF expected from the project is discussed in detail in Section IX. Hazards, pages 61-63, of the Initial Study. Please see the response to comment E-5 above for a discussion of the Commission’s EMF policy.
- E-10) The evaluation was based on available information about the effects of EMF. As indicated in the Initial Study, in reference to CPUC Decision No. 93-11-013, the CPUC is monitoring on-going studies to determine if, and at what level of exposure, EMF would pose a health risk to the public.

- E-11) The reduction in enjoyment for employees and members of the public who use the Sony site and adjacent lands is not expected to be substantial, and would be considered a less-than-significant adverse impact.
- E-12) Visual characteristics and expected visual impacts of the power line, including the presence of the poles and the conductors, were discussed in detail in Section XIII. Aesthetics, pp. 71 through 74, of the Initial Study.
- E-13) Placement underground within the right of way of Zanker Road was deemed to be infeasible, due to the number of utilities already located in that right of way. See Application A-98-06-001, pages 2-44 through 2-62, and see also comment #1 of LETTER D, Thomas Rountree, Environmental Program Manager, Santa Clara Valley Transportation Authority, October 16, 1998.
- E-14) Please see the response to comment E-5 above

LETTER F

Eddie and Lavelle Souza
September 16, 1998

- F-1) The EMF expected from the project is discussed in detail in Section IX. Hazards, pages 61-63, of the Initial Study. Please see the response to comment E-5 above for a discussion of the Commission's EMF policy.
- F-2) Comment noted. Visual characteristics and expected visual impacts of the power line, including the presence of the poles and the conductors, were discussed in detail in Section XIII. Aesthetics, pp. 71-74, of the Initial Study
- F-3) Comment noted.
- F-4) Comment noted. Please see the response to comment E-5 above for a discussion of the Commission's EMF policy. The Commission's policy on EMF favors avoidance where possible, but avoidance is not always possible when a utility must construct new facilities in order to serve a growing area. The purpose of the project was to increase the capacity and reliability of electrical service in what the commenter acknowledges is a rapidly growing area. Reliability of the electric grid is the prime factor in any Commission decision concerning a utility's request for authority to construct new facilities. In this case, undergrounding is considered infeasible because of the number of existing utility easements already under the street. However, even if undergrounding were possible, placing the conductors underground would not guarantee minimal EMF exposure to nearby receptors. For electric and magnetic fields, placing distance between the source and the receptor is more effective than attempting to shield the receptor by placing material between the source and the receptor. Therefore, maximum avoidance of EMF for this project would be to place the lines high overhead, rather than immediately under the street or sidewalk, which is relatively closer to people who live or work in the area. Also, as described in the response to comment B-5 above, PG&E intends on taking several steps that would reduce EMF exposure from the project, including arranging the lines overhead such that the fields propagated by the lines largely cancel each other out.

- F-5) Existing and future EMF levels within the right of way of the power line would not be expected to exceed the levels discussed in the Initial Study. Previous studies show that transmission lines of this rating generate a maximum magnetic field of 150 milliGaus at the edge of the right of way, even when operating at maximum capacity. Magnetic fields drop off very rapidly as distance is increased away from the transmission line. Therefore, the cumulative effect from this transmission line to receptors that are 300 feet would be extremely small. Please also see the response to comment E-5 above.
- F-6) The project and the cumulative EMF levels under the power lines should be well within the guideline standards and threshold limits that the commenters present in this letter. See the discussion in Section IX. Hazards, pages 61-63, of the Initial Study.
- F-7) With respect to alternative routes or placement underground, alternatives to the Kifer-Nortech power line were presented and discussed in Application A-98-06-001, on pages 9 through 14, and in the PEA, on pages 2-53 through 2-59. Undergrounding of the transmission line is considered infeasible because of the multiplicity of utility easements under the street.

Under CEQA, examination of alternatives to a project is not required unless a project would cause significant adverse environmental impacts that cannot be mitigated to less-than-significant levels. Thus, no consideration or analysis of alternatives is required in a Negative Declaration.



DEPARTMENT OF FISH AND GAME

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(707) 944-5500



October 15, 1998

B

Ms. Judith Ikle
CPUC Project Manager
c/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, California 94104

Dear Ms. Ikle:

North San Jose Capacity Project/Nortech
Substation and Power Lines
Negative Declaration/Initial Study
SCR # 98092051, Santa Clara County

Department of Fish and Game personnel have reviewed the Negative Declaration/Initial Study for the North San Jose Capacity Project/Nortech Substation and Power Lines project submitted by Pacific Gas and Electric Company (PG&E). The project would allow construction of a substation on a 2.3-acre site and associated power lines in Northern San Jose. We have identified the following deficiencies in the project document.

1

As is stated in the Initial Study (IS), burrowing owls (*Speotyto cunicularia*) are known to occur in the project vicinity. On page 54 of the IS, it is stated that burrowing owls were not found on the substation site in the spring of 1998. No information is provided regarding the survey methodology or duration that was employed. It is also not stated that any surveying was conducted in potential burrowing owl habitat along the proposed power line routes or on the four-acre site to be used for temporary laydown areas during construction.

Mitigation proposed for potential impacts to burrowing owls is to conduct a preconstruction survey no more than 30 days prior to construction and, if owls are found, to passively relocate the birds. Mitigation for burrowing owl habitat loss would be to pay an undetermined fee toward a San Jose City-wide burrowing owl conservation plan, currently being developed. Alternatively, PG&E might elect to mitigate at a 1:1 acreage ratio for impacted foraging and nesting habitat with either the purchase of habitat credits or purchase of offsite mitigation land.

2

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If habitat suitable for the burrowing owl will be impacted by the project, we recommend that a minimum four-day survey be conducted between April 15 and July 15 to determine if the site is used during the nesting season. Recommended survey protocol can be obtained from this Department. Surveys of any areas to be impacted, including the laydown sites and power line routes, need to be completed prior to approval of the Negative Declaration.

3

Reliance upon a conservation plan that has not yet been completed or approved for mitigation is not acceptable. If impacts to burrowing owl habitat will occur, a mitigation plan specific to this project needs to be developed, with replacement acreage identified. We have the following recommendations regarding appropriate mitigation for impacts to burrowing owl habitat.

4

There are two types of mitigation necessary for any impacts to burrowing owls, mitigation for the loss of burrowing owl breeding and foraging habitat, and mitigation to avoid "take" of individual burrowing owls and their nest sites. In order to determine whether or not owls breed on or near the site, a burrowing owl survey must be conducted according to the survey guidelines described in the Burrowing Owl Survey Protocol and Mitigation Guidelines (Burrowing Owl Consortium, 1993) between April 15 and July 15. If burrowing owls are observed during surveys, the extent of burrowing owl habitat on the site should be delineated by a qualified ornithologist. A 1:1 acreage replacement ratio will be required to offset permanent impacts to burrowing owl habitat. Land identified to off-set impacts to burrowing owls must be protected in perpetuity either by a conservation easement or fee title acquisition. Burrowing owl mitigation lands should be identified within the northern San Jose and Alviso area.

5

If it is determined that burrowing owls occur on the project site, a burrowing owl habitat mitigation plan must be prepared and shall be subject to the review and approval of the Department. A Mitigation Agreement (MA) that will legally bind the applicant to the conditions of the plan shall be executed between the Department and the applicant. The Department will not issue a permit to allow any owl relocation activities until the mitigation plan has been finalized and the MA has been executed.

6

The plan should identify the mitigation site and any activities necessary to enhance the site, including the construction of artificial burrows. The plan should also include a description of monitoring and management methods proposed at the mitigation site. Monitoring and management of any lands identified for mitigation purposes shall be the responsibility of the applicant for at least five years. An annual report should be prepared for submittal to the Department by December 31 of each year. Contingency measures for any anticipated problems should be identified in the plan.

7

Mitigation for "take" of individual burrowing owls and their nest sites is fulfilled by conducting a pre-construction survey for the species, no more than 30 days prior to construction. Preconstruction surveys must be conducted according to the guidelines referenced above. Preconstruction survey results must be submitted to the Department for review and approval. As discussed above, preconstruction surveys that are required subsequent to document approval do not replace pre-approval initial surveys and mitigation planning.

8

It is unlawful to take, possess, or destroy burrowing owls, their nests, or their eggs, pursuant to Section 3503.5 of the Fish and Game Code and the Federal Migratory Bird Treaty Act. For this reason, any impacts to the species during the breeding season (February 1 to August 31) must be avoided. If there are construction activities proposed during the owl breeding season, and if burrowing owls are observed on, or within, 250 feet of a project site during pre-construction surveys, a 250-foot protective buffer must be established with the placement of a barrier fence which shall remain in place for the duration of the breeding season. If preconstruction surveys are conducted during the non-breeding season and burrowing owls are observed on the site, the Department will authorize owl eviction only after the habitat mitigation plan and MR have been finalized.

9

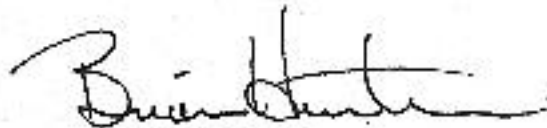
On page 55 of the IS, it is stated that no special status plants were identified during spring 1998 surveys. Information regarding the extent and timing of these surveys should also be provided so that their adequacy can be better assessed. On page 57, it is stated that as many as 191 landscape trees will be removed. More information regarding the tree species, location in relation to other suitable wildlife habitat, and replacement trees needs to be provided.

10

Ms. Judith Ikle
October 15, 1998
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If you have any questions regarding our concerns, please contact Ms. Jeanine DeWald, Associate Wildlife Biologist, at (408) 429-9252; or Mr. Carl Wilcox, Environmental Services Supervisor, at (707) 944-5525.

Sincerely,



Brian Hunter
Regional Manager
Region 3

Enclosures





DEPARTMENT OF FISH AND GAME

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POST OFFICE BOX 47
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October 22, 1998



Ms. Judith Ikle, CPUC Project Manager
Mr. Tom Roberts, Senior Ecologist
Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, California 94104

Dear Ms. Ikle and Mr. Roberts:

Draft Mitigated Negative Declaration/Initial Study
North San Jose Capacity Project
Pacific Gas and Electric Application Number A.98-06-001
San Jose, Santa Clara County

This letter is to follow up on the Department of Fish and Game's previous letter regarding the Negative Declaration/Initial Study for the North San Jose Capacity Project/Nortech Substation and Power Lines project. In our previous letter, we wrote that "reliance upon a conservation plan that has not yet been completed or approved for mitigation is not acceptable..." as mitigation for the loss of burrowing owl habitat. However, we would like to make clear that we would be willing to accept participation in a conservation plan that has been completed and approved for mitigation, as long as the plan is approved prior to any ground disturbing activities necessary for the project.

1

It is our understanding that the proposed project may not be initiated until 1999. If the San Jose Burrowing Owl Habitat Conservation Strategy and Implementation Plan has been completed and approved by the Department and the City of San Jose, prior to the time that the project is initiated, the Department would accept participation in the plan as adequate mitigation for project impacts to burrowing owl habitat. If the conservation plan has not been finalized by the time that the project is initiated, the applicant will be required to offset impacts to burrowing owl habitat by providing off-site compensation habitat at a 1:1 acreage replacement ratio, as described in our previous letter.

2

We suggest that a condition of approval be imposed on the project that requires the applicant to fulfill the Department's mitigation requirement for the loss of burrowing owl habitat

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Ms. Judith Ikle and Mr. Tom Roberts
October 22, 1998
Page Two

unless the San Jose Burrowing Owl Habitat Conservation Strategy and Implementation Plan is approved and implemented prior to final map approval. It is our hope that this letter further clarifies our position regarding participation in the conservation plan.

If you would like to discuss our comments, please contact Ms. Caitlin Bean, Environmental Specialist, at (831) 469-8759.

Sincerely,

C. J. Hunter
~~F&E~~ Brian Hunter
Regional Manager
Central Coast Region



October 16, 1998

(D)

Public Utilities Commission
 c/o Environmental Science Associates
 225 Bush Street, Suite 1700
 San Francisco, CA 94104

Attention: Judith Ikde, CPUC Project Manager

Subject: North San Jose Capacity Project

Dear Ms. Ikde:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft Mitigated Negative Declaration/Initial Study for the project referenced above for PG&E utility improvements including a new substation at the northeast corner of SR 237 and First Street and a 115kv transmission line along the east side of Zanker Road. We have the following comments.

Existing Easements

VTA owns more than half of the underlying fee to Zanker Road adjacent to the Cerone property. Within 40 feet east of the ultimate road right-of-way along Zanker Road, VTA's property is encumbered by a waterline easement, a sanitary sewer easement, and an underground electrical easement.

Transmission Line Adjacent to Cerone Yard

We are opposed to having a 115kv overhead transmission line along the Zanker Road frontage of our Cerone maintenance facility and our undeveloped adjacent parcel. We are concerned that there would be substantial impacts resulting from locating a 115kv transmission line along Zanker Road and SR 237 adjacent to our maintenance facility and undeveloped property. Our understanding is that the proposed transmission line would require up to an 80-foot easement which would limit development to landscaping or parking uses. The transmission line and its associated easement requirements would greatly limit our ability to further develop Cerone Yard as well as the undeveloped 38-acre parcel south of the bus yard. We are also concerned that the large transmission towers and extensive overhead wire system would create substantial aesthetic impacts for the maintenance facility as well as for the undeveloped parcel.

We were recently informed that development of an R&D complex on the west side of Zanker Road will require expansion of Zanker Road from 4 lanes to 6 lanes. As a result, approximately 10 feet of additional right-of-way from our Cerone property will be needed in order to construct the roadway improvements. This transmission line project would further magnify impacts resulting from the road widening project.

Therefore, we request that an alternative design or location be implemented that does not involve construction of an overhead transmission line along Zanker Road adjacent

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October 16, 1998
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to our Cerone property. One possible alternative to routing the transmission line along Zanker Road in front of the Cerone facility and the Cisco property may be to route the transmission line east of these properties along Coyote Creek.

Project Schedule

According to the environmental document, construction of the proposed project may begin as early as January, 1999. As mentioned earlier, a project to widen Zanker Road from 4 to 6 lanes is being planned within the proposed project area. We request that any overhead transmission line improvements along Zanker Road not be constructed until the road widening project has been completed. Construction of the road widening project may occur around the spring of 1999.

Review of Design Plans

We request the opportunity to review design plans for this project as they become available in order to further evaluate potential impacts to our property. Our concerns include the location of utility poles and potential impacts to the drainage system for our property.

Coordination of Construction Activities

The proposed project will include construction activities which may involve temporary interruption of bus service or temporary relocation of bus stops. In addition, the project may require access to VTA facilities, including Cerone Yard. The project will also involve construction activities in areas where VTA will be constructing portions of the Tasman East Light Rail Transit (LRT) Project. Therefore, it will be important to ensure that proper coordination of activities takes place. Construction activities for the project should be coordinated as follows:

- VTA Operations Planning should be contacted at least 72 hours in advance of the commencement of any construction activities that may involve temporary modification of bus service or relocation of a bus stop. Please contact Ron Wong at (408) 321-7054.
- In addition, we request that VTA Construction Operations be contacted at (408) 321-5856 in order to obtain a construction access permit for any work involving VTA facilities or property. Construction Operations has also requested that, prior to issuing a construction access permit, that existing easements be surveyed and VTA staff have an opportunity to verify the surveys. Construction Operations would also like to receive a copy of the as-built drawings for the proposed project. In addition, Construction Operations should be notified at least 72 hours prior to the commencement of any construction activities that may affect VTA bus stops or facilities.

11-17-1998 9:20AM

FROM ENV. ANALYSIS 408 321 5787

P. 7

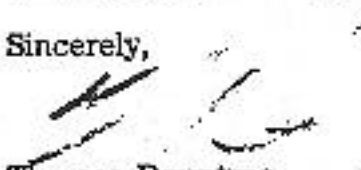
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- VTA is also planning to construct the Tasman East LRT project within some of the areas that may be included as part of the transmission line project (along Tasman Drive between Zanker Road and I-880). It appears likely that construction activities for the LRT project and the North San Jose Capacity Project may occur during the same time frame. Please contact Arch Walters, Tasman East Project Manager, at (408) 321-7132 in order to coordinate construction activities for the two projects.

9

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

Sincerely,



Thomas Rountree
Environmental Program Manager

TDR:RM

In The Matter of The Application Of Pacific Gas and Electric Company, For Approval to Construct a 115/21 kilovolt (kV) distribution substation (the Nortech Substation) in the City of San Jose and two 115 kV power lines to provide energy to the Nortech Substation from 1) the City of Santa Clara's Kifer Receiving Station, and 2) Pacific Gas and Electric Company's Trimble Substation in the City of San Jose. The proposed substation site is east of North First Street, adjacent to the north side of State Route 237, and at the southern end of Disk Court. The project includes the installation of two 45 megavolt 115 kV-21 kV transformers at Nortech Substation. One new power line will run north from Kifer Receiving Station along Bassett and Lafayette Streets to State Route 237, and east along 237 to the Nortech Substation site. The other new power line will run north from Trimble Substation along North First Street to Trimble Road, east along Trimble to Zanker Road, north along Zanker to State Route 237, and west along 237 to the Nortech Substation site. The new power lines will be placed on poles replacing existing poles, except along Zanker Road, where the new power poles will not replace existing poles.
There, new poles will be placed in a new right-of-way.



Application
No. 98-06-001

PROPOSED PROTEST

SONY ELECTRONICS INC.
Terry P. Brodek, Sr., Dir. of Facilities
3300 Zanker Rd.
San Jose, Ca. 95134-1901
Telephone: (408)955-5920

Property Owner adjacent to
Zanker Rd Site, East

PROTEST

Pursuant to Rules of Practice and Procedure of the Public Utilities Commission Sony Electronics Inc. protests the installation of new poles in the Zanker Rd. portion of the project. Sony Electronics does not specifically protest the need of this project realizing the importance of additional electrical load in this area.

I.

The Protestant is the property owner of the adjacent property east of the portion of the project along Zanker road between Montague Expressway and River Oaks Parkway. Pleadings, correspondence and communications concerning this application should be mailed to Terry P. Bredek, Sr., Director of Facilities, at Sony Electronics Inc., 3300 Zanker Rd, San Jose, Ca. 95134-1901.

II.

Sony Electronics Inc. objects to the granting of the application as proposed for the following reasons:

- a. The impact of installing power poles along Zanker Road and in particular, along the west side of the Sony Facility is detrimental to the overall appearance and constitutes an adverse aesthetic impact upon our scenic corridor and our surrounding area. Installation of these power poles will give this area an "industrial" look that is not conducive to the overall look and feel of this area. 1
- b. It is not apparent to Sony Electronics that a bona fide study was conducted to the extent of the feasibility of installing this power grid underground. It has been mentioned that due to the large number of services underneath the street along Zanker Road that it would be difficult to bury these lines. Although this may be a fact, it does not deter from the fact that it could be done. 2
- c. It is our position that alternative routes for the new high power poles were not thoroughly investigated and that there are routes which would have less impact on the aesthetics in this area up to and including burying the lines underground. 3

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|---|---|
| d. It is the belief of Sony Electronics that this project will have a negative effect on property values. High power towers immediately adjacent to buildings will be detrimental to west facing views from windows which look north west into the Santa Cruz mountain range. It should be mentioned that the Sony building is four stories (70 feet) and that the Zanker Rd. side of this facility would look directly into these power poles. | 4 |
| e. Hazardous effect of a structural failure relating to damage of property, radiation damage on humans, plants, animals and environmental damage. | 5 |
| f. The appearance of these power lines will have a negative effect on our employees as well as our ability to recruit new employees. | 6 |
| g. A park course used by employees of all the businesses in this area and local residents will be directly under/adjacent to the power poles planned for construction on Zanker Rd. between Montague Expressway and River Oaks Parkway, resulting in radio interference and a reduced enjoyment of the property. | 7 |
| h. Motorists and pedestrians walking on the east side of Zanker Rd. between Montague Expressway and Tasman Avenue would be exposed to the negative aesthetic and electromagnetic impact of the power lines. | 8 |
| i. Unknown effects of long-range exposure to high levels of electromagnetic fields. | 9 |

III.

Protestant requests an investigation of this application and public hearing in which evidence can be presented on the advisability and authority for granting this application on this proposed project and specifically that part of the project consisting of the construction of high power poles along Zanker Rd.

IV.

The following facts regarding this application should be developed and presented:

- | | | |
|--|--|----|
| a.) The potential detrimental long-range effects of electromagnetic field radiation based on recent findings to humans, animals, and plants. | | 10 |
| b.) The damage to the value of lands and economic loss adjacent to the site where the new high power poles are to be installed, and reduced enjoyment of park course by employees of those business and local residents. | | 11 |
| c.) The adverse aesthetic effect upon neighboring businesses adjacent to the site where the new high power poles are to be installed. | | 12 |
| d.) A feasibility study should be conducted to determine whether the proposed high power lines could be placed underground. | | 13 |
| e.) Hazardous effect due to structural failure. | | 14 |


VERIFICATION

Sony Electronics Inc. of 3300 Zanker Rd., San Jose, Ca. 95134-1901 verifies the subject application.

Sony Electronics Inc. has read the foregoing Protest and believes its information to be true.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed in San Jose, California on August 10, 1998.


Terry P. Bredok, Sr. - Director of Facilities
Sony Electronics Inc.
Owners of the Property adjacent
to subject proposed project

CERTIFICATION OF SERVICE

Electronics Inc. certifies that we as of this date caused the foregoing Late File Protest to be served on the following by causing a copy of the same to be mailed by first class mail postage prepaid:

1. California Public Utilities Commission
Energy Division Director
505 Van Ness Avenue, Fourth Floor
San Francisco, Ca 94102
2. Pacific Gas and Electric Company
Law Department, G.O. 131-D
P.O. Box 7442
San Francisco, Ca 94120

Eddie and Lavelle Souza
4320 Bassett Street
Santa Clara, CA 95054
September 16, 1998



Judith Ikle, CPUC Project Manager
c/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, CA 94104

Dear Ms. Ikle,

We have been notified that Pacific Gas and Electric Company proposes to construct the North San Jose Capacity Project in the Cities of San Jose and Santa Clara. We have property within 300 feet of the proposed project, and we would like you to consider our concerns regarding this proposal.

We understand Pacific Gas and Electric Company filed a Negative Declaration on their project, but we do not agree with this filing. We believe the applicants need to consider the geographical area, its demographics, and the City of Santa Clara's existing/potential electrical power structures. Our family is one of the many families who live along Lafayette Street, and we are concerned about the potential health risks associated with the exposure to Electric Magnetic Fields. We are also concerned that having more and taller utility poles in the neighborhood will have a negative element on the aesthetics of our neighborhood and on the value of our residential property.

1

Lafayette Street is highly residential, with new construction of residential units being proposed by the city. Lafayette Street is cluttered with various kinds of electrical power structures, while the commercial street one block west of Lafayette Street (Great America Parkway) does not have any exposed electrical power structures. We realize the CPUC and PG & E do not have direct control over what the City of Santa Clara does/does not do, but there needs to be some consideration by this corporation of the people who live, work, and go to school where the proposed project is located.

2

We have become aware that there are two major research studies being conducted on the federal and state levels as a result of epidemiological studies raising concerns regarding the connection between exposure to Electric Magnetic Fields and certain health problems (such as, childhood leukemia; brain and breast cancer; and certain adverse neurological and reproductive effects). The EMF Research and Public Information Dissemination Program adopts the hypotheses that exposure to EMF under some conditions may lead to an unacceptable risk to human health. Also, the CPUC EMF policy is that the best response to EMFs is to avoid them.

3

4

We are recommending that the applicant survey the area and determine the present EMF levels along Lafayette Street and then do an analysis of the new EMF level before the construction of the project. The survey should include any future construction of electrical power structures, such as the City of Santa Clara's electrical substation being constructed within 300 feet of this project and by a day program where disabled people work.

5

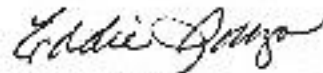
Even though there no federal standards for EMF levels, the ACGIH has set an occupational exposure threshold for electric fields at 25 kV/m and magnetic fields at 10,000 mG. Florida and New York have set 200 mG magnetic field limits along the right of way edge of transmission lines. The World Health Organization set a daily occupational limit of 5,000 mG. It is believed elevated electric and magnetic fields couple with living tissues, known as electrostatic and electromagnetic induction, thereby generating short-circuit and circulating currents with the body.

6

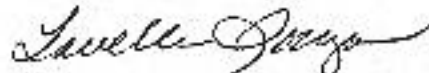
We believe alternatives, such as underground casings, should be seriously explored. We no longer want our neighborhood cluttered with electrical power lines, and we do not want our family living with the potential of health risks. Thank you for considering our requests.

7

Sincerely,



Eddie Souza
Former Mayor of Santa Clara



Lavelle Souza