



Development and Environmental Services Department
Planning
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Letter 10

April 22, 2005

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TRANSIT SYSTEM
DEVELOPMENT

Shari Adams
Warm Springs Group Manager
San Francisco Bay Area Rapid Transit District
300 Lakeside Drive, P.O. Box 12688
Oakland, CA 94604-2688

RE: DRAFT EIS FOR THE BART WARM SPRINGS EXTENSION (WSX) PROJECT.

Dear Ms. Adams:

The City of Fremont appreciates the opportunity to comment on the Draft Environmental Impact Statement for the BART Warm Springs (February 2005), hereafter referred to as the WSX DEIS. This project is located entirely within the boundaries of the City of Fremont. The City has long supported this project which has been planned for over 25 years. We look forward to a continuing partnership with BART as the project moves into construction and then operation. As noted in the WSX DEIS, the City has anticipated this extension in its General Plan, and more recently has prepared a conceptual land use plan for the optional Irvington BART Station area. Furthermore, the City is in the midst of preparing a Specific Plan for the vicinity of the proposed Warm Spring BART Station. In addition to supporting and planning extensively for this project, the City has also made significant headway on a number of capital projects to facilitate the development of the BART extension to Warm Springs, including two grade separations that would allow BART to continue at-grade from Central Park to Warm Springs.

We have carefully reviewed the WSX DEIS and find it to be generally thorough and complete. However, we do have the following comments and questions, by section and page.

EXECUTIVE SUMMARY

General Comment: The City requests that the Executive Summary be modified in relation to the various comments made in each of the substantive sections. The City has not made separate comments on the Executive Summary.

10-1

CHAPTER 2: PURPOSE AND NEED

- Page 2-2, Traffic Congestion: In the first paragraph, third line, the amount of 160,000 cars needs to be defined, to clarify per day, per lane day, per peak hour, etc. In the fourth paragraph, the discussion on the effects of local streets was included in the discussion of regional impacts. Local circulation effects should be discussed as a distinct topic.
Page 2-6, 2.3.3 Provide Development Catalyst and Transit-Oriented Development: While noting the importance of Transit Oriented Development, the City of Fremont is still analyzing the appropriate level and location of various land use alternatives, from residential to mixed use, to high density office uses.

10-2

10-3



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Shari Adams
 Warm Springs Group Manager
 April 22, 2005

Page 2

CHAPTER 4: ENVIRONMENTAL ANALYSIS

Section 4.4: Hazards and Hazardous Materials

- **Page 4.4-6 and Table 4.4-2:** Page 4.4-6 and Table 4.4-2 identify 23 sites that need either Phase II and/or III subsurface soil and groundwater characterization. When will the additional investigations be completed and which Agency(ies) does BART intend to have review the findings to determine whether or not further investigation and/or remediation is necessary? How will any remediation measures be developed? | 10-4

Section 4.5: Hydrology

- **Page 4.5-14, Mitigation Measure H-1:** The City of Fremont should be included along with ACFCD for any work that would encroach on structures or areas owned or operated by the City of Fremont. This work would require approval from the City. | 10-5
- **Page 4.5-15, Mitigation Measure H-4:** This section should add language that an NPDES permit will be obtained from the Regional Water Quality Control Board (RWQCB) and permit conditions implemented in the Best Management Practices (BMP's). | 10-6
- **Page 4.5-16, Impact H-7:** The first paragraph, last line states that the "water moves as a sheet flow across the existing railroad embankments." The project description explains that the BART rail will be on an elevated earth embankment. Please explain how this water flow will be maintained across the embankment. | 10-7

Section 4.6: Wetlands

- **Section 4.6.2.2, Page 4.6-5, Seasonal Wetlands and Section 4.6.4.2, Page 4.6-10, Permanent Loss of Wetlands Habitat, No-Build Alternative, and Section 5.2.7, Page 5-23, Impact WL-Cume-1:** The DEIS states in several places that 0.7 acre of wetlands will be affected by the City's grade separation project. The correct total is 0.6 acre. The total is broken down into 0.212 acre of impacts to wetlands under Army Corps of Engineers jurisdiction and RWQCB jurisdiction and an additional impact to a 0.39 acre isolated wetland under RWQCB jurisdiction, but not Corps jurisdiction. | 10-8
- **Section 4.6.4.2, Page 4.6-11, WSX Alternative:** The DEIS states that "0.7 acre seasonal wetlands in the project area, located between the former SP and WP railroad tracks south of the optional Irvington station site, has been identified as vernal pool fairy shrimp habitat and is known to support a population of California tiger salamander." The seasonal wetland is 0.39 acre. This area does support CTS and will be fully mitigated by the City's grade separation project, but no fairy shrimp have been found and thus no mitigation is proposed by the City's project. | 10-9

Section 4.7: Biological Resources

- **Page 4.7-33:** The first paragraph at the top of the page should be changed from "(slated for removal by the City of Fremont in 2005)" to "(slated for removal by the City of Fremont in 2006)" | 10-10

Section 4.8: Land Use and Planning

- **Page 4.8-1:** The Irvington Concept Plan was adopted by the Fremont City Council on January 5, 2005. A copy of the Irvington Concept Plan will be made available to BART. | 10-11

Shari Adams
 Warm Springs Group Manager
 April 22, 2005

Page 3

- **Page 4.8-3:** The second paragraph indicates that Lake Elizabeth has a swim lagoon as part of its amenities. The swim lagoon has been closed since 2001. Also, please see response to Page 4.9-2 below. 10-12
- **Page 4.8-3:** The fourth paragraph implies that former industrial zoned land east of Civic Center Drive and north of Stevenson Boulevard has been rezoned to single-family residential use. The City is not aware of any land in the identified area converted from industrial to residential use since 1992. 10-13
- **Figure 4.8-3:** The narrow horizontal strip of land designated as 'Undeveloped' on this figure should be clarified. This land currently has a land use designation of 'Industrial'. 10-14
- **Page 4.8-5:** The last sentence in the first paragraph should be amended to read as follows: "Along Warm Springs Boulevard, residential uses on the east side of Washington Boulevard within the Warm Springs Planning Area abut industrial uses on the west side of Warm Springs Boulevard in the adjacent Industrial Planning Area." 10-15
- **Page 4.8-11:** The second to the last sentence on the page should be updated as there are references to input being provided in September of 2004 and a draft Specific Plan expected in early 2005. The Specific Plan preparation is still underway and adoption of a Specific Plan is currently anticipated in 2006. 10-16
- **Page 4.8-23:** The document says that the "Adoption of a specific plan for the Warm Springs Station is expected by mid-2005." The Specific Plan preparation is still underway and adoption of a Specific Plan is currently anticipated in 2006. 10-17

Section 4.9: Parks and Recreation

- **Page 4.9-2:** Reference is made to the "Fremont Civic Center Complex", and lists administrative offices, council chambers and the fire department as uses. These uses are no longer in the park and this area is not referred to as the "civic center complex" any longer. The Police Building and Jail, Tri-City Animal Shelter, and the offices of the Fremont Main Library and Alameda County Library, while sited within the larger boundaries of Central Park, are not located on park land (the General Plan designation for these uses is "Public Facility"). 10-18
- **Page 4.9-2:** The Teen Center, and the Executive Golf Course and Driving Range need to be added to the list of facilities which are located in the park. The Swim Lagoon has been closed since 2001, and the site will be developed with the Family Water Play Facility in the near future. Construction is expected to begin in 2006, with the facility opening to the public in May 2007. Please include this information in the document since this will be a major new recreational facility in the park. 10-19
- **Page 4.9-4:** To the sentence which reads "The proposed ventilation structures would occupy a negligible percentage (approximately 0.1%) of Fremont Central Park's total area (430 acres)" – add the actual acreage which this "negligible percentage" represents, and change the acreage of Central Park to 433.90. Other references to Central Park's acreage (in this and other chapters) should be changed to 433.90 as well. Please note that on page 6-13, the percentage is referred to as "0.01%." The correct percentage should be listed in both places. 10-20

Shari Adams
 Warm Springs Group Manager
 April 22, 2005

Page 4

- **Figure 4.9-2a:** Figures 4.9-2a and 4.9-3a have conflicting information about the location of the temporary dog park. The document should reiterate that there will be additional discussions between the two agencies to finalize the location of both temporary and permanent facilities in the park. | 10-21
- The document does not mention the Sports Storage Building and Maintenance Building, which are located close to the North Ventilation Structure. Their disposition should be addressed: if they will be unaffected by the project, it would be useful to state as such. | 10-22
- **Page 4.4-9:** Please modify Mitigation Measure PRE-3 to add language that BART and its contractor will coordinate with City Parks and Recreation staff to provide as much advance notice as possible for construction scheduling and other project issues which will cause disruption to Central Park. | 10-23
- **Page 4.9-10:** Reference is made to providing "temporary walking paths around Lake Elizabeth". Will there be both pedestrian and bicycle access? The City's expectation is that bicycles will also be accommodated. | 10-24

Section 4.13 Noise and Vibration

- **Page 4.13-18:** Noise mitigation should not be limited to areas where noise increases by 5 dBA or more. This would represent a reduction in the linear feet of sound walls recommended in the SEIR and included in the preliminary design/build plans. Sound walls should be installed to protect all the residences between Washington Blvd. and Grimmer Blvd. to be consistent with the SEIR. | 10-25
- **Figures 4.13-6c and 4.13-6d:** There appears to be a conflict in the document with respect to homes south of Washington Blvd. One group of homes is noted as severely impacted and the remainder are only moderately impacted. This should be clarified. Grimmer Elementary School, like the homes, is noted as only moderately impacted. It appears the proximity and speed of the BART trains would be similar for these locations. | 10-26
- **Figure 4.13-7a:** Is there a discrepancy in the document with respect to the Red Hawk Ranch apartments? Some of the apartments appear to be impacted differently and they appear to be located the same distance from the tracks as the impacted apartments. This should be clarified. | 10-27
- **Table 4.13-10:** This Table shows that between Paseo Padre and Washington there are 8 residences "Exposed to impacts". However, Table 4.13-12 shows only 5 "locations for vibration Mitigation". Why 8 in one and 5 in the other? | 10-28
- **Figure 4.13-6c:** There is a discrepancy between the way the new and older homes are characterized in terms of noise and vibration impacts. In Figure 4.13-6c, noise impacts are identified on new houses that aren't shown on the aerial photo. However, on Figure 4.13-7c, no vibration impacts to these new homes are shown even though the older homes immediately south of them have vibration impacts. Were these developments overlooked in the vibration impacts analysis? | 10-29
- **Page 4.13-25:** This section states toward the bottom that "At a minimum, the installation of ballast mats would be required. However, more extensive measures or a combination of measures may be required at some locations to attain maximum reduction of vibration impacts." Therefore, is it safe to conclude that where you show vibration impacts, at a minimum BART is planning to install ballast mats? | 10-30

<p>Shari Adams Warm Springs Group Manager April 22, 2005</p>	<p>Page 5</p>
<ul style="list-style-type: none"> • Figures 4.13-7b, 7c, and 7d: Why aren't the residences adjacent to stations 2375 to 2380 and 2410 to 2420 impacted by vibration? Residences adjacent to these locations are shown to be impacted and appear to be located in similar proximity to the BART tracks. 	<p>10-31</p>
<p>Section 4.16: Utilities and Public Service</p>	
<ul style="list-style-type: none"> • Page 4.16.11: Under Storm Drain, there is a typo in the 3rd sentence: "patters" should be "patterns". 	<p>10-32</p>
<p>CHAPTER 5: OTHER NEPA CONSIDERATIONS</p>	
<p>Section 5.2.7, Cumulative Impacts on Wetlands</p>	
<ul style="list-style-type: none"> • Page 5-23, First paragraph, 7th line: The City recommends removing "typically at a 3:1 ratio." This language is speculative unless the mitigation report has approved this specific mitigation ratio. Please remove any reference to the Catellus Wetland mitigation as it is not being used for the WSX alternative project. 	<p>10-33</p>
<ul style="list-style-type: none"> • Page 5-30: Please add language to Impact PR-Cume-5 that clarifies any new residential development would be required to pay impact fees which include fees for park facilities for new residences. 	<p>10-34</p>
<p>CHAPTER 6: DRAFT SECTION 4(F)/SECTION 6(F) EVALUATION</p>	
<ul style="list-style-type: none"> • Page 6-9, Section 6.4.1: This section makes reference to Gomes Elementary School being about 1000 feet from the WSX alignment. The school is actually more than 2000 feet from the WSX alignment. It appears that you may have mistaken Gomes Park for Gomes Elementary School. The school and the park are adjacent to each other. However, at its closest point, the park is about 1000 feet away from the WSX alignment where the school is over 2000 feet away. These points should be clarified in the final document. 	<p>10-35</p>
<ul style="list-style-type: none"> • Page 6-13, second paragraph: Amend to read "A \$14,456 grant in 1973 was made for a portion of the Fremont Central Park bike and pedestrian trail. A grant in 1974 for \$95,562 was made for a sports complex in Fremont Central Park, which paid for a portion of the construction." 	<p>10-36</p>
<ul style="list-style-type: none"> • Page 6-13, last paragraph: See comment #3 for page 4.9-4, above, regarding correct percentage and addition of acreage which this percentage represents. 	<p>10-37</p>
<ul style="list-style-type: none"> • Page 6-14: The text should be modified to clarify that the undeveloped parkland on which the access road would be located is owned by ACFCD and under a long-term lease agreement with the City. Also, it should be clarified that BART will have to secure an access easement from ACFCD for the road. 	<p>10-38</p>
<ul style="list-style-type: none"> • Page 6-15, fourth paragraph: Add language to clarify that the temporary lots will provide for at least the same number of parking spaces as the current lots. It is the City's expectation that the temporary parking lots will be lit. 	<p>10-39</p>
<ul style="list-style-type: none"> • Page 6-25: The City expects that BART will maintain the landscaping, irrigation and abate graffiti on and around the vent structures. 	<p>10-40</p>

Shari Adams
Warm Springs Group Manager
April 22, 2005

Page 6

- **Page 6-26: Mitigation Measure PR-3, fifth bullet:** Reference is made to temporary walking paths around Lake Elizabeth. Will there be both pedestrian and bicycle access? The City's expectation is that bicycles will also be accommodated. 10-41
- **Page 6-26, Mitigation Measure PR-3, sixth bullet:** As the design of this mitigation is developed, the City wants to ensure that BART will work with the City to determine how this mitigation will affect park usage during construction. 10-42
- **Page 6-42, section 6.6.1, first paragraph:** Of the two LWCF grants in Fremont Central Park, the first provided for the improvement of a bike trail along the northern and eastern shore of Lake Elizabeth, comprising only a portion of the trail which encircles the lake. 10-43
- **Page 6-42, section 6.6.1, second paragraph:** With regard to paragraph two, only a portion of the bike path improvements funded with the LWCF grant falls under the license agreement between the City and APWCD. 10-44
- **Page 6-42:** Modify the section to note that the two LWCF grants "were received prior to the requirement for contemporaneous mapping." Modify the section to note that only a portion of the northern vent structure is within the LWCF assisted area per discussions between the NPS, the City of Fremont and BART. 10-45

Thank you again for the opportunity to comment.

Sincerely,



Jeff Schwob
Planning Director

Response to Comment Letter 10

10-1: The Executive Summary has been modified to reflect all changes made to the DEIS. Changes associated with this comment letter refer to the names and description of mitigation measures that were modified during preparation of the FEIS.

10-2: The text has been clarified through the following changes:

- The second sentence under “Traffic Congestion” on page 2-2 of the DEIS has been revised as follows:

In 2001, over 160,000 cars per day traveled this roadway in each direction.

- To clarify the discussion of regional and local roadways, the last paragraph of Section 2.2.2 (Traffic Congestion) on page 2-3 has been moved to follow the first sentence of the third paragraph on page 2-3, as follows:

According to MTC, the total number of daily trips made by Bay Area residents is projected to grow by 35% (to a total of 28.5 million trips) by the year 2030, and two of the three most significant changes in daily trips between Bay Area counties from 2000 to 2030 will occur over the Sunol Grade (116% increase in daily trips), and within the I-680 south corridor between Contra Costa and Alameda Counties (88% increase in daily trips) (Metropolitan Transportation Commission 2004). Highway and freeway expansion to respond to the need for improved regional access is possible, but limits exist. Caltrans estimates that I-880, the primary north-south freeway in the area, could be expanded from the existing 4 to 6 lanes to 8 to 10 lanes. However, as explained above, future demand is expected to exceed this capacity by as much as six additional lanes, and this scale of expansion is not feasible.

Arterial streets in the project vicinity are also expected to carry heavier traffic volumes in the future under No-Build conditions. Of 14 selected intersections located on Fremont area arterial roadways, all 14 currently operate at LOS D or better for both AM and PM peak hour conditions. For AM peak hour conditions in the project horizon year of 2025, 13 of the 14 arterial roadways are anticipated to have a worse LOS than current conditions and 6 would operate at LOS E or F. For the 2025 PM peak hour conditions, 13 of the 14 intersections would have a worse level of service and 4 would operate at LOS E or F.

~~Highway and freeway expansion to respond to the need for improved regional access is possible, but limits exist. Caltrans estimates that I-880, the primary north-south freeway in the area, could be expanded from the existing 4 to 6 lanes to 8 to 10 lanes. However, as explained above, future demand is expected to exceed this capacity by as much as six additional lanes, and this scale of expansion is not feasible.~~

10-3: Comment noted.

10-4: The Phase II and III studies recommended in Table 4.4-2 have been conducted. The results of the studies indicated that with two exceptions described below (SFPUC and UP Right of Way), the levels of hazardous substances within soil are below RWQCB environmental screening levels (ESLs) or local background levels. Contaminated groundwater was not identified.

Investigation of the SFPUC site (Paseo Padre Parkway) identified contaminated soil containing concentrations of polynuclear aromatics (PNAs) above the industrial ESLs established by the RWQCB. Based on current project plans, there is no need for excavation into the contaminated soil. The project soil management plan will include the procedures concerning the contaminated soil at this location. The current plan is to place several feet of clean fill above the contaminated soil to preclude exposure.

Investigation of the UP right of way has also identified contaminated soil containing arsenic and other constituents above the ESLs. BART will consult with DTSC and/or RWQCB to develop procedures for this site to be included in the project soil management plan to maximize reuse on site within appropriate parameters. If material cannot ultimately be managed on site, it will be disposed off site at appropriate facilities for the identified material.

The procedures for additional characterization, remediation, and construction management concerning potential hazardous waste are described in Mitigation Measures HazMat-3 on page 4.4-13 and 4.4-14 in the Draft EIS.

- 10-5:** Mitigation Measure H-1, which appears on page 4.5.14 of the DEIS, was amended as follows:

Mitigation Measure H-1—Design and implement a stormwater management system to safely convey stormwater. BART will design and implement a stormwater management system and will develop and put into operation a stormwater management plan to convey flows up to and including the 100-year storm. The stormwater management system will be incorporated into plans and specifications for the WSX Alternative, and BART will submit the WSX Alternative designs to ACFCD for approval to ensure that the WSX Alternative does not exacerbate either upstream or downstream flooding conditions. Drainage systems must be designed in compliance with guidelines published by ACFCD. In addition, any work that would encroach on structures or areas owned or operated by ACFCD would require approval from ACFCD. The stormwater management plan may recommend use of stormwater detention facilities to temporarily store the increased flows from storms up to and including the 15-year storm, and to discharge the flows at approximately predevelopment levels. BART will consult with ACFCD, RWQCB, and the City of Fremont, as appropriate, to ensure that the WSX Alternative does not exacerbate either upstream or downstream flooding.

- 10-6:** Mitigation Measure H-4, which appears on page 4.5-15 of the DEIS, has been amended by adding the following paragraph:

For stormwater discharges associated with the maintenance facility, BART will file a Notice of Intent for coverage under the State Water Resources Control Board's General Permit for Discharges Associated with Industrial Activity. As required by the General Permit, BART will prepare a Storm Water Pollution Prevention Plan (SWPPP) for the maintenance facility and will implement BMPs as provided in the SWPPP.

- 10-7:** As noted on page 4.5-16, water flows over the existing elevated railroad embankments in certain locations during extreme flood events. Several cross culverts will be placed through

the embankment beneath the BART trackway at the same elevation as where the sheet flows now occur in order to maintain the existing pattern of flow.

10-8: The following changes have been made to reflect the correct area of wetland loss associated with the City's grade separation project. The following revisions have been made:

- On page 4.6-5 of the DEIS, the first sentence of the first paragraph under the heading "Seasonal Wetlands" has been revised as follows:

Emergent seasonal wetland habitat occurs in three occurrences: Tule Pond South (1.5 acres), adjacent to the flood control channels north of Paseo Padre Parkway (0.3 0.212 acre), and isolated patches along the WSX Alternative alignment (0.8 acre).

- On page 4.6-5 of the DEIS, the first sentence of the third paragraph under the heading "Season Wetlands" has been revised as follows:

Approximately 0.3 0.212 acre of seasonal wetlands is present in the area north of Paseo Padre Parkway, on both sides of the flood control channels (Huffman & Associates 2002a; City of Fremont 2005).

- On page 4.6-5 of the DEIS, the second sentence of the fourth paragraph under the heading "Season Wetlands" has been revised as follows:

The 2002 surveys identified an emergent seasonal wetland approximately 500 feet south of the proposed location of the optional Irvington Station, along the west side of the WSX Alternative alignment between the two railroad tracks. This wetland is approximately 550 feet long and encompasses an area of 0.7 0.39 acre.

- On page 4.6-10 of the DEIS, the second sentence of the paragraph associated with the no-build alternative has been revised as follows:

No-Build Alternative. The No-Build Alternative would result in no project-related loss of wetlands habitat. As discussed above, 0.7 0.6 acre of wetlands in the project area will be affected by the city's grade separations project, regardless of whether the WSX Alternative is constructed.

- On page 5-23 of the DEIS, the first sentence of the second paragraph of Section 5.2.7 has been revised as follows:

The city's grade separations project will likely impact 0.7 0.6 acre of seasonal wetland and an additional 2.5 acres of riparian habitat would be removed from the area around the two flood control channels north of Paseo Padre Parkway.

10-9: Further investigation has not indicated that vernal pools are present (Huffman and Associates 2002a; City of Fremont 2005). The last paragraph on page 4.6-11 of the DEIS has been revised as follows:

WSX Alternative. A 0.7 0.39-acre seasonal wetlands in the project area, located between the former SP and WP railroad tracks south of the optional Irvington Station site, ~~has been identified as vernal pool fairy shrimp habitat and is known to support a population of California tiger salamander (The Huffman-Broadway Group, Inc., 2003).~~

10-10: The comment relates to the removal of upland estivation habitat for the California tiger salamander. The habitat is located south of Washington Boulevard. As a result of consultation with the USFWS, the text in the FEIR has been revised and this comment no longer applies.

10-11: The City of Fremont adopted the *Irvington Concept Plan* on January 25, 2005. References in the DEIS to the draft concept plan have been replaced with references to the adopted concept plan in the following locations:

- The last sentence of the second full paragraph on page 4.8-10 of the DEIS has been revised as follows:

In keeping with general plan recommendations, the city has worked with the community to create the *Irvington Concept Plan*, ~~currently in draft form, which seeks to~~ which was adopted on January 25, 2005 and sets forth a vision for revitalization of the Irvington District.

- The first sentence of the third full paragraph on page 4.8-10 of the DEIS has been deleted as follows:

~~The concept plan was released for public review in late October 2002.~~ The concept plan outlines a long-range plan that contains the vision and goals for Irvington and provides steps that should be taken in order to accomplish those goals. Conceptual designs and illustrative site plans contained within the concept plan provide examples of how specific areas may be developed (Figure 4.8-8).

- The last sentence of the first paragraph on page 4.8-11 of the DEIS has been revised as follows:

Goal ~~40-11~~ of the concept plan is particularly relevant to the WSX Alternative: Integrate the potential future BART station and accompanying residential and commercial development into Irvington.

- The last four sentences of the first full paragraph on Page 4.8-11 of the DEIS were deleted as follows:

As discussed below, it is BART's policy to encourage transit-oriented development at and near station sites, which increases ridership and is compatible with local development plans. However, such projects must be developed through the City of Fremont's planning process, with BART's cooperation consistent with its policy. ~~The Draft Irvington Concept Plan has been completed and reviewed by the public. The Planning Commission recommended approval of the draft concept plan to the City Council at its February 27, 2003 meeting. The concept plan was considered by the City Council for adoption at its June 3, 2003 regular meeting; however, the City Council requested additional work. It is now anticipated that the City Planning Commission will consider the Draft Irvington Concept Plan in August 2004 (Lavin pers. comm.).~~

- On page 4.8-28 of the DEIS, the second sentence of the second paragraph under the definition of Impact LU-5 has been revised as follows:

As discussed previously in this section, Fremont has ~~developed a draft concept plan for the entire Irvington area that adopted the *Irvington Concept Plan*, which supports the intensification of land uses in Irvington and promotes transit-oriented land uses.~~

- On page 4.8-28 of the DEIS, the fifth sentence of the second paragraph under Impact LU-5 has been revised as follows:

Although ~~a draft concept plan has been completed~~ the *Irvington Concept Plan* has been adopted, there are no specific proposals for transit-oriented development related to the proposed station site at the present time.

- On page 4.8-29 of the DEIS, the third sentence under “ACCMA Countywide Transportation Plan” has been revised as follows:

~~Completion of t~~ The city’s concept plan would encourage higher density development around the proposed Irvington Station site, consistent with the goals of the ACCMA.

- 10-12:** On page 4.8-3 of the DEIS, the third sentence in the second paragraph was revised as follows:

The park’s amenities now include Lake Elizabeth, a natural sag pond modified for recreational and flood detention use (see Section 4.5, *Hydrology*), ~~a swim lagoon~~, a skate park, passive recreation areas, a golf course, a dog park, and ball fields and courts.

- 10-13:** On page 4.8-3 of the DEIS, the first sentence of the fourth paragraph has been revised as follows:

The city has ~~approved several~~ received at least two ~~rezoning~~ requests to rezone ~~formerly the industrial land for single-family residential development east of Civic Center Drive and north of Stevenson Boulevard, which includes land adjacent to the reserved WSX Alternative corridor, for single-family residential development, but the land has not been rezoned.~~

- 10-14:** Three locations on Figure 4.8-3 (Existing Land Uses Adjacent to the Project Alignment) indicate the presence of undeveloped land. The northernmost location represents the area around the proposed Irvington BART Station. General plan land use designations for this area include “Public Facility” east of Osgood Road and “Light Industrial” west of Osgood Road. The second major undeveloped area is just below South Grimmer Boulevard adjacent to the proposed Warm Springs BART Station. This undeveloped area represents the BART station site and undeveloped land east of Warm Springs Boulevard. General plan designations for this area include “Public Facility” for the station site and “Restricted Industrial” with a “Commercial Industrial” overlay east of Warm Springs Boulevard.

- 10-15:** Subsequent communication with the City of Fremont clarified that the issue is related to Warm Springs Boulevard rather than Washington Boulevard. On page 4.8-5 of the DEIS, the last sentence of the first paragraph has been revised as follows:

Along Warm Springs Boulevard, residential uses on the east side of Warm Springs Boulevard within the Warm Springs Planning Area abut industrial uses on the west side of Warm Springs Boulevard in the adjacent Industrial Planning Area.

10-16: On pages 4.8-11 and 4-8-12 of the DEIS, the last paragraph has been revised as follows:

A consultant team was selected for the Warm Springs BART Specific Plan and potential land use scenarios have been developed. Following a City Council workshop and meetings with stakeholders, three scenarios for the Warm Springs Station area evolved: high-intensity residential use, office/commercial use, and mixed use. ~~Following further public input, revised land use scenarios will be developed by September 2004, with a draft Specific Plan expected in early 2005. The City anticipates adopting the Warm Springs Bart Specific Plan and certifying the EIR for the plan by mid-2005.~~ Any future development project within the specific plan area will be subject to appropriate environmental review. Therefore, any analysis of potential environmental effects would be highly speculative. The specific plan will be subject to appropriate environmental review by the city, as will any future development projects proposed for the area covered by the specific plan.

10-17: On page 4.8-23 of the DEIS, the fifth sentence of the second paragraph was replaced as follows:

~~Adoption of a specific plan for the Warm Springs Station area is expected by mid-2005. Preparation of the specific plan is underway.~~

10-18 and 10-19: The discussion on pages 4.9-2 and 4.9-3 has been revised as described below, and the same revisions have been made to Section 6.4.2, page 6-12 of the DEIS.

~~As documented in the 1992 EIR, Fremont Central Park serves as both a park and recreation facility as well as the home of the Fremont Civic Center complex. The park and~~ represents nearly half of all park and recreation space in Fremont. Fremont Central Park has the following existing facilities.

- ~~■ Fremont Civic Center (administrative offices, council chamber, police department, fire department).~~
- Fremont Animal Shelter.
- Senior citizen center.
- Community center.
- Lake Elizabeth.
- Boathouse with docks, launches, boat storage, and boat rentals.
- Fishing pier.
- ~~■ Swim lagoon (7.5 acres) with changing rooms, restrooms, and a snack bar.~~
- Band pavilion.
- 18 tennis courts and a pro shop.

- 6 softball fields, a guard shack, support space, and a snack bar.
- 10 soccer fields and a snack bar.
- 2 basketball courts.
- Skate park.
- Teen Center
- Executive Golf Course and Driving Range
- Golf driving range and pro shop.
- More than 200 picnic tables, with four group picnic areas by reservation.
- 4 playgrounds.
- Approximately 5 miles of walking and jogging trails.
- 1.5-mile exercise course.
- Dog park.
- 50-acre nature area with a boardwalk and nature center.
- Open turf areas.
- Parking lots.
- Various park services and maintenance structures.

The 2003 Final SEIR states that proposed new facilities at Fremont Central Park include a cultural arts center and an aquatics gymnasium (Rakley pers. comm.). The construction of a new Family Water Play Facility is expected to begin in 2006, with the facility opening to the public in May 2007.

Several public facilities are located within the larger boundaries of Central Park, but are not located on parkland, such as the police building and jail, Tri-City Animal Shelter, and the offices of the Fremont Main Library and Alameda County Public Library.

10-20: The text on pages 4.9-1, 4.9-4, and 6-13 of the DEIS has been clarified:

- On page 4-9-4 of the DEIS, the eighth sentence of the third paragraph was revised as follows:

The proposed ventilation structures would occupy approximately 24,484 square feet (0.56 acre), which is a negligible percentage (approximately ~~0.1%~~ 0.13%) of Fremont Central Park's total area (~~430 acres~~ 433.90 acres).

- On Page 4.9-1 of the DEIS, the second sentence of the fourth paragraph was also revised to present the correct acreage as follows:

The park, located at 40000 Paseo Padre Parkway, is set on ~~just more than 430~~ 433.90 acres and bounded by Stevenson Boulevard, Paseo Padre Parkway, and the UP rights-of-way.

- The last two sentences on page 6-13 were revised as follows:

The proposed ventilation structures would occupy a negligible percentage (approximately ~~0.01%~~ 0.13%) of Fremont Central Park's total area (~~430~~ 433.90 acres), but would nevertheless constitute a direct use of a Section 4(f) resource.

- 10-21:** Figure 4.9-3a is correct. The first paragraph of page 4.9-8 has been revised as follows:

Figures 4.9-3a and 4.9-3b of the ~~administrative~~ DEIS illustrate ~~how and~~ where park facilities and activities will be maintained during construction. Discussions between BART and the City of Fremont will continue as more detailed plans are developed to finalize the location of both temporary and permanent park facilities.

- 10-22:** The text of the Parks and Recreation section has been revised to reflect the presence of the sports storage building and maintenance building near the proposed north ventilation structure. The following text has been inserted after the first full sentence on page 4.9-5 in the Draft EIS:

Two park buildings used for sports storage and maintenance are located approximately 50 feet south of the proposed north ventilation structure. Both structures are separated from the ventilation structure by the relocated road to the parking areas further to the south. No project-related effects on the buildings are anticipated.

- 10-23:** On pages 4.9-10 and 6-26 of the DEIS, Mitigation Measure PR-3 has been amended to include the following bulleted item:

- BART and its contractor will coordinate with the City Parks and Recreation staff to provide as much advance notice as possible for construction scheduling and other project activities that would cause disruptions to the use of Central Park.

- 10-24:** The fifth bullet item on pages 4.9-10 and 6-26 of the DEIS text (Mitigation Measure PR-3—Limit Construction-related disruptions to Fremont Central Park) has been revised as follows:

Temporary walking paths around Lake Elizabeth will be created and maintained throughout the construction period. To the extent that existing park paths may be capable of accommodating bicycles, the relocated pathways will provide equivalent access. The walking paths will be well signed, and any paths closed for public safety and security will be well marked. At least one public pathway across the construction zone near Lake Elizabeth will be maintained at all times to accommodate people who walk or ride bicycles to the park from the residential areas immediately east of the railroad corridor.

- 10-25:** As stated on page 4.13-18, noise mitigation is proposed for all areas with severe impacts and for areas that the portion of the areas that experience moderate impacts and an increase of 5dBA or more. (Please refer to the response to comment 1.2.) The mitigation specified in the Draft EIS does not supersede mitigation in the Supplemental Environmental Impact

Report (SEIR) that was prepared pursuant to the California Environmental Quality Act (CEQA). BART will implement the mitigation commitments identified in both the SEIR and the FEIS.

- 10-26:** The residences identified with severe impacts are slightly closer to the tracks than the other residences. There is a small difference in distance, which results in a small difference in the noise levels.
- 10-27:** Both the noise and vibration impacts at the Red Hawk complex are consistent with respect to the distance from the tracks. The buildings closest to the tracks have higher noise and vibration levels than those farther from the tracks.
- 10-28:** Table 4-13-10 on page 4.13-23 of the DEIS states that eight residences between Paseo Padre Parkway and Washington Boulevard would be subject to vibration impacts. Initially it appeared that a moving crossover would eliminate impacts at three of the eight locations; therefore, five locations would require mitigation. However, following additional review, moving the crossover does not appear to be feasible. Table 4.13-12 has been revised to indicate that eight locations are subject to vibration mitigation.
- 10-29:** The vibration analysis accounted for the new homes. The proposed homes are located farther from the track than the existing homes to the south, and because of this increased distance, no impact was projected. The noise impacts at this location are correct for both the existing and proposed homes.
- 10-30:** Specific implementation of the vibration mitigation measures including details regarding the specific locations and types of mitigation will be addressed in detail during final design. Ballast mats will be installed where they would be most effective to reduce vibration impacts. At some locations where other mitigation measures prove more effective, those measures would be implemented instead of, not in addition to, ballast mats.

The second to last paragraph on page 4.13-25 of the DEIS has been revised as follows:

~~Table 4.13-12 indicates the areas along the WSX Alternative alignment where mitigation would be needed to reduce vibration levels. At a minimum, the installation of ballast mats would be required. However, more extensive~~ BART will identify the most appropriate mitigation measures or a combination of measures ~~may be required at some~~ may be required at some each locations to ~~attain maximum reduction of~~ reduce vibration impacts to the greatest extent practicable. ~~In addition, moving the crossover near Station 2312 will reduce the three remaining vibration impacts not mentioned in the table.~~

- 10-31:** A variety of factors can influence whether vibration impacts would occur, such as changes in grade, construction type, etc. BART performed a vibration analysis for the length of the alignment, as illustrated in Figures 4.13-7a through 4.13-7e, and identified the areas that would be impacted by vibration. Based on this analysis, the residences adjacent to stations 2375 and 2380 would not have impacts at levels that would require mitigation.
- 10-32:** On page 4.16-11 of the DEIS, the typo in the third sentence under the heading “Storm Drain” has been corrected. The correct word is “patterns.”

10-33: Mitigation for the wetland impacts of other projects was discussed in the DEIS, not because it is being used for the WSX Alternative, but to document that cumulative impacts of multiple projects can be expected to be addressed through the mitigation obligations of each project. Pacific Commons was mentioned as an example. However, at the commenter’s request, the third and fourth sentences in the first paragraph of Section 5.2.7 of the DEIS has been revised as follows:

However, through the regulatory and environmental permitting process, the impacts associated with these developments would be mitigated at a ratio to be determined through consultation with the Corps. Will be required to mitigate the loss of seasonal wetland and riparian habitat, typically at a 3:1 ratio. For example, the Pacific Commons development will establish a 371-acre wetland preserve that is likely to be designated as critical habitat for vernal pool species.

10-34: The following text has been added to the description of Impact PR-Cume-2 and PR-Cume-5 that appear on pages 5-29 and 5-30 of the DEIS:

In addition, any new residential development would be required to pay impact fees, which include fees for park facilities for new residences.

10-35: The DEIS did not effectively distinguish between the Gomes Elementary School and its playfields and the Gomes Neighborhood Park, which is immediately adjacent to the school. Gomes Neighborhood Park is under the jurisdiction of the City of Fremont. To provide clarification, new text has been added to the EIS in several locations. However, please note that although this new text corrects the name and ownership of Gomes Neighborhood Park, it does not alter any of the analyses or conclusions presented in the DEIS. The DEIS fully considered the effects on Gomes Neighborhood Park, although it incorrectly identified the park as part of the elementary school playing field.

A new heading for “Gomes Neighborhood Park” and the following text has been added just prior to the heading for John Gomes Elementary School on page 4.9-3 of the DEIS:

Gomes Neighborhood Park

Gomes Neighborhood Park is located adjacent to Gomes Elementary School on Lemos Lane and extends west toward Fremont Golf Course, which is part of the city’s park and recreation system. The 13.17-acre park is bound by an Alameda County Flood Control District channel on the north, residential development and Lemos Lane on the south, Gomes Elementary School on the east, and the golf course on the west. The park provides open space for local neighborhood activities.

Page 4.9-10 of the DEIS: The following text has been added following the bulleted items:

- Gomes Neighborhood Park—Because Gomes Neighborhood Park is sufficiently distant from the WSX Alternative alignment (approximately 1,000 feet from the subway alignment at its closest point and more than 1,300 feet from the closest at-grade segment), construction-related disruptions to the park (such as traffic and circulation disruptions, noise, dust, and safety issues) are not anticipated. In addition, Gomes Neighborhood Park is separated from the alignment by the width of Fremont Golf Course and a residential neighborhood.

Page 6-6 of the DEIS: Table 6-1 has been amended to include the item following data after the data for Fremont Central Park:

Gomes Neighborhood Park---827 Lemos Lane.

Page 6:8: Table 6-3 has been amended to include data for Gomes Neighborhood Park following the data for Fremont Central Park. The amended table reflects that there will be no direct, temporary, or constructive Section 4(f) use. Under the column for “Remarks” the following text has been added:

Buffered by distance and intervening uses.

Section 6.4.1: The following text has been added at the beginning of section 6.4.1 under a new heading for Gomes Neighborhood Park.

Description and Significance of Property

Type/Location/Size—Gomes Neighborhood Park at 827 Lemos Lane is neighborhood park operated by the City of Fremont Parks and Recreation Department. Gomes Park is a 13.17-acre park that extends from John Gomes Elementary School on the east to the Fremont Golf Course, which is part of the city’s park and recreation system, on the west.

Access/Facilities/Usage—Vehicular access to the park is from Lemos Lane. Pedestrian access is from John Gomes Elementary School, Lemos Lane, Ambar Place, Valdez Way, and Fremont Golf Course. The park provides open space and general recreation facilities for the local neighborhood.

Relationship to Similar Facilities in the Area—The park is immediately adjacent to Gomes Elementary School, which has school playfields and athletic fields on the east side of the school. Gomes Park is operated by the city’s Park and Recreation Department, which also operates the golf course and Fremont Central Park to the west.

Ownership/Jurisdiction—The City of Fremont owns 12.17 acres of the park and the Alameda Flood Control District owns 1.0 acre. The total 13.17-acre park is operated by the city’s Department of Parks and Recreation.

Significance—The city’s Park and Recreation Department has confirmed that, in comparing the park facilities of this recreation area with the recreational objectives of the community, the resource in question plays an important role in meeting those objectives.

Application of Section 4(f) Criteria for Use

Because the park is buffered from the WSX Alternative alignment by distance (i.e., about 1,000 feet at its closest point to the subway alignment and more than 1,300 feet from the at-grade segment of the alignment) and by the presence of intervening residences, it is unlikely that any direct, temporary, or constructive use would result.

Coordination/Consultation

BART has initiated formal consultation with the City of Fremont.

Recommended Determination

Based on the foregoing analysis, it is recommended that the FTA Administrator make a determination that no direct, temporary, or constructive use of the Gomes Neighborhood Park would result from the WSX Alternative.

- 10-36:** The third and fourth sentences of the second paragraph on page 6-13 of the DEIS were revised as follows:

A \$14,456 grant in 1973 was made for a portion of the Fremont Central Park bike and pedestrian trail. A grant in 1974 for \$95,562 was made for the Fremont Central Park a sports complex in Fremont Central Park, which paid for a portion of the construction.

- 10-37:** As discussed in the response to comment 10-20, the text on page 6-13 was revised to reflect the correct acreage. The text was also revised in the first paragraph of Section 6.4.2 on page 6-11 of the DEIS as follows:

Located at 40000 Paseo Padre Parkway, Fremont Central Park is set on about 430 433.90 acres bounded by Stevenson Boulevard, Paseo Padre Parkway, and the UP ROWs. Lake Elizabeth occupies 83 acres in the park.

- 10-38:** The second paragraph of page 6-14 of the DEIS was modified as follows:

To make the existing ACFCD access road consistent with current standards, it could be necessary to widen it for some or all of its length. To do so, BART would have to secure an access easement from ACFCD for the road.

- 10-39:** The text on page 6-15 of the DEIS was clarified by adding the following text at the end of the fourth paragraph:

The temporary parking lots will ensure that the total number of parking spaces in Fremont Central Park is maintained at its current level throughout the construction period. BART will provide lighting for the temporary parking lots that will be consistent with existing parking lots.

- 10-40:** Details regarding the maintenance of landscaping, irrigation, and graffiti abatement on city-owned portions of the park will be addressed as part of a future agreement between BART and the City of Fremont.

- 10-41:** The first two sentences of the fifth bullet of Mitigation Measure PR-3, which appears on page 6-26 of the DEIS, were clarified as follows:

Temporary walking paths around Lake Elizabeth will be created and maintained throughout the construction period. To the extent that existing park paths may be capable of accommodating bicycles, the relocated paths will provide equivalent

access. The ~~walking~~ paths will be well signed, and any paths closed for public safety and security will be well marked.

10-42: The sixth bullet of Mitigation Measure PR-3, which appears on page 6-26 of the DEIS, was clarified as follows:

BART and the construction contractor will work with the City of Fremont and ACFCD to develop and implement a program to maintain Lake Elizabeth's flood control function or provide alternative temporary storage, if necessary, during the construction period.

10-43: The first sentence of Section 6.6.1 on page 6-42 of the DEIS has been revised as follows:

Of the two LWCF grants in Fremont Central Park, the first (#06-00332) provided for the improvement of a bike trail along the northern and eastern shore of Lake Elizabeth, comprising a portion of the trail which encircles the lake, and the second (#06-00394) provided for construction of two softball fields, utility construction, installation of an irrigation system, and landscaping of 5.83 acres in the northeast portion of the park.

10-44: The first sentence of the second paragraph on page 6-42 of the DEIS has been revised as follows:

The NPS, in consultation with City of Fremont staff, has found that the grant-assisted property containing ~~the a portion of the~~ bike path falls under a license agreement between the City and the Alameda County Flood Control and Water Conservation District.

10-45: On page 6-42 of the DEIS, Section 6.6.1, the end of the first paragraph and beginning of the second paragraph have been revised as follows:

~~Since both grants occurred without contemporaneous mapping, the City received the grants prior to the requirement for contemporaneous mapping,~~ the precise boundaries of each grant-assisted area are unclear. ~~However, t~~The NPS, in correspondence dated November 12, 2004, has stated that it "considers these areas as being contained within 'property...developed with assistance under this section.'" Subsequent discussions among NPS, the California Department of Parks and Recreation, the City of Fremont, and BART indicate that only a portion of the northern ventilation structure is within the LCWF-assisted area.



COUNTY OF ALAMEDA
PUBLIC WORKS AGENCY
DEVELOPMENT SERVICES DEPARTMENT
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Hayward, CA 94545-2698
(510) 670-6601
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Letter 11

RECEIVED

APR 25 2005

April 25, 2005

Zone 6, General

San Francisco Bay Area Rapid Transit District
Attention: Shari Adams
WSX Group Manager
MS-LKS-21
PO Box 12688
Oakland, CA 94604-2688

Dear Ms. Adams:

Reference is made to your transmittal of March 1, 2005, of the Draft EIS for the BART Warm Springs Extension (WSX). We have reviewed the document and find that additional information and detail needs to be provided in regard to construction activities and scheduling at both South Tule Pond and Lake Elizabeth.

As stated previously in comments on prior WSX environmental document reviews, the Alameda County Flood Control and Water Conservation District is very concerned with the potential impact on the flood storage capacities of South Tule Pond and Lake Elizabeth.

It is imperative that replacement capacity at both locations be provided if construction of the BART extension must continue into the rainy season. It has yet to be demonstrated that construction will not adversely impact floodwater storage capacities.

If you have any questions, please call Andrew Otsuka, at (510) 670-6613.

Very truly yours,

Stanley Fung
Deputy Director
Development Services Department

SF:AO

c: Hank Ackerman, Flood Program

11-1

TO SERVE AND PRESERVE OUR COMMUNITY

Response to Comment Letter 11

11-1: BART is committed to maintaining storage capacity at South Tule Pond and Lake Elizabeth. At this time, the details of the construction timing are not available; however, certain performance goals would be achieved.

As stated in Mitigation Measure H-3 on page 4.5-16 of the DEIS, BART will expand the South Tule Pond to maintain the existing flood storage capacity at that location. As stated in Mitigation Measure H-13 (a) on page 4.5-24 of the DEIS, BART will limit subway construction in the Lake Elizabeth to the dry season. If construction were to continue into the wet season, BART would secure additional flood storage capacity equal to or greater than the temporary reduction due to construction (Mitigation Measure H-13(b)) by working with ACFCD and the City of Fremont.



Letter 12

April 25, 2005

San Francisco Bay Area Rapid Transit District
P.O. Box 12688
Oakland, CA 94604-2688

Attention: Shari Adams

Subject: BART Warm Springs Extension Draft EIS

Dear Ms. Adams:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIS for a 5.4 mile extension of BART from the existing Fremont BART Station to a new station at Warm Springs in southern Alameda County. We have the following comments.

VTA has been coordinating with the San Francisco Bay Area Rapid Transit District on the BART Warm Springs Extension as well as the Silicon Valley Rapid Transit Corridor Project. We look forward to continuing this coordination in order to insure that the two projects connect seamlessly and to work out design details. We have the following specific comments on the Draft EIS:

1. Figures ES-1 and 1-1, map text should be revised to more accurately reflect VTA's SVRTC Project.

Suggest replacing "Proposed Extension- Initial Environmental Review Underway" with "BART Extension by VTA" since the VTA Board certified the Final FIR and approved the project in December 2004.

12-1

2. Page 5-2, Section 5.2.2, Paragraph 1, Sentence 1, should be replaced with the following text to more accurately reflect VTA's SVRTC Project.

"The cumulative analysis also includes the Silicon Valley Rapid Transit Corridor (SVRTC) project, which is an extension of BART service from BART's proposed future terminus at Warm Springs through Malpitas, downtown San Jose and Santa Clara in Santa Clara County."

12-2

3. Page 5-2, Section 5.2.2, Paragraph 3, should be replaced with the following text to more accurately reflect VTA's SVRTC Project.

12-3

3331 North First Street - San Jose, CA 95134-1904 - Administration 408.321.5555 - Customer Service 408.321.2300

San Francisco Bay Area Rapid Transit District
 April 25, 2005
 Page 2

"In November 2001, VTA completed a Major Investment Study (MIS) that identified the BART Extension project as the Preferred Investment Strategy for the proposed SVRTC. The Preferred Investment Strategy consists of an approximate 16.3-mile extension of the BART system. The extension would begin at the proposed Warm Springs Station, extend along the Union Pacific Railroad line through Milpitas and continue to near 28th and East Santa Clara streets in San Jose. From there, BART would leave the railroad right-of-way, tunneling under downtown San Jose to the Diridon Caltrain Station. The proposed BART Extension would then turn north under the Caltrain line and terminate at grade in the City of Santa Clara near the Caltrain Station. The extension would further be refined during the preliminary design phase of the project. The proposed BART Extension would include seven new stations in Santa Clara County: Montague/Capitol, Berryessa, Alum Rock, Civic Plaza/San Jose State University, Market Street, Diridon/Arena, and Santa Clara. The proposed extension would also include a future South Calaveras Station at Calaveras Boulevard and the railroad right-of-way in Milpitas. The SVRTC Final EIR provides a more precise description of station locations and alignment options."

12-3
 cont.

4. Page 5-2, Section 5.2.2, Paragraph 4, Sentence 1, should be replaced with the following text to more accurately reflect VTA's SVRTC Project.

"In July 2003, FTA recommended that VTA identify a BART Alternative Minimum Operating Segment (MOS) to include in the FIS/EIR and New Starts process."

12-4

5. Page 5-5, Table 5-1, SVRTC Location sentence should be revised with the following text to more accurately reflect VTA's SVRTC Project.

"... Warm Springs in Fremont, Alameda County to Milpitas, San Jose and Santa Clara in Santa Clara County."

12-5

6 Page 5-5, Table 5-1, SVRTC Description, should be replaced with the following text to more accurately reflect VTA's SVRTC Project.

"This BART Extension would extend the system from the proposed Warm Springs Station through the cities of Milpitas, San Jose and Santa Clara. The proposed extension would include seven new BART stations in Santa Clara County. Currently, VTA anticipates that project construction will start in 2008 and revenue service will begin in 2015."

12-6

7. Page 5-6, Section 5.2.3, there is no mention about the ABAG forecasts being used. Please reference the ABAG projection series upon which the ridership is based (in this instance, ABAG Projections 2000 data series for 2010 and 2025). You should note here or elsewhere in the document that the ABAG Projections 2000 series was the only data set available at the time of ridership forecasting.

12-7

San Francisco Bay Area Rapid Transit District
 April 25, 2005
 Page 3

8. Page 5-7, Table 5-2, for the Fremont to Irvington station under 2025 WSX Alternative, footnote 'b' should be added to the 16,300 value, since this is actually ridership between the Fremont and Warm Spring stations. 12-8

9. Page 5-19, Table 5-9, footnote 'a' should state that parking demand at the three proposed project stations was based on unconstrained demand from the ridership models. 12-9

10. Page 5-27, Section 5.2.9, Paragraph 4, last sentence should be replaced with the following text to more accurately reflect VTA's SVRTC Project. 12-10
 "SVRTC's consistency with local plans and policies in its area of service is being evaluated separately in an ongoing federal environmental review process, but no adverse effects on land use were identified in the Final EIR."

11. Page 5-31, Section 5.2.11, Paragraph 3, Sentence 2, should be replaced with the following text to more accurately reflect VTA's SVRTC Project. 12-11
 "...and the SVRTC project to the south of the Warm Springs Station could displace 1 to 5 residences and 72-99 businesses."

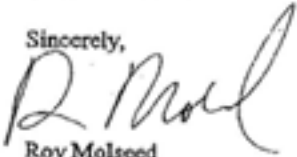
12. Page 5-41, Section 5.2.18, Paragraph 1, Sentence 1, should be replaced with the following text to more accurately reflect VTA's SVRTC Project. 12-12
 "The WSX Alternative and the SVRTC project are expected to add eight transit stations (plus two optional stations) in the region, ..."

13. Page 5-44, Section 5.3.4, Paragraph 4, Sentence 3 and the remaining sentences to the end of the paragraph should be replaced with the following text to more accurately reflect VTA's SVRTC Project. 12-13
 "...The additional 16.3-miles of BART service would be extended from the Warm Springs Station terminus to near 28th and East Santa Clara streets in San Jose on the UP alignment. The alignment would then proceed below grade in a subway under downtown San Jose and terminate near the Caltrain commuter rail station in Santa Clara. The extension would include seven stations and one future station in Santa Clara County. The new stations would be located at Montague/Capitol, Berryessa, Alum Rock, Civic Plaza/San Jose State University, Market Street, Diridon/Arena, and Santa Clara. This BART service extension would also include a future station near Calaveras Boulevard in Milpitas."

San Francisco Bay Area Rapid Transit District
April 25, 2005
Page 4

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 Planner

RM:kh

cc: Ann Jamison, VTA
Tom Fitzwater, VTA
Samantha Swan, VTA

Response to Comment Letter 12

- 12-1:** BART's characterization of VTA's SVRTC project is correct, as NEPA environmental review is still underway.
- 12-2:** The first sentence of the first paragraph of Section 5.2.2 (page 5-2) of the DEIS has been revised as follows:

The cumulative analysis also includes the Silicon Valley Rapid Transit Corridor (SVRTC) project, which would extend BART service from BART's proposed future terminus at Warm Springs through Milpitas, downtown San Jose and Santa Clara in Santa Clara County. ~~The cumulative analysis also includes the Silicon Valley Rapid Transit Corridor Project (SVRTC), which is an extension of BART service from BART's proposed future terminus at Warm Springs through Milpitas to downtown San Jose in Santa Clara County.~~

- 12-3:** The third paragraph of Section 5.2.2 (page 5-2) of the DEIS has been revised as follows to incorporate the new paragraph:

In November 2001, VTA completed a Major Investment Study (MIS) that identified the BART Extension project as the a Preferred Investment Strategy for the proposed SVRTC. The Preferred Investment Strategy consists of an approximate 16.3-mile extension of the BART system. The extension would begin at the proposed Warm Springs Station, extend along the Union Pacific Railroad line ~~to~~ through Milpitas and continue to near 28th Street and East Santa Clara Streets in San Jose. From there, BART would leave the railroad right-of-way, tunneling under downtown San Jose to the Diridon Caltrain Station. The proposed BART Extension would then turn north under the Caltrain line and terminate at grade in the City of Santa Clara near at the Santa Clara Caltrain Station. The proposed BART Extension would include seven new BART stations in Santa Clara County ~~along the alignment: Montague/Capitol Expressways, Berryessa Road, Alum Rock Avenue, downtown San Jose at Civic Plaza/San Jose State University, Market Street, and, Diridon/Arena, and in Santa Clara, near the existing light rail and Caltrain stations.~~ The proposed BART alignment extension would also includes ~~an optional station near~~ a future South Calaveras Station at Calaveras Boulevard. ~~The Draft EIS/EIR SVRTC Final EIR~~ provides a more precise description of station locations and alignment options.

- 12-4:** In response to the comment and subsequent communication with VTA, the following paragraphs were modified in Section 5.2.2 (pages 5-2) of the DEIS:

~~In July 2003, FTA recommended that VTA identify a BART Alternative Minimum Operating Segment (MOS) to include in the EIS/EIR and New Starts Process. In response to FTA's direction, VTA has identified two MOS scenarios for analysis in the EIS/EIR: MOS-1E and MOS-1F. Under both scenarios as defined by VTA, the BART Alternative would be constructed in two phases, an initial operating phase and a final phase to complete the full project. The entire trackway alignment would be built in phase 1 (MOS-1E or MOS-1F) but other project elements, such as certain stations, vehicles, parking spaces, maintenance facility components, and BART core system improvements, would be deferred to phase 2 (MOS-2E or MOS-2F).~~

The SVRTC Supplemental EIR/Revised Draft EIS will also include an evaluation of the “New Starts Candidate Project.” In order to improve the competitiveness of the SVRTC project in the New Starts process, VTA and the FTA agreed to analyze a segment of the SVRTC project with independent utility. This portion of the SVRTC project is from Warm Springs to Berryessa.

It should be noted that while VTA’s funding approach is segmented, the project is not. VTA will be environmentally evaluating and constructing the entire 16.3-mile extension in one phase. Federal funds would support the portion of the project from Warm Springs to Berryessa, and state and local funding only would support the remainder of the extension from Berryessa to Santa Clara.

12-5: The text in Table 5-1 relating to the SVRTC project has been revised as follows:

Warm Springs in Fremont, Alameda County to Milpitas, San Jose and Santa Clara in Santa Clara County.

12-6: The text in Table 5-1 relating to the SVRTC has been revised to incorporate the proposed revisions:

This Proposed BART extension that would extend the system at grade from the proposed Warm Springs Station through the cities of Milpitas, San Jose and Santa Clara to 28th Street/Santa Clara Street in San Jose on the UP railroad alignment. The proposed extension would include seven new BART stations in Santa Clara County along the UP alignment. Currently, VTA anticipates that project construction will start in 2008 and revenue service will begin in 2015.

12-7: The first paragraph of Section 5.2.3 has been revised as follows to incorporate the comment:

The transportation model, as discussed in Section 4.2 (Transportation), incorporates local and regional government projections of future background growth, land use and employment intensities and locations, along with programmed highway, street and transit improvements and the transportation consequences of other anticipated development projects for 2010 and 2025. Data from the Association of Bay Area Governments (ABAG) Projections 2000 data series were used to project ridership for 2010 and 2025, as this series was the only data set available at the time the ridership forecasts were developed. Accordingly, the impact analyses presented above already account for cumulative impacts of the WSX Alternative together with other projects.

12-8: Footnote “b” has been added to Table 5-2.

12-9: Footnote “a” on Table 5-9 has been revised as follows to incorporate the comment:

Parking demand at the three proposed stations is based on unconstrained travel demand forecasts from the ridership models, without consideration of the number of actual proposed parking spaces. The local intersection traffic analysis, however, does consider the potential limitations of proposed parking supply at each of the three Fremont area stations analyzed, and assumes that BART patrons would travel to BART stations where parking is perceived to be available.

12-10: The first sentence on page 5-27 of the DEIS has been revised as follows to incorporate the comment:

SVRTC's consistency with local plans and policies in its area of service is being evaluated separately in an ongoing federal environmental review process, but no adverse effects on land use were identified in the Final EIR. Are anticipated.

12-11: The second sentence of Impact POP-Cume-1 has been revised as follows to incorporate the comment:

The WSX Alternative would displace up to approximately 16 businesses and no residences; the city's grade separations project may displace 5 to 10 businesses and residences; and the SVRTC project to the south of the Warm Springs Station could displace 1 to 5 residences and 72 to 99 businesses up to approximately 46 to 101 businesses (Earth Tech, Inc. et al. 2001; VTA 2005).

12-12: The first sentence of Section 5.2.18 (page 5-41 of the DEIS) has been revised as follows to incorporate the comment:

The WSX Alternative and the SVRTC are expected to add approximately five-eight transit stations (plus two optional stations) in the region, which may affect the demand for local police protection or community services.

12-13: The fourth paragraph of Section 5.3.4 has been revised as follows to incorporate the comment:

~~If approved, an~~ The additional 16.3 miles 16.2 miles of BART service would be extended from the proposed Warm Springs Station terminus to near 28th and East Santa Clara Streets in San Jose on the UP alignment. ~~The proposed extension alignment would then proceed below grade in a subway under downtown San Jose and terminate near at the Caltrain commuter rail station in Santa Clara. Known as SVRTC, the proposed~~ The extension would include seven planned stations and one optional new BART future stations in Santa Clara County along the UP railroad alignment. The new stations would be located at Montague/Capitol Expressways, Berryessa Road, Alum Rock Avenue; in downtown San Jose at Civic Plaza/San Jose State University, Market Street, Diridon/Arena; and in Santa Clara, near the existing light rail and Caltrain stations. The new stations would be located at Montague/Capitol, Berryessa, Alum Rock, Civic Plaza/San Jose State University, Market Street, Diridon/Arena, and Santa Clara. This proposed BART service extension would also include an optional a future station near Calaveras Boulevard in Milpitas.

From: "Margaret Okuzumi" <okuzumi@silcon.com>
To: <bartwarmspringsextension@bart.gov>
cc: "BayRail Alliance Board" <board@bayrailalliance.org>
Date: Monday, April 25, 2005 04:58PM
Subject: BART WSX DEIS Comments

Letter 13

BayRail Alliance wishes to submit the following comments on the BART Warm Springs Extension DEIS.

First, we're dismayed that only the executive summary of the DEIS was made available on-line. This has made access to the documents much more difficult for many.

13-1

Second, we note that no one ever answers the "hotline" phone number given on the website as a contact, 510.476.3900, and no one has bothered to return several messages that were left there over the last several weeks. This raises a serious issue of access to the DEIS.

13-2

The area around the Warm Springs station currently consists mostly of greenfields and light industrial development. The station area plan for this project does not appear to conform to BART's policy of encouraging transit-oriented development at stations. The Warm Springs station plan has an enormous parking lot, the opposite of Fruitvale BART station where a housing development was planned to be adjacent to the station. If the area to the east of the station, across Warm Springs Road, were to be further developed, future riders would have to trek across an enormous parking lot to access the BART station. At present, Warm Springs Road is a two-lane farm road in that section and the additional traffic induced by the station's "drive-to-and-park" design is a concern.

13-3

A 156,000 square foot Wal-mart store was approved by the Fremont city council and is being built at Skyway Court at Osgood Road, Fremont, less

13-4

[http://notes-cf1.adm.bart.gov/mail/web0006.nsf/\(\\$Inbox\)/9A0E62ECF19BD7CC88256FE...](http://notes-cf1.adm.bart.gov/mail/web0006.nsf/($Inbox)/9A0E62ECF19BD7CC88256FE...) 4/26/2005

than a half mile from the proposed Warm Springs station. Because of the station's proximity to the NUMMI automobile plant, the council has been disinclined to put more housing in the vicinity of the station.

13-4
cont

The document should reference ridership on the existing VTA 180 express bus line as an indicator of potential ridership on this extension. In any case it is clear that the Warm Springs Extension (WSX) and its projected ridership does not produce a benefit commensurate to its three-quarters of a billion dollars cost. This cost is not much different from the original estimate for the SFO BART extension, a project with many more stops and which has failed to achieve its projected ridership. The Warm Springs project is not cost-effective by any stretch of the imagination.

13-5

13-6

The stated financing for the WSX project includes \$145 million from the San Mateo County Transit District (SamTrans) which by agreement is supposed to be funded by the operating surplus, if any, generated by the SFO BART extension. Given that the SFO extension is expected to create an operating deficit, rather than a surplus, for SamTrans for the foreseeable future, and given that almost no transit anywhere in the world generates an operating surplus, other than some bus lines in densely-populated Hong Kong or some high-speed rail lines (which do not have the costly maintenance costs of subways), this \$145 million should not be included as part of the financing for WSX, because none of it will materialize. In addition, the \$111 million assumed from the Traffic Congestion Relief Program (TCRP) is purely speculative, given the state of California's severe budget problems and the changing priorities of subsequent administrations to the Davis administration.

13-7

The WSX project is highly problematic from an environmental justice standpoint. We note that no information is given in the Executive Summary about Environmental Justice impacts and very little in the actual

13-8

[http://notes-c01.adm.bart.gov/mail/web0006.nsf/\(\\$Inbox\)/9A0E62ECF19BD7CC88256FE...](http://notes-c01.adm.bart.gov/mail/web0006.nsf/($Inbox)/9A0E62ECF19BD7CC88256FE...) 4/26/2005

1611 Telegraph Avenue, Suite 300, Oakland, CA 94612
www.lhvba-ca.org

06-08-05 17:14 From:Pillsbury Winthrop Shaw Pittman LLP 4158831200 T-433 P.004 F-536

DEIS. The benefits are not equitable for those with low incomes or people of color. Given the enormous funding shortfall for this project, and the lack of both capital and operating funds, this project if built will negatively impact the mobility and access of those who, for example, require transit after BART shuts down at night by defunding bus service, as happened with the SFO-BART extension. There is also the issue of the fares for this extension and whether they will be affordable, given the small ridership expected and the huge cost of the project. The projected operating costs of this extension, \$8.16 million, is more than the approximately \$6 million that AC Transit saved in their last two sets of service cuts of 9% and 3% of their bus service, respectively. \$8 million would pay for the operation of about 32 AC Transit buses for a year. We note that the new, enormously successful and much longer San Pablo Rapid Bus line uses about 15 buses for its operation.

13-8
cont.

Margaret Okuzumi
 Executive Director
 BayRail Alliance

mailto:okuzumi@brra.org [mailto:okuzumi@brra.org] 4/26/2005

Response to Comment Letter 13

- 13-1:** Copies of the complete DEIS on CD-ROM were available upon request. The executive summary was available online, along with information on where to review the entire document and how to request a complete copy. There is no requirement under NEPA to make the entire DEIS, or even an executive summary, available online.
- 13-2:** The BART WSX Information telephone line is designed to provide recorded information about the WSX project and the environmental review process and to receive recorded messages. The recording states that BART will respond to messages left on the Information Line. BART staff reviewed the System Telephone Log for the WSX Information Line and the Contact Log prepared by our community relations consultant, which recorded requests for information over the 45-day review period (March 11 to May 25, 2005). The Telephone Log documents both the number of calls received and the time and dates of any messages left on the Project Information Line. By checking the Telephone Log against the Contact Log, BART determined that only a few callers left messages during the comment period. BART responded to all messages.
- 13-3:** As explained on pages 4.8-22 and 4.8-23 of the DEIS, the WSX Alternative, including the Warm Springs Station, is designed to promote and accommodate transit-oriented development (TOD) consistent with BART's Strategic Plan and System Expansion Policy. The station is specifically designed to have the flexibility to accommodate TOD in the future. In particular, the internal roadway network is designed to divide the site into a series of land use units, each approximately the size of a city block, which could later be developed with ridership-generating uses as part of a phased development. Warm Springs Boulevard, currently a two-lane road without sidewalks, is planned to be upgraded to a four-lane road with bicycle lanes and sidewalks. Two signalized intersections with crosswalks are also planned, promoting pedestrian access along Warm Springs Boulevard and across Warm Springs Boulevard to the east. The internal design for the Warm Springs Station site includes pedestrian access on sidewalks along the internal roadway system to a central entry plaza. Eventually, the Warm Springs Station could develop along the lines of the Fruitvale Transit Village, which the commenter cites as an good example of TOD, and which is situated on the site of a former BART surface parking lot. (For additional details, please see the response to comment no. 21-7. See also comment no.24, which contains a proposal for a transit village to be developed directly east of the proposed Warm Springs Station site.)
- 13-4:** The Wal-Mart site is located at the outskirts of the 0.5-mile radius typically considered suitable for station area planning, and it does not impede the potential for transit-oriented development (TOD) on several vacant parcels (totaling 142 acres) surrounding the proposed Warm Springs Station. The City of Fremont is developing a *Warm Springs Station Area Specific Plan* for the station area, which will help enhance the benefits of the WSX Alternative by promoting appropriate development near the station. One of the three land use scenarios being considered is a residential scenario. In addition, the owners of the 74-acre property immediately adjacent to the station site on the east are proposing mixed-use development that is heavily residential. (Please refer to comment letter No. 24.) Both the specific plan and any future development projects within the Specific Plan area will be subject to separate environmental review by the City of Fremont. However, at this time, the specific land uses that will be fostered by the City's planning process are speculative. Please refer to page 4.8-23 of the DEIS and the responses to comment nos. 21-7 and 21-8.

- 13-5:** VTA’s Route 180 express bus line does not offer a type of service that is comparable to the WSX Alternative. Therefore, it does not provide a reliable indication of potential future ridership for the WSX Alternative.
- 13-6:** The DEIS demonstrates the benefits of the WSX Alternative in terms of transportation, land use, air quality and energy (see DEIS sections 4.1, 4.8, 4.14 and 4.15). Cost and cost-effectiveness are analyzed in Section 7. BART’s Board of Directors will consider these benefits when deciding whether to proceed with the project, as will FTA and other funding authorities when deciding whether to provide funding. For a comparison of the costs and ridership between the WSX Alternative and the BART SFO project, please refer to the response to comment No. 37-25.
- 13-7:** The WSX project has been included in MTC’s *Regional Transportation Plan (RTP)*. Although the funding plan includes some sources that are not immediately available, BART continues to work with project funding partners to advance some of these sources. The anticipated \$145 million funding from SamTrans has not been forthcoming to date. BART has been working with SamTrans to maximize operating efficiencies and maximize net revenues. However, if the SamTrans funds do not become available, BART will work with other funding partners to close the funding gap. TCRP committed \$111 million in state funding, of which \$54 million has already been allocated. The remaining \$57 million in anticipated state funding is expected as the state economy improves. BART continues to work with TCRP to maintain the priority of the WSX project on the TCRP funding allocation list.
- 13-8:** Section 4.18 of the DEIS addresses Environmental Justice. Environmental justice is not included in the Executive Summary’s list of adverse effects and mitigation measures (Table ES-2) because the analysis concluded that WSX Alternative would have no disproportionately high and adverse effects on minority or low-income populations (see page 4.18-10 of the DEIS). Ethnic minority groups comprise the majority of the population in the vicinity of the project and would benefit from improved transportation service and mobility, as well as improved environmental quality (see pages 4.18-6 to 4.18-9 of the DEIS). Fares will be consistent with the fare structure throughout the BART system (see page 3-16 of the DEIS). For additional information on environmental justice issues, please see section 4.18, “Environmental Justice” of the DEIS and the responses to comment nos. 21-10 and 21-11.

The commenter states that due to the BART SFO extension, SamTrans bus operations were “defunded.” It is true that as a result of the BART SFO Extension, SamTrans rerouted many of its bus lines to use the new BART stations as intermodal centers, and schedule changes were initiated to accommodate the new bus routes. Although these changes may have inconvenienced some passengers, they were not a result of “defunding” of operational budgets for buses.

Letter 14

To: bartwarmsspringsextension@bart.gov
From: Bill Stremmel <bstremmel@sbcglobal.net>
Date: 04/09/2005 10:14PM
Subject: EIR comments for Warm Springs Extension

As a member of the Citizens' Advisory Committee to the Alameda County Transportation Improvement Authority (ACTIA), I am concerned that the region may not gain a mobility improvement commensurate with the investment of \$165,000,000 in sales tax revenue. These concerns arise due to lack of funds to complete the link to San Jose, as well as the City of Fremont's approval of big-box retail and other developments incompatible with transit service.

14-1

ACTIA is also advancing funds for timely completion of the Mission Boulevard/1-880 interchange reconstruction and HOV lane extension. This project is not only proximate to the Warm Springs station, but conceivably could provide some interim service via buses and carpools for the corridor ultimately to be serviced directly by further extension of BART into Santa Clara County.

14-2

BART should design the Warm Springs station as a major intermodal transfer point for inter-county trips. Since this will remain the terminus of BART for some time to come, it would be prudent to add more parking and longer bus loading/unloading lanes than what could be justified for an intermediate stop.

14-3

ACTIA and Caltrans need to work together to expedite through movement of HOV's between the expanded 880 freeway and the BART station during the Mission Boulevard interchange reconstruction. These agencies should also investigate if the configuration of the reconstructed interchange and Mission Boulevard extending into Fremont can be tweaked to prioritize movement of HOV's. Santa Clara County's Valley Transportation Authority should set-aside some monies now budgeted for operating BART's further extension - if and when it is ever built - for operating feeder buses during this "interim" period. And the Silicon Valley Manufacturer's Group (SVMG) should obtain commitments from its major employer members to support employee vanpools and shuttles to/from Warm Springs.

14-4

Sincerely,

Bill Stremmel,
member of the C.A.C.

Response to Comment Letter 14

14.1: BART's Warm Springs project is independent of VTA's proposed project. As discussed in Chapter 2, "Purpose and Need" of the DEIS, the Warm Springs Extension would provide benefits to transportation, land use, and air quality by addressing the need for improved transportation in the project corridor.

The City of Fremont has approved big-box retail in the past, but also recently approved the Irvington Concept Plan and is proceeding with the Warm Springs BART Area Specific Plan, both of which will intensify land uses near the proposed Irvington and Warm Springs stations. (Please see the response to comment no. 21-7.)

14.2: Comment noted.

14.3: The conceptual plan for the Warm Springs Station was designed to provide sufficient parking and bus access for the station to serve as the line terminus, not as an intermediate stop. BART consulted with AC Transit and VTA to ensure that bus access facilities were designed so that the station would serve as a major intermodal transfer point.

14.4 As noted by the commenter, ACTIA and Caltrans are responsible for the development of any HOV lanes located between Interstate 880 and the Warm Springs Station. The comments should be addressed to these agencies.

Letter 15

RECEIVED

APR 21 2005



P.O. Box 1631, Fremont, CA 94538

April 18, 2005

BART Warm Springs Extension
PO Box 12688
Oakland, Ca. 94604-2688
Attn: Ms. Shari Adams

Re: DEIS Comments

Ms. Adams

We are providing comments on behalf of the business community and property owners in the Irvington District of Fremont.

Our overall support for the BART Warm Springs Extension has been and is still very high. The previous work accomplished by the 1992 EIR and 2003 SEIR have addressed many of our concerns.

The EIS for the NEPA process, among other items, must address transportation infrastructure. This is the area of our greatest concern as a business association. We are pleased to see the DEIS will proceed to clear an optional Irvington Station for construction during this extension or in the future. In order to help fully mitigate the Southern Alameda County automobile traffic problems, an Irvington BART Station must be part of the solution. We would expect the EIS to completely analyze the benefits of an Irvington Station and as a minimum mitigation measure condition the project with a station foundation and footings. This requirement would provide for the most efficient and environmentally sound future phased station construction.

15-1

As the local community voice in and around the Irvington Station area, we cannot support the BART Warm Springs extension without a future Irvington Station solution. The City of Fremont has reviewed its general plan. The plan analyzed the surrounding station land use and the stations ability to help maximize the use of public transportation. With the goal of BART to generate additional transit ridership and reduce, overall traffic congestion. The ability to complete a future Irvington station has to be part of the project.

Sincerely,

George Matta
President

Response to Comment Letter 15

15-1: BART agrees that an Irvington Station is desirable. As noted in several sections of the DEIS and particularly in Section 3.4.4, “Optional Irvington Station”, construction of the Irvington Station is contingent on funding that has not been identified at this time. As noted in the comment, environmental review for the Irvington station is included in this EIS for the WSX Alternative, which analyzes both impacts and benefits of the Irvington Station.

As noted in the comment, the preliminary engineering work conducted to date does not include station foundations or footings for the Irvington Station. However, such details are not necessary at this time. The conceptual station plan illustrates a side-platform station, which could be constructed after the WSX Alternative is complete, if necessary. The side-platform design would not require track location or service interruptions and would facilitate construction even after the BART line is operational. BART has approved a variance for the side-platform station at Irvington, as the side-platform station is not the BART standard.

Letter 16



LEAGUE OF WOMEN VOTERS OF THE BAY AREA
An Inter-League Organization of the San Francisco Bay Area



April 18, 2005

RECEIVED

APR 20 2005

San Francisco Bay Area Rapid Transit District
Attention: Shari Adams
Warm Springs Extension Group Manager
MS-LKS-21
P.O. Box 12688
Oakland, California 94604-2688

Re: Draft EIS for Warm Springs BART Extension

Dear Ms. Adams:

The League of Women Voters of the Bay Area, an inter-League organization of twenty one local Leagues in the nine Bay Area counties, supports efficient, interconnected, multi-modal, convenient and cost-effective transportation planned in concert with land use and air and water quality.

The CEQA review on the BART Warm Springs Extension was completed and a preferred alternative--the extension of the existing BART system to Warm Springs--was adopted in June, 2003. Our comments on the Draft SEIR had expressed concerns that some alternatives were not thoroughly examined, and insufficient attention was given to land use planning in the station area to provide viable ridership projections.

We hoped that land use designations and cost effectiveness would be addressed in the NEPA document which is currently being reviewed as a requirement for federal funding eligibility. (See attached documents for our earlier statements.)

The League believes that transportation improvements should be consistent with smart growth principles. High-volume transit systems, such as BART, should enable more Transit Oriented Development (TOD) by promoting a mixture of land uses including retail and high-density residential in areas near stations. The extension of BART to a new Warm Springs station provides opportunity for such development and we would like to see requirements for this kind of planning in the final NEPA document.

16-1

Sincerely,

Linda Craig
Linda Craig
President

Irene Sampson
Irene Sampson
Transportation Chair

1611 Telegraph Avenue, Suite 300, Oakland, CA 94612
www.lwvba-ca.org



LEAGUE OF WOMEN VOTERS OF THE BAY AREA
An Inter-League Organization of the San Francisco Bay Area



May 17, 2004

San Francisco Bay Area Rapid Transit District
800 Madison Street P.O. Box 12688
Oakland, CA 94604-2688

Attention: Warm Springs Environmental Project Director

Re: Review process for National Environmental Policy Act (NEPA)

Dear Sir:

The League of Women Voters of the Bay Area, an inter-League organization of twenty-one local Leagues in the nine Bay Area counties, supports efficient, interconnected, multi-modal, convenient, equitable, safe, and cost-effective transportation planned in concert with land use and air and water quality.

We commented on the Draft Supplemental Environmental Impact Report for the BART Warm Springs Extension in May, 2003 (see attached copy of that letter) raising our concerns about some of the conclusions reached in that document. Although the CEQA review was completed and a preferred alternative was adopted in June 2003, we have become aware that a separate environmental review process under the National Environmental Policy Act (NEPA) must now be completed in order for the project to be eligible for federal funds.

The League hopes that some of our earlier concerns, particularly those related to more specific land use designations in the station area and cost effectiveness comparisons will be fully addressed in the NEPA document. We believe that greater consideration of these factors will result in better regional transportation planning and a better regional transportation system.

Sincerely,

Irene Sampson
Transportation Chair
League of Women Voters of the Bay Area

1611 Telegraph Avenue, Suite 300, Oakland, CA 94612
www.lwvba-ca.org

16-2



LEAGUE OF
WOMEN VOTERS
OF THE BAY AREA

An Inter-League Organization of the San Francisco Bay Area

May 9, 2003

San Francisco Bay Area Rapid District
Attention: Richard C. Wenzel, P.E.
WSX Environmental Project Director
P.O. Box 12688, MS 1KB-6
Oakland, CA 94604-2688

Re: Draft Supplemental Environmental Impact Report for the BART Warm Springs Extension

Dear Mr. Wenzel:

The League of Women Voters of the Bay Area (LWVBA), an inter-League organization of twenty-one local Leagues in the nine Bay Area counties, supports efficient, interconnected, multi-modal, convenient, equitable, safe, and cost-effective transportation planned in concert with land use and air and water quality.

In a letter the LWVBA sent to the Scoping Session for the Supplemental Environmental Impact Report for the BART Warm Springs Extension in April 2002, we stated our belief that "in order to build the most effective regional transportation system, alternative transportation investments need to be evaluated. Alternatives to the BART Extension would be expected to include standard rail, commuter rail, light rail, and express bus service."

Analysis of alternatives is essential for identification of transportation that provides cost-effective, environmentally superior transit options. The considerations of cost and of environmental impacts and benefits are more obviously related now than at the time of the 1992 EIR. Projects that are not affordable either to build or to operate frustrate improvements both in this transit corridor and other parts of the system that need funding. 16-3

The Draft SEIR notes that standard rail (Capitol Corridor), light rail transit, commuter rail and expanded bus service on local streets were considered, but rejected as infeasible alternatives to the Proposed Project --BART Extension. Only Bus Rapid Transit (BRT) was selected as an alternative to be analyzed in the 2003 SEIR. The analysis found that BRT would reduce some environmental impacts, but would have lower ridership and therefore "would not be as successful as the Proposed Project (BART) in promoting transit-oriented development, and in supporting smart, efficient and desirable growth patterns." 16-4

We question such a conclusion when the land uses around the Warm Springs BART station have not yet been determined. The station site is currently located in an Industrial Planning Area which is intended to "conserve industrial-designated land for future industrial development..."

500 St. Mary's Road, Suite 14, Lafayette, CA 94549 •925-283-7093 •FAX 925-283-2613

The land use for this area discusses establishing a Warm Springs BART Specific Plan Study for consideration of more dense, compact mixed-use development to make optimal use of the access provided by a BART station. Conversion to residential uses is one possible option, according to the City of Fremont's General Plan.

Regional policies clearly call for transit oriented development at major investments such as BART stations. Proceeding with such an investment without such plans constitutes a negative public policy impact, thwarting regional and state attempts at "Smart Growth." It is not at all clear what land use assumptions were used. In fact, it is stated in the 3rd paragraph, pg. 3 5-34, "there are no specific proposals for transit-oriented development at the Warm Springs Station site. Any analysis of potential environmental impacts would be highly speculative."

16-5

No final decision should be made on this Project until the following information is available:

- more specific land use designations in the station area.
- study of a reasonable cost effective, "apples to apples," alternative like commuter trains on standard gauge rail with connectivity to other rail/bus systems at hubs. This would meet the basic objective to close the transit gap between Alameda County and San Jose and satisfy all the Goals and Objectives stated on pages ES-12, 13. Comparing a bus system to a rail system is not an "apples to apples" comparison so it is not a reasonable alternative.
- assured funding for the construction for the Silicon Valley Rapid Transit Corridor. The analysis in this SEIR has been based on this project as a part of that corridor. The viability of this project as a stand-alone project will need to be analyzed in a subsequent EIR. Warm Springs is not a regional destination that will attract a large number of new riders so its financial feasibility is doubtful.

16-6

16-7

No scoping comments seem to have been included in the report so we have attached ours. We appreciate your consideration of our comments as we all work together for better regional transportation planning and a better regional transportation system.

Sincerely,

Eva Alexis Bansner
President

Irene Sampson
Transportation Co-Chair

Joyce Roy
Transportation Co-Chair

500 St. Mary's Road, Suite 14, Lafayette, CA 94549 •925-283-7093 •FAX 925-283-2613

Response to Comment Letter 16

16-1: Sections 4.8 and 5.3 of the DEIS addresses land use issues, including those raised by the commenter in previous comments on the Supplemental Environmental Impact Report (SEIR) prepared for the WSX project pursuant to the CEQA.

An EIS prepared under NEPA must address environmental impacts. NEPA does not require cost-benefit analysis to be included in an EIS. Nevertheless, information on cost effectiveness is also presented in Section 7, “Financial Considerations” of the DEIS, and specifically Table 7-4, “Cost Effectiveness Calculation; Incremental Cost per Incremental Passenger 2025”, which appears on page 7-7.

BART agrees that transportation improvements should be consistent with Smart Growth principles and promote transit-oriented development (TOD). As discussed on pages 4.8-22 and 4.8-23 of the DEIS, the WSX Alternative is designed to promote and provide opportunities for TOD, as is consistent with BART’s Strategic Plan and System Expansion Policy. However, as noted in the DEIS, specific local land use planning decisions will be made by the City of Fremont.

16-2: The comment summarizes statements in the remainder of the comment letter. Please refer to the responses to comment nos. 16-3 through 16-5.

16-3: In response to this and other comments received during the SEIR scoping process in Spring 2002, the Supplemental Environmental Impact Report (SEIR) did consider the alternatives suggested by the commenter. Based on the analysis in the SEIR, these alternatives were eliminated from detailed study in the DEIS because they do not satisfactorily meet the project’s purpose and need, as discussed in pages 3-34 through 3-39 of the DEIS.

16-4: The comment is correct that, as stated on page 4.8-12 of the DEIS, the land uses to be established as a result of the planning efforts for the Warm Springs Station area have not yet been determined. However, based on the ongoing efforts of Warm Springs Transit Village Plan and the City’s ongoing Specific Plan, it is expected that this planning process will result in a change from the present industrial zoning. Please refer to comment letter no. 24, which contains a proposal for a transit village to be developed directly east of the proposed Warm Springs Station site, and to the response to comment no. 21-7.

The conclusion that a bus rapid transit (BRT) line would not be as effective as the WSX Alternative in promoting TOD is based on differences between the effectiveness of fixed-rail and bus transit investments in attracting TOD, not on any specific proposals for the Warm Springs Station area. There is substantial evidence, based on well documented transportation and land use research both on the national and local level, that shows that private developers will invest around fixed-rail stations because they know that the large investment in fixed-rail infrastructure will not be moved or relocated. This reduces the risk for investors and encourages investment. Sources for this rail-related investment-land use relationship include Michael Bernick and Robert Cervero,⁶ the City of Seattle,⁷ the *Journal of Public*

⁶ Michael Bernick and Robert Cervero, *Transit Villages in the 21st Century*, McGraw-Hill, 1997.

⁷ City of Seattle, *Transit-Oriented Development Case Studies – Twelve Analytical Rail Systems*, Strategic Planning Office, August 1999.

Transportation,⁸ and White and McDaniel.⁹ For this reason, BART stations in the Irvington and Warm Springs areas would represent a major, permanent public investment that would more effectively promote long-term real estate investments by private developers.

- 16-5:** As discussed on pages 4.8-22 through 4.8-29 of the DEIS, the WSX Alternative is designed to promote and provide opportunities for TOD consistent with regional policies and BART policies. However, as noted in the DEIS, specific local land use planning decisions will be made by the City of Fremont. Existing land uses were assumed in the analyses of ridership and associated environmental consequences for transportation, air quality and energy in the DEIS. As explained in the DEIS and noted by the commenter, there are as yet no specific proposals for TOD on which such analysis could be based. Accordingly, the DEIS analysis does not rely on TOD surrounding Warm Springs Station to achieve the environmental benefits of the WSX Alternative, although the promotion of opportunities for future TOD further adds to those benefits. For that reason, it is not necessary to defer finalizing the EIS based on those conclusions. Moreover, finalizing the EIS does not constitute a decision that the project will receive federal funding. That decision will be made subsequently by funding authorities, based on the environmental analysis in the EIS and on other considerations.
- 16-6:** Based on the analysis in the 2003 SEIR for the WSX project and summarized in the DEIS (pages 3-36 to 3-39), the comment is correct that a bus system proved not to be a reasonable alternative to a rail system for purposes of this project. Similarly, the commuter rail alternative suggested by the commenter has been evaluated and rejected as infeasible under the circumstances. (Please refer to page 3-35 of the DEIS and the summary of VTA's Major Investment Study of November 2001). A commuter rail connection to BART on the standard gauge railroad tracks that exist in the project corridor (from the Union City BART station to Warm Springs) received the lowest ranking in the MIS due to low ridership, noise impacts and strong opposition by residents. In addition, the drawbacks described in the DEIS for an intermodal transfer from BART to a light rail alternative would also apply to the transfer from BART to a standard-gauge commuter rail alternative at the Union City BART station (see pages 3-35 to 3-36 of the DEIS). An extension of the Capitol Corridor system was also considered but dismissed because the Capitol Corridor service is designed to serve a different market with few stops, and its alignment along the Bay is not easily accessible for many patrons (see 3-34 to 3-35 of the DEIS). In addition, the Capitol Corridor is constrained by using the same tracks as the Union Pacific freight line, which makes for a more circuitous and longer trip. Much of the Capitol Corridor is also single-track line, which makes expansion more difficult or even prohibitive in environmentally sensitive areas, such as over wetlands.
- 16-7:** The conclusions discussed in the DEIS regarding the environmental benefits and impacts of the WSX Alternative do not rely on the construction of VTA's SVRTC project. The two projects are independent (refer to pages 5-2 and 5-3), and the viability of the WSX Alternative as a stand-alone project is analyzed throughout DEIS Chapter 4, "Environmental Effects) and Chapter 7, "Financial Considerations". The cumulative impacts of the WSX Alternative together with the SVRTC project, if both projects are constructed, were also

⁸ "Benefits of Proximity to Rail on Housing Markets: Experiences in Santa Clara County," *Journal of Public Transportation*, Vol. 5, No. 1, pp. 1 – 18, 2002.

⁹ S. M. White and J. B. McDaniel. "The Zoning and Real Estate Implications of Transit-Oriented Development." *TCRP Legal Research Digest 12*. Transportation Research Board of the National Academies. 1999.

analyzed in a separate section (see pages 5-6 through 5-41). NEPA requires the analysis of cumulative impacts of a project together with reasonably foreseeable future projects (such as the SVRTC), and it does not affect the analyses in the rest of the document. Accordingly, it is not necessary to defer finalizing the EIS until funding for the SVRT project is assured. Please also see the response to comment nos. 21-2 and 21-5.

Letter 17



MATH/SCIENCE NUCLEUS

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April 14, 2005

Ms. Shari Adams
BART Warm Springs Extension Project
PO Box 12688 MS LKS-21
Oakland, CA 94604-2688

RECEIVED
BART
APR 20 2005
TRANSIT SYSTEM
DEVELOPMENT

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TRANSIT SYSTEM
DEVELOPMENT

Dear Ms. Adams,

I have read the Warm Springs Extension Draft of April , 2005 and have the following comments that I think need to be addressed. A little background on our concerns revolves around our work in the area. The Math Science Nucleus manages the Tule Ponds at Tyson Lagoon Wetland Center (referred to in your report as Tule Pond North). We were also involved in the restoration of the Muskrat Creek restoration of Stivers Lagoon. Recently we obtained the Wes Gordon Fossil Collection, which we have displayed in our museum, which is from the area around the proposed Irvington Station. I have three (3) areas of concern:

1. Irvington Station: Your report delineates the historic areas except it has not identified the former Bell Quarry site (6-1B) where over 100,000 fossils were found (including sabercats, mammoths, dire wolves, camels, horses, etc). Any digging east of the Hayward Fault will encounter Pleistocene fossils. I am now in the process of finding out why this site (which is of more significance than the other sites mentioned) is not noted. Our group as well as University of California, Museum of Paleontology should be consulted if there is construction at this site. Please consult our website for some information (<http://msnucleus.org/gordon/index.htm>)

17-1

5.35; 6-34 Mitigation of Gallegos (Palmdale) Winery should be build into the design of the station. Since this site is more historical, it could be a reason for people to stop and visit. Seems like this would be more appropriate to use City of Fremont Redevelopment funds. Seems that to take away Redevelopment funds that were earmarked for Irvington would hurt the viability of the Irvington merchants. BART will not bring riders to buy in Irvington... it would bring riders however for an attraction. This site needs to be better planned to incorporate the cultural and paleontological resources.

17-2

2. Tule Ponds South (4.9-2a) Storm retention area seems to be far away to drain into Tyson Lagoon. The way it is set up is to bring water into Tyson, the open area has acted as a natural filter. Seems like the water should be brought directly into Tyson Lagoon (or one of the three Tule Ponds). This would help maintain the water levels in the pond. If water is diverted into another pond with no access to Tyson Lagoon that might affect our restoration plans. I would like to discuss this map to see if I am reading

17-3

it correctly, because it could cause damage to our wetland restoration progress. I would like to see at least a discussion in the report on its effect on Tyson Lagoon.

17-3
cont.

3. **Stivers Lagoon.** Since the Second Ventilation Structure and the underground BART structure will be impermeable what will be the long term affect on the hydric soil in the area? Will this cause damage to the wetland area over time. My concern is the flow of **Muskrat Creek**, which was not mentioned in the report. Your may note of the flood control channel north of Paseo Padre, but you did not mention (or could not find) a discussion of the effect of the perennial creek that flows through southern part of Stivers Lagoon. I personally have looked for the source of this water and have had problems identifying its source. On earlier maps I noticed there were springs in the area, but could not locate any of them. The Flood control channel just north does feed into Muskrat Creek, but during the summer this channel is dry, while muskrat has been running for probably 100 years (if not more).

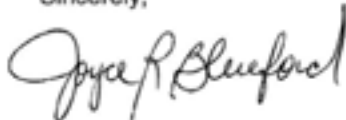
17-4

Also the area around the second ventilation structure is foraging area of many of the egrets and herons that roost on Duck Island. There was no mention on that biological impact and how you could mitigate more foraging area for many of the birds in the area.

17-5

If you would like to discuss this further, I could be available. I feel that addressing these comments in the EIR will advert problems. It will also aid the many people in Fremont who are dedicated to creating areas so our flora and fauna can flourish for future generations to enjoy. Addressing these issues will also help our group continue to preserve our paleontological resources, which have not been given that status that they deserve.

Sincerely,



Joyce R. Blueford, Ph.D.
Geologist
Board President

RECEIVED
BART
APR 20 2005
TRANSIT SYSTEM
DEVELOPMENT

cc: Lorraine Lerman (U.S. Department of Transportation)
Kathy Cote (City of Fremont, Environmental Services)
Hank Ackerman (Alameda County Public Works)
Annabell Holland (City of Fremont, Parks and Recreation)
Bob Wiechowski (Council, City of Fremont)

Response to Comment Letter 17

17-1: Section 4.3, “Geology” of the DEIS has been revised to address potential paleontological resources within the project area. As described in Section 4.3 of the FEIS, and shown on Figure 4.3-4 “Location of Pleistocene Vertebrate Fossil Finds Relative to BART WSX Alignment,” the proposed WSX alignment passes through the vicinity of known fossil sites, including the Bell Quarry site. The amended Geology discussion is presented in Volume 1 of the FEIS and includes the following text and mitigation measures regarding Pleistocene units within the project vicinity that were determined to have the potential to contain paleontological resources:

Pleistocene Units

Various systems of formal and informal nomenclature have been used for the Pleistocene units of the Fremont area, and one of the challenges in evaluating paleontological sensitivity is to establish the relationship between the various systems.

The name Irvington Gravels (Savage 1951) has been applied to a sequence of poorly consolidated, clast-supported conglomerates with minor fine-grained material (Holland and Allen 2000) that is locally exposed along the Hayward fault trend in Fremont. The Irvington Gravels are likely equivalent to Pleistocene portions of the alluvial aquifer sequence in the regionally important Niles Cone groundwater subbasin (see California Department of Water Resources 2004), implying that they or equivalent strata are extensive in the subsurface. The unit is believed to record deposition in a braided stream environment between about 1.5 and 0.15 million years ago (Albert 1999, Graymer and Lienkaemper 2002).

The Irvington Gravels have yielded a diverse vertebrate fossil assemblage that includes mammoths, musk oxen, horses, camels, ground sloths, ground squirrels, deer, dire wolves, elk, and saber-toothed cats. Of 18 different mammals identified from the deposits, 50% are extinct (Savage 1951). Savage (1951) named the assemblage the Irvington fauna and suggested that it represented one of the best examples of early Pleistocene terrestrial life in the western United States. The Irvington Gravels are the type section for the Irvingtonian Stage of the widely applied North American Land Mammal Chronology (Savage 1951, Graymer 1995).

Vertebrate fossils have been recovered from the Irvington Gravels at several sites near what is now the Irvington District in the City of Fremont (e.g., Savage 1951, Blueford and Belasky 2005). Figure 4.3-2 shows the vicinity of three sites that have yielded materials now housed at the University of California Museum of Paleontology in Berkeley. Additional fossil materials from the Irvington Gravels are on display at the Math/Science Nucleus in Fremont.

The paleontological sensitivity of the Irvington Gravels is considered high, because of the diversity and richness of the fossils recovered from the unit to date. There is an additional degree of sensitivity associated with the unit (and its fossil contents) because of its role as the stratotype for the Irvingtonian Stage, and thus as a resource of concern to paleontologists nationwide, if not worldwide. The paleontological sensitivity of other units in the project area believed to be equivalent or partially

equivalent to the Irvington Gravels is also considered high; this includes all Pleistocene materials in the project area. The Latest Pleistocene alluvial fan deposits (Qpf) as mapped by Knudsen et al. 2000 are considered especially likely to contain significant paleontological resources in the project area.

Latest Pleistocene to Holocene Units

Latest Pleistocene to Holocene alluvial fan deposits (Qf) as mapped by Knudsen et al. consist of moderately to poorly sorted and bedded sand, gravel, silt, and clay deposited on gently inclined fan surfaces (Knudsen et al. 2000). This unit is considered likely to contain vertebrate fossils, because California's Pleistocene alluvium commonly contains vertebrate materials. For instance, vertebrate fossils—including mammoth, bison, ground sloth, and the horse *Equus*—have been recovered from Late Pleistocene alluvium near Las Positas College, approximately 4 miles northwest of the City of Livermore (Savage 1951, Barlock 1988). Because of its potential to contain vertebrate fossils, Knudsen et al.'s Qf unit is considered to have high sensitivity for paleontological resources.

Construction activities along portions of the proposed WSX alignment could affect potential paleontological resources in surface or subsurface soils. To reduce or eliminate these potential impacts, BART has included the following impact and mitigation measures in Section 4.3, "Geology" of the Final EIS:

Impact G-5—Potential impacts on paleontological resources as a result of WSX construction activities. Project construction would entail a number of ground-disturbing activities with the potential to damage or destroy paleontological resources, including significant resources, that may be present on work sites. These include site preparation; various types of earthwork, including but not limited to subway excavation; and drilling for piers/pilings.

WSX Alternative. All Pleistocene units in the project area are highly sensitive for paleontological resources, and there is a potential for significant impacts to these resources during construction of two segments along the alignment:

- **North of Stevenson Boulevard to the South Ventilation Structure:** Logs of exploratory borings from geotechnical investigations performed for the proposed project suggest that older (Pleistocene) alluvium will be encountered during construction of the tunnel near Stevenson Boulevard. Specifically, the section of the proposed subway alignment that descends beneath the surface approximately 250 feet (76 meters) north of Stevenson Boulevard, extending to the north ventilation structure located approximately 1,200 feet (366 meters) south of Stevenson Boulevard.
- **Paseo Padre Parkway south to Blacow Road, and southern terminus area.** The portion of the alignment from approximately Paseo Padre Parkway south to approximately Blacow Road is located in areas mapped as Qpf (Pleistocene alluvial fan deposits) and Qf (Latest Pleistocene to Holocene alluvial fan deposits) by Knudsen et al. (2000) (see Figure 4.3-1). From Blacow Road to approximately the southern terminus, the WSX alignment would cross outcrops of Latest Pleistocene to Holocene alluvial fan deposits and Latest Holocene

alluvial fan deposits (Figure 4.3-1), including previously studied vertebrate-bearing Pleistocene strata (Savage 1951). The southern terminus is located in Qf deposits (Knudsen et al. 2000). As discussed above, the Qpf and Qf units are considered highly sensitive for paleontological resources.

Mitigation Measure G-10—Identify Pleistocene units before construction. BART will work with the project engineering design and geotechnical contractors to ensure that sites or areas where construction could impact Pleistocene units are identified before construction begins.

Mitigation Measure G-11— Provide paleontological monitoring for construction activities with potential to disturb Pleistocene units. Once construction begins, the paleontological monitor will be on site during all ground-disturbing activities in areas in which potential impacts to units of known or potential Pleistocene-age material in the surface or subsurface material could occur. BART will retain a qualified professional paleontologist¹⁰ to provide monitoring services during ground-disturbing site preparation and construction activities including, but not necessarily limited to, vegetation clearing, excavation, and drilling. Where Pleistocene materials are exposed at the ground surface, the paleontological monitor will conduct preliminary survey and, if significant paleontological materials are found, surface salvage before site preparation and construction begin. The goal of salvage operations will be to ensure that any paleontological materials exposed at the surface are recovered and properly prepared and curated, or protected from damage using exclusion fencing or other appropriate means. Any exclusion fencing or other protective measures will be designed by the paleontological monitor in consultation with BART, to ensure that it adequately protects significant resources without unnecessarily impeding construction activities. Once construction begins, the paleontological monitor will be on site during all ground-disturbing activities in specified areas.

Specific areas where paleontological monitoring will be required include, but are not limited to, the northern section of the WSX alignment from approximately 250 feet (76 meters) north of Stevenson Boulevard to the northern ventilation structure (CPS) approximately 1,200 feet (366 meters) south of Stevenson Boulevard for the subway section; and the southern section of the alignment from 300 feet south of Paseo Padre Parkway to Blacow Road for the at-grade portion of the alignment, and the area near the southern terminus. In addition, cutting recovery will be monitored at sites where piers, pilings, or other features require drilling into units of known or potential Pleistocene age.

Mitigation Measure G-12—Stop work if vertebrate fossils are encountered during site preparation or construction. If vertebrate fossils are discovered during construction of the BART WSX alignment, including

¹⁰ The qualified professional paleontologist would meet all standards as required by the Society of Vertebrate Paleontology (Society of Vertebrate Paleontology Conformable Impact Mitigation Guidelines Committee 1995).

but not limited to sites with potential Pleistocene disturbance identified in Mitigation Measure G-11 above, all ground-disturbing work on the site will stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment will be consistent with SVP guidelines (Society of Vertebrate Paleontology Conformable Impact Mitigation Guidelines Committee 1995), and may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection. BART will ensure that information on the nature, location, and depth of all finds is readily available to the scientific community. BART will ensure that all professional construction staff receive briefings on recognition of fossil materials to ensure that the stop work directive is appropriately implemented on sites where monitoring is not required.

No-Build Alternative. Under the No-Build Alternative, no new project-related elements would be introduced, and no potential impacts on paleontological resources in Pleistocene units would occur.

Additional impact and mitigation measures were identified for the construction of the Irvington Station as shown below:

Impact G-7—Potential impacts on paleontological resources during construction of the optional Irvington Station. The optional Irvington Station, if constructed, would also be situated in Pleistocene material, which is considered highly sensitive for paleontological resources, as discussed above.

WSX Alternative. Potential impacts on paleontological resources would include those described above for the WSX Alignment. In addition, the station and platform would be constructed within Pleistocene material.

The following mitigation measures would minimize these potential impacts:

Mitigation Measure G-10—Identify Pleistocene units before construction.

Mitigation Measure G-11— Provide paleontological monitoring for construction activities with the potential to disturb Pleistocene units.

Mitigation Measure G-12—Stop work if vertebrate fossils are encountered during site preparation or construction.

No-Build Alternative. Under the No-Build Alternative, no new project-related elements would be introduced, and no potential impacts to potential resources within Pleistocene units would occur.

Please refer to Section 4.3, “Geology” of the FEIS for further information. The first paragraph of page 6-27 of the Section 4(f)/6(f) Evaluation has been amended to include Section 4.3 “Geology” in the list of sections containing mitigation measures that reduce adverse effects on the park.

17-2: As noted on page 4.12-24 of the DEIS, Mitigation Measure CR-5 (Preserve and interpret structural ruins of Gallegos Winery and associated features) requires the integration of the

Gallegos winery ruins into the proposed Irvington Station. BART would not disturb the structural remains of the winery. An appropriate barrier would be placed so that the winery remains are protected, but also visible to the public. BART would provide interpretive signage explaining the significance of the site. The objective would be to increase local and regional public awareness of the site. Any application of redevelopment funds would be at the discretion of the City of Fremont.

- 17-3:** The WSX Alternative would reconfigure the Tule Pond area south of Walnut Avenue. As reconfigured, the three smaller replacement ponds south of Walnut Avenue will be linked hydraulically with each other and with Tyson Lagoon (North Tule Pond) on the north side of Walnut Ave. They are intended to function in all respects just as the existing South Tule Pond does; therefore no damage to wetland restoration at Tyson Lagoon is anticipated.
- 17-4:** The clay soils around Stivers Lagoon have naturally low permeability, which helps maintain the wetland hydrology. The presence of impermeable underground structures is not anticipated to effect the permeability of the overlying soils, and hence, the construction of the vent structures is not anticipated to alter the wetland hydrology.

Muskrat Creek is the portion of Mission Creek that flows through Stivers Lagoon. Mission Creek is discussed in Chapter 4.6 (Wetlands). Additional information on Mission Creek and the hydrology of Stivers Lagoon may be found in the 1993 Stivers Lagoon Marsh Restoration/ Enhancement Plan, prepared by ESA. Although the DEIS does not address Muskrat Creek specifically, any potential effects to the creek were addressed in the discussion of Mission Creek.

- 17-5:** If Option 2 (two ventilation structures) were implemented, the southern structure would be located in the riparian area adjacent to Mission Creek. This would contribute to the permanent loss of up to 0.2 acre of riparian habitat and the temporary disturbance of adjacent habitat, which contributes to the total 3.7 acres of affected habitat described in the DEIS. With the exception of 0.2 acre, the loss of wetland and riparian habitat will be temporary, as it would be restored or compensated provided as required by the Corps (see Mitigation Measure WL-5). The temporary loss of this habitat will not result in adverse effects to the egrets and herons, because the nearby golf course and marsh habitat around New Marsh and Lake Elizabeth provides abundant foraging habitat for these species.

Letter 18
Page 1 of 1

From: Joyce Blueford <blueford@msnucleus.org>
To: bartwarmsspringsextension@bart.gov
Date: Saturday, March 26, 2005 02:22PM
Subject: Irvington fossil locality

RECEIVED
MARCH 26 2005
11:41 AM
MAIL ROOM

Hi,

Is the draft environment impact states on line... if so could you send me the URL.

I have a comment that was not on one of the draft Environmental Impacts that I did view. is there reference to the Irvingtonia Mammal fossils that will be near the corner of Washington Blvd and Osgood.

Our group has recently obtained a collection of the fossils (which are mainly at UC Berkeley Museum of Paleontology)... and as we are uncovering where they were found we realize that the Hayward Fault uncovered the strata along the old Winery toward Sabercat adn Washington Creek.

Is there mention of that... Our group is trying to save some of the integrity to go along with our musuem.. and wonder if this was mentioned in the Impact.

Thanks

Joyce R. Blueford, Ph.D.
Geologist
Math Science Nucleus.

18-1

[http://notes-c01.adm.bart.gov/mail/web0006.nsf\(\\$inbox\)/5049E666093D4B0D88256FD0...](http://notes-c01.adm.bart.gov/mail/web0006.nsf($inbox)/5049E666093D4B0D88256FD0...) 3/29/2005

Response to Comment Letter 18

18.1: Please refer to comment response 17-1.

Letter 19



SAN FRANCISCO BAY CHAPTER • SIERRA CLUB

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April 25, 2005
Lorraine Lerman
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201 Mission Street, Suite 2210
San Francisco, CA 94105

RECEIVED
APR 25 2005

BART Warm Springs Extension
Attr: Shari Adams, Group Manager
P.O. Box 12688 MS LKS-21
Oakland, CA 94604-2688

Re: Draft Warm Springs Extension EIS

Dear Ms. Lerman and Ms. Adams:

Submitted herewith are comments of the Sierra Club on the Draft Environmental Impact Statement (DEIS), BART Warm Springs Extension (WSX).

As advocates for public transportation, we regret that we cannot support the project as proposed. The principal reason is that it costs too much and accomplishes too little. The money, almost \$700 million, could yield far greater benefits if spent on other transportation projects. The project would do little, if anything, to reduce automobile use or otherwise improve the environment.

Specifically, we find that the ridership forecasts are unrealistically high and the prospects for supportive integration with land use speculative, at best. The project fails to satisfy standards that the Federal Transit Administration (FTA) has established. We further submit that the DEIS fails to meet NEPA requirements for examination of alternatives. Associated with that failure is insufficient treatment to alternatives in the Section 4(f) analysis.

19-1

We recommend that WSX not be funded. We urge FTA and BART to obtain and focus funds on maintaining the core BART system rather than pursuing extensions. There is ample opportunity to improve security, efficiency, reliability, and customer convenience, and to integrate BART better into communities.

Respectfully,



Andy Katz



Robert R. Piper, Ph.D.

Co-Chairs, San Francisco Bay Chapter Transportation and Compact Growth Committee

Sierra Club Comments—WSX DEIS

Summary

The purpose of WSX is primarily to increase transit ridership, reduce traffic congestion, and exert a beneficial impact on air quality. Analysis of numbers in the DEIS indicates that ridership projections may be overstated by 40%. WSX would generate less than 15% more passengers than a bus alternative that BART rejects. The bus alternative would cost a fraction as much and would have no impact on Fremont Central Park. It could be improved to attract more riders, perhaps as many as WSX. The number of motorists that WSX would divert from parallel thoroughfares is so miniscule (less than 1.5%) that any reduction in congestion would be imperceptible. It would lie within the normal scatter of daily traffic variations and could not be detected by traffic counters. Predictions of improvements to energy consumption and air quality are suspect. Unexplained discrepancies exist in the DEIS tables. Energy consumption and emissions of park and ride vehicles and BART employee and service vehicles have not been taken into account. The analysis of noise and vibrations is invalid because it assumes a higher than actual level of track maintenance. Land at the Warm Springs Station site is currently industrial or barren. There is speculation about future changes but no concrete plan. History suggests that transit oriented development will not materialize by 2025.

19-2

The cost effectiveness estimate in Chapter 7, \$29.40 per new rider, is unjustifiably optimistic. Analysis of DEIS numbers indicates that the cost per new rider could easily exceed \$42.00.

- The DEIS estimate is based on exaggerated ridership projections.
- WSX capital costs include no allowance for contingency and escalation. Experience strongly supports inclusion of such allowances. 53% has been allowed in the capital cost estimate for the optional Irvington station.
- Operations and maintenance cost in 2025 would be greater than postulated because no allowance has been made for the 25% increase in number of trains over those scheduled in 2010 (Chapter 3).

In addition, no funding source is cited for the projected \$1.67 million 2010 WSX operating deficit. BART is currently struggling with a \$51 million deficit.

19-3

Ridership and Model Validity.

The entire "purpose and need" of WSX depends on attracting more BART passengers. Ridership projections are generated by a computer program that the DEIS acknowledges is flawed in some respects. Tables 4.2-9 and 4.2-10 are especially troubling. Since the same logic applies to both, let us focus on the year 2010, Table 4.2-9.

Of the 11,600 projected weekday entries and exits, 1,100 are assigned to Walk/Bike access. As discussed below and in the DEIS, there is next to nothing within walking distance. There is no reason to assume that more than a handful of passengers would access the station on foot. Judging by experience at the Fremont station, the same is true for bike access. Fremont enjoys far more origins within biking range than Warm Springs and has numerous bike racks. On the day of our inspection (see below), most were empty. If the Fremont station cannot attract bicyclists, there certainly will not be many at Warm Springs. 100 is a more likely number than 1,100 for Walk/Bike access.

19-4

Transit transfers account for 6,800 of predicted entries and exits, 58% of the total. The number is highly improbable. According to the schedules presented in the DEIS, about 112 buses per weekday will stop at Warm Springs. This figure includes both peak and off-peak buses. On average, that means 30 passengers boarding and alighting from each bus, all through the day. This number is not credible, especially since, as the DEIS makes clear, travel would be highly unbalanced, northbound in the morning and southbound in the afternoon. The unrealistically high bus load factors suggest a prediction error.

The explanation is found in Table 3-2 of the Transportation Technical Report, Appendix N, Supplemental Environmental Impact Report. BART Warm Springs Extension, March 2003. Table 3-2 presents results of a validation study that compared predicted results (from the ridership model) with measured results for various

services. Predictions for the VTA express bus routes that would serve Warm Springs were overestimated by 54%. Those for AC Transit lines by over 8% (but AC Transit accounts for only a few of the buses to serve Warm Springs).

The validation study suggests that 4,500 is a better figure than 6,800 for transferring bus passengers. If we assume 100 Walk/Bike passengers, we find that total entries and exits to be 8,200, 70.6% of the predicted 11,600. It is reasonable to assume that the same percentage reduction applies to the predicted number of new riders. This correction significantly lowers projected cost effectiveness as well as purported reductions in air pollutants, congestion, and energy consumption.

19-4
cont.

Land use.

Much text is devoted to smart growth and transit-oriented development (TOD). The general tenor is that local government agencies have adopted policies favoring TOD. The evidence is convincing that support for TOD among these agencies is just lip service. There is currently no hint of TOD at Warm Springs and the prospects for it to materialize in the foreseeable future are unpromising.

The essence of TOD is a mixture of uses close enough to one another that all can be reached conveniently on foot. Most trips can be made without recourse to a vehicle, elevators and bicycles excepted. The transit stop or station serves for longer journeys. Automobiles are not precluded but the need for their use is greatly reduced. In order to be economically viable, the retail part of the mix requires a large concentration of customers. Buildings taller than four stories are necessary if sufficient customers are to be located within walking distance.

Discussion of TOD in the DEIS is based on a posited one-half-mile radius catchment area around the station. This rule of thumb is commonly cited for rail stations. A one-quarter-mile radius is similarly cited for local bus stops. Like all rules of thumb, this one must be applied judiciously. It was derived via extensive and rigorous research into how far transit passengers actually walk. More research has been done for bus stops than metro stations but the patterns are similar. Results are consistent over time and among different locations, and confirm what one would intuitively expect.

Where development exists right up to the station entrance, as at MUNI/ BART stations in San Francisco, a plot of passengers vs. walking distance would fall off with distance. (Fewer people walk long distances than short.) About half of the passengers walk less than a quarter mile. The second quarter mile ring may generate the same number of passengers but it contains three times the area. The propensity to ride transit is three times greater in the first quarter mile. Because the distribution is continuous, there is scarcely any trip generation at a half-mile. Beyond that, influence of the station is negligible. Conversely, the close in land is the most valuable. Using it for parking or open space means rejecting TOD.

19-5

A neglected caution in planning TODs is that the pertinent area is not determined by drawing a circle with a one-half-mile radius on a map. Consistent research results are based on actual walking distances, including the various turns that pedestrians have to make in walking from one point to another. (Steep slopes and other factors play roles that are not relevant here.) Distance is a proxy for time. At three miles per hour, a half-mile means 10 minutes, a quarter mile 5 minutes.

Walking distance is an important consideration in station design. Urban transit systems, like BART and MUNI under Market Street, acknowledge the importance of walking distance by providing entrances and turnstiles at both ends of the station platform. BART sacrifices over 20% of the effective catchment areas at its suburban stations by providing only one entrance. Planning for only one entrance at the Warm Springs similarly reduces its TOD potential.

If TOD is to yield maximum benefit, development must be concentrated immediately adjacent to the station entrance(s) and, where feasible, in the air rights above the station. Ideally, parking for both transit passengers and the development should be located beyond the inner core. The same holds for open space. At the least, intrusion of automobile parking into the central area should be minimized. The reader will recognize that this pattern is the opposite of BART practice at suburban stations.

Current land use at the Warm Springs station site is barren and industrial. WSX has been in the planning process for over 25 years but City of Fremont zoning still calls for industrial uses. Despite this zoning, BART, the City of

Fremont, MTC, and the Alameda County CMA have all endorsed WSX. One has to wonder if they do not understand what transit oriented development is or do not care whether or not it takes place.

The City of Fremont, presumably under prodding from BART, has recently undertaken a study to re-evaluate zoning around the station. Neither the outcome nor its significance is a foregone conclusion.

Half of the land within walking distance of the station (measured from the turnstiles) lies east of the tracks. Land within a 5-minute walk belongs to BART and is to be devoted to automobile parking, a bus transfer station, and, to the south, a train storage and a maintenance facility. BART has no current plans for residential, commercial, or retail development. Property to the east of Warm Springs Boulevard would be a minimum of five minutes away because the boulevard is wide and can only be crossed safely at the traffic signals. Development there would be predominantly automobile-oriented. Only those structures close to the pedestrian crossings would profit from proximity to BART. Would-be investors in retail projects would face competition from the existing center a little over a mile away at the intersection of Mission and Warm Springs Boulevards.

The other half of the land within walking distance lies to the west. It includes a railroad yard and the NUMMI plant, whose owner has reportedly stated his opposition to residential development near the property. There are rumors that the plant may close, thereby freeing up the land for different uses. BART has made provision in the proposed station design for a pedestrian bridge to the west. In order for it to provide access for NUMMI employees, reorientation of the plant to provide a new entrance would be necessary. A pedestrian bridge could also serve future, different land uses. Whether these would be more automobile parking or TOD is anybody's guess.

While current and planned land uses at Warm Springs are hostile to transit, the DEIS argues that the potential for TOD is great. This potential is determined by the two governments (BART and the City of Fremont), the property owners, and the marketplace. To estimate how long it might take to realize the TOD potential at Warm Springs, we performed an inspection of the land around the Fremont BART station. The Fremont station was planned 35 years ago and has been in operation since 1972. At that time, the need for supportive development around transit stations was well recognized in planning circles. There has been ample time for such development to take place.

The inspection was not encouraging. The highest building in sight, at six stories, is the hospital located in the northwest quadrant. The entire hospital parking lot is separated from the BART parking lot by a fence but employees can swipe open a locked gate with their ID cards. For them, the hospital is transit-oriented. Patients and visitors and employees of offices and clinics elsewhere in the quadrant have to walk around to Mowry or Civic Center Drive.

Nothing else is higher than four stories. The three-story Fremont Office Center is five minutes away, across the BART and its own parking lots. A brand new, four-story (over a parking garage), multi-unit residential development abuts Civic Center Drive about 100 yards south of Walnut. The nearest units are a 10-minute walk to the turnstiles because pedestrians have to detour across signalized intersections. Retail outlets occupy the ground floor facing Civic Center Drive. They are fronted by diagonal parking that one proprietor complained is insufficient. How well this retail will fare after the building is occupied remains to be seen. The only other retail visible anywhere near the station was a small shopping center and movie theater southwest of the hospital complex. A four-story office building, with a large parking lot, occupies the southeast corner of Civic Center and Walnut. To the east, after walking five minutes, one can reach the nearest of extensive, three-story condominium developments. There is no retail or commercial development visible from the station side.

Except for bus stops near the entrance, the station is surrounded by the parking lot. It occupies all of the valuable, close-in property where TOD belongs. BART and the City of Fremont have had 35 years to produce dense, mixed development adjacent to the Fremont station. Since they have failed to do so, what reason is there to suppose that they will do better at Warm Springs?

Alternatives Considered and Rejected: 3.5.4 Interim Busway.

An interim busway alternative was proposed during the EIS scoping. The logical intent was that it serve as a queue jumper. Buses would use it to avoid congested streets and highways. Instead, BART has selected a more complicated and expensive concept. The apparent intent was to make the alternative uncompetitive. The DEIS text alleges that the concept was developed in conjunction with AC Transit and VTA. We were able to locate no one at AC Transit who had participated. VTA has no BRT experience.

19-5
cont.

19-6

No costs are presented in Section 3.5.4. BRT can be offered at several levels of sophistication and capital cost. Typically, transit operators like AC Transit choose to implement BRT gradually, upgrading as the market develops and funding becomes available. By contrast, BART has assumed the most expensive option at the outset without examining trade offs. For instance:

- Why is the expensive flyover at Paseo Padre Parkway necessary? How much time does it save over less expensive alternatives? How many additional riders does it attract?
- Why are fancy stations necessary? We are talking suburban, southern Alameda County, not Curitiba.
- Stops with shelters and boarding areas at the same level as the bus entrance would suffice.
- Why would access and stations be required at intermediate points along the guideway? In particular, why establish a transfer center at the optional Irvington site? BART would have to abandon the BRT patrons when WSX opened.
- Why assume restrooms in the stations? They are not normally provided at bus stops. Restrooms in BART stations have been locked shut for security reasons since 2001.
- Why, at Warm Springs, put the BRT stop where the future train station would be? The station area plan calls for a seven bay bus transfer center. This would be suitable for BRT and would be ready, on the site, if and when the train station is built. There is no need for any BRT station that would have to be demolished when rail service is opened.
- Why is it a disadvantage that the busway would "require many of the same investments required for the WSX Alternative?" Those investments would not go to waste if and when train service is extended.
- Why not start the busway at Mission Boulevard? BART already owns the right of way to within 2,000 feet. VTA owns the remainder. It would be to the advantage of VTA to extend the busway. Doing so would save operating costs on VTA express buses would help build up a transit habit among potential, future rail passengers.
- Why assume the same, 7.5-minute headway as would constrain future train service? Frequency could be increased at minimal cost, making the service more attractive and drawing more riders and fares.

19-6
cont.

BRT/Busway ridership projected in the DEIS is only slightly less than that for WSX (page 3-38): 11% less in 2010 and 12.5% less in 2025. These differences are so small that they could probably be overcome by making the bus service more attractive, specifically, by discarding superfluous stops and running buses more frequently. Despite the absence of cost figures in the DEIS, the BRT/Busway would obviously require less investment than WSX. Its cost effectiveness would be vastly superior.

If BRT were implemented in lieu of WSX and the savings applied to other transit improvements, be they bus, LRT, commuter rail, or high-speed rail, far greater increases in transit patronage could be generated. We submit that such opportunities should be explored in light of the fiscal uncertainties attending the southward extension of BART in both Alameda and Santa Clara Counties.

Lastly, the DEIS argues that whatever is invested in the BRT would only be used for a short time because BART anticipates that the WSX extension could be operating by 2010. Many informed observers are skeptical about this timetable. It is equally possible that 10 or 20 years will pass before BART is extended, if it ever is. The merits of offering travelers an alternative in the meantime and, perhaps, stimulating supportive development near the Warm Springs station deserve more attention than has been offered in Section 3.5.4.

Section 4(f).

The DEIS devotes Chapter 6 to evaluation of Section 4(f) concerns. It describes disruption of Fremont Central Park and Lake Elizabeth during a two to three year construction period. Once WSX enters operation, the only park disturbance would be noise from the ventilators and trains. As stated in the DEIS, the ventilator noise can be deadened by insulation. Train noise minimized by proper maintenance. See **Noise and Vibrations** below. The ventilator structure would occupy about one half acre of parkland. It would require a new access road that could serve other purposes. The text implies that the City of Fremont deems these disturbances to be acceptable.

The Busway/BRT alternative, by contrast, would have no impact on the park at all. As drawn up, it would have a stop adjacent to the park that would substantively improve access to it.

19-7

The BRT/Busway is cavalierly dismissed (page 6-22) on the basis that it would fail to satisfy the purpose and need of the WSX project. As we note above, this argument is suspect. With minor improvements, it could equal or better the transit ridership increases projected for WSX.

19-7
cont.

We submit that the BRT/busway alternative must be re-evaluated under 4(f).

Measure B Funding.

The statement on page 6.5, "Alameda County Measure B ... provides sales tax revenues to fund a BART extension to southern Alameda County." gives a wrong impression and should be corrected. Not a penny of Measure B revenues can be spend on construction unless and until full funding for the further extension into Santa Clara County is assured.

19-8

Air Quality.

One element of the stated need and purpose of WSX is reduction of air pollution. Substantial air pollution will be generated during construction as discussed in the DEIS. What matters more is the long-term situation after WSX enters service. The projected results are presented in Tables 4.14-4 and 4.14-5. They are unimpressive. The greatest reduction in mobile source emissions was 0.0016, less than two tenths of one per cent.

If ridership projections are overstated, as we argue above, then these tiny reductions are also overstated. It is unclear from the text if the emissions of park and ride vehicles and of BART employee and service vehicles are included in the analysis. If they are not, the projected emissions gains become smaller yet.

19-9

Given the nature of southern Alameda County, it is logical to suppose that most passengers parking at Warm Springs would live in sprawl developments where all their other trips are made by automobile. Rather than reduce automobile use and emissions, WSX may stimulate their growth. Analysis of such growth is missing from the DEIS.

If WSX improves air quality at all, we question whether or not the change would be detectable.

Energy.

The methodology (4.15.4.1) raises too many questions to justify confidence in the results.

The energy consumption factors, in Btu per vehicle mile traveled (VMT), are based on a report issued by Oak Ridge National Laboratory in 2002. This source may be satisfactory for energy per automobile mile traveled but why use it for BART?

BART engineers must know with good precision how much energy trains will require traveling between Warm Springs and Fremont, including accelerating to speed, going around the curves, and descending into and climbing out of the tunnel. Why not use their numbers?

In addition, WSX would consume energy

- Ventilating the tunnel,
- Operating the station and illuminating the parking lots,
- Operating the maintenance facility,
- Policing and maintaining the station site and other property (tracks, tunnel, etc.).

19-10

All associated numbers should be available within BART. There is no need to assume that an average of energy consumption per VMT from systems elsewhere accurately reflects the energy consumption that WSX would entail.

Troubling discrepancies exist in the BART VMT figures presented in Table 4.15-2. Relative to No-Build, each train under the WSX alternative would travel an additional 5.4 miles, the distance between Fremont and Warm Springs.

For the year 2010, the difference between No-Build and WSX is 1,177 VMT. This translates (1,177 divided by 5.4) into 218 train trips. (The current Fremont schedules call for 256 train trips.) The table is supposedly based on the

Sierra Club Comments—WSX DEIS

operating scenarios of Tables 3-4 and 3-5, which call for 15-minute weekday headways in 2010 and 12 minutes in 2025. About 272 train trips result in 2010 and 340 in 2025. In 2010, this is 25% more than the 218 reflected in the projected VMT. If we increase the projected annual BART Btu by the same percentage, we find 901 billion Btu rather than 722. The annual savings drop from 323 to 144 billion Btu per year. Applying a similar procedure to 2025 yields 286 trains rather than 340 scheduled. Projected energy savings drop from 401 to 226 billion Btu per year.

19-10
cont.

Overstatements this great are disturbing. Correction or explanation must be furnished before results so incompatible with data elsewhere in the DEIS are certified.

Finally, there is a question of how many automobile VMT are included and where. Specifically, are the miles driven by BART employees commuting to Warm Springs and by park and ride passengers charged to the total energy consumption of WSX?

Until these questions are answered, no one can say definitively whether WSX would save energy or not.

Noise and Vibrations.

The noise and vibration section rests on the assumption that BART vehicle wheels and track are maintained in good condition with regular wheel truing and track grinding. This assumption is not currently valid, as passengers, employees, and neighbors can and frequently do attest. Trains are now far noisier than in 1997-98 when the noise measurements on which the analysis is based were made.

19-11

The DEIS must acknowledge actual noise and vibration levels, not those anticipated under ideal conditions. In addition, track maintenance is noisy and must, perforce, occur at night. The topic should be re-visited. If sound walls or other insulation is required.

Cost Effectiveness.

The cost-effectiveness calculation in Table 7-4 relies on three numbers (page 7-5). We find errors in all three.

- The change in capital cost is under-estimated because there is no allowance for contingency.
- The change in O&M cost is under-estimated because the same figure is used for 2025 as in 2010 despite the fact that 25% more trains are being operated. The correct number would be close to 1.25*\$8.16 million, \$10.2 million.
- The change in Linked Annual Transit Trips is over-estimated. We assume that it is over-estimated by the same percentage as over-all ridership at Warm Springs.

19-12

In order to avoid exaggerating the error in the Table 7-4 result, we have not changed the cost numbers. We have reduced the ridership number by the same fraction as we developed above for over-all Warm Springs ridership. Incremental annual ridership becomes .706*2.13 million or 1.50 million. Cost effectiveness becomes 62.26/1.5 or \$41.74. Correcting the cost figures would bring this figures substantially over \$42.00, well above the claimed \$29.40.

Robert R. Piper, PhD
Sierra Club Bay Chapter
Co-Chair, Transportation and Compact Growth Committee
April 25, 2005

Response to Comment Letter 19

- 19-1:** The comment summarizes statements in the remainder of the comment letter. Please see responses to comment nos. 19-3 to 19-12.
- 19-2:** The comment summarizes statements in the remainder of the comment letter. Please see responses to comment nos. 19-3 to 19-12.
- 19-3:** The comment is correct that the WSX Alternative will have a net operating deficit in 2010, when it will cost \$1.67 million more to operate than it will generate in new BART fares. However, this situation will alter as ridership increases over time due to local and regional growth. By 2025, the WSX Alternative is projected to generate an operating surplus of \$0.70 million if the Irvington Station were not constructed, or \$2.21 million with the Irvington Station. Even in 2010, the WSX Alternative will require a lower operating subsidy than the remainder of the BART system. As noted on p. 7-4 of the DEIS, farebox recovery for the WSX Alternative is estimated to exceed the systemwide percentage. Please also note that BART's operating performance is better than that of most transit agencies, relying on farebox revenue for approximately 60% of system operating costs. In any case, BART is actively working to increase operating efficiency and it is speculative to assume that a substantial deficit will occur in 2010.
- 19-4:** The comments regarding ridership forecasts and modeling validity are not correct. Regarding access by bicyclists and pedestrians (see DEIS pages 4.2-9 and 4.2-10), approximately 10 percent of entries and exits in the walk/bicycle category is a reasonable assumption. The *BART Station Profile Study* (August 1999) indicated that 10 percent walk/bicycle access was achieved to the Fremont Station in 1998. At the Warm Springs Station site, there is an existing residential neighborhood on the east side of I-680, a relatively short bicycle ride from the station. The majority of the walk trips would be egress trips from the Warm Springs Station to employment destinations that are projected in the vicinity of the station. (These employment locations are not assumed based on the potential for future transit-oriented development, but rather are part of the growth forecast in ABAG projections.) Almost 60 percent of the ridership is toward the Warm Springs Station in the morning, that is it is primarily a destination station, not an origin station. The commenter's proposal to reduce walk/bicycle trips from 1,100 to 100 is unsubstantiated.

Similarly, the robust bus ridership projection reflects travelers going to the Warm Springs Station in the morning to access VTA buses to Santa Clara County job destinations. The commenter's claim, that the model unrealistically assumes 30 passengers boarding and alighting from each bus throughout the day, is not correct. Table 4.2-9 in the DEIS, "2010 Mode of Access/Egress to BART Stations," does indicate 6,800 transit transfer trips at the Warm Springs Station. In 2010 under the No Build alternative, the number of transit transfer trips at the Fremont Station is 5,100 trips. The increase in transit transfer trips from the No Project to the WSX Alternative is 4,700 trips. Many of the transit transfer trips at the Fremont Station would be relocated to the Warm Springs Station under the build alternative. The increase in bus trips serving Santa Clara County results from the superior travel time to and from the Warm Springs Station compared to the Fremont Station. Given the predicted level of traffic congestion on the freeways between Alameda and Santa Clara County, this result is expected.

The commenter's assumption that bus transfer and ridership projections should be systematically reduced is also incorrect. In validating a travel demand model, greater variance between estimated and observed values is expected for a subset of the system than for the whole system. Table 3-2 of Appendix N of the SEIR, "Estimated versus Observed Daily Boardings by Transit Operator, 2000," indicates a difference of 1.1% for the entire BART system. A larger variance would be expected, for example, in comparing estimated and observed values for one or several BART stations, rather than the whole system. Similarly, the variance between estimated and observed values for the entire AC Transit system, with 209,000 daily boardings, was only 8%. The observation that VTA express bus predictions were overestimated by 54% in the validation exercise reflects the number of riders on the three bus routes in the VTA system, with 2,409 daily riders in the year 2000. It is reasonable that this subset of VTA service exhibited a greater variance for a relatively small number of boardings. Since these are technically reasonable modeling results, the commenter's hand adjustments to the projections are methodologically inappropriate.

- 19-5:** The comment appears to assume that having specific transit-oriented development (TOD) policies and projects already in place is necessary in order to support the DEIS conclusions. That assumption is incorrect. As the DEIS explains (see pages 4.8-22 to 4.8-23, 4.8-28 to 4.8-29, and 5-42 to 46), the WSX Alternative is anticipated to promote future TOD, but TOD is not part of the WSX Alternative itself. Ridership and associated environmental benefits attributed to the WSX Alternative in the DEIS were based on ABAG growth projections incorporated in the Alameda County Congestion Management Agency's model, without assuming changes in land use policies or specific TOD projects near the station sites. Additional redevelopment and land use intensification that is anticipated by the City of Fremont, but is not yet included in the ACCMA model, were not included in the analysis. Therefore, projected ridership and resulting congestion relief, air quality and energy benefits described in the DEIS represent anticipated benefits of the WSX Alternative *without* additional transit-oriented development in the vicinity of the stations. Future TOD would be expected to substantially enhance ridership and associated environmental benefits beyond those discussed in the DEIS.

The assumption of a 0.5-mile radius catchment area for purposes of TOD is standard, as the commenter notes. More specific analyses of walk distances may be appropriate when TOD projects are proposed.

Regarding TOD on BART-owned property, a parking lot at Warm Springs Station does not present a permanent barrier to the potential for future TOD. Construction of surface parking represents a limited investment, which can easily be replaced with a parking structure to accommodate specific TOD projects. For example, at BART's Fruitvale Station, land that was formerly used as a parking lot was converted to TOD uses with the construction of a parking structure. As characterized in a recent study by the Transportation and Land Use Coalition (TALC), "The Fruitvale Village is now nationally recognized as a leading Smart Growth initiative" (TALC, 2004, p. 13). The Fruitvale Transit Village was recognized as a "model for others to follow" in the Sierra Club publication entitled "Better Building: A Guide to America's Best New Development Projects" (November 2005) and was also featured in the Sierra Club's TOD Tour for the United Nations World Environment Day Program on June 2, 2005.

The commenter states that the Warm Springs Station should have more than one entrance to the station platform to increase TOD potential. Although BART has provided more than one paid entry point at some stations, such as downtown San Francisco, the Warm Springs Station is planned with one paid access point located at the pedestrian plaza on the east side of the station. One station entrance was planned to reduce cost and enhance security. As the commenter noted, the station design allows for a second entrance on the west side of the BART alignment, if that area becomes available for development.

TOD projects on property that is not owned by BART would fall under the land use jurisdiction of the City of Fremont, and specific uses at specific parcels are speculative at this time. However, the City of Fremont is undertaking planning efforts that will address the issues raised by the commenter. In July 2004 the City adopted the Mixed-Use Development Ordinance, which encourages and promotes mixed-use developments in order to encourage efficient land use and facilitate development that supports public transport. With respect to the Warm Springs Station Area, the *Fremont General Plan* states that, "To make optimal use of the access provided by a future (Warm Springs) BART Station, the City is designating this area for consideration of alternative land uses. Conversion to residential use is one of the options under consideration." As discussed on page 4.8-11 of the DEIS, the City of Fremont, with BART's support, is proceeding with a Warm Springs BART Area Specific Plan, and one objective of the process is to determine more specific land use designations. In addition, the Specific Plan will identify development constraints, development opportunities, and provide land use criteria, development densities, and design guidelines for the coordinated development of the station area. The possibilities currently being considered for the Specific Plan include high-intensity residential use, office/commercial use, and mixed use. In January 2005, the City approved the Irvington Concept Plan, which envisions the optional Irvington BART station as a neighborhood station and seeks to create an intensification of land uses - both mixed use and high-density residential - adjacent to the optional Irvington station.

Regarding the Fremont Station area, the commenter note that a walking radius of 0.5 mile is generally assumed for rail stations. However, land uses visible from the Fremont Station or within a five-minute walk represent only a subset of potential sources of BART riders. Over the past two decades, many multiple-family residential units have been built in close proximity to the station. While many of these units are not high-rise developments, they are not the single-family homes characteristic of suburban development. The Benton is a TOD project constructed within approximately two blocks of the Fremont Station, providing retail space on ground level with residential space above it. Another residential project is identified for construction just south of the Benton. In addition, a number of multi-story office buildings have been constructed in proximity to the Fremont station. The City of Fremont has developed a *Central Business District Concept Plan*" (adopted November 6, 2001) which proposes to make the Fremont station a downtown area. The Plan states that "Downtown Fremont is in the planning stages to become the premier pedestrian-scale, mixed-use, lifestyle center serving the East Bay. At the core of Downtown, Capitol Avenue is being designed to serve as a Main Street retail center and gathering spot."

- 19-6:** The Bus Rapid Transit (BRT) Alternative was analyzed in BART's 2003 Supplemental Environmental Impact Report (SEIR) and summarized in the DEIS (see pages 3-36 to 3-38). The commenter advocates a different "interim busway" alternative, which would be converted to BART service in the future when funding became available. This alternative is also discussed in the DEIS (see pages 3-39 to 3-40). Because the interim busway would

require substantial construction that would be demolished to accommodate BART construction at the end of the interim period, this alternative was rejected from further consideration.

The comment that BART chose the most complicated and expensive bus alternative is incorrect. BART developed a bus alternative designed to take advantage of the opportunity to utilize the existing railroad right of way as an exclusive bus guideway in an effort to balance speed, service, and reduced cost. Developed in conjunction with AC Transit and VTA, the Bus Alternative was designed to provide high quality service similar to the proposed project. Nathan Landau and Tony Divito of AC Transit staff participated in developing the Bus Alternative. VTA may not have specific BRT experience, as the commenter suggests, but the agency has extensive bus experience, including bus lines serving the project corridor.

The remainder of this comment refers to a “Bus Rapid Transit (BRT)/Busway” that combines features of the 2003 Bus Alternative with the interim busway. The features of the 2003 Bus Alternative, including distinctive transit centers, ticketing and parking facilities, and other features described in the DEIS, are typical in BRT projects. These features are intended to increase ridership by making BRT service more similar to rail rapid transit service. Elimination of such features and of intermediate stations would somewhat reduce the cost of the interim busway but would also make it less similar to BRT and would be expected to reduce ridership. The financial analysis of the Bus Alternative in the 2003 SEIR, incorporated by reference in the DEIS, included estimated capital costs (Table 5-7 of the SEIR). The total project cost of the Bus Alternative was estimated at \$284 million (2001 dollars).

Several of the features of the BRT Alternative that the commenter finds unnecessary and overly expensive were included in order to take advantage of the opportunity to construct a bus guideway in the railroad right of way that would enhance the speed and comfort of the system and increase ridership. Regarding the commenter’s specific points:

- To reach the busway, buses must exit at Paseo Padre Parkway and cross over the Union Pacific Railroad tracks to enter the bus guideway. Since Paseo Padre will be grade separated to become an underpass at the UP railroad alignment, an at-grade interface between Paseo Padre Parkway and the busway is not possible. Therefore, construction of a flyover would be unavoidable. There are no less expensive alternatives, and it is not possible to calculate “additional” riders attributable to the flyover.
- Patron amenities, including restrooms, improve the overall passenger experience, particularly for commute passengers.
- Intermediate bus stops and intermediate stations, such as at Irvington, provide transfer points from other bus lines, which become feeder lines for the BRT. The Irvington transfer station also provides additional parking, increasing patron access.
- Depending on the location of the bus bay transfer center, elements of the interim transfer facility potentially could be retained as part of a BART station.
- As noted above, some investments made as part of an interim busway potentially could be reused as part of a BART extension. However, others could not and would need to be

removed. The most significant of these investments would be the flyover, which would have to be demolished and removed as part of the implementation of BART. In addition, the existing railroad right of way would need to be paved for bus use. This pavement would need to be removed for conversion to BART use, because BART rails require ties and ballast, which cannot be applied over pavement. Street crossings on aerial structures, such as at Walnut Avenue and South Grimmer Boulevard, would require larger, stronger structures for BART trains than for buses. This would increase the initial cost for the interim busway, if the structures were designed to eventually serve the BART system, reducing one of the chief advantages of the busway.

- In order to provide an alternative comparable to the WSX Alternative, the Bus Alternative was assumed not to extend further to the south. Doing so could provide a benefit to VTA express buses using the busway, but would not change the overall evaluation of an interim busway or the Bus Alternative.
- Both AC Transit and VTA buses would use the busway, with both operating on 15-minute headways. The average headway for riders would be 7.5 minutes, which would be more frequent than BART service.

There is no less expensive alternative if the interim bus service is to utilize the rail alignment and so avoid congested streets and highways, as the commenter suggests. Moreover, a temporary busway with fewer stops would be much less effective in encouraging potential TOD, another of this commenter's concerns. While a permanent busway would require less investment than the WSX Alternative, the interim busway approach would ultimately require investment in both the busway and the WSX Alternative, with the most costly elements of the busway investment (in particular, the flyover) being lost when the WSX Alternative is constructed. This would be no less true if the interim busway was in service for a longer period before being replaced by the WSX Alternative.

19-7: While a permanent busway would avoid construction impacts on Fremont Central Park, the interim busway approach would merely defer such impacts until the busway is replaced by the WSX Alternative. Moreover, for other reasons, both bus alternatives were rejected as infeasible and inadequate to meet the project purpose and need, as discussed in the DEIS (see pages 3-36 to 3-40). Section 4(f) of the Department of Transportation Act requires analysis of alternatives to using park lands and planning to minimize harm, but does not compel the adoption of alternatives that are otherwise infeasible in order to avoid park impacts. (Please also see response to comment No. 19-6.)

19-8: Please see the responses to comment nos. 21-5 and 21-19.

19-9: The commenter states that the emission reductions associated with the BART alternatives as shown in Tables 4.14-4 and 4.14-5 are unimpressive. The commenter then states that the greatest reduction in mobile source emissions was 0.0016, less than two tenths of one percent. However, it is unclear what emission units the value 0.0016 refers to, since that number does not appear in either table.

Nevertheless, the project would result in substantial reductions in air emissions, consisting of 220 pounds per day (ppd) ROG, 195 ppd NO_x, and 215 ppd PM₁₀ for the 2010 WSX Alternative as compared to 2010 no build. Over the course of a year, the 2010 WSX

Alternative as compared to 2010 No Build Alternative would reduce emissions by 44 tons per year (tpy) ROG, 42 tpy NO_x, and 39 tpy PM₁₀. These are substantial pollutant reductions and they include regional travel, including park and ride and BART employee trips. These emission reductions are equivalent to those for similar types of transit projects as reported by the Federal Highway Administration (http://www.fhwa.dot.gov/environment/cmaqpgs/cmaq_abs.htm).

- 19-10:** Estimated BART energy use for traction power (vehicle propulsion) and stations was provided in the 1992 Warm Springs Extension Final EIR (page 3.15-4) and the DEIR/Technical Appendix for the BART-SFO Extension (pages 3.12 to 3-13). According to those estimates, the electrical propulsion energy used to power BART vehicles is approximately 4.9 kwh/(17,000 Btu) per vehicle mile traveled. As shown in Table 4.15-1 of the DEIS, “Energy Consumption Factors,” the assumption of 71,360 Btu per vehicle mile traveled was utilized, based on the Oak Ridge National Laboratory study of nationwide rail service (see page 4.15-4). As a result, in the DEIS energy analysis, BART's energy consumption for traction power was overstated by approximately a factor of four. Therefore, the actual energy savings from the WSX Alternative using BART-specific energy use figures would be approximately four times the savings calculated in the DEIS. This additional benefit would more than compensate for any BART-specific differences in other components of energy consumption that the comment mentions (e.g., ventilator fans).

The commenter also makes several mistakes in interpreting the energy use data presented in Section 4-15. For the year 2010, the difference between no-build and WSX is 1,177,000 vehicle miles traveled, not 1,177. The commenter is apparently confusing daily and annual VMT and energy usage information.

Estimates of annual train trips and VMT are based on the weekday and weekend headways as shown in the project description. Consequently, the total annual energy use estimates are based on the annual VMT information as described in the EIS. The commenter incorrectly states that the energy use estimates are overstated.

The energy use estimates for automobiles are based on VMT as estimated by DKS Associates in their 2003 traffic analysis, which was included as Appendix N to BART's 2003 SEIR, and it includes BART employees as well as park and ride passengers.

- 19-11:** The commenter asserts that BART vehicle's wheels and BART track are noisier now than in the past, due to lack of maintenance. This assertion is inaccurate; BART's wheel maintenance program has not changed since 1997-1998. Wheel maintenance levels have not decreased. Prior to 1997-1998, BART had only one wheel-truing lathe; BART now has three lathes, and its rail grinding production is higher now than in the past. Average rail grinding production for the years 1991 through 1998 was 208 pass miles per year. Rail grinding production for 2000-2004 was 491 pass miles per year. BART began tracking public noise complaints in 1996. Each public complaint received is tracked. For 1996 through 1999, BART received an average of 118 noise related complaints per year. From 2000 through 2002, BART received an average of 72 complaints per year. From 2002 through 2004, BART received an average of 30 noise complaints per year. These noise complaints include train noise, track noise, and noise from maintenance work. Wayside maintenance is performed on a 24-hour basis. However, the vast majority of the work performed is a weekly inspection performed using a standard pickup truck modified to ride the trackway. Heavy maintenance

is infrequent, and BART prefers to perform this maintenance during daylight hours, and the new extension was designed to facilitate this type of operation.

19-12: Capital costs for the WSX Alternative include allowances for contingency. The contingency costs are not presented as a separate line item, but are incorporated within each line item shown in Table 7-1, “Estimated Capital Costs for WSX Alternative,” which appears on page 7-2 of the DEIS. The costs for Irvington station, which are shown on Table 7-2, “Estimated Capital Costs for Optional Irvington Station,” which appears on page 7-3 of the DEIS, shows a contingency because it was a separate, simpler calculation performed at a later date than the original WSX Alternative construction estimate. Table 7-3, “Estimated O & M Costs and Fare Revenue in 2010 and 2025”, which appears on page 7-5, includes the increase in the number of trains over that period. In order to present the O&M costs in constant dollars over the 15-year period, O&M costs were presented as an annualized average; therefore, they appear the same in 2010 and 2025.

The commenter’s assertions that changes in linked annual transit trips and cost effectiveness are exaggerated are based on the incorrect hand adjustments that commenter proposes in the ridership analysis; please see the response to comment no. 19-4. These adjustments are not justified by standard modeling methodology.