Section 2

Comments on the DSEIR and Responses

This section contains written and transcribed verbal comments received during the DSEIR public review period and responses to the comments. The responses to the written comments follow each letter, and the responses to the verbal comments follow the entire transcript of the public meeting.

This section also contains the Acknowledgement of Receipt from the California Governor's Office of Planning and Research, which acknowledges that the State Clearinghouse received the DSEIR and indicates to which agencies it distributed the DSEIR.

2.1 List of Comments Received

Table 2-1 below lists the names of the agencies, organizations, companies, and individuals that provided comments on the DSEIR during the public review period, and the names of the individuals who commented during the public meeting. The table also indicates the letter number, date of correspondence, comment number, and general nature of the comment.

Table 2-1. List of Comment Letters by Category

Letter	Commenter	Date	Comment	Topic
	STATE AGENCIES			
1	Governor's Office of Planning and Research, State Clearing House	05-09-03	1-1	General
2	Regional Water Quality Control Board	05-07-03	2-1	Hydrology
			2-2	Hydrology
			2-3	Hydrology
			2-4	Hydrology
			2-5	Hydrology
			2-6	Hydrology
3	California Department of Transportation	05-06-03	3-1	General
	REGIONAL AGENCIES			
4	AC Transit	05-08-03	4-1	General

Letter	Commenter	Date	Comment	Topic
			4-2	Alternatives
			4-3	Alternatives/Transportation
			4-4	Transportation
			4-5	Land Use
			4-6	Station Planning
5	Alameda County Congestion Management Agency	05-07-03	5-1	Transportation
			5-2	Transportation
			5-3	Transportation
			5-4	Transportation
			5-5	Transportation
6	Alameda County Transportation Improvement Authority	05-09-03	6-1	Process
			6-2	Transportation
			6-3	Transportation
			6-4	Transportation
7	Alameda County Water District	05-08-03	7-1	Hydrology
			7-2	Hydrology
			7-3	Hydrology
			7-4	Hydrology
			7-5	General
8	Bay Area Air Quality Management District	05-09-03	8-1	Air Quality/Land Use
			8-2	General
9	County of Alameda Public Works Agency	05-09-03	9-1	Hydrology
			9-2	Hydrology
			9-3	Hydrology
			9-4	Hydrology
			9-5	Hydrology
			9-6	Hydrology
			9-7	Hydrology
10	Santa Clara Valley Transportation Authority	05-09-03	10-1	General
	CITIES			
11	City of Fremont, Development and Environmental Services Department	05-09-03	11-1	Station Planning
			11-2	General/Process

Letter	Commenter	Date	Comment	Topic
			11-3	General
			11-4	General
			11-5	Transportation
			11-6	Station
			11-7	Utilities
			11-8	Hydrology
			11-9	Cumulative Impacts
			11-10	Hydrology
			11-11	Hydrology
			11-12	Hydrology
			11-13	Hydrology
			11-14	Hydrology
			11-15	Biological Resources
			11-16	Biological Resources
			11-17	Biological Resources
			11-18	Biological Resources
			11-19	Biological Resources
			11-20	Biological Resources
			11-21	Land Use
			11-22	Land Use
			11-23	Land Use
			11-24	Land Use
			11-25	Land Use
			11-26	Land Use
			11-27	Land Use
			11-28	Land Use
			11-29	Land Use
			11-30	Land Use
			11-31	Population and Housing
			11-32	Population and Housing
			11-33	Aesthetics
			11-34	Aesthetics
			11-35	Aesthetics
			11-36	Aesthetics

Letter	Commenter	Date	Comment	Topic
			11-37	Cultural Resources
			11-38	Cultural Resources
			11-39	Transportation
			11-40	Transportation
			11-41	Transportation
			11-42	Transportation
			11-43	Transportation
			11-44	Transportation
			11-45	Transportation
			11-46	Transportation
			11-47	Transportation
			11-48	Noise
			11-49	Noise
			11-50	Noise
			11-51	Alternatives
			11-52	Alternatives
			11-53	Alternatives
			11-54	Alternatives
			11-55	Alternatives
12	City of Milpitas	05-05-03	12-1	General
	GROUPS/ORGANIZATIONS			
13	League of Women Voters of the Bay Area	05-09-03	13-1	Alternatives
			13-2	Station Planning/Land Use
			13-3	Process/Land Use
			13-4	Alternatives
			13-5	Process
			13-6	Process
14	Math/Science Nucleus	05-05-03	14-1	Station Planning
			14-2	Hydrology
			14-3	Hydrology
			14-4	Hydrology
			14-5	Hydrology
			14-6	Biological Resources/Process

Letter	Commenter	Date	Comment	Topic
15	Petition, Douglas Bazzone	04-03	15-1	Noise
16	Transportation Solutions Defense and Education Fund	05-09-03	16-1	General
			16-1a	General
			16-1b	General
			16-1c	Land Use
			16-1d	Land Use
			16-1e	Land Use
			16-1f	General
			16-2	General
			16-3	General
			16-4	General
			16-5	Land Use
	PRIVATE COMPANIES/FIRMS			
17	Chevron Pipe Line Company	04-28-03	17-1	Hazardous Material
	INDIVIDUALS			
18	Hotline Comment	05-06-03	18-1	General
			18-2	General
19	Charlie Cameron	03-27-03	19-1	Transportation
			19-2	General
			19-3	Station
			19-4	General
			19-5	General
			19-6	General
			19-7	General
			19-8	Station
			19-9	General
			19-10	Station
			19-11	Transportation
			19-12	Transportation
			19-13	Transportation
			19-14	Transportation
			19-15	Transportation
20	David Crawford	05-08-03	20-1	General
			20-2	General

Letter	Commenter	Date	Comment	Topic
			20-3	General
			20-4	General
			20-5	Transportation
			20-6	Transportation
			20-7	Transportation
			20-8	General
			20-9	Alternatives
			20-10	Transportation
			20-11	General
			20-12	Transportation
			20-13	Transportation
			20-14	Transportation
			20-15	Transportation
			20-16	Transportation
			20-17	General/Transportation
21	Neil J. Edwards	04-14-03	21-1	Noise
			21-2	Noise
			21-3	Aesthetics
			21-4	Process
			21-5	Noise
			21-6	Noise
			21-7	Noise
22	Michael Graff	05-09-03	22-1	Transportation
			22-2	Transportation
			22-3	Transportation
			22-4	Transportation
			22-5	Station Planning
			22-6	Transportation
			22-7	Transportation
			22-8	Transportation
			22-9	Transportation
			22-10	Transportation
			22-11	General
			22-12	Transportation

Letter	Commenter	Date	Comment	Topic
			22-13	Transportation
			22-14	Transportation
			22-15	Transportation
			22-16	Transportation
			22-17	Transportation
			22-18	Transportation
			22-19	Transportation
			22-20	Transportation
			22-21	Transportation
			22-22	Transportation
			22-23	Transportation
23	Spencer Holmes	4-24-03	23-1	Biological Resources
24	Larry Milnes, PE	05-06-03	24-1	Hydrology
			24-2	Transportation
25	John T. Hardin	05-06-03	25-1	Noise
			25-2	Noise
			25-3	Noise
26	Roy Nakadegawa, PE	05-09-03	26-1	General
			26-2	General
			26-3	Land Use
			26-4	Transportation
			26-5	General
			26-6	Transportation
			26-7	Transportation
			26-8	Cumulative Impacts/ Transportation
			26-9	Land Use
			26-10	Land Use
			26-11	Land Use
			26-12	Land Use
			26-13	Land Use
			26-14	Land Use
			26-15	Land Use
			26-16	Land Use
			26-17	Land Use

Letter	Commenter	Date	Comment	Topic
			26-18	Station Planning/Land Use
			26-19	Transportation
			26-20	Transportation
			26-21	Transportation
			26-22	Transportation
			26-23	Transportation
			26-24	Land Use/General
			26-25	Alternatives/Transportation
			26-26	Alternatives
			26-27	Alternatives
27	Mark Nelson	04-09-03	27-1	General
28	Chien-Pang Kung	05-06-03	28-1	Geology
			28-2	Noise/Alternatives
29	Ali Pirooz	04-14-03	29-1	Noise
30	Art Weber	05-09-03	30-1	General
31	Steve Van Pelt	05-09-03	31-1	General
31A	Patricia Snow	04-09-03	31A-1	Displacement
	PUBLIC HEARING TRANSCRIPT			
32	Douglas Bazzone	4-14-03	32-1	General
	Douglas Bazzone	4-14-03	32-2	Process
	John Cameron	4-14-03	32-3	Process
	John Cameron	4-14-03	32-4	Process
	John Cameron	4-14-03	32-5	Transportation
	John Cameron	4-14-03	32-6	Transportation
	John Cameron	4-14-03	32-7	General
	John Cameron	4-14-03	32-8	Aesthetics
	Arnold Mammarella	4-14-03	32-9	Process
	Arnold Mammarella	4-14-03	32-10	Noise
	Arnold Mammarella	4-14-03	32-11	Aesthetics
	Arnold Mammarella	4-14-03	32-12	Noise
	Arnold Mammarella	4-14-03	32-13	Noise
	Arnold Mammarella	4-14-03	32-14	Noise
	Arnold Mammarella	4-14-03	32-15	Aesthetics
	Arnold Mammarella	4-14-03	32-16	Aesthetics/Noise

Letter	Commenter	Date	Comment	Topic
	John Kimber	4-14-03	32-17	General
	Norman Howard	4-14-03	32-18	General
	Norman Howard	4-14-03	32-19	General
	Norman Howard	4-14-03	32-20	General/Biological Resources
	Gloria Olsen	4-14-03	32-21	Alternatives
	Gloria Olsen	4-14-03	32-22	General
	Ken Price	4-14-03	32-23	General
	Lesley Payne	4-14-03	32-24	Noise
	Lesley Payne	4-14-03	32-25	Alternatives/Noise
	Lesley Payne	4-14-03	32-26	Transportation
	Craig Mao	4-14-03	32-27	Station Planning
	Spencer Holmes	4-14-03	32-28	Hydrology/Biological Resources
	John Kimber	4-14-03	32-29	Process
	Gloria Olsen	4-14-03	32-30	General

2.2 Comment Letters and Responses

The written and verbal comments received on the DSEIR, and the responses to substantive comments raised on environmental issues, are presented in this section. Each comment letter is reproduced in its entirety and is followed by responses to the substantive comments raised on environmental issues discussed in the DSEIR. Changes to the DSEIR in response to comments are included in this section. Deletions are shown in strikethrough (~~strikethrough~~) and additions are shown in underscore (underscore). A compilation of changes to the DSEIR is provided in Section 3 (*Revisions to the DSEIR*).

Letter 1

Gray Davis
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse

Tal Finney
Interim Director

RECEIVED
MAY 1 3 2003

May 9, 2003

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

Subject: BART Warm Springs Extension Project Supplemental Environmental Impact Report
SCH#: 2002032041

Dear Richard C. Wenzel:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on May 8, 2003, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2002032041
Project Title BART Warm Springs Extension Project Supplemental Environmental Impact Report
Lead Agency San Francisco Bay Area Rapid Transit District

Type **EIR** Draft EIR

Description BART is proposing to construct an extension of the Fremont BART line. The proposed project is the BART extension from the existing Fremont BART station 5.4 miles south to a proposed Warm Springs Station, with an optional station at Irvington. The proposed project alignment would generally parallel portions of the UP railroad corridor (which contains the former Western Pacific (WP) and Southern Pacific (SP) railroad tracks) and Interstates 680 and 880 in southern Alameda County. The initial segment would begin on an embankment at the southern end of the existing elevated Fremont BART Station. The alignment would pass over Walnut Avenue on an aerial structure and descend into a cut-and-cover subway north of Stevenson Boulevard. The alignment would continue southward in the subway structure under Fremont Central Park and the eastern arm of Lake Elizabeth, and surface to grade between the former WP and SP alignments north of Paseo Padre Parkway. The alignment would pass over Paseo Padre Parkway on a bridge structure, and then continue southward at grade, passing under a grade-separated Washington Boulevard. From Washington Boulevard, the proposed project alignment would continue at grade along the former WP alignment south to a terminus at Warm Springs and South Grimmer Boulevards in the Warm Springs district.

Lead Agency Contact

Name Richard C. Wenzel
Agency San Francisco Bay Area Rapid Transit District
Phone 510 287-4950 **Fax**
email
Address 800 Madison Street
P.O. Box 12688
City Oakland **State** CA **Zip** 94604-2688

Project Location

County Alameda
City Fremont
Region
Cross Streets Paseo Padre Parkway/Walnut Avenue to Grimmer Boulevard/Warm Springs Road
Parcel No. Multiple
Township **Range** **Section** **Base**

Proximity to:

Highways I-880;I-680;SR-92
Airports
Railways Union Pacific
Waterways Laguna Creek;Mission Creek
Schools Grimmer Elementary
Land Use Public Facility and as "BART Station"
Industrial, Public Facility, and historic district overlay

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Noise; Population/Housing Balance; Recreation/Parks; Schools/Universities; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Caltrans, Division of Transportation Planning; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 2; California

Note: Blanks in data fields result from insufficient information provided by lead agency.

Document Details Report
State Clearinghouse Data Base

Energy Commission; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

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Date Received 03/25/2003 ***Start of Review*** 03/25/2003 ***End of Review*** 05/08/2003

Note: Blanks in data fields result from insufficient information provided by lead agency.

Response to Comment Letter 1 (Governor's Office of Planning and Research, State Clearing House)

1-1 This letter acknowledges receipt of the DSEIR. No response is necessary.

Letter 2

California Regional Water Quality Control Board
San Francisco Bay Region

Winston H. Hickox
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 • FAX (510) 622-2460

Gray Davis
Governor

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STATIONS ... PROGRAM
TRANS... ...OPMENT

Date: May 7, 2003
File No. 2198.09 (BKW)

Richard C. Wenzel
Environmental Project Director
San Francisco Bay Area Rapid Transit District
800 Madison Street – Lake Merrit Station
Oakland, CA 94604-2688

Re: Draft Supplemental Environmental Impact Report, BART Warm Springs Extension
SCH Number 2002032041

Dear Mr. Wenzel:

Regional Water Quality Control Board (Regional Board) staff have reviewed the *Draft Supplemental Environmental Impact Report, BART Warm Springs Extension* (SEIR). The SEIR evaluates the potential environmental impacts that might reasonably be anticipated to result from the proposed action, which includes a 5.4-mile extension of the BART system south from the existing Fremont BART Station to a proposed new station in the Warm Springs district of the City of Fremont.

Comment 1

Section 2.3.3 Ancillary Facilities, Drainage Improvements, page 2-37 and 2-38. The text on these pages discusses the construction of new culverted crossings over several Alameda County Flood Control District (ACFCD) channels. Please note that, although these channels are identified as flood control channels by ACFCD, some of these channels are re-aligned creeks (e.g., see Figure 3.3-1, in which Line K-1 is identified as Washington Creek, Line K is identified as Crandell Creek, etc.). Any new crossings of these channels will require Clean Water Act (CWA) Section 404 Permits from the Army Corps of Engineers (ACOE), CWA Section 404 Certification from the Regional Board, and/or the issuance of Waste Discharge Requirements (WDRs) from the Regional Board. Please note that Regional Board staff discourage the use of culverts for channel crossings. If a free span crossing is not feasible, new culverts should be designed to have an open bottom (e.g., a three-sided culvert, or a culvert with the bottom side buried beneath the cannel floor). An open bottom culvert design is less disruptive of any habitat values present in the channel and has fewer impacts on channel stability. 2-1

In addition, Regional Board staff would like to discourage the placement of Channel K-1 (a.k.a., Washington Creek) in a culvert within the station limits of the optional Irvington Station. Appropriate permits for this action would not be issued unless an alternatives analysis had demonstrated that there were no feasible options for avoiding the culverting.

Comment 2

Section 2.7.1 Construction Activities, page 2-52. The text on this page discusses the construction of a new box culvert over the ACFCD channel, north of South Grimmer Boulevard. The channel is a regulated water of the State. Unless this reach of the channel is concrete-lined, Regional Board staff would like to discourage the use of a culvert for the channel crossing (see Comment 1). 2-2

Comment 3

Section 3.3.3 Regulatory Setting, State Laws and Regulations, Porter Cologne Water Quality Control Act, page 3.3-9. This section of the SEIR should be expanded to more accurately reflect current regulatory requirements under State authority.

The discussion of the Regional Board in this section of the SEIR does not discuss the Regional Board's responsibilities for projects that are not in ACOE jurisdiction. Recent U.S. Supreme Court decisions on the Tulloch Rule and isolated waters have excluded a number of impacting activities form federal regulation. However, these waters continue to be waters of the State and the Regional Board continues to regulate these impacting activities. This section of the SEIR should be expanded to explain that activities in areas that are outside of the jurisdiction of the ACOE (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high water mark) are regulated by the Regional Board, under the authority of the Porter-Cologne Water Quality Control Act. Activities that lie outside of ACOE jurisdiction may require the issuance, or waiver, of waste discharge requirements from the Regional Board. 2-3

In addition, the discussion of stormwater impacts in this section is incomplete. Much of the discussion on page 3.3-9 is related to minimizing stormwater impacts related to construction of the Project. This section of the SEIR should be expanded to include a discussion of Alameda County's National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges from new development and significant redevelopment. Under the terms of the NPDES permit, post-construction best management practices (BMPs) are to meet the maximum extant practicable (MEP) definition of treatment specified in the Clean Water Act (CWA). Alameda County is implementing the current NDPES permit for discharges of stormwater under the *Alameda Countywide Clean Water Program, Stormwater Management Plan* (SMP) (EOA, Inc., February 1997). New Development and Construction Goals are discussed in Section 7 of the SMP. These goals include the following: 2-4

- Incorporate stormwater quality controls into the planning and permitting of new development/significant redevelopment projects;

- Continue to promote implementation of the *Regional Board Staff Recommendations for New and Redevelopment Controls for Stormwater Programs.*

Table 3 of the *Regional Board Staff Recommendations for New and Redevelopment Controls for Stormwater Programs* states that industrial projects with greater than five acres of directly coupled impervious area are required to implement Tier 3 post-construction stormwater best management practices (BMPs). Tier 3 BMPs are required to be treatment controls that are based on performance goals, including a reduction by 80 percent of the annual total suspended solid loadings expected from the site in its developed condition. Appropriate Tier 3 controls are specified as: wet ponds; constructed wetlands; swales and vegetated filter strips; extended detention basins; and sand filters.

The Alameda County NDPES permit was re-issued on February 19, 2003. New development and significant redevelopment Projects that are constructed after February of 2005 will be required to comply with the numeric standards for post-construction stormwater BMPs in the re-issued permit. Treatment BMPs are to be constructed that incorporate, at a minimum, the following hydraulic sizing design criteria to treat stormwater runoff. As appropriate for each criterion, local rainfall data are to be used or appropriately analyzed for the design of the BMPs. 2-4 cont'd.

Volume Hydraulic Design Basis: Treatment BMPs whose primary mode of action depends on volume capacity, such as detention/retention units or infiltration structures, shall be designed to treat stormwater runoff equal to:

1. the maximized stormwater quality capture volume for the area, based on historical rainfall records, determined using the formula and volume capture coefficients set forth in *Urban Runoff Quality Management, WEF Manual of Practice No. 23/ ASCE Manual of Practice No. 87, (1998)*, pages 175-178 (e.g., approximately the 85th percentile 24-hour storm runoff event); or
2. the volume of annual runoff required to achieve 80 percent or more capture, determined in accordance with the methodology set forth in Appendix D of the *California Stormwater Best Management Practices Handbook,* (1993), using local rainfall data.

Flow Hydraulic Design Basis: Treatment BMPs whose primary mode of action depends on flow capacity, such as swales, sand filters, or wetlands, shall be sized to treat:

1. *10% of the 50-year peak flow rate; or*
2. *the flow of runoff produced by a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or*
3. the flow of runoff resulting from a rain event equal to at least 0.2 inches per hour intensity.

2-4 cont'd.

Regional Board staff strongly encourage the use of landscape-based stormwater treatment measures, such as biofilters and vegetated swales, to manage runoff from the project sites. Since landscape-based stormwater treatment measures require that some of the site surface area be set aside for their construction, the proper sizing and placement of these features should be evaluated early in the design process to facilitate incorporation of the features into the site landscaping. Regional Board staff discourage the use of inlet filter devices for stormwater management. Filtration systems require a maintenance program that is adequate to maintain the functional integrity of the systems and to ensure that improperly maintained filtration devices do not themselves become sources of stormwater contaminants or fail to function. Regional Board staff have observed problems with the use of inlet filter inserts, since these devices require high levels of maintenance and are easily clogged by leaves or other commonly occurring debris, rendering them ineffective. Research conducted by the California Department of Transportation has demonstrated that inlet filters can be clogged by a single storm event. The study found that these devices required maintenance before and after storm events as small as 0.1 inch of rain. In addition, trash, debris, and sediment in the catchment had a significant impact on the frequency of maintenance[1]. Therefore, adequate maintenance of inlet filters to provide MEP water quality treatment would be prohibitively expensive and impractically time consuming.

2-5

Regional Board staff recommend that the project proponent refer to *Start at the Source*, a design guidance manual for storm water quality protection, for a fuller discussion of the selection of stormwater management practices. This manual provides innovative procedures for designing structures, parking lots, drainage systems, and landscaping to mitigate the impacts of stormwater runoff on receiving waters. This manual may be obtained from most cities' planning departments, or by contacting the San Francisco Estuary Project (510-622-2465). Since new BART stations will requite the construction of significant parking lots, the project proponent should incorporate stormwater management

[1] Othmer, Friedman, Borroum and Currier, November 2001, *Performance Evaluation of Structural BMPs: Drain Inlet Inserts (Fossil Filter™ and StreamGuard™) and Oil/Water Separator*, Sacramento, Caltrans.

features (e.g., grassy swales, bioretention swales, opportunities for the use of pervious paving materials where feasible, etc.) into the design of the parking lots. 2-5 Cont'd.

Comment 4

Section 3.3.4 Impact Assessment and Mitigation Measures, Impacts and Mitigation Measures, Impacts Related to Warm Springs Station, Operation Impacts, Impact H4, page 3.3-13. The discussion of increased pollutant loads should discuss the requirements of the NPDES permit for stormwater runoff associated with new development and significant redevelopment (See Comment 3), as well as the requirements associated with the NDPES permit for Industrial Activities. Several of the proposed mitigation measures do not constitute MEP treatment for stormwater runoff. As noted in Comment 3, water quality inserts require an unfeasibly high level of maintenance. Another of the proposed post-construction BMPs, oil/water separators, is not effective in treating the relatively low levels (about 10 mg/L) of hydrocarbons that are typically present in runoff from parking lots and streets. Therefore, water quality inlet filters and oil/water separators should be removed from the proposed mitigation measures. 2-6

If you have any questions, please contact me at (510) 622-5680 or by e-mail at bkw@rb2.swrcb.ca.gov.

Sincerely,

Brian Wines
Water Resources Control Engineer
South/East Bay Section

cc State Clearinghouse, Attn: Katie Shulte Joung, P.O. Box 3044, Sacramento, CA 95812-3044

Response to Comment Letter 2 (Regional Water Quality Control Board)

2-1 Comment noted. BART will work with appropriate permitting agencies to design acceptable channel crossings. Currently, BART is investigating various designs for Channel K-1 (Washington Creek). Feasible alternatives will be considered.

2-2 Comment noted. BART anticipates that the section of channel north of South Grimmer Boulevard may need to be placed in a box culvert because the BART alignment would place tracks over the channel in this vicinity and an open channel may not have the structural strength to carry the trackway and trains. As noted in the response to comment 2-1, BART will work with appropriate agencies to design acceptable channel crossings.

2-3 Section 3.4 (*Biological Resources*) of the DSEIR (page 3.4-32) discusses the authority of the State Water Resources Control Board and Regional Water Quality Control Board over isolated wetlands, under authority of the Porter-Cologne Act, following the limitation of U.S. Army Corps of Engineers jurisdiction over isolated wetlands. In response to the commenter's request, the following text is hereby added to the Hydrology and Water Quality section, following the first paragraph under "Porter-Cologne Water Quality Control Act" on page 3.3-9 of the DSEIR:

> Activities in areas defined as "waters of the state" that are outside the jurisdiction of the U.S. Army Corps of Engineers (e.g., isolated wetlands) are regulated by RWQCB under the authority of the Porter-Cologne Water Quality Control Act. Such activities may require the issuance, or waiver, of waste discharge requirements from RWQCB. See page 3.4-32 for additional discussion of agency jurisdiction over wetlands.

2-4 The comment is incorrect in stating that much of the discussion on page 3.3-9 of the DSEIR relates only to stormwater impacts associated with construction. The second paragraph on page 3.3-9 addresses construction-period stormwater impacts, and the third paragraph on page 3.3-9 addresses stormwater impacts when the project is in operation.

The Alameda Countywide Clean Water Program and its Stormwater Management Plan are discussed on page 3.3-10 of the DSEIR. As that discussion notes, the Plan is an advisory tool that assists dischargers within its boundaries to comply with Regional Board regulations. The goals and recommended best management practices (BMPs) mentioned by the commenter are incorporated in the Plan. Mitigation Measure H4 requires BART to implement appropriate BMPs and notes that BART may receive assistance in defining and implementing BMPs from the Clean Water Program's Stormwater Management Plan (see page 3.3-13 of the DSEIR).

2-5 The commenter discusses a number of BMPs applicable to post-construction stormwater impacts. These and other BMPs will be considered, and appropriate BMPs will be incorporated and implemented in the Proposed Project's Stormwater Pollution Prevention Plan (SWPPP), pursuant to Mitigation Measure H4 and in

compliance with the NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities.

2-6 See the responses to comments 2-4 and 2-5. BART will consider BMPs consistent with applicable provisions of the Clean Water Program, as well as other available BMPs, in developing its proposed SWPPP. RWQCB will review the SWPPP as required by the NPDES General Permit. The potential BMPs identified in Mitigation Measure H4 that are discussed in the comment will not be incorporated in the SWPPP if they are inappropriate.

Letter 3

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY GRAY DAVIS, Governor

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May 6, 2003

ALA680309
ALA-680-6.39
SCH 2002032041

San Francisco Bay Area Rapid Transit District
Attn: Richard Wenzel, WSX Environmental Project Director
P.O. Box 12688, MS 1KB-6
Oakland, CA 95604-2688

Dear Mr. Wenzel:

BART WARM SPRINGS EXTENSION – DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

Thank you for including the California Department of Transportation in the environmental review process for the proposed BART Warm Springs Extension project. We have reviewed the Draft Supplemental Environmental Impact Report and have no comments on the project at this time. 3-1

Please feel free to call or email Patricia Maurice of my staff at (510) 622-1644 or patricia_maurice@dot.ca.gov with any questions regarding this letter.

Sincerely,

Timothy C. Sable

TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Philip Crimmins, State Clearinghouse

Response to Comment Letter 3 (California Department of Transportation)

3-1 Comment noted.

Letter 4

AC Transit
Alameda-Contra Costa Transit District
1600 Franklin Street, Oakland, California 94612

Kathleen Kelly
Deputy General Manager for Service Development

phone ☐ (510) 891-4716
fax(510) 891-4874
e-mail ☐ kkelly@actransit.org

May 8, 2003

Richard Wenzel, P.E.
San Francisco Bay Area Rapid Transit District
800 Madison St., P.O. Box 12688
Oakland, Ca. 94604-2688

RE: Supplemental Environmental Impact Report--Warm Springs Extension

Dear Mr. Wenzel:

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report (SEIR) for the proposed extension of BART to Warm Springs, with an optional station at Irvington.

AC Transit staff have participated actively in the technical advisory committee for this EIR. We have appreciated BART's openness to our participation as you developed the EIR. The proposed project includes transit centers with 7 bus bays at Warm Springs (to be shared with VTA) and 5 bus bays at Irvington--we believe this would be sufficient to meet reasonably anticipated needs.

As you know, AC Transit proposed--in our response to the Notice of Preparation for this EIR--that a bus alternative to the project be studied in the EIR. We appreciate BART's responsiveness to this request, and the substantial effort on the part of the consultant team--especially transportation consultant DKS--to develop this alternative. As a result of these efforts, the busway alternative in the EIR is a well-defined project that would clearly attract substantial ridership. We understand that there are those who would have preferred a less competitive bus alternative. This high quality analysis represents a model that should be used for analyzing alternatives in other transit corridors. 4-1

It is important that this analysis be completed and refined for the Final EIR. We have comments about several items related to the Bus Alternative:

Operating Costs: Operating cost data should be provided for the bus and rail alternatives. The EIR estimates capital costs, but states "The costs to operate and maintain the service in the proposed Bus Alternative would be assumed by both bus operating agencies (AC Transit and VTA), as part of their overall annual operating budgets." This is not an appropriate assumption for a major project such as this, unless this project was identified as a priority by either VTA or AC Transit. In addition, omitting operating costs makes a complete comparison of the alternatives impossible. 4-2

Development Potential: We question an assertion used to conclude that the proposed BART project represents the Environmentally Superior Alternative. The EIR states (p.5-61) that "The Bus Alternative is much less likely than the Proposed Project to foster development around the proposed station sites as contemplated by the City of Fremont's land use and redevelopment goals (e.g. Irvington redevelopment, Warm Springs Specific Plan) and the Fremont General Plan, which specifically reserves a transit corridor for BART."

The argument that rail stations would necessarily attract more development than busway stations is asserted without any supporting evidence. A busway and bus stations would be a fixed guideway transit facility--as a rail line and stations would be. Although common in many countries, experience with busways is limited in North America. However, the dedicated busways in both Ottawa and Pittsburgh (a mixed system which includes light rail) have attracted development. Thus it certainly can be argued that busway stations in the Warm Springs corridor could attract development. Under the VTA Baseline Alternative used in the EIR, the busway has the advantage of providing direct service to more destinations in Santa Clara County (the area's largest employment center) than would a rail line. A busway would also have four stations as potential development sites, providing more possible locations than the one or two stations that would be built along a BART line. 4-3

Pacific Commons: The Transportation Technical Report (Appendix N) notes the planned Pacific Commons development as a destination, with a new ACE/Capitol Corridor train station (p.7-7, p. 11-6). However, it does not include AC Transit service to Pacific Commons, which we anticipate providing when the project goes forward. 4-4

Transit-Oriented Development: Any type of fixed guideway transit on this corridor should be supported by higher density residential development. Without such development, new stations will simply represent a new generation of what has been termed "auto-oriented transit." Each automobile trip to such a transit station represents a cold start polluting the air and may cause local congestion, depending on the route used.

We are very concerned about the extent to which transit-oriented development would occur around this project. BART's recently adopted System Expansion Criteria evaluates the appropriateness of a proposed extension on the potential for transit-oriented development around new stations. However, in the ten years since the original Warm Springs extension was initially approved, no policies to assure such development have been put in place here. 4-5

The EIR indicates (p. 3.5-9) that uses incompatible with transit-oriented development have occurred in the Warm Springs station area. There has been low-density industrial development, and single family housing with lots up to 2.75 acres. A "big box" Walmart store is under consideration. Most of the station area is currently zoned Industrial, with the very large NUMMI automobile plant adjacent to the site. We hope that the Specific Plan that will be prepared for the Warm Springs station area will result in transit-oriented development.

At the optional Irvington station, rezoning that is projected to follow the adoption of the proposed Irvington Concept Plan would provide only a few new opportunities for residential development. The maximum proposed density--applicable on only a small portion of the plan area--would be 35 units per acre. This is substantially below other projects approved or planned in Fremont and Union City. 4-6

Thank you for your interest in our comments. If you have any questions about our comments please contact Nathan Landau at 891-4792. AC Transit looks forward to continuing to work with BART to improve transit in the East Bay.

Very truly yours,

Kathleen Kelly
Deputy General Manager for Service Development

Cc: Heather Barber
Tina Spencer
Tony Divito
Nathan Landau

Response to Comment Letter 4 (AC Transit)

4-1 Comment noted. BART appreciates AC Transit's endorsement of the proposed Bus Alternative evaluated in the DSEIR as "a well-defined project" with a "high quality analysis [that] represents a model that should be used for analyzing alternatives in other transit corridors."

4-2 The operating cost of the proposed Bus Alternative is estimated to be between approximately $4 million and $4.5 million annually (2001 dollars). This estimate is based on the number of revenue hours (32,200 annual revenue hours) required to maintain the level of service described in the operating plan for the Bus Alternative (page 5-20 of the DSEIR) and is for the Fremont BART Station to Warm Springs Transit Center segment of the bus alignment to provide a comparison with the Proposed Project, which extends from the Fremont BART Station to Warm Springs. The cost per revenue hour is based on the cost per bus service hour ($123.88) reported by VTA in a November 2002 efficiency assessment (Report from the Silicon Valley 2002 Business Review Team on the Efficiency and Effectiveness of the Santa Clara Valley Transportation Authority, November 2002, VTA). If the Bus Alternative were implemented, AC Transit and VTA would be the most appropriate agencies to operate the service, assuming that one or both agencies undertook the project and funding was found.

4-3 From the available evidence, it is reasonable to conclude that the Proposed Project would do more to foster development around the proposed BART station sites than the proposed Bus Alternative would to foster development around the Bus Transit Centers. There is substantial evidence, based on well-documented transportation and land use research both on the national and the 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,[1] the City of Seattle,[2] the *Journal of Public Transportation*,[3] and White and McDaniel.[4]

The proposed Bus Alternative would include two bus transit centers, one at Warm Springs and one at Irvington, and three bus stops. The transit centers would be large fixed facilities adjacent to the bus guideway (busway), with multi-modal transfer facilities and parking lots. The three bus stops would be similar to existing curbside bus stops and would not have the same level of facilities as the transit centers. Any land use development would most likely be focused around the two transit centers rather than around the bus stops. There are a limited

[1] Michael Bernick and Robert Cervero, *Transit Villages in the 21st Century*, McGraw-Hill, 1997.
[2] City of Seattle, *Transit-Oriented Development Case Studies-Twelve Analytical Rail Systems,* Strategic Planning Office, August 1999.
[3] "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.
[4] 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.

number of busways in North America, and there is no empirical evidence to suggest that busways provide as strong a relationship to transit-oriented development as rail. In fact, some busways have not done well in terms of development. Two busways in the Los Angeles area, the El Monte Busway and the Harbor Transitway, have a poor record in terms of transit-oriented development.

As noted in the comment, a busway generally has the advantage of providing direct service from more origins to more destinations, a "one-seat ride," because the bus can leave the guideway and travel to a variety of destinations. However, this can work against viable transit-oriented development because there would not be large groups of transferring bus riders changing modes at station complexes. One of the main incentives to develop an activity sub-center—plenty of foot traffic—doesn't apply to the busways to nearly the same extent that it does in rail-based systems.[5] In addition, in the case of the Proposed Project, patrons with origins or destinations north of the Fremont BART Station would still have to transfer between BART and the bus at the Fremont Station, eliminating the possibility of a one-seat ride.

Another disadvantage of the Ottawa-style direct service bus rapid transit (BRT) system is that, although bus service is provided to a greater geographic area, the frequency of service typically is lower. This is because bus routes that are tailored to specific origins and destinations generally do not have the ridership for all-day service. Even if a bus facility is fixed, service levels and routes are not fixed. One of the advantages of buses, their flexibility, also means that bus lines can easily be rerouted or lines dropped. This leaves the former patrons with few alternatives for service. Without evidence of BRT systems attracting development in circumstances comparable to the Proposed Project corridor, it is speculative and premature to suggest that the Bus Alternative could do so to an extent comparable to the well-documented development potential of fixed-rail systems such as BART.[6] For additional discussion of busways, see the response to comment 26-26.

4-4 The comment that AC Transit anticipates providing service to Pacific Commons is noted. This information does not affect the conclusions reached in the transportation analysis presented in the DSEIR and transportation technical report (Appendix N of the DSEIR). No change to Appendix N is necessary.

4-5 BART agrees that high-density development should be the goal for the areas surrounding BART stations. To this end, BART's Strategic Plan and BART's recently adopted System Expansion Policy both emphasize transit-oriented development to generate ridership from station sites. As noted in the DSEIR (page 3.5-34), the City of Fremont, with BART's support, is proceeding with a transit-oriented Warm Springs BART Area Specific Plan. The purpose of the Specific Plan is to analyze land use and development opportunities, site constraints, access, and potential transit ridership, and to provide development criteria (such as land use densities, zoning, and design guidelines) for the coordinated development of the station area. The Fremont City Council authorized city staff to begin preparation of a Warm

[5] BRT Project Land Use /Economic Development Impacts; Report of the TRB BRT conference prepared by session moderator Dennis Hinebaugh, Director, National Bus Rapid Transit Institute, Tampa, Florida; TRB Bus Transit Systems Committee Newsletter; January 2002.
[6] (ibid)

Springs BART Area Specific Plan and designated $350,000 in funds and staff time for the study effort. A consultant team has been selected to prepare the analysis, and city staff (with advice and assistance from BART) have developed the Specific Plan scope of work, which is currently scheduled for approval by the Fremont City Council on June 24, 2003. In addition, the City of Fremont has developed the Draft Irvington Concept Plan, which is in final draft form and is expected to be acted on by the City Council in the near term.

The comment notes that the Warm Springs Station site is currently zoned for industrial use, as is most of the surrounding area. As discussed in the DSEIR (page 3.5-34), it is expected that the Warm Springs BART Area Specific Plan will include a transit-oriented land use and infrastructure plan and urban design guidelines that will be adopted into the *Fremont General Plan*, with zoning changes necessary for its implementation The New United Motor Manufacturing, Inc. (NUMMI) factory is located approximately 0.45 miles southwest of the proposed Warm Springs BART Station. The City of Fremont recently approved a conditional use permit for a Wal-Mart store on a vacant site approximately 0.5 mile north of the proposed Warm Springs BART Station. As shown in the DSEIR (see Figure 3.5-5, page 3.5-10), there are a number of undeveloped or underdeveloped parcels in the station area. The 34-acre station site is vacant as is an adjacent 36-acre parcel. Altogether, over 200 acres in the proposed Specific Plan study area are vacant or underutilized. This relative lack of development provides the opportunity to develop large-scale transit-oriented development projects around the station site.

4-6 Comment noted. The Draft Irvington Concept Plan is the first step in the revision of the city's Redevelopment Plan for Irvington, and its adoption would provide for intensified development in the Irvington Redevelopment Area.

Letter 5

ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

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May 7, 2003

Mr. Richard Wenzel
San Francisco Bay Area Rapid Transit District
WSX Environmental Project Manager
P.O. Box 12688, MS 1KB-6
Oakland, CA 94604-2688

SUBJECT: Comments on the Draft Supplemental Environmental Impact Report for the BART Warm Springs Extension Project

Dear Mr. Wenzel:

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report (DSEIR) for the BART-Warm Springs Extension Project. The project would extend BART 5.4 miles and one station south from the current Fremont station to a proposed Warm Springs station, with an optional Irvington station.

The ACCMA respectfully submits the following comments. Where possible page numbers in the DSEIR are referenced.

- General: The No Project and Project directional volumes and service levels for the p.m. peak period for all alternatives and all analysis years were not included in the DSEIR or the Appendices and we were unable to verify if the impacts to the MTS routes were adequately addressed and if appropriate mitigation has been identified. This information needs to be included in the FSEIR and should be reviewed by us before the document is finalized. The approach used, identifying the *quantity* of roadways that improved or degraded with the addition of the project, does not allow us to determine which roadways were impacted, by how much, and if appropriate mitigation has been proposed. 5-1

- Page 3.9-16, Bicycle Facilities and page 1-16, Appendix N Transportation Technical Report: The Alameda Countywide Bicycle Plan and routes should also be acknowledged in this section. The Countywide Bicycle Plan can be reviewed on line at accma.ca.gov. 5-2

- Page 3.9-28/29, Criteria For Determining Significance to Impacts: The phrase "unless LOS F was measured when the Congestion Management Plan was established in 1991" in the first bullet on page 3.9-28 and the second bullet on 3.9-29 5-3

must be deleted and the analysis of MTS roadways for all alternatives done to reflect this change. In 1991, when the first LOS Monitoring study of *existing conditions* was done, the LOS F roadway segments were exempt from the preparation of future Deficiency Plans. This standard does not apply to the Land Use Analysis Program and LOS F segments measured in 1991 are not precluded from identification of impacts and the development of mitigation on the regional transportation system in the long term. In addition, the ACCMA has concerns that using this approach does not identify impacts on segments that were LOS F in 1991 and an opportunity to develop mitigation, if feasible, could be missed. This correction also applies to the Metropolitan Transportation System Roadway section on page 3.9-58 and in all applicable sections of Appendix N Transportation Technical Report. Additionally, Appendix C of the Technical Report is not included in the DSEIR. 5-3 cont'd.

- The ACCMA does not have standards of significance as stated on page 3.9-28. 5-4

- Appendix N Transportation Technical Report, page 3-1, 2nd bullet: The model base year validation was based on 1990 conditions. The Countywide Model was updated in 1995. 5-5

Once again, thank you for the opportunity to comment on this DSEIR. Please contact Jean Hart or Diane Stark at 510/836-2560 if you have any questions.

Sincerely,

Beth Walukas
Senior Transportation Planner

cc: Martin Boyle, City of Fremont
Christine Monsen, ACTIA
Jean Hart, Deputy Director
Diane Stark, Senior Transportation Planner
file: CMP/Environmental Review Opinions - Responses - 2003

Response to Comment Letter 5 (Alameda County Congestion Management Agency)

5-1 The information requested by the comment is included in appendices to the transportation technical report (Appendix N of the DSEIR), which is part of the record for the DSEIR. This information has been provided to the commenter.

The criteria for determining impacts to the Metropolitan Transportation System (MTS) route segments are presented on page 3.9-29 of the DSEIR. Where an impact to an MTS segment is anticipated, the specific location is identified and mitigation proposed where feasible. The appendices to the transportation technical report include detailed documentation of changes to MTS segments. Impacts to MTS segments resulting from the Proposed Project are identified, and mitigation is provided where necessary, in Section 3.9 (*Transportation*) of the DSEIR.

5-2 The following text is hereby added on page 3.9-16 of the DSEIR, at the end of the section on bicycle Facilities:

> The Alameda Countywide Bicycle Plan (Plan) illustrates existing and proposed bicycle routes in Alameda County.

As noted on page 3.9-42 of the DSEIR, the Proposed Project would have no impacts on existing bicycle and pedestrian facilities. Figure 3-1 (Sheet 4 of 5, Southern Planning Area 3) of the Countywide Bicycle Plan illustrates bicycle routes in the project area. The figure indicates existing Class II bike lanes on portions of Paseo Padre Parkway, Driscoll Road, Auto Mall Parkway, Grimmer Boulevard, and Mission Boulevard. Class III bike routes currently exist along portions of Washington Boulevard and Warm Springs Boulevard. There is a proposed Class II bike lane along Osgood Road between Washington Boulevard and Auto Mall Parkway.

5-3 The phrase "unless LOS F was measured when the Congestion Management Plan was established in 1991" is hereby deleted from the text on pages 3.9-28 and 3.9-29 of the DSEIR and in Appendix N. The MTS analysis for each scenario was conducted with comparisons to existing, 2010 no-project, and 2025 no-project conditions, and not the 1991 CMP. The MTS analysis included analysis of 154 separate roadway segments, based on a list of roadways provided by the Alameda County Congestion Management Agency (ACCMA). The list includes roadway segments currently operating at LOS F, regardless of whether they were operating at LOS F in 1991. Thus, LOS F segments measured in 1991 were not excluded from being identified as affected by Proposed Project impacts.

The analysis was conducted in a manner consistent with other EIR transportation studies in Fremont. Roadway segment service levels, changes in traffic volumes, and percentage change in traffic volumes were identified for each segment. As noted in the second bullet at the top of page 3.9-29 of the DSEIR, if the Proposed Project resulted in a roadway segment changing from LOS E or better to LOS F, then a significant impact was identified (regardless of the 1991 measurement, as discussed above).

Under this analysis methodology, no roadway segment is precluded from impact determination.

Appendix C of the transportation technical report (the technical report is Appendix N of the DSEIR) is part of the record for the DSEIR and has been provided to the ACCMA.

5-4 ACCMA's Land Use Analysis Program was used by BART to develop its standards for determining significance of impacts to roadway segments. ACCMA does not have its own standards of significance.

5-5 The second bullet point on page 3-1 of Appendix N of the DSEIR is hereby modified as follows:

> The Alameda Countywide Model did not include the 2010 forecast year or a recent base year validation (the last base year validation was based on ~~1995~~ 1990 conditions). The Countywide model was updated in 1995.

ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

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May 9, 2003

Mr. Dick Wenzel
WSX Environmental Project Director
Bay Area Rapid Transit District
P.O. Box 12688
Oakland, CA 94604-2688

Subject: Comments on WSX Draft Supplemental Environmental Impact Report

Dear Dick:

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report (DSEIR) for the BART to Warms Springs Extension. ACTIA staff have completed a review of the document and found it to be a comprehensive analysis of the potential environmental impacts associated with the project. We have a few comments on the DSEIR that we have summarized below.

Project Funding

Funding for the BART Warm Springs Extension will be provided from several agencies as noted in Section 2.6.3. (page 2-43) and Table 2-6 (page 2-45) of the DSEIR. Other references to Measure B funding on pages 1-6 and 1-14 should clearly state that Measure B is partially funding the WSX Extension. While the passage of Measure B added the largest single increment of funds to the proposed project, the completion of the project is contingent upon receipt of funds from other state and local sources as well. The DSEIR should also note that use of Measure B funds for the WSX Extension will be contingent upon full funding of the rail connection to Santa Clara County, as proposed by the Santa Clara Valley Transportation Authority (VTA). 6-1

The amount of funds available for environmental mitigation measures is grouped in with a total of $142 million that has been set aside for all project soft costs. Given the extent of the biological and wetlands mitigation, intersection level mitigation, and noise and vibration mitigation required for the project, we request that BART review their preliminary cost estimates to ensure that adequate funds have been identified to meet the environmental mitigation obligations.

Mode of Station Access/Egress

The projected mode of access to the BART stations in the future shows that park and ride access will increase as the parking supply increases, but that walk, bicycle, and transit access will also increase considerably, while kiss and ride access will decline (Tables 3.9-9 and 3.9-10, pages 3.9-34-35). Text on page 3.9-36 indicates that there would be more people walking to the Irvington Station than to the Warm Springs Station. This statement is inconsistent with the information presented in Tables 9 and 6-2

10 which show that more patrons would walk to the Warm Springs Station. In general, the substantial share of walk trips to the Warm Springs station seems surprising given the character of the surrounding land uses. Although redevelopment of the area is anticipated and supported by Fremont, it is our understanding that this intensification of land use is not accounted for in the MTC model. What is the basis for such high levels of walk/bicycle access?

In previous discussions BART had indicated that even with the introduction of new transit centers at Warm Springs and Irvington, it is likely that Fremont would continue to be a major bus transfer point because of its ease of access to the freeways. The model results show that the Warm Springs Station would become the major transit transfer point and would in fact accommodate 65 percent of patrons to the Warm Springs station in 2010 and 57 percent in 2025 (Proposed Project with Irvington). Furthermore, the transit share increases with the addition of the Irvington Station. Normally such a spike in transit access would be accompanied by a limitation in the parking supply. Table 3.9-18 (page 3.9-63) indicates there would be an excess parking supply at the Warm Springs Station through 2025 in all scenarios except the 2025 Proposed Project. The parking demand projections seem inconsistent with the mode of access projections for the future.

6-2 cont'd.

Traffic Analysis

The DSEIR indicates that traffic LOS will decrease at four intersections in the vicinity of the BART stations with the implementation of the proposed project in 2010 and at three intersections in 2025. The decline in LOS of service at these intersections would be offset by the reduction in trips and congestion on other facilities in the Fremont area. Often these improvements are expressed in reduction in vehicle miles of travel and hours of delay. In the DSEIR, these improvements are summarized under MTS Systems Roadway analysis presented on page 3.9-58. While the general analysis shows that overall improvements are achieved, there is no background documentation of where traffic would improve and where it would degrade. A map of the MTS network analyzed and a visual presentation of the traffic changes would be helpful in understanding the full benefits of the project.

6-3

Parking Demand

Experience on the BART system has shown that the available parking supply, in most instances on the system, is used to its full capacity. The projections for parking demand for 2010 and 2025 indicate that the combined parking supply at the Fremont, Warm Springs, or Irvington stations is not fully utilized with the implementation of the proposed project. While some of the individual stations are showing an excess in parking demand, other stations are showing excess parking capacity. It is likely that there would be a balancing of patrons to these stations to take advantage of the available parking supply. This would be expected to increase the auto access at some of the stations as noted in the above comment.

6-4

If you need further clarification regarding these comments, please do not hesitate to call me at 267-6123.

Sincerely,

Rebecca Kohlstrand

Rebecca Kohlstrand
ACTIA Project Controls Team

cc: Art Dao, ACTIA
Christine Monsen, ACTIA
Project File 2-9

Response to Comment Letter 6 (Alameda County Transportation Improvement Authority)

6-1 Alameda County Measure B funds provide partial funding for the Proposed Project. The fourth sentence in the second paragraph on page 1-6 of the DSEIR is hereby revised as follows:

> In 2000, Alameda County voters reauthorized the transportation sales tax (Measure B), which ~~has made sufficient funds available~~ provided partial funding for a one-station BART extension project.

In addition, the second bullet item on page 1-14 is hereby revised as follows:

> This sales tax measure, approved by the Alameda County voters in 2000, provides transportation sales tax revenues to partially fund a BART extension to southern Fremont.

The following text is hereby added following the third sentence in Section 2.6.3 on page 2-43 of the DSEIR:

> This Measure B funding may not be used for construction of a BART rail extension to Warm Springs until full funding for a rail connection to Santa Clara County is assured. Project development, right-of-way, design, and station site development costs are eligible for Measure B funding prior to securing full funding for the rail construction.

A total of $142 million has been set aside for project soft costs, including environmental mitigation measures such as biological and wetlands mitigation, noise and vibration mitigation, and intersection improvements. A number of mitigation measures will need additional development before the actual cost of the environmental mitigation is known. For instance, BART will need to coordinate with agencies such as the California Department of Fish and Game on replacement wetland and burrowing owl habitat to determine the exact acreage and location of the mitigation area required. Development of mitigation measures will continue through the preliminary engineering phase of the project. BART intends to update and refine the budget estimate included in the DSEIR during the preliminary engineering phase, and funding will be updated and refined during this phase if necessary. Under CEQA Guidelines Section 15124, an EIR is required to contain only a general description of a project's economic characteristics and is not required to supply extensive detail. The funding discussion in the DSEIR is adequate for this purpose.

6-2 The last sentence in the second bullet on page 3.9-36 of the DSEIR stating that more people would walk to the Irvington Station than to the Warm Springs Station is incorrect and is hereby deleted from the text.

The tables on pages 3.9-34 and 3.9-35 of the DSEIR show access and egress combined. Some walk/bicycle access is attributed to existing adjacent residential areas. These

properties are included in the ACCMA model and are part of the totals determined by the Association of Bay Area Governments (ABAG) for Alameda County. Future land use changes that are contained in the ACCMA model were included in the VTA-modified Metropolitan Transportation Commission (MTC) model that was used in the DSEIR analysis. As the comment notes, additional redevelopment and land use intensification is anticipated by Fremont but not yet included in the ACCMA model. Therefore, these land use changes were not assumed in the MTC model used for the DSEIR analysis.

The major portion of future-year bus transfers at the Fremont and Warm Springs BART Stations would be riders transferring to VTA express bus lines. It was assumed in all model scenarios that Santa Clara VTA express bus operations would shift from the Fremont BART Station to the Warm Springs BART Station. This decision was made in conjunction with the bus operators. The Proposed Project analysis assumes that AC Transit bus routes would continue to serve the Fremont BART Station given an extension of BART to Warm Springs.

The comment is correct that increased use of bus transit access is often associated with a limited parking supply. This is typically true for travelers going from home to BART by bus if parking supply is limited. However, the DSEIR analysis reflects a high percentage of bus transfers at the Warm Springs Station, despite an excess parking supply at the station, because most bus transfers are by travelers going from BART to jobs/activities in Santa Clara County.

6-3 The background documentation showing where traffic would improve or degrade is provided in Chapters 7, 8, 11, 12, 14, and 15 of Appendix N of the DSEIR.

6-4 As stated in the comment and as noted on page 3.9-63 of the DSEIR, it is assumed that BART patrons would travel to stations where parking is perceived to be available. As noted on page 3.9-65 of the DSEIR, increased automobile access at some stations resulting from this redistribution of traffic was considered and yielded only minimal changes to the DSEIR's traffic analysis.

Letter 7

ALAMEDA COUNTY WATER DISTRICT

DIRECTORS
JOHN H. WEED
President
MARTIN L. KOLLER
Vice President
JAMES G. GUNTHER
JUDY C. HUANG
ARTHUR LAMPERT

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WILLIAM J. ZENONI
Finance and Administration Manager

May 8, 2003

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

Dear Mr. Wenzel:

Subject: Comments on BART's Draft Supplemental Environmental Impact Report for the BART Warm Springs Extension

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report (DSEIR) for the proposed BART Warm Springs Extension project. The Alameda County Water District (ACWD) is a water retailer that provides potable water to a population of over 320,000 in the Cities of Fremont, Newark, and Union City. ACWD was formed in 1914 by an act of the California Legislature for the purpose of protecting the water in the Niles Cone Groundwater Basin and conserving the water of the Alameda Creek Watershed. Local and imported water is percolated into the Niles Cone Groundwater Basin through percolation both in Alameda Creek and the adjacent recharge ponds in the Quarry Lakes Regional Park. The water is subsequently recovered through ACWD's groundwater production wells and provided as a potable supply to ACWD's customers. From this description, it should be very clear that protecting the groundwater basin continues to be a high priority for ACWD.

Based on our review of the DSEIR, ACWD believes that the DSEIR must be revised to address the following comments:

1. Section 3.2.3, Regulatory Setting

Although the role of the Alameda County Water District was described under "Local Laws and Regulations", the description was not complete. As part of ACWD's Groundwater Protection Program, ACWD entered into Cooperative Agreements with the California Regional Water Quality Control Board – San Francisco Bay Region (Regional Board) and the cities of Fremont, Newark, and Union City, which allow ACWD to provide the technical oversight of investigation and remediation of Leaking Underground Fuel Tank and the majority of the Spills, Leaks, Investigation, and Cleanup sites. Once cleanup has been completed at a site, ACWD submits a case closure summary and recommendation to the Regional Board for final review and case closure. 7-1

In addition, the City of Fremont Ordinance No. 950 (adopted on June 26, 1973 and amended by Ordinance No. 963 on October 16, 1973) designates ACWD as the enforcing agency as defined by the Department of Water Resources (DWR). The ordinance regulates the construction, repair, reconstruction, destruction or abandonment of wells within the city boundaries and requires that a

written permit be obtained from ACWD prior to conducting this type of work. Specific information related to obtaining permits from ACWD can be downloaded from ACWD's website at http://www.acwd.org/doingbusiness.html. 7-1 cont'd.

2. Section 3.3.2, Environmental Setting

The description of groundwater quality under "Water Quality" is not accurate. The portion of the proposed BART Warm Springs Extension that will be constructed below ground surface is located east of the Hayward Fault in an area referred to as the Above Hayward Fault (AHF) sub-basin. Unlike other areas within the Niles Cone, the AHF sub-basin is largely unconfined and the first encountered water-bearing zone is the regional aquifer, composed of highly permeable soils (i.e., cobbles, gravel, and sand). The tremendous water storage and flow potential of these aquifer materials explain why a major portion of ACWD's recharge and extraction occurs in the AHF sub-basin. The quality of water in the AHF sub-basin is considered to be of highest quality and consistently meets all drinking water standards.

The DSEIR states that groundwater has been identified as containing elevated levels of nitrates and boron. Although it is true that the Department of Water Resources reported in 1968 that excessive amounts (greater than 45 ppm) of nitrates were found, the nitrates were found southwest of Union City and south of the Niles district in Fremont, and not in the project area. In addition, testing for nitrates are routinely conducted from ACWD's groundwater production wells, and the results are significantly below the Maximum Contaminant Level of 45 ppm. 7-2

In 1960, DWR reports did indicate that some wells in the vicinity of geologic faults had high concentrations of boron, with the highest observed concentration being 5.3 ppm. However, based on DWR data collected between 1962 and 1967, boron concentrations were below 0.7 ppm in all Niles Cone aquifers. In addition, ACWD collected samples from two AHF monitoring wells (one well is adjacent to the Hayward Fault) in 1998, and boron concentrations were 0.57 and 0.67 ppm. A boron concentration of 2 ppm or less is considered suitable for agricultural use.

Therefore, the DSEIR's general description of groundwater quality, especially related to nitrates and boron, is inaccurate and needs to be corrected.

3. Section 3.3.4, Impact Assessment and Mitigation Measures, Impact H6 – Potential Depletion of Local Groundwater Supplies During Operation

An operational impact identified in the DSEIR is that the subway segment of the Proposed Project would represent a localized barrier to westward flow of groundwater in the vicinity of Lake Elizabeth. According to the DSEIR, since the presence of the subway segment is not expected to result in substantial depletion of local groundwater supplies, the impact is considered less than significant and no mitigation is proposed. 7-3

It is not clear from the project description whether any groundwater extraction would be required on a routine basis after the subway segment of the BART extension has been constructed. If a permanent dewatering system is required to maintain this subway segment, the impact of this

project could be very significant on the groundwater basin. Since ACWD purchases water from the State Water Project to recharge the groundwater basin, it is critical that the amount of water that may be extracted on an annual basis be estimated and documented in the DSEIR. Alternative designs should be evaluated that would minimize or eliminate the need for a dewatering system.

It should also be noted that the Replenishment Assessment Act of the Alameda County Water District authorizes ACWD to charge operators of water production facilities an assessment based on the quantity of water produced. The replenishment assessment rate is set annually and the current rate is $197.00/acre-foot. However, if dewatering is required as part of long-term operation of the subway resulting in significant water losses from the groundwater basin, ACWD can not simply purchase additional supplies from the State Water Project since ACWD is already maximizing the use of our allocation. Therefore, BART should propose mitigation measures for replacing all significant losses of ACWD's water supplies. 7-3 cont'd.

4. Section 3.3.4, Impact Assessment and Mitigation Measures, Impact H6 – Potential Depletion of Local Groundwater Supplies During Construction

The DSEIR states that the construction of the subway beneath Lake Elizabeth and Mission Creek would require a dewatering system. It is assumed that the impact would be temporary and localized (less than 6 months and within 1,000 feet) on shallow groundwater. The DSEIR also states that there is no local demand upon the groundwater supplies. The DSEIR concludes that the impact is less than significant and no mitigation is required.

As stated above, the first encountered water-bearing zone is a regional aquifer and ACWD heavily depends on this aquifer with eight production wells in the Peralta-Tyson Wellfield located less than 1.5 miles from the project area. During the last five years, ACWD produced an average of 10,360 acre-feet/year of water from the Peralta-Tyson Wellfield and private pumpers produced an average of 1,000 acre-feet/year of water. Therefore, the DSEIR's statement is incorrect since there is a heavy demand on groundwater supplies. 7-4

Figure 2-5d indicates that the proposed BART subway beneath Lake Elizabeth and the park will be at least 23 feet below ground surface to the track. The total depth of the subway, the depth and design of the proposed dewatering system, and the estimated quantity of extracted water needs to be documented in the DSEIR in order to assess the potential impact of the dewatering system on groundwater supplies. As indicated in the DSEIR, the depth to water in the Lake Elizabeth area can be as high as 8 feet below ground surface, so the potential impact of a dewatering system on ACWD's groundwater supplies could be very significant. Although the water extracted during construction of the subway appears to be exempt from the Replenishment Assessment fee, mitigation measures should be proposed to eliminate or minimize the impact of the project on the local drinking water supply.

5. Project Coordination

The following ACWD contacts are provided so that the proposed BART project can be coordinated with ACWD: 7-5

- Steven Inn at (510) 659-1970, ext. 441, or by e-mail at steven.inn@acwd.com, for coordination with ACWD's groundwater resources and groundwater protection program.

- Jim Reynolds at (510) 659-1970, ext. 511, or by e-mail at jim.reynolds@acwd.com, for coordination with ACWD's groundwater basin recharge operations.

- Juni Rotter at (510) 659-1970, ext. 487, or by e-mail at juniet.rotter@acwd.com, for coordination with ACWD's existing water facilities.

- Robert Shaver at (510) 659-1970, ext. 423, or by e-mail at robert.shaver@acwd.com, for ACWD's water service-related requirements (e.g., annexation of property to ACWD, applicable service fees and charges, and required on-BART-property or off-BART-property pipelines).

ACWD appreciates the opportunity to comment on the DSEIR. Unfortunately, based on our comments above, the SDEIR does not adequately address ACWD's concerns regarding the impacts of BART's proposed project on ACWD's groundwater resources. We hope to work cooperatively with BART's staff to address these concerns.

If you have any questions regarding these comments, please contact Steven Inn at (510) 659-1970, ext. 441.

Sincerely,

for Paul Piraino
General Manager

si:bk
cc: Craig Hill, ACWD
Steven Inn, ACWD
Jim Ingle, ACWD
Robert Shaver, ACWD
Karl Stinson, ACWD
Doug Chun, ACWD
Jim Reynolds, ACWD
Eric Cartwright, ACWD
Juniet Rotter, ACWD

Response to Comment Letter 7 (Alameda County Water District)

7-1 The following sentence is hereby added at the end of the paragraph under "Alameda County Water District" on page 3.2-11 of the DSEIR:

> Under cooperative agreements with RWQCB and the City of Fremont, ACWD provides technical oversight of investigation and remediation of groundwater cleanup sites, and submits closure recommendations to RWQCB when cleanups are completed.

The Proposed Project would not involve the construction, repair, reconstruction, deconstruction, or abandonment of any known wells or underground source tanks within the city boundaries.

7-2 The environmental setting section of Section 3.3 (*Hydrology and Water Quality*) accurately describes the regional groundwater quality. Regarding groundwater quality in the immediate project area per the commenter's request, the following text is hereby added following the last paragraph under "Water Quality" on page 3.3-6 of the DSEIR:

> The portion of the Proposed Project alignment that will be constructed below ground surface is located east of the Hayward fault in an area referred to as the Above Hayward Fault (AHF) sub-basin. Information received from the Alameda County Water District (pers. comm. Paul Piraino, General Manager, ACWD, May 2003) indicates that, unlike other areas within the Niles Cone, the AHF sub-basin is largely unconfined and the first encountered water-bearing zone is the regional aquifer, composed of highly permeable soils (i.e., cobbles, gravel, and sand). The tremendous water storage and flow potential of these aquifer materials explain why a major portion of ACWD's recharge and extraction occur in the AHF sub-basin. The quality of water in the AHF sub-basin is considered to be of highest quality and consistently meets all drinking water standards.
>
> Although the Department of Water Resources reported in 1968 that excessive amounts (greater than 44 ppm) of nitrates were found in groundwater in the region, the nitrates were found southwest of Union City and the Niles district in Fremont, and not in the project area. In addition, testing for nitrates is routinely conducted from ACWD's groundwater production wells, and the results are significantly below the Maximum Containment Level of 45 ppm (pers. comm. Paul Piraino, General Manager, ACWD, May 2003).
>
> In 1960, a DWR report indicated that some wells in the vicinity of geologic faults had high concentrations of boron, with the highest observed concentration being 5.3 ppm. However, based on DWR data collected between 1962 and 1967, boron concentrations were below 0.7 ppm in all Niles Cones aquifers. In addition, ACWD collected samples from two AHF monitoring wells (one adjacent to the Hayward fault) in 1998, and boron

concentrations were 0.57 and 0.67 ppm. A boron concentration of 2 ppm is considered suitable for agricultural use. (Pers. comm. Paul Piraino, General Manager, ACWD, May 2003).

7-3 Permanent groundwater extraction during operations is not anticipated. Dewatering activities are anticipated only during construction of the subway. Once the subway under Lake Elizabeth is constructed and the system is operational, dewatering operations will no longer be necessary, except for the minimal seepage/drainage under normal conditions associated with normal BART operations. This drainage water would be collected and discharged in accordance with applicable permit requirements.

7-4 No drinking water supply wells have been identified to date in the subway excavation area. Borings drilled along this alignment segment show that the subway excavation would be above the gravel layer of the aquifer. Groundwater readings indicate that the maximum groundwater lowering would be on the order of 35 to 40 feet from ground surface in the alluvium layers, which are mostly composed of clayey silt and silty sand. A preliminary calculation to determine the radius of influence of dewatering wells gives an estimate of about 400 feet in the silty sand layer and only about 10 feet for the clayey material. It is unlikely that construction dewatering would affect ACWD wells that have been described as being located approximately 1 mile from the cut-and-cover subway excavation area.

However, to more accurately reflect the uses of groundwater supplies and per the commenter's request, the following revisions are hereby made following the first paragraph under Impact H10 (Potential depletion of local groundwater supplies during construction) on page 3.3-17 of the DSEIR:

> Dewatering measures have the potential to result in localized lowering of shallow groundwater levels. This groundwater supports wetland and riparian habitats in the area ~~but is not the drinking water supply, which is obtained from deeper aquifers.~~ Because the effects of dewatering on shallow groundwater would be temporary and localized, they are accordingly expected to be less than significant. ~~Locally, there is no demand upon groundwater supplies.~~
>
> The ACWD withdraws groundwater from eight production wells in the Peralta-Tyson Wellfield. However, construction dewatering is not anticipated to affect these wells, because there is a minimum distance of approximately 1 mile between the nearest wellfield and the cut-and-cover subway excavation area.

7-5 Comment noted. As appropriate, BART will coordinate activities related to water resources with ACWD.

Letter 8

RECEIVED

MAY 13 2003

TRANSIT SYSTEM DEVELOPMENT

May 9, 2003

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

ALAMEDA COUNTY
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Scott Haggerty
(Chairperson)
Nate Miley
Shelia Young

CONTRA COSTA COUNTY
Mark DeSaulnier
Mark Ross
Gayle Uilkema
(Secretary)

MARIN COUNTY
Harold C. Brown, Jr.

NAPA COUNTY
Brad Wagenknecht

SAN FRANCISCO COUNTY
Willie Brown, Jr.
Chris Daly
Jake McGoldrick

SAN MATEO COUNTY
Jerry Hill
Marland Townsend
(Vice-Chairperson)

SANTA CLARA COUNTY
Liz Kniss
Julia Miller
Dena Mossar
(Vacant)

SOLANO COUNTY
John F. Silva

SONOMA COUNTY
Tim Smith
Pamela Torliatt

William C. Norton
EXECUTIVE OFFICER/APCO

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

Subject: BART Warm Springs Extension

Dear Mr. Wenzel:

Bay Area Air Quality Management District (District) staff have reviewed your agency's Draft Supplemental Environmental Impact Report (DSEIR) for the BART Warm Springs Extension project. The proposed project would extend BART service approximately 5.4 miles from the Fremont BART Station to a new Warm Springs Station with an optional station at Irvington.

District staff commend BART for your efforts in promoting in-fill and transit-oriented development around existing and new BART stations. However, we have some concerns about the compatibility of the existing land uses near the Warm Springs and Irvington stations. Air quality problems may arise when sources of air pollution and sensitive receptors are located near one another. In the case of these proposed new stations, air pollution from adjacent industrial and commercial uses could adversely impact newly introduced residents and other sensitive receptors. These new sensitive receptors may be affected by odors, dust, toxics, and diesel exhaust from a number of different industrial and commercial activities.

District staff understand that the City of Fremont will be responsible for the majority of land use planning and development of the areas surrounding the proposed new BART stations. Nonetheless, we urge BART to work with the City to take advantage of these new transit nodes to intensify land uses near the Irvington and Warm Springs stations as long as those uses do not expose existing or new sensitive receptors to odors, dust or toxic air contaminants. We support infill and transit-oriented development that is of a moderate to high density, has a variety of compatible land uses and encourages alternative modes of transportation. These projects are generally much less automobile-dependent, especially if the mixture of uses includes needed services. Such projects generate less air pollution than conventional sprawl development. 8-1

If the potential odor, dust and toxic air contaminant impacts of locating residential units near existing industrial uses can be adequately mitigated, then we believe that appropriate mixed use development near the new BART stations will have regional air quality benefits. In planning for the land uses around these proposed new BART stations, District staff encourage BART and the City to provide for a mixture of land uses including employment uses as well as transit-

oriented residential development at a density of at least 20 units per acre. As part of the Regional Agencies Smart Growth Strategy/Regional Livability Footprint Project, Alameda County residents recently expressed a strong preference for more infill and mixed use development that provides a range of travel options. We believe that through land use decisions that support transit, walking and cycling, Bay Area cities can help to reduce the rate of increase in vehicle miles traveled and improve local and regional air quality. For example, the Benton project, a transit-oriented housing and retail development built adjacent to the existing Fremont BART station, has recently been praised as a model smart-growth project in the region. We encourage BART to continue working with the City to encourage similarly successful in-fill and transit-oriented development. 8-1 cont'd

The DSEIR lists several of Fremont's General Plan policies that promote increased transportation alternatives and reduced dependency on the automobile as well as pedestrian accessibility in site design. District staff welcome such policies and strongly encourage BART and the City of Fremont to pursue land use policies and site design for both station sites that will incorporate neighborhood-serving commercial and community uses within close proximity to residential and employment uses. By implementing those transportation-specific General Plan policies in this project, BART and the City can insure that the developments surrounding the stations are pedestrian and bicycle accessible, thereby maximizing the benefits to air quality. 8-2

If you have any questions regarding these comments, please contact Suzanne Bourguignon, Environmental Planner, at (415) 749-5093.

Sincerely,

William C. Norton
Executive Officer/APCO

WN:SB

cc: BAAQMD Director Roberta Cooper
BAAQMD Director Scott Haggerty
BAAQMD Director Nate Miley
BAAQMD Director Shelia Young
Dan Marks, City of Fremont Planning Director

Response to Comment Letter 8 (Bay Area Air Quality Management District)

8-1 BART agrees that increased residential density; infill and mixed use development; and land use decisions that support transit, walking, and cycling are desirable to reduce automobile use and improve local and regional air quality. As discussed in the DSEIR on page 3.5-34, it is BART's policy to encourage transit-oriented planning and development surrounding existing and new BART station locations, including the proposed Warm Springs and optional Irvington Stations, to increase ridership and maximize regional public transit investments. Local land use policies, plans, and projects for the vicinity of the Warm Springs Extension are being developed through the City of Fremont's planning process, with BART's cooperation consistent with its policies. Future proposed development in the proposed station areas will be part of plans that are subject to separate environmental review, including an evaluation of the consistency of proposed land uses with transit operations and the potential for new receptors to be exposed to air contamination from surrounding industrial uses. Such environmental review will be undertaken by the City of Fremont. As suggested by the commenter, BART intends to continue working with the City of Fremont to encourage successful transit-oriented development.

BART also notes that additional redevelopment and land use intensification that is anticipated by the City of Fremont but not yet included in the Alameda County Congestion Management Agency's model was not included in the DSEIR analysis (see the response to comment 6-2). As a result, the reduction in vehicle-miles traveled and resulting air quality benefits discussed in Section 3.11 (*Air Quality*) of the DSEIR represent anticipated benefits of the Proposed Project *without* additional transit-oriented development in the vicinity of the stations. Future transit-oriented development projects would be expected to substantially enhance air quality benefits beyond those discussed in the DSEIR.

8-2 As noted in response to comment 8-1, the City of Fremont is responsible for planning development surrounding the stations consistent with its *General Plan* policies to improve pedestrian and bicycle access. BART supports such development.

Letter 9

MAY 1 3 2003

COUNTY OF ALAMEDA
PUBLIC WORKS AGENCY
DEVELOPMENT SERVICES DEPARTMENT
951 Turner Court, Room 100
Hayward, CA 94545-2698
(510) 670-6601
FAX (510) 670-5269

May 9, 2003

Zone 6, General

Richard Wenzel
WSX Environmental Project Director
San Francisco Bay Area Rapid Transit District
PO Box 12688, MS 1KB-6
Oakland, CA 94604-2688

Dear Mr. Wenzel:

Reference is made to your submittal of March 21, 2003, of the Draft Supplemental Environmental Impact Report for the BART Warm Springs Extension. We have reviewed the document and offer the following comments:

1. As noted in the document, flood storage capacity must be maintained in south Tule Pond. In addition, it will need to be demonstrated that the reconfigured facility will function hydraulically in a manner similar to the existing facility. 9-1

2. Regarding construction activities at Lake Elizabeth:

   a. The Alameda County Flood Control and Water Conservation District is very concerned with the potential impact on the flood storage capacity of the lake. As stated previously, it is essential that replacement capacity be provided if construction of the subway must continue into the rainy season. It has yet to be demonstrated that construction of the lake crossing will not adversely impact the storage capacity of the lake.

   b. The bottom of the lake has an impermeable lining that must be restored upon completion of the subway construction. 9-2

   c. Establishment of the elevation of the top of the proposed subway in relation to the bottom of the lake is very important. The subway will need to be well below the bottom of the lake to avoid impacting the aforementioned impermeable lining, as well as causing impact on lake hydraulics and circulation patterns of flows into and out of the easterly arm of the lake. The elevation of the subway must also be low enough to allow safe operation of equipment during maintenance and dredging of the lake bottom.

3. At the subway crossing of Mission Creek:
   a. The subway will need to be well below the bottom of the creek to avoid hindering Flood Control District maintenance operations, including silt removal.
   b. Mission Creek always has fair amount of flow during the dry season that will need to be taken into account in the design of water control measures. Also, if construction extends into the rainy season, it should be taken into account that Stivers Lagoon will flood during large storm events.

9-3

4. If "Ventilation Structure, Option 2" is selected, the design of the access road crossing of Mission Creek will need to consider the regular occurrence of silt deposition at this location, as well as silt removal operations.

9-4

5. As previously noted, the FEMA Flood Insurance Rate Map for the City of Fremont shows the SFPUC land, located north of Paseo Padre Parkway to be within a Special Flood Hazard Area. Design of the rail improvements will need to satisfy Federal Emergency Management Agency (FEMA) criteria and will need to demonstrate that the 100-year storm event water surface will not be impacted, especially as relates to upstream areas.

9-5

6. Mitigation for loss of wetland or riparian habitat on Flood Control District lands or rights of way shall be fully established and accepted by the regulatory agencies without any further monitoring or reporting requirements prior to closure of the Flood Control District encroachment permit.

9-6

7. Stormwater detention facilities may be necessary at the Warm Springs Station. A detailed evaluation will be necessary to determine the adequacy of the existing downstream facilities to handle anticipated runoff from the station site.

9-7

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

Very truly yours,

Scott A. Swanson
Deputy Director
Development Services Department

SAS:AO
c: Hank Ackerman, Flood Program

Response to Comment Letter 9 (County of Alameda Public Works Agency)

9-1 Comment noted. Mitigation Measure H3 is designed to mitigate the loss of flood storage capacity at Tule Pond South by providing an equal or greater amount of replacement storage capacity, which would function in a manner similar to the existing facility. Design of the reconfigured Tule Pond will be refined as project design progresses. BART is meeting and will continue to meet with the Alameda County Flood Control and Water Conservation District (ACFCD) on preliminary modeling and will continue to coordinate with the county hydrologist.

9-2 a: Mitigation Measure H11 is designed to mitigate the reduction of flood storage capacity at Lake Elizabeth during construction. BART is currently examining how the storage capacity of Lake Elizabeth can be preserved during construction. BART will coordinate with ACFCD during preliminary engineering to develop a plan that will allow for subway construction while adequately protecting flood control capacity and functionality.

b: Comment noted. As described in the DSEIR, page 3.3-12, the lake would be restored over the alignment when construction is complete. This includes restoring the impermeable layer on the lake bottom following construction.

c: Comment noted. Currently, the top of the BART subway would be approximately 6 feet below the lake bottom. The subway profile and clearances to lake bottom will be carefully coordinated with ACFCD.

9-3 a: Comment noted. In the current design, the top of the subway is approximately 6 feet below the bottom of Mission Creek.

b: Comment noted. Mitigation Measures H1, H3, H4, H7, and H8 are designed to incorporate appropriate stormwater management controls for the Proposed Project. BART is investigating options for transporting the Mission Creek flow across the subway cut during construction and will coordinate with ACFCD on this issue. BART is also investigating options for staging construction to account for the flooding of Stivers Lagoon, if construction extends into the wet season.

9-4 Comment noted. Mitigation Measure H8 is designed to address silt issues at Mission Creek and elsewhere. The design of the access road to the Option 2 vent structure location and related creek crossing structure would be carefully coordinated with ACFCD to take the silt removal operations into account.

9-5 Comment noted. BART acknowledges that the design of rail improvements will need to satisfy FEMA criteria, and that this is the subject of ongoing coordination with ACFCD, as provided in Mitigation Measure H1.

9-6 Comment noted. BART acknowledges that, if any mitigation for wetland or riparian loss, as provided in Mitigation Measures BIO3, BIO4, BIO5, BIO12, and BIO13, occurs on ACFCD

lands or rights of way, such measures would need to be accepted by regulatory agencies prior to closure of an encroachment permit from ACFCD.

9-7 Comment noted. Mitigation Measure H1 is designed to incorporate appropriate stormwater management controls for the Proposed Project, including the Warm Springs Station site. A detailed drainage report and analysis of stormwater detention facilities at the proposed Warm Springs Station is planned as part of preliminary engineering.

SANTA CLARA
Valley Transportation Authority

May 9, 2003

San Francisco Bay Area Rapid Transit District
800 Madison Street – Lake Merritt Station
Oakland, CA 94604-2688

Attention: Richard C. Wenzel, Environmental Project Director

Subject: SCL #2002032041 / Draft Supplemental Environmental Impact Report, BART Warm Springs Extension

Dear Mr. Wenzel:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft Supplemental Environmental Impact Report (DSEIR) for the project to extend the Bay Area Rapid Transit (BART) system approximately 5.4 miles from the existing Fremont BART Station to a proposed new station in the Warm Springs district of the City of Fremont (Warm Springs Extension).

On April 13, 2002, VTA commented on the Notice of Preparation for the Warm Springs Extension. The coordination issues discussed in the letter have been addressed in the DSEIR. The DSEIR appears to be satisfactory in its evaluation of the Warm Springs Extension. 10-1

We appreciate BART's efforts to coordinate the Warm Springs extension with the future expansion of BART to Milpitas, San Jose and Santa Clara. Continued cooperation is essential to ensuring that the two projects connect seamlessly. VTA looks forward to continuing the hard work and cooperation with BART on both extension projects.

If you have any comments or questions, please contact me at (408) 321-5705 or at tom.fitzwater@vta.org.

Sincerely,

Thomas W. Fitzwater, AICP
Environmental Planning Manager

TWF:LGB:kh

cc: Jim Pierson
Lisa Ives

Response to Comment Letter 10 (Santa Clara Valley Transportation Authority)

10-1 Comment noted. BART appreciates the Santa Clara Valley Transportation Authority (VTA)'s concurrence that issues discussed in VTA's comment on the Notice of Preparation for the Proposed Project have been addressed in the DSEIR.

CITY OF Fremont

Development and Environmental Services Department
39550 Liberty Street, P.O. Box 5006, Fremont, CA 94537-5006
www.ci.fremont.ca.us

May 9, 2003

San Francisco Bay Area Rapid Transit District
Attn: Richard Wenzel, WSX Environmental Project Director
P.O. Box 12688, MS 1KB-6
Oakland, CA 94604-3900

RE: Comments on 2003 Draft Supplemental Environmental Impact Report for the BART Warm Springs Extension

Dear Mr. Wenzel:

The City of Fremont appreciates the opportunity to comment on the Draft Supplemental Environmental Impact Report for the BART Warm Springs Extension (March, 2003), hereafter referred to as the WSX DSEIR. This project is located wholly 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 DSEIR, the City has anticipated this extension in its General Plan, and more recently by preparing a conceptual land use plan for the area around the optional Irvington Station. We are beginning a Specific Plan for the vicinity of the proposed Warm Springs BART Station. We are also undertaking several projects that should assist the development of the BART extension, including two grade separations that would allow BART to continue at-grade from Central Park to Warm Springs.

We have carefully reviewed the WSX DSEIR 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 comments made in each of the substantive sections. The City has not made separate comments on the Executive Summary.

CHAPTER 1: INTRODUCTION

Page 1-1, section 1.1, Introduction: The City Of Fremont is continuing to pursue funding for the optional Irvington Station. Should that funding not be available prior to construction of the extension to Warm Springs, the City intends to work with BART to ensure that appropriate infrastructure is in place to support a station when funding for its full development is available. Towards that end, the City expects to enter into an agreement with BART regarding the provision of that infrastructure. Furthermore, the City of Fremont and its Redevelopment Agency will determine the financial feasibility of proceeding with an amendment to the 1998 Amended Redevelopment Plan for the Industrial Project Area, which would provide a means to contribute to the acquisition and construction funding for the Irvington Station. The City would like to rely on

11-1

the WSX DSEIR as the CEQA document for the agreement and as a base source of information for the Redevelopment Plan Amendment. Accordingly, the City requests that the second paragraph of section 1.1 on page 1-1 related to uses of the SEIR be modified as follows:

> *Further, this SEIR may be used by the City of Fremont and its Redevelopment Agency as (1) the CEQA document for consideration of a cooperative agreement with BART to seek funding sources for, and to take preparatory steps to implement, the development of the optional Irvington Station evaluated in this SEIR, and (2) as a base environmental information document for preparation of a separate environmental impact report for a proposed redevelopment plan amendment to provide acquisition and construction funding for the Irvington Station (as further described in subsection 2.3.4 below).*

11-1 cont'd.

Page 1-23, section 1.9, Lead and Responsible Agencies and Required Permit Approvals: As discussed in regard to page 1.1, the City requests that a new entry be added to Table 1-5 on page 1-23 of the SEIR substantially as follows:

Agency	Permit/Approval	Reason for Permit/Approval
City of Fremont and Fremont Redevelopment Agency	Cooperation Agreement and Redevelopment Plan Amendment	Funding for Optional Irvington Station

11-2

CHAPTER 2: PROJECT DESCRIPTION

Page 2-3: The Draft SEIR refers to the City's proposed Grade Separation Project at Paseo Padre Parkway and Washington Boulevard. As evidenced by the regular communications between staff of the City and BART, the City supports the ongoing need to coordinate the design and construction of the Proposed Project with the City's proposed Grade Separation Project. As part of that coordination, it is important to recognize the current status of the City's proposed Grade Separation Project. On January 9, 2001, the City Council directed staff to proceed with design and the right-of-way acquisition process based on conceptual approval of an underpass at Paseo Padre Parkway and an overpass at Washington Boulevard. The design is at approximately 75% complete; however, the final design will be subject to the approval of City Council and the Union Pacific Railroad. The City is in the process of finalizing its analysis of right-of-way required for the proposed Grade Separation Project; however, the consideration of resolutions of necessity to acquire property will be the subject of separate actions of the City Council. Project funding has been programmed; however, a significant portion of funding is subject to a vote of the California Transportation Commission in June 2003. With these challenges in mind, the City's current plan identifies the start of construction for the proposed Grade Separation Project at the beginning of 2004.

11-3

Page 2-12 Figure 2-4d and page 2-37: A traction power substation (SBR) is currently shown located partially on the City's land at the City's new corporation yard (currently under construction). The City would appreciate BART continuing to work closely with the City to ensure that the substation can be accommodated without any disruption to the City's operation of its corporation yard. Our preliminary discussions have indicated that the traction station can be accommodated with minimum modification of the City's plans.

11-4

Page 2-35, Warm Springs Station: A signal is proposed for the intersection of Warm Springs Boulevard/Warm Springs Court. The City would appreciate additional information on the need for this signal in relation to signal warrants.

11-5

Page 2-39, subsection 2.3.4, Optional Irvington Station: To reflect the current status, the City requests that the last sentence of the first paragraph of subsection 2.3.4 on page 2-39 of the Draft SEIR be deleted and replaced with text to the following effect:

> *The City and its Redevelopment Agency will determine the financial feasibility of proceeding with an amendment to the 1998 Amended Redevelopment Plan for the Industrial Project Area to generate funding for the optional Irvington Station after the State budget impacts on the Redevelopment Agency and other affected local property taxing entities become known later this year. If such a redevelopment plan amendment is pursued, it is anticipated that the City and the Redevelopment Agency will prepare a project-specific EIR that will draw upon this SEIR as a source document.*

11-6

Page 2-49: Construction Scenario, Stevenson Boulevard to Former SP Railroad Right-of-Way (Fremont Central Park): The description should include some description of how utilities will be addressed – both on a temporary and long term basis – in regard to park activities, such as electric lines, sewer lines, potable water, and irrigation water.

11-7

Page 2-49: The City notes that the bottom of Lake Elizabeth was originally treated with lime to ensure that it would hold water when construction was completed. This or a comparable treatment is likely to be necessary when the lake bed is restored.

11-8

CHAPTER 3.1: INTRODUCTION TO ENVIRONMENTAL ANALYSIS

3.1-11 Figure 3.1-1 Cumulative Projects: The City has the following comments on the Table:

- A new City Corporation Yard project is under construction at the corner of Blacow and Osgood Road.
- The Fremont Oak Gardens (Deaf Senior Retirement Corporation) is a fully entitled project. No further General Plan amendment or other entitlements are required. Funding has been secured and construction is scheduled to begin June 2003.
- 13 new homes are under construction at Rosewalk Court at Driscoll Road near the Horner house.

11-9

CHAPTER 3.3: HYDROLOGY AND WATER QUALITY

Page 3.3-3, Figure 3.3-1: Reference is made on page 3.3-5-6 to a "bermed area north of the lake and two dredge ponds with an aggregate area of 20 acres located west of the lake." There are also references to other features near the lake which are difficult to discern on Figure 3.3-1. The City suggests that a new figure be prepared identifying all hydrologic features in Central Park that may be affected by the project.

11-10

Page 3.3-5 & 6 Hydrology and Water: Reference is made to a bermed area north of Lake Elizabeth and two dredge ponds west of the lake as being maintained by the City as dredge spoils sites. Two sites were maintained as temporary dredge ponds and no longer exist. The area referenced west of the lake is planned for future development as meadow/picnic area and a Swim/Gym facility.

3.3-15 Hydrology and Water Quality, Impact H8: A pond has been constructed just northeast of the lake (between the soccer fields and lake) identified on page 3.4-20 as "new marsh." This pond acts as a filter for the runoff from the soccer complex with runoff from this pond entering the lake in an area proposed to be "dewatered" during construction of the tunnel. The City requests additional information on how this function will be addressed during construction. 11-11

3.3-15 Hydrology and Water Quality: Impact H10 states that dewatering measures have the potential to result in localized lowering of shallow ground water levels. Although no drinking water would be affected, the City maintain wells in this area for golf course irrigation and other irrigation needs. The City requests that BART coordinate with the City to ensure that irrigation water is available if there is any temporary reduction in the availability of well-water during construction. 11-12

Page 3.3-15 Hydrology and Water Quality, Impact H10, Mitigation Measure H11(b) Temporary reduction in flood storage capacity at Lake Elizabeth: Proposed temporary mitigation to flood storage problems at Lake Elizabeth include: *"Actively manage the level of water within Lake Elizabeth so as to provide additional storage capacity... Construct additional storage facility at same location ..."* These mitigations could affect use of the Park and lake by the boating public. The City requests that BART staff confer early with City staff to coordinate the implementation of mitigation measures addressing recreational uses during construction. 11-13

Page 3.3-17: Impact H-3 on page 3.3-12 indicates that the Tule Pond South provides some flood storage capacity. That capacity may be lost during construction. The City requests additional information on how that flood storage capacity will be addressed. 11-14

CHAPTER 3.4: BIOLOGICAL RESOURCES

Page 3-4-20; Figure 3.4-2: The Figure appears to indicate that almost all of the Pacific Commons project area is critical habitat, whereas only approximately half the area shown is designated for habitat restoration and maintenance. The City requests that this figure be corrected. 11-15

Page 3.4-32: The City of Fremont adopted a new Tree Preservation Ordinance, effective August, 2002, with revised standards available from the City's Landscape Architect. The City recognizes that BART is not subject to these standards, but believes the information may prove useful as BART considers its more specific plans for addressing trees. 11-16

Page 3.4-37, Mitigation Measure BIO 4: A portion of the mitigation reads, in part: "*The restored site is composed of a mix of species similar to that removed during construction activity.*" It is not clear whether the existing riparian forest is composed of native or non-native species. The City notes that in a later mitigation (page 3.4-41), the mitigation specifies native species, regardless of the mix of existing species. The City suggests that a similar requirement for primarily native species may be appropriate for the riparian forest habitat to be disturbed. 11-17

Page 3.4-40: The City's recently adopted Tree Preservation Ordinance establishes protected classes of trees and "presumptive qualification" for Landmark Tree status based on species and size. As discussed above under 3.4-32, this ordinance may prove useful in addressing the loss of trees. The City also recommends that the SEIR expand its existing proposed mitigation to "consider preserving worthwhile trees in-place within the construction limits where reasonable measures can be employed." 11-18

Page 3.4.41 Impact BIO 11: The SEIR should address protection and transportation of fish during construction of the cofferdam and dewatering of portions of Lake Elizabeth. 11-19

Page 3.4-51 BIO 22: This section indicates that there may be significant trees on the Irvington station site (generally in relation to the Gallegos Winery). The City suggests that the SEIR expand its mitigation to consider preserving worthwhile trees in place within the construction limits where reasonable measures can be employed. 11-20

CHAPTER 3.5: LAND USE AND PLANNING

Page 3.5-2: The City's Civic Center is no longer located at Stevenson Boulevard and Civic Center Drive. The City of Fremont City Hall is now located at the corner of Liberty and Capitol Avenue. The Alameda County Library and Police Building continue to be located at Civic Center Drive and Stevenson immediately adjacent to Central Park. 11-21

Page 3.5-6: the 4th full 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. 11-22

Page 3.5-11, subsection 3.5.3, Regulatory Setting (General Comment). The City notes that the Amended and Restated Redevelopment Plan for the Irvington Redevelopment Project adopted July 7, 1998 (the 1998 Amended Redevelopment Plan) has relevant objectives that would be facilitated by the Proposed Project, and in particular the optional Irvington Station. Relevant 1998 Amended Redevelopment Plan goals and objectives include the following:

- The potential development of an Irvington BART Station in support of the extension of the BART Fremont line and the provision of ancillary transportation facilities and services that use Irvington as a transportation hub, all in support of the commercial and residential portions of the Irvington redevelopment project area 11-23

- The gradual transition and intensification of uses in proximity to the Irvington BART Station in a manner that is compatible with existing development in the Irvington community.

Pages 3.5-13 the Draft SEIR: This page identifies references in the City's General Plan to the Proposed Project. Policy T 2.2.1 states that the City "actively supports a BART extension to the southern part of Fremont with stations in Irvington, Warm Springs and South Fremont". The City's General Plan also identifies a Transportation Corridor overlay which is generally aligned with the preferred alternative route for the Proposed Project identified in the Draft SEIR. Although the Transportation Corridor overlay could potentially reflect a variety of transportation modes, and although the exact location of the proposed BART extension was not known when the City's General Plan was updated in 1991, the City anticipated that the diagrammatic depiction of the Transportation Corridor overlay could also accommodate the Proposed Project. 11-24

Page 3.5-17, subsection 3.5.3, Regulatory Setting, Irvington Planning Area: Similar to the comment for subsection 2.3.4 above, the City requests a sentence be added at the end of the second paragraph of the subsection captioned "Irvington Planning Area" to the following effect: 11-25

- The City and Redevelopment Agency will determine the financial feasibility of proceeding with this amendment to the 1998 Amended Redevelopment Plan after the State budget impacts on the Redevelopment Agency and other affected local property taxing entities becomes known later this year.

3.5-29 Land Use and Planning, Impact and Mitigation Measures, Operational Impacts, Stevenson Boulevard to SP Railroad Right-of-Way (Fremont Central Park): The second full paragraph, states that "The structure(s) would not conflict with existing or planned recreational use of the area." The ½ acre ventilation shaft structure(s) will occupy approximately ½ acre of parkland. Option two would place two ¼ acre ventilation shaft structures within the park: one would be located in what is today a parking lot and the other is sited in an area currently designated as "Nature Area". It should be noted that under State law, parkland taken for other purposes must be replaced. The City suggests that BART work closely with the City in identifying a plan for park replacement. 11-26

Page 3.5-32, Summary (All Segments): The SEIR states that "residential uses are encouraged near public transit notes as part of transit-oriented developments in order to support more efficient use of valuable land and provide more efficient transportation networks." The City notes that there are various kinds of transit-oriented development and that higher intensity commercial use near to stations can also provide significant support to a transit system. 11-27

Page 3.5-33, BART System Expansion Policies: Page 2-35 includes brief mention of the proposed design features which would allow construction of a future pedestrian bridge to the west of the station, over the UP tracks. Given the large amount of vacant and underutilized land and the existing major employment generator to the west of the proposed Station, ensuring that BART design accommodates future access to the west side would appear to be an important element of addressing BART station area policies. The City worked with BART staff to ensure that the initial conceptual design for the Warm Springs Station can accommodate such access in the future and believes that this aspect of the plan should be mentioned as one of the elements which address BART Expansion Policies. 11-28

Page 3.5-34, first paragraph: The SEIR states that "mixed-use development incorporating both higher density residential and office uses would be considered on these and other parcels during the specific plan process." Although it is accurate to indicate that the City intends to consider mixed use development, including residential development, adjacent to the Warm Springs BART Station, the City would like to emphasize that no decision has been made as to the types of uses to be allowed in this area. 11-29

Page 3.5-37, Construction Related Impacts to Central Park: The City of Fremont appreciates BART's thoughtful approach to managing the potential conflict arising from construction activities and their impacts on Central Park. To help BART staff better understand potential conflicts and potential mitigations, the City recommends that BART staff, the construction contractor(s), and Fremont staff begin as soon as possible – and no less than one year in advance of the beginning of construction in the park - to define a schedule for work. This will allow Fremont staff to better manage annual Park activities. Impacts will be primarily related to use of adjacent facilities, including: park paths, soccer fields, softball fields, basketball courts and the "dog park". Parking for the soccer fields will need to be managed. Additionally, impacts on park maintenance will need to be addressed. Maintenance facilities (an equipment storage garage, a building that houses supplies for sports fields maintenance and operation, and a "green waste" disposal area) must be accessible to Park and Recreation staff. Finally, utility lines (electric, water, waste etc.) that crisscross the park will need to be addressed if other facilities are to remain open. Additional consideration may be needed to coordinate implementation of mitigation measures to address construction impacts on maintenance activities and utility connections. 11-30

CHAPTER 3.6: POPULATION, ECONOMICS AND HOUSING

Page 3.6-12 Impact POP 2: The SEIR indicates that "[c]hanges in land use designations implemented by the City of Fremont since 1992 in the area around the proposed Warm Springs Station would allow for more mixed-use development and could indirectly encourage growth." The City does not know of any significant changes in land use designations to date in the near-vicinity of the proposed Warm Springs Station that would allow for mixed-use development. 11-31

Page 3.6-18, Impact POP 5: please refer to previous comments on impacts on Central Park. 11-32

CHAPTER 3.7: AESTHETICS

3.7-11, 3.7-16 Aesthetics, Methodology for Preparation of Visual Simulations: The City requests additional information on the proposed screening plan for the two-ventilation structure option. 11-33

Page 3.7-28, Mitigation Measure A4 – Ensure design of proposed Warm Springs Station is consistent with existing environment: The City notes that the current environment for the BART station is industrial land use and vacant land. Depending on the outcome of the Specific Plan, a design that fits into a largely industrial environment may not be appropriate. Rather, the City would prefer that BART commit to working with the City in arriving at a design that is compatible with and supportive of the land use plan that arises from the Specific Plan process. Specifically, the City requests an additional "bullet" regarding design as follows:

- BART will consult with the City of Fremont regarding the design of the Warm Springs Station, including voluntary participation in informal design review meetings with the Planning Commission and City Council, prior to finalization of the station plans. 11-34

While the City has worked with BART in arriving at the overall site plan, the architecture will be a critical element in supporting a new transit-oriented land use proposal for the area around the station. This would include an opportunity for the City to review and comment on the design of the tail-track section and area for maintenance to ensure that it too fits into the character planned for this area.

Page 3.7-29 Impact A-5: The City requests that some simulation be conducted of the visual/aesthetic impacts of proposed sound-walls. Impact A5 identifies the impacts as "potentially significant and unavoidable." The visual simulation could show typical landscaping or wall surface treatment used to mitigate impacts to give residents a better idea of how the walls will look.

The City also requests that BART indicate that it will work closely with the City in considering heights for soundwalls. As described below (Page 3-10-18), noise mitigation can be achieved with a combination of exterior and interior mitigations, with wall height being one of the variables that must be considered. The City requests that BART acknowledge and commit to working with the City in determining an appropriate combination of mitigations for noise impacts that will consider heights for soundwalls (and their aesthetic impacts), their noise dampening effectiveness, and the ability to mitigate interior noise levels to an acceptable standard. 11-35

Pages 3.7-32 and 3.7-33, Impacts Related to the Optional Irvington Station, Mitigation Measure A-7(a): In order to ensure visual compatibility with the adjacent area, the City of Fremont requests that, similar to Mitigation A-4, Mitigation A-7(a) be revised to include an added "bullet" stating: 11-36

- BART will consult with the City of Fremont regarding the design of the Irvington Station, including voluntary participation in informal design review meetings with the Planning Commission and City Council, prior to finalization of the station plans. 11-36 cont'd

CHAPTER 3.8: CULTURAL RESOURCES

Page 3.8-27 Impact CR-Cume2. Potential for damage to the William Y. Horner House: After imposition of Mitigation Measure N2, impacts in some locations are still expected to be significant and unavoidable. The SEIR should clarify why, in this instance, Mitigation Measure N2 will be sufficient to mitigate the impact on this historic resource to a less than significant level. 11-37

Page 3.8-25, Impacts and Mitigation Measures, Impacts Specific to Optional Irvington Station, Operational Impacts: Mitigation Measures CR6(a) and CR6(b), regarding the Gallegos Winery site, would appear to adequately mitigate the potential impact. The City suggests that, in addition to identifying the depositing of the potential data recovery results with the California Historical Resources Regional Information Center, Mitigation Measure CR6(b) also include the identification and cataloging of those results. 11-38

CHAPTER 3.9: TRANSPORTATION

Page 3.9-6: As correctly identified on page 3.9-6, Auto Mall Parkway extends from the Tri-Cities landfill to I-680; Durham Road extends east of I-680. Durham Road does not exist at the intersection of Osgood Road and Auto Mall Parkway. Nevertheless, elsewhere in the SDEIR document (e.g., page 3.9-8) and in the appendices, there is reference to "Osgood Road/Durham Road-Auto Mall Parkway". Durham Road should be deleted from this reference. This change should be reflected throughout the report. 11-39

Page 3.9-8: Please change the intersection names I-680 SB Ramps/Durham Road-Auto Mall Parkway to I-680 SB Ramps/Durham Road; and I-680 NB Ramps/Durham Road/Auto Mall Parkway to I-680 SB Ramps/Durham Road. These changes should be reflected throughout the report. 11-40

Page 3.9-15: The description of parking facilities at the Fremont Station should reflect the recently instituted parking permit system. 11-41

Page 3.9-17, 2010 No Project Conditions, Intersection Improvements: The City of Fremont has a planned improvement for the intersection of I-680 southbound ramps/Auto Mall Parkway to convert an eastbound through lane to a shared right-turn/through lane. This improvement should be added to the text on page 3.9-17, incorporated onto Figure 3.9-7 on page 3.9-18, and incorporated into the intersection level of service (LOS) calculations for all subsequent analysis scenarios. 11-42

Page 3.9-56, Impact TRN12 and Mitigation Measure TRN5: The City of Fremont has a planned improvement for the intersection of I-680 southbound ramps/Durham Road/Auto Mall Parkway that is the same as the mitigation measure (to convert an eastbound through lane to a shared right-turn/through lane). Levels of service should be recalculated with this improvement to determine whether the impact on this intersection is reduced to a less-than-significant level. 11-43

Page 3.9-63: Table 3.9-18 shows a reduction in parking supply at the existing Fremont Station from 2,330 (page 3.0-15) to 2030 for "no project" and 1880 with project in 2010. Please explain the basis for the reduction for each scenario. 11-44

Page 3.9-67 Impact TRN25-Construction period traffic impacts: The City suggests BART consider providing a morning and evening shuttle to transport BART riders from the City off-site parking lot located near the intersection of Stevenson Blvd and Civic Center Drive to mitigate the temporary removal of 200 existing spaces at the Fremont Station during construction. 11-45

Page 3.9-73, Impact TRN-Cume4: The City of Fremont has a planned improvement for the intersection of I-680 southbound ramps/Auto Mall Parkway that is the same as the mitigation measure (to convert an eastbound through lane to a shared right-turn/through lane). Levels of service should be recalculated with this improvement to determine whether the impact on this intersection is reduced to a less-than-significant level. 11-46

CHAPTER 3.10: NOISE AND VIBRATION

Page 3.10-18: The Criteria for Operational Noise Impacts indicates that "where implementation of all feasible exterior noise mitigations does not reduce noise to a level that is below the thresholds defined above, implementation of interior noise-mitigation measures that reduce interior noise to less than 45 db-Ldn is considered to mitigate significant noise impacts to a less than significant level." The City agrees with this approach, but Mitigation Measure N-1 (page 3.10-25, and 3.10-31) does not set forth this approach to exterior and interior noise as clearly. The City requests that the relationship between exterior and interior noise mitigation be set forth in Mitigation N-1, and that a target interior noise level be established in Mitigation N-1 as described on page 3.10-18. 11-47

As discussed under Aesthetic impacts (see page 3.7-25) BART has been unable to determine potential height of soundwalls. As noted earlier, the City requests that BART acknowledge and commit to working closely with the City in determining an appropriate combination of mitigations for noise impacts that will consider heights for soundwalls (and their aesthetic impacts), their noise dampening effectiveness, and the ability to mitigate interior noise levels to an acceptable standard.

Page 3.10-35 Impact N2: The SEIR indicates that there are several way to mitigate vibration, but does not provide information on the expected effectiveness of those mitigation measures. Additional information on these measures should be provided. 11-48

Page 3.10-4: Mitigation Measure N4(a) indicates that nighttime construction should be avoided in residential areas. The City recommends that BART commit to limiting its hours of construction during night-time and also indicate a limit on construction hours during the weekend to minimize impacts to residents. The City requests that such hours be maintained except under extraordinary circumstances, and then modified only after giving appropriate notice to neighbors. Although BART is not subject to the City's regulation, for information purposes, the City of Fremont's standard condition on construction hours for non-residential areas is 7 AM to 7 PM, Monday through Friday, and 9AM to 6 PM, Saturdays and Sundays. For residential areas, the hours are the same except that no construction is permitted on Sunday. 11-49

Page 3.10-50 Mitigation Measure N1: Please note that 13 new single-family homes are under construction on Rosewalk Court, west of Driscoll. 11-50

CHAPTER 5: ALTERNATIVES

Page 5-20, Bus Rapid Transit (BRT): The proposed BRT includes signal preemption and upgrade to eight intersections along the path of the proposed bus route. Please identify the eight intersections proposed for such pre-emption and discuss the impact of the signal preemption on the City's existing signal coordination system. The City is concerned that providing signal pre-emption for the BRT could have a significant adverse impact on the Level of Service at these intersections. 11-51

Pages 5-23 and 5-24 (including Tables 5-1 and 5-2), Proposed Bus Alternative, Projected Ridership Comparison: Based on the SEIR alternatives analysis, the proposed Bus Alternative would generate fewer riders than the Proposed Project with the optional Irvington Station. In particular, the SEIR states, "On the segment between the Fremont Station and the Irvington Station, the proposed Bus Alternative would only carry 54% of the ridership projected for the Proposed Project with optional Irvington Station. In the segment between the Warm Springs and Irvington Stations, the proposed Bus Alternative would carry about 64% of the ridership projected for the Proposed Project with optional Irvington Station" (p. 5-23). The City concurs that an Irvington Station would result in more BART ridership in Fremont as well as reduce the impacts associated with the bus service alternative between the Irvington community and other Fremont BART stations. 11-52

Page 5-27 Table 5-4 Linked Transit Trip: The City had expected BART to generate a much higher level of new transit trips when compared to the Bus Alternative. The City believes the BRT trips are significantly overestimated and requests further review and analysis of the model results be undertaken in cooperation with the City and other experts in transportation modeling. 11-53

Page 5-31, BRT Capital Costs: The City notes that Alameda County Measure B funding ($165.5 million) was committed specifically for a BART/rail extension and cannot be used for a Bus Rapid Transit (BRT) Alternative. 11-54

CHAPTER 6: OTHER CEQA CONSIDERATIONS:

Page 6-6, section 6.4, Project Benefits, Land Use: The SEIR mentions "a comprehensive community-based process to be undertaken by the City of Fremont in coordination with BART and other stakeholders in 2003." The City does intend to engage in such a process for the Warm Springs area, but has completed the process for Irvington and expects the Irvington Concept Plan to be acted on by the City Council in the near-term. 11-55

Thank you again for the opportunity to comment.

Sincerely,

Dan Marks
Planning Director

cc: Assistant City Manager
City Manager
Redevelopment Director
Martin Boyle

Response to Comment Letter 11 (City of Fremont, Development and Environmental Services Department)

11-1 Per the commenter's request, the following paragraph is hereby added following the second paragraph of Section 1.1 on page 1-1 of the DSEIR:

> City of Fremont staff have advised BART that this SEIR may be used by the city and its Redevelopment Agency as (1) the CEQA document for consideration of a cooperative agreement with BART to seek funding sources for, and to take preparatory steps to implement, the development of the optional Irvington Station evaluated in this SEIR; and (2) a base environmental information document for preparation of a separate EIR for a proposed redevelopment plan amendment to provide acquisition and construction funding for the Irvington Station (as further described in Section 2.3.4).

11-2 Per the commenter's request, the following text is hereby added to Table 1-5 on page 1-23 of the DSEIR:

Agency	Permit/Approval	Reason for Permit/Approval
City of Fremont and Fremont Redevelopment Agency	Cooperation Agreement and Redevelopment Plan Amendment	Funding for Optional Irvington Station

11-3 Comment noted. BART is aware of the status and current schedule of the City of Fremont's proposed grade separations project at Paseo Padre Parkway and Washington Boulevard as discussed in the comment. BART will continue to work with the City of Fremont to coordinate the design and construction of the Proposed Project with the city's proposed grade separations project.

11-4 BART will continue to work closely with the city regarding construction of the traction power substation to minimize, to the extent feasible, modification of the city's plans for its corporation yard.

11-5 The intersection of Warm Springs Boulevard and Warm Springs Court would likely satisfy a peak-hour traffic signal warrant (*Caltrans Traffic Manual,* Chapter 9, "Traffic Signal Warrants") under all project scenarios in 2010 and 2025. This is based on the projected traffic volumes along Warm Springs Boulevard and the likelihood that some BART patrons would use Warm Springs Court to access the parking lot. This does not mean that a traffic signal is necessarily desirable, however, at this location. Consideration should be given to location of other nearby traffic signals that would affect the progression of traffic flow and the provision of gaps in traffic for left-turn movements, pedestrian volumes, accident history, location of nearby schools, and other congestion indices. As the Warm Springs BART

Station plan is further developed, the exact location and number of traffic signals will be refined further.

11-6 Per the commenter's request, the last sentence of the first paragraph of Section 2.3.4 on page 2-39 of the DSEIR is hereby revised as follows:

> ~~The Redevelopment Agency is preparing a project-specific EIR on the Amended Redevelopment Plan.~~ City of Fremont staff have advised BART that the city and its Redevelopment Agency will determine the financial feasibility of proceeding with an amendment to the 1998 Amended Redevelopment Plan for the Industrial Project Area to generate funding for the optional Irvington Station after the state budget impacts on the Redevelopment Agency and other affected local property taxing entities become known later this year. If such a redevelopment plan amendment is pursued, city staff anticipate that the city and the Redevelopment Agency will prepare a project-specific EIR that will draw upon this SEIR as a source document.

11-7 As stated on page 3.14 of the DSEIR, information provided in the 1992 EIR still accurately characterizes utilities relative to the Proposed Project. The 1992 EIR analyzed potential impacts to utilities and provided Mitigation Measures 9A, 9B, 9C, and 9D to address the identified impacts. These mitigation measures, which continue to apply to the Proposed Project as indicated in Appendix B to the DSEIR, are designed to minimize potential disruption of utilities (including sewer lines and water pipelines), electrical transmission lines, pipelines, and fiber optic cables. Accordingly, issues related to utilities, both within park boundaries and outside park boundaries, will be fully coordinated with the utility owners and users such as the City of Fremont to address both temporary circumstances during construction and the permanent operations that would follow. Existing utilities are currently being identified via documentation provided by owners and soon will be located in the field. In advance of construction, conflicts would be identified and agreements made on appropriate solutions. Such solutions could consist of protections in place or relocation of the affected utility. Relocations could be either temporary or permanent and would be performed by BART contractors or by the utility itself.

11-8 Comment noted. As stated in the DSEIR on page 3.3-12, the bed of Lake Elizabeth will be restored after construction is completed. Restoration will be performed in consultation with ACFCD and the City of Fremont.

11-9 Table 3.1-1 on page 3.1-9 of the DSEIR lists projects included in the cumulative impacts analysis. The City of Fremont Corporation Yard was known to be under construction and was therefore included in the Proposed Project impact analysis. (See references on page 3.4-32 of Section 3.4 and in Table 3.6-8 on page 3.6-14 of the DSEIR.)

The status of the Fremont Oak Gardens (Deaf Senior Retirement Corporation) project as fully entitled is noted. This project was identified as an approved development in Table 3.1-1 in the DSEIR. The Fremont Oak Gardens project was included in the impact analysis. (See

reference on page 3.10-47 of Section 3.10 of the DSEIR concerning cumulative noise impacts.)

Construction of the Rosewalk Court development had not begun when the Notice of Preparation (NOP) for the Warm Springs Extension SEIR was issued in March 2002. Because the Rosewalk Court residences now under construction were not an existing condition when the NOP was issued, the development was not included in the baseline of existing conditions for purposes of the DSEIR analysis of project-specific impacts. CEQA Guidelines Section 15125(a). The development would be considered a "probable future project" for cumulative impacts analysis. CEQA Guidelines Section 15130(b). However, the City of Fremont did not include it in the list of pending or entitled development projects provided in response to BART's request for the city's list of projects for consideration in the cumulative impacts analysis. As a result, this project was not listed in Table 3.1-1 of the DSEIR. For completeness, the Rosewalk Court development is hereby added to the list of projects in Table 3.1-1 of the DSEIR:

Development	**Location**	**Size**	**Description**
Rosewalk Court	adjacent to the east side of the Proposed Project alignment at 2869 Driscoll Road north of Washington Boulevard.	13 single-family units	Redevelopment of an existing detached single-family parcel into 13 single-family detached planned units.

Although future residents of the Rosewalk Court development might contribute to or be affected by cumulative impacts, the addition of this limited number of residences does not alter the analysis, conclusions, or mitigation measures for cumulative impacts identified in the DSEIR. The following discussion explains the reasons for this conclusion.

The Rosewalk Court development currently under construction is a residential development of 13 single-family units located adjacent to the east side of the Proposed Project alignment at 2869 Driscoll Road north of Washington Boulevard. The development is accessed from Driscoll Road. The Rosewalk Court development is redeveloping an existing detached single-family parcel into 13 single-family detached planned units. The City of Fremont determined that no environmental impacts would result from the redevelopment of the parcel.[7]

Cumulative impacts could occur from the Rosewalk Court development in combination with the Proposed Project and the projects listed in Table 3-1.1 of the DSEIR. Potential cumulative impacts would be traffic level of service changes to roadways in the transportation study area and noise and vibration effects. However, because of the small scale of the Rosewalk Court development and the previously developed nature of the site, the Rosewalk Court development, in combination with the Proposed Project and other projects identified in Table 3.1-1, would not be likely to contribute to additional cumulative impacts beyond those presented in the DSEIR.

[7] Personal communication with Kathleen Livermore, Planner, City of Fremont, May 28, 2003.

As mentioned above, the Rosewalk Court development could contribute to cumulative traffic impacts in the Proposed Project transportation study area because it could add up to 13 additional peak-hour vehicle trips to the roadway network in the study area. This limited number of additional trips would not affect the intersection level of service analysis that was reported in the DSEIR. No intersections or interchanges in the vicinity of the Proposed Project and the Rosewalk Court development that were analyzed as part of the operational, construction-period, or cumulative impacts analysis in the DSEIR would experience a level of service change from the addition of this small number of peak-hour vehicle trips.

Also as mentioned above, the Rosewalk Court development is located adjacent to the Proposed Project alignment and would be expected to experience noise impacts. The Rosewalk Court development includes construction of an 8-foot-tall privacy wall separating the development from the existing Union Pacific right-of-way and the Proposed Project alignment. Although the privacy wall would likely reduce the potential for the development to experience Proposed Project cumulative noise impacts, the two single-family housing units immediately adjacent to the Proposed Project alignment would be expected to experience cumulative noise impacts. However, noise mitigation proposed for adjacent receptors to the north and south of the development would provide noise mitigation for the development. Therefore, with mitigation, no significant impacts would be expected to occur (see Section 3.10.4, *Noise and Vibration Impact Assessment and Mitigation Measure*, of the DSEIR). The total number of sensitive receptors located in the alignment segment between Paseo Padre Parkway and Washington Boulevard that would experience operational noise impacts would increase from 44 to 46.

> The number of significant impacts on the fifth row, last column of Table 3.10-16 of the DSEIR is hereby revised from ~~44~~ to 46.

Further, the Rosewalk Court development is located in a segment of the Proposed Project alignment in which potentially significant and unavoidable operational vibration impacts are predicted to occur. Up to ten vibration-sensitive receptors within the development could experience vibration impacts. The number of vibration impacts in the alignment segment between Paseo Padre Parkway and Washington Boulevard reported in Table 3.10-10 of the DSEIR would change from eight receptors to 18 receptors.

> The number of residences exposed to significant impacts on the fifth row, last column of Table 3.10-10 of the DSEIR is hereby revised from ~~8~~ to 18.

Mitigation measures identified for vibration-sensitive receptors to the north and south of the Rosewalk Court development in this segment of the Proposed Project alignment would be applied in the same manner to provide vibration mitigation to the Rosewalk Court development.

Regarding other potential cumulative impacts discussed throughout the DSEIR, the Rosewalk Court development is not expected to alter any of the analysis, conclusions, or mitigation measures (as applicable), based on the location and modest size of that project.

11-10 Figure 3.4-1a of the DSEIR identifies hydrologic features in Fremont Central Park that were existing conditions at the time that the NOP for the project was issued and therefore were included in the hydrology and water quality analysis.

To accurately reflect the current status of the dredge ponds, the end of the last paragraph on page 3.3-5 of the DSEIR, beginning with the last sentence on page 3.3-5, is hereby revised as follows:

> The lake is periodically dredged to maintain floodwater storage capacity, and dredge spoils are retained in a bermed area north of the lake and two dredge ponds with an aggregate area of approximately 20 acres west of the lake. ~~The ponds are maintained by Fremont Central Park staff.~~ The two dredge ponds west of the lake were maintained by the City of Fremont as temporary dredge ponds; the ponds no longer exist.

11-11 Mitigation Measure H8 is designed to incorporate appropriate stormwater management controls for the Proposed Project. The functionality of New Marsh as a filter for stormwater runoff entering Lake Elizabeth would be addressed in consultation with ACFCD and the City of Fremont during and after construction of the Proposed Project. Options for maintaining this connection will be identified and incorporated into the stormwater management system.

11-12 Comment noted. As discussed in the DSEIR on page 3.3-17, because effects of dewatering on shallow groundwater would be temporary and localized, they are expected to be less than significant. However, BART will coordinate with the City of Fremont to ensure that irrigation water is available if any temporary reduction occurs in the availability of well water for this purpose during project construction.

11-13 Comment noted. Active management of the water level in Lake Elizabeth is only one of the options in Mitigation Measure H11(b), which is a contingent mitigation measure designed to take effect only if construction cannot be completed outside the dry season (see Mitigation Measure H11[a]). BART will confer with City of Fremont staff to coordinate the implementation of Mitigation Measure H11(b) if necessary to address recreational uses during construction.

11-14 Mitigation Measure H3 is designed to mitigate the loss of flood storage capacity at Tule Pond South by providing an equal or greater amount of replacement storage capacity BART will confer with ACFCD during both preliminary engineering and final design engineering regarding implementation of this measure during construction and operations.

11-15 The area indicated in Figure 3.4-2 of the DSEIR has been proposed by the U.S. Fish and Wildlife Service (USFWS) as critical habitat coverage for 15 vernal pool species. This information was provided to Jones & Stokes in a GIS layer from USFWS. The data was sent via email with the following disclaimer: "Although legal descriptions were made from GIS coverages or other map documents, legal descriptions as published in the Federal Register always take precedence."

Although the comment indicates that only half of the Pacific Commons project area is designated for habitat restoration and maintenance, the area indicated is proposed as critical habitat for vernal pool species according to the USFWS GIS data. USFWS was contacted to verify whether there have been any modifications to the proposed critical habitat since receipt of the GIS layer in November 2002. At that time USFWS conveyed that final vernal pool critical habitat is being prepared and the coverage should be available for release around August 1, 2003.

11-16 BART notes that the city has adopted revised policies for tree preservation during the preparation of the DSEIR. Page 3.4-32 of the DSEIR is hereby revised to reflect the amended policies. The second sentence in the last paragraph on page 3.4-32 is hereby revised as follows:

> The ordinance ~~currently~~ requires that a permit be obtained for the removal of any tree with a trunk diameter of 4 6 inches or more, measured at 4 4.5 feet above the ground.

In addition, footnote 8, which relates to the proposed amendment to the Tree Preservation Ordinance, is hereby deleted.

11-17 The riparian forest referred to in the comment consists mainly of native species but does include some non-native species such as Himalaya blackberry. A detailed list of the plant species identified in the riparian areas is provided in the wetland delineation (Appendix K of the DSEIR).

Per the commenter's request, Mitigation Measure BIO9(b) on page 3.4-41 of the DSEIR is hereby revised as follows:

> Replacement trees will belong to a native species such as coast live oak (*Quercus agrifolia*), California buckeye (*Aesculus californica*), California bay laurel (*Umbellularia californica*), or other appropriate species native to the Fremont area or similar to the mix of species removed during construction activity.

11-18 BART notes Fremont's recently adopted Tree Preservation Ordinance and the "presumptive qualifications" for Landmark Tree status. Mitigation Measure BIO9 on page 3.4-40 of the DSEIR, requires BART to conduct a tree survey and compensate for trees removed as specified. However, BART agrees that "worthwhile trees" should be maintained in place, if it is reasonable to do so. As more detailed plans are developed, it may be reasonable to preserve a greater number of trees in place.

11-19 Prior to draining the affected portion of Lake Elizabeth, the waters would be cleared of fish by netting fish and transplanting them to the main portion of the lake. Appropriate procedures would be established for conducting this operation to minimize harm to the fish.

11-20 As noted on page 3.4-51 of the DSEIR, there are approximately 20 to 30 trees at the Irvington Station site with a diameter greater than 4 inches (at 4 feet in height), which would

be compensated for through Mitigation Measure BIO9. As conceptual plans for the optional Irvington Station are refined, it may be reasonable to preserve some of these trees in place. See the response to comment 11-18.

11-21 Text beginning on page 3.5-2 of the DSEIR is hereby revised as follows to reflect the new location of the Fremont City Hall:

> The Fremont City Hall is located at the corner of Liberty and Capitol Avenue. The Alameda County Library and Police Building are located at Civic Center Drive and Stevenson Boulevard, immediately adjacent to Fremont Central Park. ~~Civic Center, located on Stevenson Boulevard at Civic Center Drive, includes the City Hall, the main library, and the police department headquarters.~~

11-22 The following language is incorrect and is hereby deleted from the fourth full paragraph of page 3.5-6 of the DSEIR per the commenter's request:

> ~~Since preparation of the 1992 EIR, the city has approved several rezoning requests of formerly industrial land for single-family residential development east of Civic Center Drive and north of Stevenson Boulevard adjacent to the reserved Proposed Project corridor.~~

11-23 The following heading text is hereby added on page 3.5-22 of the DSEIR, preceding the heading "City of Fremont Zoning":

> Redevelopment Plan for the Irvington Redevelopment Project

The City of Fremont's Amended and Restated Redevelopment Plan for the Irvington Redevelopment Project adopted July 7, 1998, contains relevant objectives that would be facilitated by the Proposed Project, and in particular the optional Irvington Station. Relevant goals and objectives of the plan include the following.

- The potential development of an Irvington BART Station in support of the extension of the BART Fremont line and the provision of ancillary transportation facilities and services that use Irvington as a transportation hub, all in support of the commercial and residential portions of the Irvington redevelopment project area.
- The gradual transition and intensification of uses in proximity to the Irvington BART Station in a manner that is compatible with existing development in the Irvington community.

These goals and objectives of the city's Redevelopment Plan for the Irvington Redevelopment Project provide additional support for the conclusions in the DSEIR regarding the Proposed Project's consistency with local land use plans and policies. See DSEIR Section 3.5 (*Land Use and Planning*), Section 5.7 (*Project Goals and Objectives*), and Section 6.4 (*Project Benefits*).

11-24 As discussed in Section 3.5 (*Land Use and Planning*) of the DSEIR, BART agrees that the Proposed Project is consistent with the *Fremont General Plan*.

11-25 Per the commenter's request, the last sentence of the second paragraph under "Irvington Planning Area" on page 3.5-17 of the DSEIR is hereby amended as follows:

> In keeping with the *General Plan* recommendations, the city is in the process of working with the community to create the Draft Irvington Concept Plan, currently in draft form, which seeks to set forth a vision for revitalization of the Irvington District. City of Fremont staff have advised BART that the city and Redevelopment Agency will determine the financial feasibility of proceeding with this amendment to the 1998 Amended Redevelopment Plan after the state budget impacts on the Redevelopment Agency and other affected property taxing entities becomes known later this year.

11-26 Comment noted. BART will comply with applicable requirements of state law regarding park lands used for non-park purposes (Public Park Preservation Act of 1971).

11-27 As discussed in the DSEIR on page 3.5-34, it is BART's policy to encourage infill and transit-oriented development surrounding new BART station locations, including the proposed Warm Springs and optional Irvington Stations, 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 policies. The DSEIR does not propose any specific mix of land uses near station sites; rather, it states that residential uses typically are encouraged as part of transit-oriented development. BART acknowledges that there are various kinds of transit-oriented development and that higher intensity commercial use near stations can provide significant support to a transit system. Future proposed development in the proposed station areas will be subject to review by the city, which will include an evaluation of types of land uses and ridership outcomes appropriate near the stations. BART looks forward to consulting and cooperating with the City of Fremont as the city develops land use plans for areas surrounding the proposed Warm Springs and optional Irvington Station sites.

11-28 Comment noted. The following paragraph is hereby added after the last paragraph on page 3.5-33 of the DSEIR:

> In addition, BART's conceptual design of the Warm Springs Station is designed to accommodate construction of a future pedestrian bridge to the west, over the adjacent UP tracks, as illustrated in Figure 2-6b. This access to the area west of the railroad corridor would allow future access to a large amount of vacant and underutilized land and an existing major employment generator, which would enhance future development and ridership opportunities.

BART concurs that this opportunity for pedestrian access provides additional support for the conclusions in the DSEIR regarding the Proposed Project's consistency with BART's System Expansion policies. See DSEIR Section 3.5 (*Land Use and*

Planning), Section 5.7 (*Project Goals and Objectives*), and Section 6.4 (*Project Benefits*).

11-29 BART acknowledges that no decision has been made regarding the types of land uses that will be appropriate adjacent to the proposed Warm Springs Station. See the response to comment 11-27.

11-30 Comment noted. As provided in Mitigation Measures LU3, POP7, and TRN25, BART will coordinate with the city to develop plans for construction activity management. Coordination with the city will occur during final design of the Proposed Project and will address affected park facilities, maintenance structures, and utilities.

11-31 Per the commenter's request, the following text in the first paragraph of Impact POP2 on page 3.6-12 of the DSEIR is hereby deleted:

> ~~Changes in land use designations implemented by the City of Fremont since 1992 in the area surrounding the proposed Warm Springs Station would allow for more mixed-use development and could indirectly encourage growth.~~

11-32 See the response to comment 11-30.

11-33 The two ventilation structures in the two-structure option would be screened in the same manner as is depicted in Figure 3.7-6 – Viewpoint 4 of the visual simulations (page 3.7-16 of the DSEIR). The vegetation as depicted in the lower image of the simulation would be approximately 5 years old, which is not yet fully mature.

11-34 To acknowledge the voluntary consultation requested by the commenter, the following bullet is hereby added to Mitigation Measure A4 on page 3.7-28 of the DSEIR:

> Consult with the City of Fremont regarding the design of the Warm Springs Station, including consideration of city comments developed through voluntary participation in informal design review meetings prior to finalization of the station plans.

11-35 Mitigation Measure A5(i) and (ii) are designed to address the secondary visual impacts of soundwalls that are utilized as mitigation for noise impacts. In addition, as noted in the DSEIR on pages 3.10-18 to 3.10-19, where implementation of all feasible exterior noise mitigation does not reduce noise to a less-than-significant level, implementation of interior noise mitigation measures to reduce interior noise to less than 45 db-Ldn is considered adequate to mitigate noise impacts. As more detailed engineering design is developed, BART will verify exact heights and locations of soundwalls. BART will prepare detailed design drawings and specifications of soundwalls, including plans for landscaping and aesthetic surface treatments as required by Mitigation Measures A5(i) and (ii). BART will confer with the City of Fremont on this issue as design of the Proposed Project proceeds.

11-36 To acknowledge the voluntary consultation requested by the commenter, the following bullet is hereby added to Mitigation Measure A7(a) on page 3.7-28 of the DSEIR:

Consult with the City of Fremont regarding the design of the optional Irvington Station, including consideration of city comments developed through voluntary participation in informal design review meetings prior to finalization of the station plans.

11-37 The possibility that significant and unavoidable vibration impacts may remain after implementation of Mitigation Measure N2 was acknowledged in the DSEIR because there may be situations where implementation of all feasible mitigation would not reduce the vibration impacts to a less-than-significant level. It is possible that Mitigation Measure N2 may not be effective for certain residences located as close as 20 feet from the proposed BART tracks. However, Mitigation Measure N2 is expected to be adequate to mitigate vibration impacts to a less-than-significant level at the Horner House because the Horner House is located over 150 feet from the Proposed Project.

11-38 Per the commenter's request, the text of Mitigation Measure CR6(b) on page 3.8-26 of the DSEIR is hereby amended as follows:

The results of the study will be identified, catalogued, and deposited with the California Historical Resources Regional Information Center.

11-39 Footnote (d) is hereby added to Table 3.9-3 on page 3.9-12 of the DSEIR as follows:

(d) The SEIR text and tables refer to intersection 1 as Osgood Road/Durham Road/Auto Mall Parkway. The City of Fremont's naming convention for this intersection is Osgood Road/Auto Mall Parkway.

11-40 Footnotes (e) and (f) are hereby added to Table 3.9-3 on page 3.9-12 of the DSEIR as follows:

(e) The SEIR text and tables refer to intersection 2 as I-680 SB Ramps/Durham Road/Auto Mall Parkway. The City of Fremont's naming convention for this intersection is I-680 SB Ramps/Durham Road.

(f) The SEIR text and tables refer to intersection 3 as I-680 NB Ramps/Durham Road/Auto Mall Parkway. The City of Fremont's naming convention for this intersection is I-680 NB Ramps/Durham Road.

11-41 The following sentence is hereby added at the end of the first paragraph under "Parking" on page 3.9-15 of the DSEIR:

There are currently 92 spaces set aside for monthly permits at the Fremont BART Station, at a price of $63.00 per space per month.

11-42 Programmed intersection improvements in the City of Fremont to be used in the SEIR analysis were provided by city staff. City staff did not include the improvement noted in the

comment, and therefore the improvement was not considered as part of the existing conditions for the traffic analysis. The city's programmed intersection improvements are the same as those described in Mitigation Measure TRN5 in the DSEIR. Should this programmed intersection improvement be implemented prior to construction of the Proposed Project, implementation of Mitigation Measure TRN5 would be superseded, and no additional work would be necessary at the I-680 southbound ramps/Auto Mall Parkway intersection to mitigate Proposed Project impacts. As noted in the DSEIR, Mitigation Measure TRN5 would apply to several scenarios for 2010 and 2025 conditions (identified as Impacts TRN5, TRN 9, TRN12, TRN17, TRN-Cume2, and TRN-Cume4). Each of these impacts would be addressed by implementation of the city's programmed intersection improvements, and no additional work would be necessary to mitigate Proposed Project impacts under these scenarios.

11-43 See the response to comment 11-42.

11-44 The number of parking spaces currently at the Fremont BART Station, noted in the comment, is a typographical error. The first sentence in the first paragraph under "Parking" on page 3.9-15 of the DSEIR is hereby amended as follows:

> There are currently ~~2,330~~ 2,030 spaces at the Fremont BART station for BART patrons.

Table 3.9-18 is correct, indicating 2,030 spaces at the Fremont BART Station under the 2010 no-project and 2025 no-project conditions. The reduction by 150 spaces (from 2,030 to 1,880 spaces) under each project condition is attributed to construction of an aerial structure in the parking lot to accommodate the Proposed Project extension south towards Warm Springs.

11-45 Mitigation Measure TRN25 (Develop and implement a construction phasing and traffic management plan) requires BART to consult with the City in developing the plan. A morning and evening shuttle service between an off-site parking area and the Fremont BART Station during construction may be considered as an element of the plan, if necessary and appropriate.

11-46 See the response to comment 11-42.

11-47 Comment noted. See the response to comment 11-35 regarding the secondary visual impacts of noise-mitigating soundwalls. BART recognizes that extremely high soundwalls may be infeasible due to unacceptable visual impacts in some instances.

As specified in Mitigation Measure N1, all feasible exterior noise mitigation methods will be utilized. However, as noted in the DSEIR on pages 3.10-18 to 19, if such mitigation does not suffice to meet the appropriate noise standards, reducing interior noise to less than 45 dB-Ldn is considered adequate to prevent significant impacts. To clarify that intent, the following text is hereby added to the end of the first bullet in Mitigation Measure N1 on 3.10-31 of the DSEIR:

Where implementation of all feasible exterior noise mitigation does not reduce noise below the thresholds identified in Tables 3.10-3 and 3.10-4 in the DSEIR, implementation of interior noise-mitigation measures to reduce interior noise to less than 45 dB-Ldn is considered adequate to mitigate noise impacts to a less than significant level.

11-48 The effectiveness of each vibration-dampening measure listed in Mitigation Measure N2 is specific to the situation in which it is used and how it is combined with other measures. For instance, ballast mats will work only in locations with ballast and tie track; resilient fasteners will not work for ballast and tie track, but are suitable for direct fixation only. The effectiveness of mitigation in specific situations cannot be determined until the detailed vibration mitigation design is developed. Therefore, there may be some situations where vibration impacts cannot be mitigated to less than significant, and the impact would be considered significant and unavoidable.

11-49 Hours of construction would be determined based on the type and location of construction being conducted. It is anticipated that construction in residential areas will generally take place between 7:00 a.m. and 7:00 p.m. weekdays, and between 9:00 a.m. and 6:00 p.m. weekends. When these normal work hours need to be exceeded, BART community relations staff will work with the city and affected residents to communicate working hours and other construction-related concerns.

11-50 See the response to comment 11-9, above, for a complete discussion of potential cumulative impacts of the Proposed Project together with the Rosewalk Court development.

11-51 The following eight signals are assumed to be most likely to be adjusted to accommodate BRT signal preemption.

a. Walnut Avenue at Fremont BART Station

b. Walnut Avenue at Paseo Padre Parkway

c. Stevenson Boulevard at Paseo Padre Parkway

d. Grimmer Boulevard at Paseo Padre Parkway

e. Auto Mall Boulevard at Grimmer Boulevard

f. Grimmer Boulevard at Warm Springs Boulevard

g. Warm Springs Transit Center at Warm Springs Boulevard

h. Mission Boulevard at Warm Springs Boulevard

The proposed Bus Alternative was designed to provide a reasonable alternative for comparison to the Proposed Project, as required in a CEQA alternatives analysis. See CEQA Guidelines Section 15126.6. Significant effects of an alternative may be discussed in less detail than the significant effects of the project as proposed. Accordingly, the Bus Alternative incorporated reasonable assumptions regarding the feasibility of signal preemption. BART agrees that the feasibility of signal preemption at the eight intersections

may be constrained by the need to avoid secondary adverse impacts on the level of service at those intersections. If signal preemption at some or all of the intersections were to prove infeasible, ridership on the Bus Alternative and its associated benefits (e.g., congestion relief, air quality, energy) could be reduced.

11-52 Comment noted.

11-53 As noted above, proposed Bus Alternative was designed to provide a reasonable alternative for comparison to the Proposed Project. The proposed Bus Alternative was developed with the cooperation of the local bus service providers, AC Transit and VTA, and AC Transit considers it a "high quality analysis [which] represents a model that should be used for analyzing alternatives in other transit corridors" (see comment letter 4). The transportation analysis for the Proposed Project was conducted with conservative ridership assumptions to avoid overstating the future ridership and benefits of the Proposed Project, in itself and in relation to the Bus Alternative. BART understands that the City believes the Bus Alternative new transit trips are significantly overestimated. However, the comment does not identify any specific points that would cause this overestimation. In response to the city's request, BART staff is coordinating with city staff to go over the model results. In order to assist the city in conducting any further review and analysis, BART is willing to provide any relevant and available existing documentation the city may require regarding the modeling that has been done. At this time, BART considers the modeling and transportation for the Proposed Project and the Bus Alternative to be accurate and complete. However, BART acknowledges that, to the extent the analysis may have incorporated overly conservative assumptions, ridership associated with the Proposed Project (in itself and in relation to the Bus Alternative) could be higher.

11-54 Comment noted. It is correct that Measure B funding for this project is committed specifically for a rail extension to Warm Springs. The proposed Bus Alternative would be ineligible for Measure B funds.

11-55 Per the clarification made by the commenter, the paragraph under "Land Use" on page 6-6 of the DSEIR is hereby revised as follows:

> Rather, land use intensification through transit-oriented development (TOD) and access planning surrounding future station sites is being ~~will be~~ addressed through a comprehensive community-based process. For the area surrounding the optional Irvington Station site, this process has already resulted in the Draft Irvington Concept Plan, which the City Council is expected to act on in the near-term. A similar process will be undertaken by the City of Fremont in coordination with BART and other stakeholders in 2003 for the Warm Springs BART Area Specific Plan.