



CITY OF MILPITAS

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MAY 09 2003

ENVIRONMENTAL PROGRAM
TRAINER SYSTEM DEVELOPMENT

May 5, 2003

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

SUBJECT: DRAFT SEIR for the BART Warm Springs Extension (WSX)

Dear Mr. Wenzel:

The City of Milpitas appreciates the opportunity to review and comment on the Draft Supplemental Environmental Impact Report (DSEIR) for the proposed San Francisco Bay Area Rapid Transit (BART) Warm Springs Extension of BART through Fremont to southern Alameda County. City staff has reviewed the proposed project and does not have any comments at this time.

12-1

If you have any questions regarding the above, please contact Acting Associate Planner, Troy Fujimoto, at (408) 586-3287.

Sincerely,

Tambri J. Heyden, AICP
Planning Manager

CC: file

Response to Comment Letter 12 (City of Milpitas)

12-1 No comments were submitted on the DSEIR.



LEAGUE OF
WOMEN VOTERS
OF THE BAY AREA

An Inter-League Organization of the San Francisco Bay Area

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MAY 09 2003

STATIONING PROGRAM
TRANSIT SYSTEM DEVELOPMENT

May 9, 2003

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

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

Dear Mr. Wenzel:

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

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

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

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

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

13-1

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

13-2

Regional policies clearly call for transit oriented development at major investments such as BART stations. Proceeding with such an investment without such plans constitutes a negative public policy impact, thwarting regional and state attempts at "Smart Growth." It is not at all clear what land use assumptions were used. In fact, it is stated in the 3rd paragraph, pg. 3.5-34, "there are no specific proposals for transit-oriented development at the Warm Springs Station site. Any analysis of potential environmental impacts would be highly speculative."

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

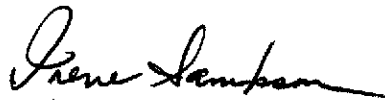
- more specific land use designations in the station area. 13-3
- study of a reasonable cost effective, "apples to apples," alternative like commuter trains on standard gauge rail with connectivity to other rail/bus systems at hubs. This would meet the basic objective to close the transit gap between Alameda County and San Jose and satisfy all the Goals and Objectives stated on pages ES-12, 13. Comparing a bus system to a rail system is not an "apples to apples" comparison so it is not a reasonable alternative. 13-4
- assured funding for the construction for the Silicon Valley Rapid Transit Corridor. The analysis in this SEIR has been based on this project as a part of that corridor. The viability of this project as a stand-alone project will need to be analyzed in a subsequent EIR. Warm Springs is not a regional destination that will attract a large number of new riders so its financial feasibility is doubtful. 13-5

No scoping comments seem to have been included in the report so we have attached ours. We appreciate your consideration of our comments as we all work together for better regional transportation planning and a better regional transportation system. 13-6

Sincerely,



Eva Alexis Bansner
President



Irene Sampson
Transportation Co-Chair



Joyce Roy
Transportation Co-Chair



League of Women Voters of the Bay Area

An Inter-League Organization of the San Francisco Bay Area

April 14, 2002

COPY

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

Re: Scoping for Supplemental Environmental Impact Report for the BART Warm Springs Extension
Project in Fremont, CA

Dear Mr. Wenzel:

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

In order to build the most effective regional transportation system, alternative transportation investments need to be evaluated. Alternatives to the BART Extension would be expected to include standard rail, commuter rail, light rail, and express bus service.

These are the same alternatives that we have proposed for the EIS/EIR for the Silicon Valley Rapid Transit Corridor as this project is part of that corridor and has no viability as a stand alone project. This is clear from the Alameda County's 20-Year Transportation Expenditure Plan which describes this project as "BART Extension to South Fremont (to connect to Santa Clara County Extension) -BART." It further states: "This project funds the first phase of a BART rail extension that will ultimately extend into Santa Clara County."

Standard Rail Alternative: An obvious standard rail alternative for evaluation is increased service on the Capitol Corridor line on improved tracks with both express service and local service to more stations. Connection with the ACE train and BART anticipated at Union City seems appropriate for this alternative. Added trains, new platforms and other equipment should be state-of-the-art for ease of boarding by pedestrians, bicycles, wheelchairs and strollers.

Commuter Rail Alternatives worthy of evaluation are:

- 1) The commuter rail line that was planned by VTA to connect to BART at their Union City Station and
- 2) A commuter rail from a BART-Regional Rail transfer station at Shinn in Fremont that connects to ACE and then follows the same right of way as the proposed BART Extension.

The commuter rail alternatives should be fully electrified overhead, have improved tracks and state-of-the-art equipment. Some minor crossings would not need the complete grade separations that the electric third rail alternative requires. The same frequency of service as proposed for BART/VRT, including both express and local service typical of commuter rail, should be evaluated.

Light Rail Alternative: A motivating force in the BART to San Jose project was getting workers to Silicon Valley work places in the face of mounting congestion and housing prices. This motivation seems appropriately a goal of the project. The light rail alternative should evaluate concurrent redevelopment of underutilized land in the light rail corridors for housing and associated amenities. Improvements to the light rail system would be extension of light rail to meet BART in Alameda County and provision of seamless light rail connections to Capitol Corridor and Ace service.

Commuter Bus Alternative: An advanced bus system is the final, logical alternative we would expect to be included. Bus systems now available can cut loading times with translink fare systems, wider doors and folding seats. Running times can also be made more attractive using signal preemption and separate bus lanes or queue-jump pockets. Bus routing methods used in San Diego to link major destinations might be able to build on the ridership of VTA's current system of free shuttles to major employers, carrying more riders, more cost-effectively.

Alternatives should be compared over 5, 10, 20 and 30-year time frames to assess:

- Total cost, including financing costs.
- Cost per new rider.
- Travel times.
- Time frames for initiation of service with range of possible funding projections.
- Effect on air quality
- Impact of construction on adjacent communities.
- Potential to accommodate future high speed rail.
- Potential to stimulate transit oriented land use

Public resources for improving transit use in conjunction with efficient land use are limited. To assess alternatives for achieving maximum environmental benefits with limited transit funds, Federal New Starts Project Justification Criteria should be applied:

- mobility improvements;
- environmental benefits;
- operating efficiencies;
- cost-effectiveness
- transit-supportive existing land use, policies and future patterns

As previously stated, we expect this SEIR for the BART Warm Springs Extension will be coordinated with the EIS/EIR for the Silicon Valley Rapid Transit Corridor as the system proposed is for one set of trains on one set of tracks.

Thank you for your attention to our scoping comments. We think that incorporation of our suggestions will help inform regional transportation planning for a vital part of our region.

Sincerely,

Tamra C. Hege, President
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(510) 832-4261
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Joyce Roy, Co-Director, Transportation
258 Mather Street
Oakland CA 94611
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joyceroy@earthlink.net

Response to Comment Letter 13 (League of Women Voters of the Bay Area)

- 13-1** The comment is correct that, as noted in the DSEIR on page 3.5-34, the city’s planning efforts for the areas surrounding the Warm Springs Station have not yet been completed. However, the conclusion that the proposed Bus Alternative would not be as successful as the Proposed Project in promoting transit-oriented development (TOD) is based, in part, on differences between the effectiveness of fixed-rail and bus transit investments in attracting TOD, not on any specific proposals for the Warm Springs Station area. As discussed in the response to comment 4-2, while transit-oriented development could occur surrounding transit centers developed to serve the Bus Alternative, the rail system and station infrastructure that would be developed as part of a BART system extension would more likely foster concentrated, quality development in the proposed station areas. The development of BART infrastructure in the Irvington and Warm Springs areas would represent a major, permanent public investment in the proposed station areas that would be more amenable to private developers than bus stations as potential nodes for making long-term real estate investments.

In addition, as described in Chapter 5 (*Alternatives Analysis*) of the DSEIR, the Proposed Project is more likely than the Bus Alternative to promote transit-oriented development and smart growth surrounding the proposed station sites because that the Proposed Project better conforms with the city’s land use and redevelopment goals, which advocate intensification of land uses in conjunction with rail transit opportunities in both the Warm Springs and Irvington areas. Land use intensification through transit-oriented development and access planning surrounding future station sites has been addressed for the area surrounding the optional Irvington Station through a comprehensive community-based process undertaken by the City of Fremont during the development of 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 (see comment letter 11). An in-depth planning process will be undertaken by the City of Fremont to develop the Warm Springs BART Area Specific Plan, in coordination with BART and other stakeholders.

- 13-2** As stated in the DSEIR, the proposed Warm Springs Station site is located in the Industrial Planning Area, which is comprised of 4,000 acres and extends from Warm Springs Boulevard to the Baylands Planning Area west of Interstate 880. The *Fremont General Plan* does state that the “land use plan conserves the majority of designated industrial land for future industrial development.” The *Fremont General Plan* also states that, “To make optimal use of the access provided by a future (Warm Springs) BART Station, the City is designating this area for consideration of alternative land uses. Conversion to residential use is one of the options under consideration.” As noted in the response to comment 4-5 and as discussed in the DSEIR on 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. Accordingly, the industrial designation is expected to be modified as part of the Specific Plan process.

The Proposed Project is the 5.4-mile extension of the BART system from Fremont Station to a proposed station at Warm Springs, with an optional station at Irvington. Although the

Proposed Project does not itself include any development at station sites, the stations have been designed to encourage and accommodate future transit-oriented development. The statement on page 3.5-34 of the DESIR that “there are no specific proposals for transit-oriented development at the Warm Springs Station site” was included to emphasize that the WSX DSEIR does not include future development, and that future development at station sites would be subject to future environmental review by the City of Fremont. As a result, additional redevelopment and land use intensification that is anticipated by the City of Fremont, but is not yet included in the Alameda County Congestion Management Agency’s model, were not included in the DSEIR analysis. See the response to comment 6-2. Accordingly, the projected ridership and resulting congestion relief air quality and energy benefits discussed in 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 these benefits beyond those discussed in the DSEIR.

13-3 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 Warm Springs BART Area Specific Plan, and one objective of the process is to determine more specific land use designations. In addition, the Specific Plan will identify development constraints, development opportunities, and provide land use criteria, development densities, and design guidelines for the coordinated development of the station area. The City Council authorized staff to begin preparation of a Warm Springs BART Area Specific Plan, and a consultant team has been retained to prepare the analysis. City staff (with advice and assistance from BART) has developed the Specific Plan scope of work, which is currently scheduled for approval by the Fremont City Council on June 24, 2003. See also the response to comment 13-5.

13-4 The proposed Bus Alternative is a reasonable alternative to the Proposed Project. AC Transit considers the Proposed Bus Alternative a “high quality analysis [that] represents a model that should be used for analyzing alternatives in other transit corridors” (see comment letter 4). The proposed Bus Alternative offers the most reasonable, feasible comparison to the Proposed Project, and also incorporates enhanced bus service south to Santa Clara County. As illustrated by the relatively high ridership numbers for the Bus Alternative (6,300 linked transit trips in 2025 compared to 9,100 for the Proposed Project), the Bus Alternative is a viable alternative.

To conduct an “apples to apples” comparison, the type of transit service (e.g., commuter versus inter-city), hours of service, and geographic area served for the various alternatives must be similar. CEQA does not require detailed analysis of infeasible alternatives, and as discussed in Section 5.3 of the DSEIR, commuter rail service was considered for analysis and rejected as infeasible. For instance, the Capitol Corridor system serves a different market with few stops, and the Capitol Corridor alignment along the bay is inaccessible for many patrons. Capitol Corridor is constrained by using the same tracks as the Union Pacific freight line, which makes for a more circuitous, and therefore longer trip, than would otherwise be

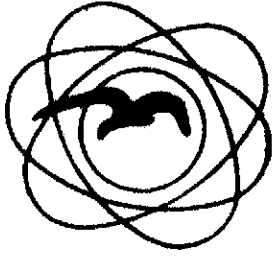
the case. Much of the Capitol Corridor is also single-track line, which makes any expansion more difficult or even prohibitive in environmentally sensitive areas, such as over wetlands.

- 13-5** The comment is incorrect. The analysis in the WSX DSEIR does analyze the Warm Springs Extension as an independent, stand alone project, not as part of the Silicon Valley Rapid Transit Corridor (SVRTC) project. However, BART is also required by CEQA to examine cumulative impacts of a proposed project together with other past, present, and reasonably foreseeable future projects. CEQA Guidelines Section 15130. For that reason, the reasonably foreseeable possibility that the proposed SVRTC project may be adopted by VTA was examined as part of the cumulative impacts discussion in the document to comply with the requirements of CEQA. Other than in the sections identified as cumulative impact analyses, all analyses of the Proposed Project's ridership and associated benefits for congestion relief, air quality, and energy are independent of the SVRTC project and would occur regardless of whether the SVRTC project is ever built.

BART believes that the Warm Springs Station has the potential to attract a large number of new riders even though it is not currently "a regional destination." While specific land use designations in the station areas are not yet in place, the planning processes for these areas are currently underway as discussed above and in the DSEIR. 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.

- 13-6** The commenter has attached previous comments submitted during the scoping process for the DSEIR. The alternatives raised in the scoping comments (increased Capitol Corridor service, commuter rail, light rail) are addressed in the DSEIR on pages 5-12 to 5-15. The proposed Bus Alternative evaluated in Chapter 5 (*Alternatives Analysis*) of the DSEIR was developed in response to this and other scoping comments.

The time horizons utilized for modeling analysis in the DSEIR (2010 and 2025) represent a reasonable range of analyses that is typical for such projects. Federal New Starts Project criteria do not apply to this project, which is not a New Starts project. As noted above, cumulative impacts that would result from the Proposed Project together with VTA's proposed SVRTC project, if it is adopted, are analyzed throughout the DSEIR.



MATH/SCIENCE NUCLEUS

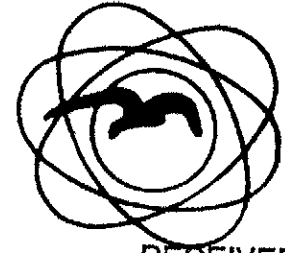
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MAY 09 2003

STATIONS AND PROGRAM
TRANSIT DEVELOPMENT

May 5, 2003

San Francisco Bay Area Rapid Transit District
Attn: Richard Wenzel
PO Box 12688 MS 1KB-6
Oakland, CA 94604-2688

Dear Mr. Wenzel,

It was a pleasure to meet you at the April 14th meeting on the Draft SEIR for the BART Warm Springs Extension. Below are some of my comments and concerns on the report:

1. Remove Irvington Station from plan

The Irvington Station does not make sense to develop, since the Warm Springs Station is within close proximity. It seems like the station will not add traffic into Irvington area because of lack of "shopping" appeal to BART riders, and it makes more sense to go to Ohlone through the Warm Springs Station. Since the Irvington Station is on the trace of the Hayward fault and on the historic wine cellar, it seems that this could be converted into a more ecstatic area for the community. Congestion in this area is terrible now, and even with the grade separation project it will not alleviate the problem.

14-1

Although the plan says "optional" it does not provide the reader with options of what the land usage would be without a station. Since Washington Creek goes under this area and Sabercat joins near Blacow and Driscoll it would have been nice to have an alternative proposal.

2. The proposed extension goes over some of the most environmentally sensitive areas that our group (Tyson Lagoon (south pond) and Stivers Lagoon) has been trying to preserve with the help of the City of Fremont and Alameda County. The revised plan seems to address some of these issues, but I would like to detail some other considerations.

14-2

I was unclear of the exact area that BART would go under. Would like to see a field trip that delineates the areas.

Impact H1 - Infiltration rates in this area is tricky.... There seems to be gravel layers that if breached will cause the water to infiltrate at a higher rate. Mitigation may be difficult if care is not taken when tunneling.

14-3

Impact H3 – Loss of Flood storage at Tule South Pond

Our group has a license agreement with Alameda County Public Works to maintain the educational facility at 1999 Walnut. Drainage from the southern part of the upper Mowry Slough Watershed drains into south before it goes into Tyson Lagoon... I did not see detail plans on this drainage to get into Tyson Lagoon.

14-4

Impact H4. Our group would like to be involved in decision on mitigation as this directly reflects on our responsibilities at Tule Ponds at Tyson Lagoon Wetland Center.

14-5

Impact Biological. Critical need for partnership with Math/Science Nucleus and City of Fremont programs.

Our group would like to be consulted when determining wetland habitat, we have done extensive work including monitoring of Stivers and Tyson Lagoon areas. Our educational programs can be impacted by minor decisions. Consulting ecologists may not understand how we are using the material and our group has qualified Ph.D. and M.S. who are currently doing work in the area. Our group in conjunction with local ecologists, are maintaining a swallow nest and raptor nest programs.

Also in this area there are opportunities to create new wetlands, we would like to see BART form a committee that would include participation by the groups that are working in this area. However, participation should include financial incentives.

14-6

We would also like BART to consider developing a corridor from Tule Ponds to Lake Elizabeth, opening up habitat space.

Good luck on the project, and we hope that the project succeeds while enhancing our educational program and not destroying them.

Sincerely,



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

Response to Comment Letter 14 (Math/Science Nucleus)

14-1 The optional Irvington Station, if constructed, would provide a major transit access point to the Irvington area. As shown in Table 2-2 in Chapter 2 (*Project Description*) of the DSEIR, the number of new riders that would use the station each day, beyond those projected for the Proposed Project (without the optional Irvington Station), would be approximately 1,400 for the year 2010 and 2,600 for the year 2025 new riders. The City of Fremont included the concept of the optional Irvington Station in the Draft Concept Plan it is developing for the Irvington redevelopment area.

The optional Irvington Station, if constructed, would be designed to seismic safety standards and monitored as required by Mitigation Measures 1A and 1B (see Appendix B of the DSEIR).

As described in Section 3.8 (*Cultural Resources*) of the DSEIR, the optional Irvington Station would be designed to avoid the ruins of the Gallegos Winery.

As described in Section 3.5 (*Land Use and Planning*) of the DSEIR, the City of Fremont has prepared a Draft Concept Plan for the Irvington redevelopment area. The redevelopment plan envisions the City of Fremont's grade separations project and the optional Irvington Station. The city would determine land uses adjacent to the Proposed Project if the optional Irvington Station were not implemented. Access to parcels adjacent to the Proposed Project alignment in the vicinity of the optional Irvington Station would be affected by the city's grade separation project.

The optional Irvington Station design would not include restoration of Washington Creek, which does not exist at the proposed optional Irvington Station site. Restoration of creeks within the Irvington district is included in the City of Fremont's Draft Irvington Concept Plan but does not include creek restoration in the vicinity of the optional Irvington Station site.

14-2 Comment noted. BART will conduct a community information program during the design and construction phases of the Proposed Project to provide information concerning the project to residents.

14-3 Construction of the subway would be by cut-and-cover excavation, not tunneling. BART expects the excavation to remain above the gravel layer.

14-4 The Proposed Project would not affect the Upper Mowry Slough watershed drainage into Tyson's Lagoon (called Tule Pond north in the DSEIR). These water features are located to the northeast of the Proposed Project and outside the construction area for the Proposed Project. Figure 2-4a in the DSEIR shows the lagoon and educational facility as the open water in the upper left corner of the aerial photograph. The connection between Tule Pond north and south would be maintained, and flood storage capacity at Tule Pond south would be maintained (see Mitigation Measure H3).

- 14-5** Pursuant to Mitigation Measure H4, BMPs consistent with the requirements of the NPDES General Permit for Industrial Activities will be designed through coordination with the agencies having jurisdiction as described in the DSEIR. Local community groups can get involved in the process through the agencies that have jurisdiction.
- 14-6** Wetland mitigation pursuant to Mitigation Measures BIO3, BIO5, and BIO12 would be designed through coordination with the agencies having jurisdiction as described in the DSEIR. Local community groups can get involved in the process through the agencies that have jurisdiction. In addition, BART would have a community outreach program to actively involve other parties in the project as it progresses. As a general policy, BART does not provide financial incentives for community groups involved in the planning process.

In consultation with the appropriate resource agencies, a habitat corridor may be considered during the development of biological mitigation measures if appropriate to mitigate impacts of the Proposed Project.

PETITION

MAY 06 2003

STATIONS OF THE PROGRAM
TRANSIT SYSTEM DEVELOPMENT

April, 2003

We, the undersigned, draw attention of BART and Government Officials to the following:

Regarding:

Noise and vibration resulting from the proposed BART Warm Springs track extension as they would effect the quality of life of our local neighborhood.

Location of Specific Concern:

The proposed BART and Union Pacific track alignments on the property between Paseo Padre Parkway (northern border) and Washington Boulevard (southern border). Residents off of Driscoll Blvd. Fremont, CA. (Map enclosed.)

Details of Concern:

We, the following undersigned residents, are voicing our deep concern about the proposed BART Warm Springs extension.

15-1

Of particular concern is the location of the proposed track alignment on the property mentioned above, noise and vibration resulting from frequently running BART commuter trains and Union Pacific realigned railroad freight traffic, as well as heretofore, unrecognized impacts on our property values and quality of life.

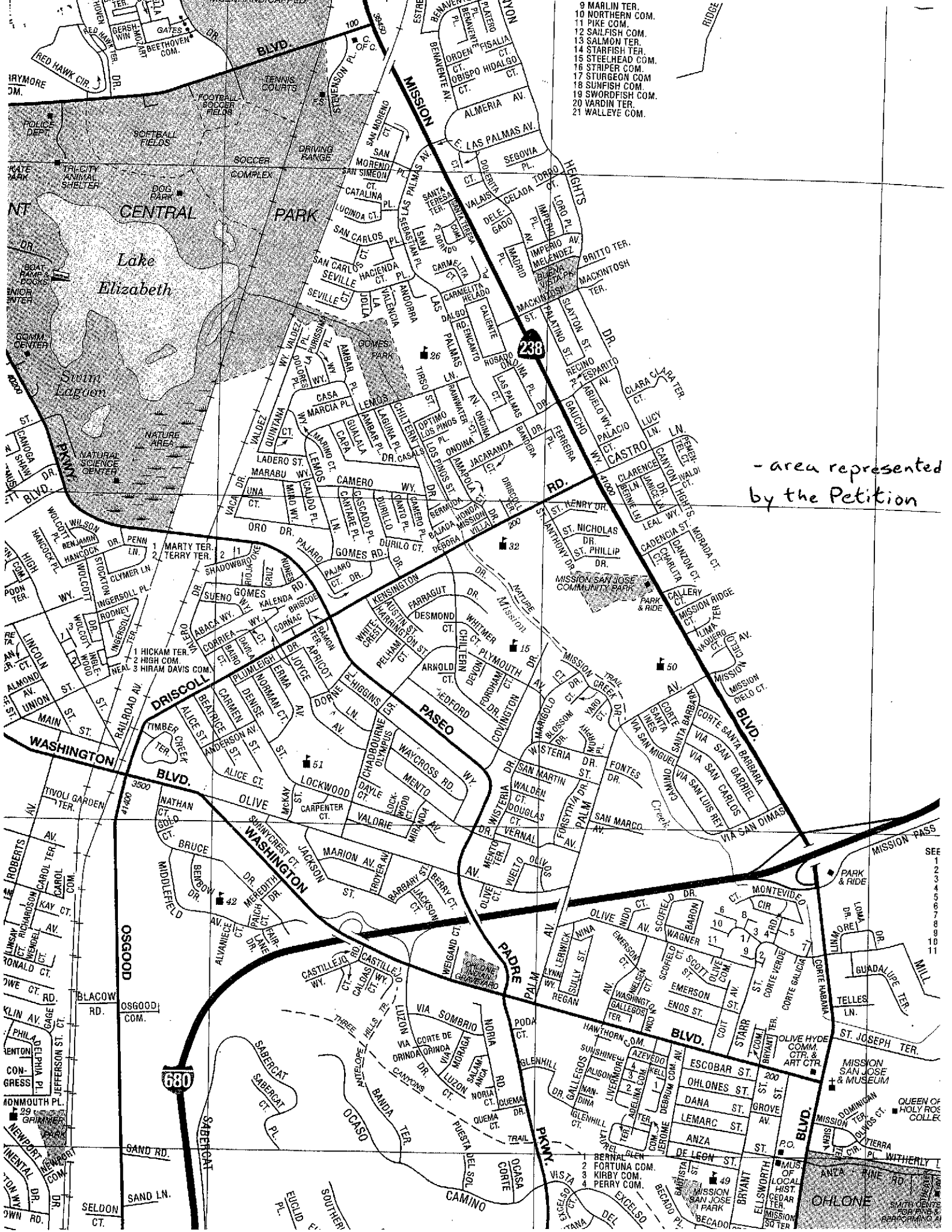
We propose that the tracks be realigned further west, away from the homes that lie to the west of Driscoll Blvd., and that noise and vibration abatement be installed such that the impacts of the rail traffic are minimized as much as reasonably possible, *not just legally required*. The track alignments, as presently proposed, will be situated too close to our homes, in some cases less than 75 feet.

We are convinced that the comfort, enjoyment, and value we derive from our homes are being compromised without sufficient consideration and redress.

Petition Recipients:

WSX BART Extension Richard Wenzel MS 1KB - 6 P.O. Box 12688 Oakland, CA 94604-9954	Gus Morrison Mayor City of Fremont P.O. Box 5006 Fremont, CA 94537-5006	Steve Cho Councilmember City of Fremont P.O. Box 5006 Fremont, CA 94537-5006	Dominic Dutra Councilmember City of Fremont P.O. Box 5006 Fremont, CA 94537-5006
Bob Wasserman Councilmember City of Fremont P.O. Box 5006 Fremont, CA 94537-5006	Liz Figueroa State Senator 43271 Mission Blvd. Fremont, CA 94539	John Dutra State Assembly 39510 Paseo Padre Pkwy. Fremont, CA 94538	Pete Stark U.S. Representative 3900 Civic Center Dr. Ste. 220 Fremont, CA 94538

Direct Responses to: Douglas Bazzone, as well as to the signatures.
40971 Valero Dr.
Fremont, CA 94539



- 9 MARLIN TER.
- 10 NORTHERN COM.
- 11 PIKE COM.
- 12 SAILFISH COM.
- 13 SALMON TER.
- 14 STARFISH TER.
- 15 STEELHEAD COM.
- 16 STRIPER COM.
- 17 STURGEON COM.
- 18 SUNFISH COM.
- 19 SWORDFISH COM.
- 20 WARDIN TER.
- 21 WALLEYE COM.

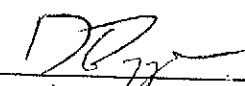
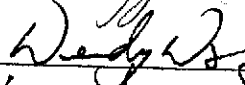
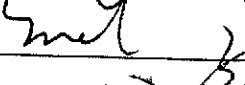
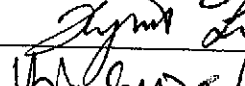
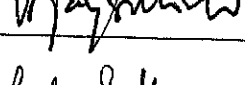
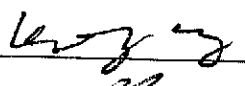

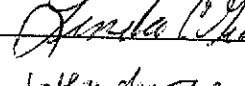
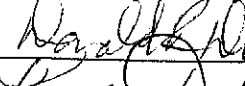
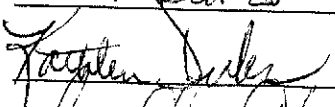

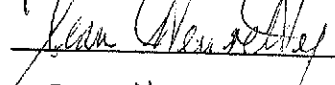
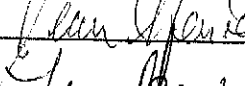
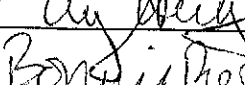
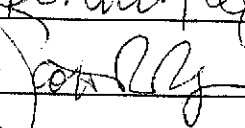
- area represented
by the Petition

SEE
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PETITION

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NAME (Printed)	SIGNATURE	ADDRESS
Doug Bazzone		40971 Valero Dr. 94539
Wendy Wang		40971 Valero Dr. 94539
McLAWRE YONG		40961 Valero Dr. 94539.
XIJIAN LIN		40951 Valero Dr. CA 94539
VIJAY SETHNA		40941 Valero Dr. CA 94539
RUPA SETHNA	Rupa Sethna	40941 Valero Dr CA 94539
Qiuliang Fu	Qiuliang Fu	40950 Valero Dr. CA 94539
Hongyan Liu	Hongyan Liu	40950 Valero Dr. CA 94539
Chien-Pang Kung		41001 Valero Dr. CA 94538
PECK KHENG KEE		41001 Valero Dr CA 94539
Linda C. Milmore		40960 Valero Dr. Ca. 94539
WENDY TAO	wendy tao	40951 Valero Dr. ca 94539
DON DUKET		2417 Gomes Rd CA 94539
		2417 Gomes Rd CA 94539
		2356 Gomes Rd. 94539
Tracy Henretty		2356 Gomes Rd. 94539
Bonnie Regan	Bonnie Regan	2465 Sueno Way 94539
Scott Regan		2465 SUEÑO WAY 94539

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NAME (Printed)	SIGNATURE	ADDRESS
<u>KRITHIVASAN SUKUMARAN</u>	<u>Kritivasan Sukumar</u>	<u>40981 Valero Dr, Fremont, CA 94539</u>
<u>MIRANJANA SUKUMARAN</u>	<u>Miranjana Sukumar</u>	<u>40981 Valero Dr, Fremont, CA 94539</u>
<u>William Wheeler</u>	<u>William Wheeler</u>	<u>40910 VALERO DR, FREMONT, CA, 94539</u>
<u>KARL L CZADZEK</u>	<u>Karl L Czadzek</u>	<u>40901 VALERO DRIVE, FREMONT 94539</u>
<u>MARGARET CZADZEK</u>	<u>Margaret Czadzek</u>	<u>40901 VALERO DRIVE FR 94539</u>
<u>Douglas Tinney</u>	<u>DA Tinney</u>	<u>40851 Valero Drive, Fremont 94539</u>
<u>BIBEK GHOSH</u>	<u>Bibek Ghosh</u>	<u>2267 GOMES RD, FREMONT 94539</u>
<u>SIPRA GHOSH</u>	<u>Sipra Ghosh</u>	<u>2267 GOMES RD, FREMONT, 94539</u>
<u>YUPING Lu</u>	<u>Yuping Lu</u>	<u>2237 Gomes Rd, Fremont, CA 94539</u>
<u>Min Chen</u>	<u>Min Chen</u>	<u>2237 Gomes Rd, Fremont CA 94539</u>
<u>PHILIP YIN</u>	<u>Philip Yin</u>	<u>2297 Gomes Rd Fremont CA 94539</u>
<u>HIAN YIN</u>	<u>Hian Yin</u>	<u>2297 Gomes Rd Fremont CA 94539</u>
<u>WALTER EDWARD L</u>	<u>Walter Edw L</u>	<u>2587 Abaca Way Fremont</u>
<u>Mohan Vaidyanathan</u>	<u>Mohan</u>	<u>2572 Abaca way fremont</u>
<u>Padma Mohan</u>	<u>Padma Mohan</u>	<u>2572 Abaca way fremont</u>
<u>Joyce Lynch</u>	<u>Joyce Lynch</u>	<u>2493 Abaca Way Fmt 94539</u>
<u>Daniel J Lynch</u>	<u>Daniel J Lynch</u>	<u>2493 Abaca Way Fmt 94539</u>
<u>ORMO CAN</u>	<u>Ormo Can</u>	<u>2532 Abaca Way, Fremont CA 94539</u>

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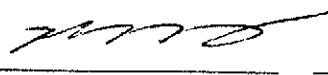
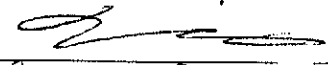
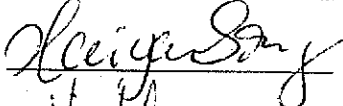
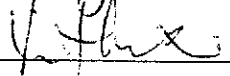
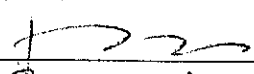
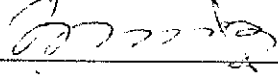
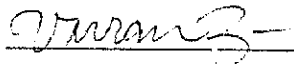
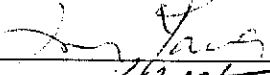
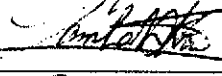

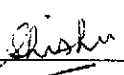
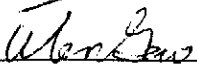
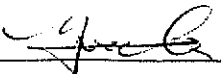
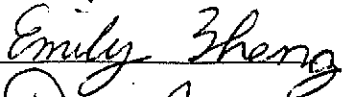
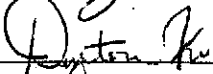
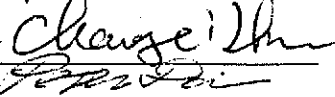
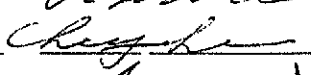
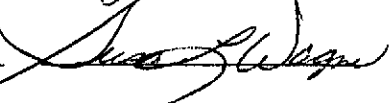
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NAME (Printed)	SIGNATURE	ADDRESS
<u>Herman Chow</u>	<u>Hormanch</u>	<u>2532 Abaca Way Fremont, CA 94539</u>
<u>Pat Snow</u>	<u>Pat Snow</u>	<u>2563 Abaca Way, Fremont 94539</u>
<u>Jian Guo Wu</u>	<u>Jianguo</u>	<u>2593 Abaca Way, Fremont 94539</u>
<u>Hu zhen Wu</u>	<u>Hushenwu</u>	<u>2593 Abaca Way Fremont 94539</u>
<u>Changcan LI</u>	<u>Changcan li</u>	<u>2592 Abaca way Fremont CA 94539</u>
<u>Yanfeng Zhu</u>	<u>Yf Zhu</u>	<u>same</u>
<u>Hongken Ma</u>	<u>Hu Ma</u>	<u>4031 Valero Dr. Fremont CA 94539</u>
<u>Huiyong</u>	<u>NANG YAU TAY</u>	<u>40991 Valero Dr. Fremont CA 94539</u>
<u>Chi-Hsiang Hsiao</u>	<u>chi</u>	<u>40991 Valero Dr. Fremont CA 94539</u>
<u>GRACE JOSEPH</u>	<u>Grace Joseph</u>	<u>3185 DRISCOLL RD, FREMONT, CA 94539</u>
<u>KUN JOON JOSEPH</u>	<u>K Joseph</u>	<u>SAME ADDRESS</u>
<u>Rochelle Barlow</u>	<u>Rochelle Barlow</u>	<u>3101 Driscoll Rd Fremont Ca 94539</u>
<u>Stephen Barlow</u>	<u>Steph Barlow</u>	<u>3073#B Driscoll RD Fremont CA 94539</u>
<u>Annette Moreno</u>	<u>Annette Moreno</u>	<u>3073 Driscoll Rd #A Fremont CA 94539</u>
<u>VINAY POTHARAY</u>	<u>Vinay</u>	<u>41061 Valero Dr, Fremont CA 94539</u>
<u>VRUSHALI TEMBE</u>	<u>Vrushali Tembe</u>	<u>41061 Valero Dr, Fremont CA 94539</u>
<u>Jamie Lee</u>	<u>Jamie</u>	<u>41060 Valero Dr. Ent, CA 94539</u>
<u>PATRICK NIP</u>	<u>Patrick</u>	<u>41071 VALERO DR Fremont, CA 94539</u>

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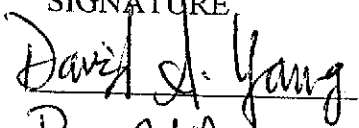
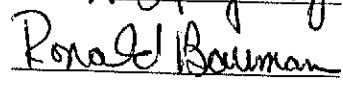
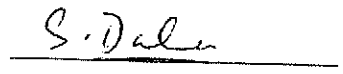
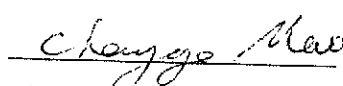
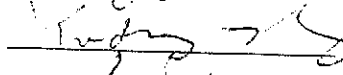
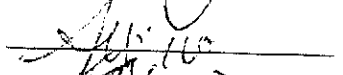
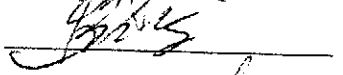
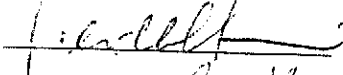
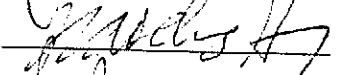
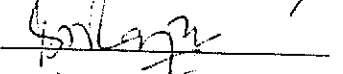
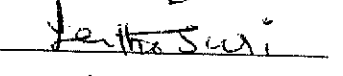
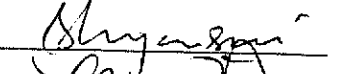
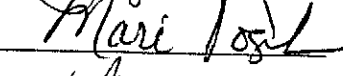
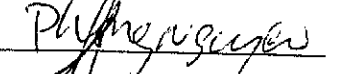
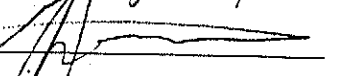
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CCE Tang		41070 Valero Dr.
Shaozong Li		Fremont CA 94539
Haiyan Song		41088 Valero Dr. Fremont CA 94539
Huixi Li		Fremont, CA 94539
Patrick Zhou		41070 Valero Dr. 94539
NANCY ZHANG		41070 Valero Dr. 94539
Vivian Zhang		41090 Valero Dr. 94539
Lin Yang		41090 Valero Dr. Fremont
Lambert Kao		41091 Valero Dr. Fremont
Joanna Kao		41091 Valero Dr.
Shishu Khedkar		41081 Valero Dr.
WEI GAO		2593 Corriera Way Fremont
Yuancheng Zheng		2593 Corriera Way Fremont
Emily Zheng		2593 Corriera Way, Fremont
Denton Xu		39521 Platene Place
Peter Dai		2573 Corriera Way
		2573 Corriera Way
Susan Wagner		2523 Abaca Way

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DAVID S. YANG		2215 Shadowbrooke ^{Fremont} Common 94539
RON BAUMAN		2223 Shadowbrooke Common F 94539
SUJIT DALAI		40865 TERRY TER. Fremont 94539
Chengye Mao		40884 Marty Ter. Fremont, 94539
Yundong Zhang		40878 Marty Ter. Fremont. 94539
SEE WING YEE		40872 Marty Ter. Fremont, CA 94539
BO XIOLU		40889 MARTY TER. Fremont CA 94539
TIEN-CHIH LIN		40884 Terry Ter. Fremont. 94539
WAZ-dy Hing		40866 Terry Ter. Fremont 94539
SHAVANI RAJAN		40859, Terry Terrace, Fremont
Shatha Shyam Suri		2375 shadow brook com, Fremont
Shyam Suri		2375 shadowbrooke com, Fremont
Mari Vogel		2383 Shadowbrook C. Ave
PHONG NGUYEN		2391 shadowbrooke com.
GREG FRANCISCO		2582 ABACA WAY Fremont. 94539

Response to Comment Letter 15 (Petition, Douglas Bazzone and others)

- 15-1** The comment requests that the Proposed Project be realigned further west, away from the homes west of Driscoll Boulevard. However, the Proposed Project alignment is heavily constrained in the area between Paseo Padre Parkway and Washington Boulevard, an area where it interfaces with the City of Fremont's two grade separations and the realignment of the Union Pacific Railroad (former Southern Pacific) track. To minimize impacts to local residents, the city's grade separation at Paseo Padre Parkway is specifically located midway between the two residential areas east and west of the existing railroad corridor. The city's grade separation at Washington Boulevard is designed to fit within the existing topography at Washington Boulevard, where the rising ground to the east of the existing railroad corridor makes an auto overpass feasible. These two fixed points, one on Paseo Padre Parkway and one on Washington Boulevard, limit the flexibility of the alignment for the relocated UP tracks, which must run between these two points. The Proposed Project alignment would have to be parallel to the relocated UP alignment and would have to run between these two points to take advantage of the two grade separations projects. Therefore, the possibility of moving the BART alignment to the west within the Paseo Padre Parkway-Washington Boulevard segment is not considered feasible.

The environmental impacts of an alternative alignment shifted to the west in this location are not analyzed in the DSEIR or in the 1992 EIR. Should the BART Board of Directors wish to consider this alternative, it would be necessary to prepare a second supplemental environmental document to examine this alternative.

BART has identified mitigation measures for potential noise and vibration impacts to residences east of the alignment between Paseo Padre Parkway and Washington Boulevard. Mitigation Measure N1 would reduce noise impacts in this area to a less-than-significant level. Mitigation Measure N1 includes construction of a noise barrier and installation of building sound insulation if necessary.

Vibration impacts to residences on the east side of the alignment between Paseo Padre Parkway and Washington Boulevard would be mitigated to the extent feasible by implementation of Mitigation Measure N2. This mitigation measure includes use of ballast mats, resilient fasteners and/or resilient supported ties, and special trackwork at crossovers as necessary. Residences along Valero Drive and Driscoll Road north of Washington Boulevard would experience vibration impact due to proximity of residences to the alignment and the need for a crossover between points 2309 and 2315. During final design, BART would test each of the vibration impact measures for effectiveness, including modifying the precise location of the crossovers as necessary, to minimize vibration impacts to the extent feasible.

The comment raises concerns regarding impacts on property values, and requests that noise and vibration abatement be installed such that impacts are minimized "as much as reasonably possible, not just legally required." A reduction in property value is not considered an environmental impact for purposes of CEQA. The DSEIR is a legal document prepared to comply with the requirements of CEQA. As noted above, the analysis concludes that

mitigation measures identified in the DSEIR would suffice to mitigate noise impacts to a less-than-significant level. BART understands that there is concern that the DSEIR characterizes some vibration impacts as potentially significant and unavoidable, even after mitigation. This is because vibration impacts and mitigation measures are site-specific and cannot be predicted before the final design and engineering phase of the project. Under these circumstances, where BART cannot yet be sure of the site-specific results of mitigation, BART is required to treat the impact as potentially significant and unavoidable. Nevertheless, BART is committed to exploring and implementing all feasible measures to reduce vibration as well as noise in the final design process.

TRANSPORTATION SOLUTIONS DEFENSE AND EDUCATION FUND

16 Monte Cimas Avenue Mill Valley, CA 94941 415-380-8600

May 9, 2003
By Fax & E-mail

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

Re: WSX DSEIR

Dear Mr. Wenzel:

TRANSDEF is a Bay Area non-profit dedicated to improving regional planning for air quality, transportation and land use. We are pleased to be able to comment on the environmental document for this important project for the Bay Area.

1. This project is an illegally chopped phase of the San Jose BART Extension Project.

In our scoping comments, we stated:

We are concerned that the proposed extension have a legally adequate purpose and need statement. In particular, the project must be demonstrated to function meaningfully as a standalone project, independent of any other BART extension. We have grave doubts that there is any transportation rationale for spending hundreds of millions of dollars to provide 5 miles of rapid transit from a pasture to Fremont.

The mere existence of different institutional sponsors for these allegedly separate projects does not justify treating them separately under CEQA. The San Jose Extension cannot proceed without the Warm Springs Extension. The Warm Springs Extension accomplishes no significant public benefits by itself. The independent existence of the Warm Springs Extension project is a legal fiction. The fact that the Proposed Project's transportation modelling was done with a model specially modified by VTA supports the allegation that the project is not independent.

a. With a \$700 million pricetag and minuscule benefits, the Project doesn't pass the straight-face test.

At best, this project provides transit mobility for 7,200 auto drivers in 2025. That is the equivalent of a minor bus line, yet at a fantastically elevated cost. Obviously, there is something more going on here. This is not an independently operable segment. It adds no value to the BART system. The proposed project will offer travel time savings (as compared to No-Project) to fewer than half the origin-destination pairs identified in Tables 3.9-13 and 3.9-14. Some trips would take longer with the proposed project!

16-1a

TRANSDEF's scoping letter only partially facetiously requested the costing of a chauffeur-driven limousine alternative to the Proposed Project. We believe that the transportation function could be accomplished by such an alternative (which would include picking up multiple passengers, similar to carpooling) at significantly less cost.

b. The only serious justification for the Proposed Project is linking the South Bay.

The Draft Supplemental Environmental Impact Report for the BART Warm Springs Extension produced great volumes of detail, but failed entirely to answer our demand for substantiation that the project can seriously be considered to stand alone. A multitude of references, on the other hand, point to the only reasonable justification for the Proposed Project:

"However, because of public support for the extension of rail transit service from Fremont to Santa Clara County, BART continued to consider the possibility of an extension from Fremont to Warm Springs and other transit agencies continued to study the regional corridor." 1-6

16-1b

"The Proposed Project will complement and expand existing travel modes in the regional Fremont-South Bay Corridor." 1-14-15

"The Proposed Project would provide a key segment in the Bay Area's regional rail transportation network between San Francisco, the East Bay, and the South Bay by providing a link *as part of the plans for an integrated system* between BART, AC Transit District and VTA." 4-4 (emphasis added).

Other similar references to the South Bay can be found on the following pages of the report: 1-3, 1-13, 3.1-8, 3.5-24 (Goal 4), 3.5-41 (Cume1), and 5-13.

c. There is no point to providing high-capacity transit service for the existing land use pattern or to vacant lots.

There is no significant transit destination or origin at the Warm Springs or Irvington proposed station sites. The Industrial Planning Area (the location of the proposed Warm Springs Station), "[a]s the name implies, is dominated by industrial uses, including warehouses and high technology...." 3.5-9 In addition, significant retail and business park uses are accessed by automobile. These are not transit destinations.

16-1c

"Zoning adjacent to the Proposed project alignment is dominated by open space and industrial." 3.5-22 "The proposed Warm Springs BART Station is perhaps unique in the South Bay in the degree to which there is vacant land around it." 3.5-34 "In general, the access roads to the proposed Warm Springs Station are not pedestrian oriented." 3.9-15 "The optional Irvington Station area is generally not pedestrian oriented." *Id.*

16-1c□
cont'd

e. There is no evidence that the Proposed Project will lead to Smart Growth.

Historically, no BART extension has ever been accompanied by Smart Growth or transit-oriented development. There is no reason to believe that Fremont will actually adopt plans that require significantly higher densities around BART stations. The current "General Plan states that the Industrial Area should be retained." 3.5-16 Only one of Fremont's past project approvals, as indicated in Table 3.1-1, a senior housing complex, could be considered transit-oriented development. None of the proposed development in that table could be considered transit-oriented development. If anything, the Fremont Council's approval of the Wal-Mart application indicates an indifference to Smart Growth that must be considered as evidence of the dubious automobile-oriented future for land surrounding the stations. The mere existence of planning processes for the station sites is inadequate evidence that the land will develop into anything other than low-density residential and light industrial uses. Thus, it is entirely speculative to identify land use benefits of the project on pg. 6-6, unless a mitigation program is written into the EIR identifying a requirement for Fremont to adopt specific minimum density zoning for the applicable parcels surrounding the station sites before the project can commence.

16-1d

e. There is no evidence that the Proposed Project is even intended to lead to Smart Growth.

It is astonishing that an environmental document that purports to identify the transit-oriented development benefits from extending expensive transit infrastructure into vacant lands failed to even indicate the standard half-mile and quarter-mile pedestrian access radii on its land use maps. This lack makes us believe that references to transit-oriented development are entirely gratuitous, to make the project sound far more environmentally sound than it really is. In addition, there is no reference anywhere in the document to the number of people either working or living within the pedestrian radii, both currently and at 2025. That would be a clear indication of the intention of the project sponsor to actually accomplish Smart Growth. The presentation of demographic information for only the entire City of Fremont and the County of Alameda implies that pedestrian access and transit-orientation are not important factors for planning. While the Appendix N section on Travel Demand Modelling identifies the demographic data as coming from ABAG, the numbers of employees and residents, both currently and at 2010 and 2025, should be stated. These numbers are critical in evaluating whether the proposed project is making a serious effort to provide mobility to transit-oriented development. Table 3.9-10 indicates that only 15% of the entries and exits in 2025 are expected to access the station by walking or riding a bike. Twice as many would access the station by car. This pattern is not consistent with transit-oriented development.

16-1e

Nonetheless, the FSEIR should document the numeric demographic assumptions as to the present and future land use within quarter-mile and half-mile radii of the station sites.

f. The only way to cure the chopping is to join the WSX to the SVRTC project.

Because the Proposed Project is not a stand-alone project and has no honorable existence other than as the first phase of the SVRTC, it must be studied as part of the latter project, despite the fact that the projects have different institutional sponsors.

16-1f

2. The Proposed Project is not consistent with existing plans, goals and objectives. This constitutes a Significant Impact which must be mitigated or identified.

a. The following BART Strategic Plan Objectives (3.5-24-25) are obviously not being met by this project, creating an inconsistency that must be identified as a Significant Impact:

"Increase transit ridership." --Building BART to vacant lots fails to increase ridership.

"Reduce percentages of single-occupied vehicles relative to access of all other modes" --By designing large station parking lots and failing to secure from the City of Fremont minimum density guarantees for surrounding new development, BART ensures a high percentage of access by single-occupied vehicles.

b. The following BART System Expansion Policy and Criteria (3.5-25-26) are obviously not being met by this project, creating an inconsistency that must be identified as a Significant Impact:

16-2

"Generate new ridership on a cost-effective basis." --While no 'cost per new rider' calculation appears in the DSEIR, the actual figure must be so high that it would enrage the public if it were made available.

"Demonstrate a commitment to transit-supportive development." --BART has done nothing to ensure that the station areas are preserved for transit-supportive development. In fact, the Fremont Council recently approved a Wal-Mart within the project vicinity. Had there been an actual commitment, this could not have happened.

"Land Use: Evaluate potential system benefits accrued as a result of adjacent land uses along rail/bus corridors, based on year 2025 projected net residential and employment land use densities around planned stations or transit corridors." --This was not done.

"Cost effectiveness: Evaluate 'cost per new rider,' measured as dollars per new rider (shifting from auto to transit, not transit to auto)." --This was not done. See above.

c. The following ACCMA Steering Committee Guiding Principle (3.5-27) has not been met, creating an inconsistency that must be identified as a Significant Impact:

"Transportation investments must be made in conjunction with appropriate land use planning..." –There is no adopted transit-oriented land use planning. The environmental document should only be prepared after the land use has been planned. Certification of the DSEIR in advance of adoption of planning for the station areas would be a Significant Impact, unless mitigated by a requirement that the Proposed Project can not be approved unless minimum density zoning standards are adopted for the lands adjacent to the station areas. The specification of the zoning standards would trigger a recirculation of the environmental document.

16-3

d. The following *Countywide Transportation Plan* Objective has not been met, creating an inconsistency that must be identified as a Significant Impact:

"A service-oriented transit system that provides frequent, convenient, and reliable service to the major activity centers in each of the county's major transportation corridors." –Alameda County is violating this objective by making this project a high-priority recipient of Measure B funds, despite the fact that it does not serve a major activity center.

3. A Subsequent EIR must be prepared for the Proposed Project.

Since the 1992 EIR, the State of California is expending a significant effort to plan for High Speed Rail service from Los Angeles to San Francisco. In furtherance of that effort, and as an indication of the seriousness of its commitment to High Speed Rail, it has placed the largest bond measure in its history on the 2004 ballot. This constitutes new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete.

The public could possibly vote to authorize a High Speed Rail system next year. At today's MTC Planning and Operations Committee meeting, a debate occurred as to whether the HSR EIR should be reopened to study bring a rail line across the Altamont Pass, connecting to San Francisco and San Jose near Fremont or Newark. The Committee voted unanimously to bring the issue before the full Commission for possible action, which could be a recommendation to the High Speed Rail Authority to reopen its EIR and add an Altamont Pass alternative. Due to today's action by the Committee, the possibility of an Altamont Pass rail line is no longer merely speculative, but has a finite potential for coming into existence.

16-4

The Proposed Project would not only waste significant public resources in that eventuality, it might actually compromise a possible route for the High Speed Rail. Because of the High Speed Rail/Altamont Pass alternative would provide better service from Fremont to San Jose (it would offer higher speeds and the possibility of express service), this alternative could supplant the BART extension to San Jose, which would make the Proposed Project entirely superfluous. These are significant effects that were not discussed in the 1992 EIR, thereby necessitating a subsequent EIR.

4. The Proposed Project facilitates sprawl.

Because there are no land use commitments by the City of Fremont to increase the density zoned for the areas surrounding the proposed stations, the Proposed Project has the potential to cause more growth in outlying areas of the Bay Area than would occur if the Warm Springs and Irvington areas functioned as transit-oriented development zones. Because the Proposed Project is dependent on the region's scarce financial resources, which are very much needed to counter the trend towards sprawl, low density land use around the Proposed Project will hurt the entire region. The mitigation proposed earlier, a requirement that the project not receive approval until a transit-oriented land use plan and zoning has been approved by the City of Fremont that will increase densities to significant urban levels, would produce an environmentally superior alternative when the regional impacts of the project are evaluated. Otherwise, without the mitigation, the project is likely to squander an extremely expensive opportunity to site a significant part of the region's further growth, condemning the region to more sprawl.

16-5

Conclusion

TRANSDEF appreciates this opportunity to provide these comments on the DSEIR. Our hope is that they will be useful in improving the ultimate project. We would be pleased to speak with project staff to answer any questions, or seek solutions.

Sincerely,

/d/ David Schonbrunn

David Schonbrunn,
President

Response to Comment Letter 16 (Transportation Solutions Defense and Education Fund)

- 16-1** The Proposed Project is a revised and updated alignment for the Warm Springs Extension project adopted by the BART Board in 1992. The Proposed Project closely follows the 1992 adopted alignment (1992 Adopted Project). The primary modification of the Proposed Project is a subway under, rather than a conspicuous aerial alignment skirting, Lake Elizabeth in Fremont Central Park. Controversy regarding the aerial alignment adopted in 1992 posed a major obstacle to commencement of the project after its initial adoption. The 2003 Proposed Project eliminates the serious aesthetic and land use impacts of the former aerial alignment. In addition, the 2003 Proposed Project takes advantage of the City of Fremont's grade separations projects at Paseo Padre Parkway and Washington Boulevard. This allows more of the alignment to be at grade, which simplifies construction and reduces cost while eliminating environmental impacts associated with the 1992 Adopted Project's aerial and below-grade segments. Due to these project changes, as well as changes in surrounding circumstances since 1992, a supplemental EIR was prepared rather than a new EIR, which would have been required for a new project. Nevertheless, the Proposed Project is essentially a realization of the 1992 Adopted Project with improvements to reduce environmental impacts and costs. The independent existence of the Proposed Project is a longstanding fact, not a "legal fiction" as the comment asserts.

The Silicon Valley Rapid Transit Corridor (SVRTC) project is a 16.3-mile extension of the BART system proposed by the Valley Transportation Authority (VTA) to connect Santa Clara County to the BART system. The SVRTC proposed extension is a new project. As such, it has not been subject to any previous environmental analysis and is currently being evaluated in an EIS/EIR being prepared by VTA pursuant to CEQA and the National Environmental Policy Act (NEPA). (Since the SVRTC project relies on federal funding, it is subject to both NEPA and CEQA requirements.) It is correct that the preferred alternative analyzed by VTA in its EIS/EIR would be an extension of a BART rail alignment from the Warm Springs Station to Santa Clara County, and that the BART Warm Springs Extension is necessary for this alternative to be viable. However, the Proposed Project is a wholly separate project that has independent utility and could be constructed and operated regardless of whether the SVRTC project is ever built. Completion of the SVRTC project is not a crucial element without which the Proposed Project could not be constructed, and it is not necessary to achieve the benefits of the Proposed Project as discussed below.

BART disagrees with the commenter's assertion that the Proposed Project accomplishes no significant public benefits by itself. The analysis presented throughout the DSEIR demonstrates that the Proposed Project functions as a meaningful stand-alone project, independent of the proposed SVRTC project. Except for those analyses specifically identified under "cumulative impacts" (discussed below), all analyses of the Proposed Project's ridership and associated benefits for congestion relief, air quality, and energy, as well as the opportunities the Proposed Project would create for transit-oriented development and further consequential benefits, represent public benefits of the Proposed Project by itself. These benefits are independent of the SVRTC project and would be realized by the Proposed Project regardless of whether the SVRTC project is ever built.

The commenter suggests that the Proposed Project has a doubtful rationale because it would provide “5 miles of rapid transit from a pasture to Fremont.” BART disagrees with this assertion. See the response to comment 16-1c.

In addition, an EIR prepared pursuant to CEQA must contain an analysis of “cumulative impacts” of the subject project together with other past, present, and probable future projects in the study area. CEQA Guidelines Section 15130. Whether projects are independent or related does not affect the requirement to include them in such cumulative analysis.

Independent and related projects all must be evaluated together for cumulative impacts purposes. CEQA requires an analysis of cumulative impacts of the Proposed Project and the SVRTC project together, in precisely the same way as it requires analysis of the cumulative impacts of the Proposed Project and any other independent project in the vicinity. For that reason, the reasonably foreseeable possibility that the proposed SVRTC project may be adopted by VTA was examined under the heading of cumulative impacts in the DSEIR.

For consistency, efficiency, and cost-effectiveness, transportation model modifications jointly developed by BART and VTA were used in the DSEIR for analysis of the Proposed Project’s impacts and benefits by itself. The transportation model used in the DSEIR analysis was derived from the MTC regional (nine county) transportation model and modified for the Proposed Project. Given the geographical scope of the model, it also covered the area of the SVRTC project. To comply with CEQA requirements for cumulative impacts analysis of the reasonably foreseeable consequences if both projects were adopted, it was necessary to conduct a transportation analysis of the Proposed Project combined with the SVRTC project, which specifically required a modeling effort that included both projects. BART and VTA coordinated on the WSX modeling effort in order to use a consistent methodology and make the most efficient use of the few individuals qualified to do the modeling. This approach was taken to reduce time and cost for both projects. Had BART utilized a different model to analyze the Proposed Project in the DSEIR, BART would have had to either use its own model to analyze cumulative impacts from the SVRTC project (inconsistent with VTA’s EIS/EIR), or use two different models within the DSEIR (its own for the Proposed Project and VTA’s for cumulative impacts). BART’s compliance with cumulative analysis requirements by efficiently coordinating with VTA was reasonable and does not support the commenter’s claim that the Proposed Project is not independent.

- 16-1a** The estimated capital cost of the Proposed Project is \$634 million (2001 dollars), not \$700 million. The BART Board of Directors will take project costs and projected ridership into account in determining whether to go forward with the Proposed Project. See also the response to comment 16-2.

BART disagrees with the statement that the Proposed Project is not independently operable. See the response to comment 16-1 above.

Table 3.9-13 provides a comparison of a.m. peak hour travel time between different transportation scenarios for 2010 conditions, and Table 3.9-14 provides a similar comparison for 2025 conditions. These tables consist of travel time comparisons between selected residential locations and selected Bay Area employment centers. The locations have been selected to be representative examples. The small set of travel times is not intended to

characterize all travel patterns in response to the Proposed Project. In some cases, transit is competitive with highway times under all alternatives. In other cases, transit times improve substantially for one or more build alternatives. However, in some of the travel time comparisons, actual travel times for the build alternatives can be longer than the No-Project times. In one case (Milpitas to Pacific Commons) for example, transit is not competitive with auto travel, due to the need to transfer and the absence of traffic congestion between this specific origin and destination.

However, longer travel times do not necessarily indicate that the Proposed Project is not competitive with other alternatives. For instance, for the Union City to downtown San Jose trip, the travel time for the Proposed Project would increase compared to the No-Project Alternative. Under the No-Project Alternative, the traveler would use the relatively infrequent Capitol Corridor service to travel to Diridon Station in San Jose and transfer to bus for the trip to downtown San Jose. With the Proposed Project, the traveler would use BART service to travel to Warm Springs and transfer to a bus for the trip to downtown San Jose. The BART and bus service would be a few minutes longer than the No-Project Alternative, but it would be more frequent, providing an advantage for travelers to use the Proposed Project.

The travel time calculations also do not factor in trip reliability. Highway travel times, for example, can vary greatly depending on weather, special events, accidents, and traffic volumes. Rail systems with exclusive rights-of-way can enhance transit reliability. The travel time comparisons do not reflect this increased reliability. For many transit patrons, the greater reliability more than offsets the longer travel time.

In response to TRANSDEF's scoping comment, BART considered and rejected a chauffeur-driven limousine alternative (see DSEIR page 5-13).

16-1b BART disagrees with the assertion that the only serious justification for the Proposed Project is linking to the SVRTC project (see the response to comment 16-1). The Warm Springs Extension project was originally adopted in 1992 and has always been considered a stand-alone project. Typically, transit systems are built incrementally rather than all at once. The individual segments are constructed as planning and funding allow. For example, the core of the BART system was completed in 1977. The original Warm Springs Extension was adopted in 1992, and planning on the extension continued for several years following the 1992 adoption. The Proposed Project is a continuation of those previous efforts.

As explained above, the analyses in the DSEIR, except those specifically identified as "cumulative impacts," demonstrate the stand-alone benefits of the project. Except under the heading of cumulative impacts, the DSEIR's "great volumes of detail" (as acknowledged by the commenter) do not concern the SVRTC project.

The comment cites references in the DSEIR to the South Bay. Fremont is an important part of the southern Alameda County-northern Santa Clara County transportation corridor. Transportation constraints in this area are well documented, and transit programs must be designed with the regional context in mind, even if the current project is not regional in scope. The BART Strategic Plan states that BART will work to close gaps in regional rail

services between major populations and employment centers and/or corridors (Transit Travel Demand, Goal 4). Among the benefits of the Proposed Project, a BART extension from the Fremont Station to the railroad right-of-way, would provide the opportunity to close the rail gap in an important transportation corridor. Although the Proposed Project has stand-alone benefits, it also offers the opportunity to make additional regional contributions to improved public transportation. In accordance with CEQA, the DSEIR considered that additional potential benefit as well as cumulative adverse environmental impacts related to other reasonably anticipated regional projects. The fact that a potential connection to the SVRTC project, if it is adopted, is considered to be included among the benefits of the Proposed Project does not deprive the Proposed Project of utility on its own.

The statement on pages 1-14 and 1-15 of the DSEIR that the “Proposed Project will complement and expand existing travel modes in the regional Fremont-South Bay Corridor” refers to currently existing automobile and transit travel modes. The latter include existing bus services described in the DSEIR and existing BART service to the Fremont Station, not the proposed SVRTC project.

The statement on page 4-4 of the DSEIR, regarding the potential for an integrated system between BART, AC Transit, and VTA, refers to the cumulative growth-inducing impacts of the Proposed Project together with the SVRTC project, if it is adopted.

- 16-1c** The commenter objects to the absence of existing significant transit destinations at the Warm Springs Station site and suggests that the Proposed Project has a doubtful rationale because it would provide “5 miles of rapid transit from a pasture to Fremont” and would only connect “vacant lots.” It is true that the proposed Warm Springs Station site is currently undeveloped and not transit-oriented, as discussed in the DSEIR. However, the station site is subject to a Specific Plan process now being conducted by the City of Fremont. The outcome of this Specific Plan process is expected to redesignate land uses in the plan area to emphasize transit-oriented land uses. While specific land use designations in the station areas are not yet in place, the planning process for these areas is currently underway as discussed in the DSEIR. See also the response to comment 16-1c. As shown in the DSEIR (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 opportunities to develop large-scale transit-oriented development projects around the station site. These opportunities are benefits of the Proposed Project that would be realized independent of the SVRTC project.

BART disagrees with the suggestion that, to justify the Proposed Project, transit destinations must already exist at the proposed station sites, leaving opportunities for transit-oriented development only as infill projects where land use density is already high. Other transit systems have a record of locating stations in vacant sites, creating transit-supportive land use policies, and building transit-oriented development that ultimately boosts ridership. The Portland Westside MAX project is a notable example of this approach.⁸

⁸ G. B. Arrington, Jr. “At work in the Field of Dreams: light rail and smart growth in Portland.” September. 1998.

The City of Fremont is proceeding with a Warm Springs BART Area Specific Plan. The City Council authorized staff to begin preparation of a Specific Plan and a consultant team has been retained to prepare the analysis. BART has coordinated with the city to develop the Specific Plan scope of work, which is currently scheduled to be approved the Fremont City Council on June 24, 2003. The purpose of the Specific Plan is to analyze development constraints; identify development opportunities; and provide land use criteria, development densities, and design guidelines for the coordinated development of the station area, in order to support transit-oriented development and access to the BART system. See also the response to comment 4-4.

- 16-1d** Experience at other station sites shows that BART stations do serve as a center for transit-oriented development. Therefore, it is not speculative to identify land use benefits of the Proposed Project. Examples of successful station area transit-oriented development are evident at Walnut Creek, Pleasant Hill, Hayward, and Fruitvale. In addition, transit-oriented development projects are under development at Union City and Ashby.

BART agrees that high-density development should be the goal for the areas surrounding BART stations. 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. As noted in the DSEIR on page 3.5-34, the City of Fremont, with BART's support, is proceeding with a transit-oriented Specific Plan for the Warm Springs BART Station area. BART does not believe that this effort is speculative. 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 City Council authorized city staff to begin preparation of a Warm 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 the city staff (with advice and assistance from BART) has 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.

Adoption of future land use plans and projects, including the possible adoption of minimum density zoning, must be developed through the City of Fremont's planning process and subject to environmental review. Consistent with BART policies, BART intends to continue working with the City of Fremont to encourage successful transit-oriented development.

Table 3.1-1 of the DSEIR lists recently approved and proposed developments in the City of Fremont for purposes of analyzing cumulative impacts. The comment is correct that the list is largely comprised of auto-oriented projects. However, some of the projects on the list are not in a transit corridor and cannot be expected to have a transit orientation, and no projects have been approved in the immediate vicinity of either the proposed Warm Springs Station or optional Irvington Station that would compromise transit-oriented development at the station sites. The approved project closest to the Warm Springs site is the Skyway Court project, which is adjacent to the alignment approximately 0.3 mile from the station site. The Wal-

Mart project is 0.5 mile from the Warm Springs station site and is on the periphery of what is considered a reasonable distance for transit-oriented development. As noted in the response to comment 16-1c above, altogether over 200 acres in the proposed Warm Springs BART Area Specific Plan study area are vacant or underutilized. This relative lack of development provides opportunities to develop large-scale transit-oriented development projects around the station site.

BART also notes that additional redevelopment and land use intensification that is anticipated by the City of Fremont but is not yet included in the Alameda County Congestion Management Agency's model was not included in the DSEIR transportation model. See the response to comment 6-2. As a result, the reduction in vehicle miles traveled and resulting congestion relief, air quality, and energy benefits discussed in the DSEIR represent anticipated benefits of the Proposed Project *without* additional transit-oriented development in the vicinity of the stations. Accordingly it is not necessary to require the implementation of such projects before the benefits identified in the DSEIR can be realized by construction of the Proposed Project.

- 16-1e** The Proposed Project is a 5.4-mile extension of the BART system from the Fremont Station to a proposed station at Warm Springs, with an optional station at Fremont. Transit-oriented development is not part of the Proposed Project in itself. The DSEIR addresses transit-oriented development because BART has adopted policies encouraging transit-oriented development and because providing opportunities for such development is among the benefits of the Proposed Project. As noted above, while BART supports promoting transit-oriented development surrounding new BART station locations, the Proposed Project does not include the development of residential or other land uses surrounding the station sites, and such development was not incorporated into the DSEIR transportation model. Future proposed development in the proposed station areas will be subject to separate environmental review by the City of Fremont. The city has allocated funds for the Specific Plan and selected a consultant, and the City Council is scheduled to act on the Specific Plan scope of work on June 24. BART intends to continue working with the city to encourage successful transit-oriented development.

A comparison between the demographics of the city and the county is a typical comparison for an EIR-level analysis, and the DSEIR relied on accepted population data from ABAG for these numbers. Demographic data for the area (including residents and employees within the 0.5- and 0.25-mile radii from the station) will be developed as part of the Specific Plan process. As stated above, the Proposed Project does not include transit-oriented development, and the mode share of people accessing the station in 2025 as presented in the DSEIR does not reflect new plans for future transit-oriented development. Therefore, station access modes reflect current transportation patterns more than potential future access patterns with transit-oriented development.

- 16-1f** The Proposed Project is a stand-alone project. See the responses to comments 16-1, 16-1b, and 16-1c. The fact that the Proposed Project and the SVRTC project are being undertaken by different agencies is one factor, but not a determining factor, demonstrating the independence of the projects.

- 16-2** BART disagrees with the assertion that the Proposed Project is not consistent with the various plans and policies cited. As discussed on pages 3.5-33 to 3.5-35 and Section 5.7 of the DSEIR, the Proposed Project is consistent with the principal plans and policies related to it.

The Proposed Project would increase transit ridership. The Proposed Project in 2025 (with the optional Irvington Station) would increase total new transit trips by 9,100, and new BART trips systemwide by 10,800. Although the cost-per-new-rider calculations for FTA New Starts projects is not required for the Proposed Project, which is not a New Starts project, the cost per new rider for the Proposed Project is estimated to be \$26 to \$29 in 2025 based on FTA New Starts criteria. This range is generally comparable to the cost per new rider for the BART San Francisco Airport Extension project.

BART interprets its Strategic Plan Objectives and System Expansion Policy and Criteria to apply to rail extensions under a variety of scenarios, and not to restrict construction of extensions only to existing transit destinations and densely developed areas. Opportunities for transit-oriented development policies, plans, and projects must also be considered. See the responses to comments 16-1 and 16-1a through 16-1f. BART has actively sought to preserve opportunities for transit-oriented development in the vicinity of its Warm Springs Station site.

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.

- 16-3** The possible adoption of minimum density zoning will be analyzed through the City of Fremont's planning process and will be subject to environmental review. Consistent with BART policies, BART intends to continue working closely with the City of Fremont to encourage successful transit-oriented development. Identification of zoning standards for the Warm Springs Station area will be part of the Warm Springs Specific Plan. The City of Fremont will prepare an environmental document as part of its Specific Plan process and will include an analysis of proposed zoning and land uses changes within the Specific Plan area. Evaluation of BART's Proposed Project is independent of the city's Specific Plan process. As noted above, 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 transportation model. See the response to comment 6-2. As a result, the benefits of the Proposed Project identified in the SEIR are *without* any benefits from rezoning. Accordingly rezoning is not necessary before project benefits identified in the SEIR can be realized by construction of the Proposed Project, and it would not be necessary to recirculate the document to account for zoning changes.

By placing the Proposed Project on the list for project funding, Alameda County determined that the Warm Springs Extension fits the criteria for Measure B funds, and that it is consistent with the appropriate policies.

- 16-4** The commenter's request for a subsequent EIR is premature. Even if new information triggering the requirement for a subsequent EIR became available, no such document would be appropriate until after the FSEIR is certified by the BART Board. Moreover, the possibility that the public may adopt any form of High-Speed Rail project in 2004 is highly uncertain. To date, the environmental documentation on High-Speed Rail has not been publicly released, and any discussion of its potential interaction with BART is wholly speculative. Notwithstanding an MTC committee's recommendation to consider the issue, the possibility that the High-Speed Rail Authority may reopen its EIR to add an Altamont Pass alternative, which the commenter states is not currently included in the EIR, is still more speculative. Accordingly, a High-Speed Rail alternative that would interact with the Proposed Project is far too speculative and remote to be considered a "probable future project" for purposes of cumulative impact analysis in the DSEIR.

Even if an Altamont Pass High-Speed Rail line ultimately were adopted, High-Speed Rail and BART would be complementary rail services, not competitive rail services. The California High-Speed Rail proposal is a long distance inter-city rail system, offering express rail service between cities. BART is an intra-regional rail system offering stops every few miles and providing commuter service for residents and employees in its four-county service area. If High-Speed Rail emulated BART's service, it would lose the advantages that make it attractive (few stops and high speed). High-Speed Rail also can operate in the same corridor as urban/heavy rail, such as BART, so that extension of the BART system does not necessarily preclude opportunities for High-Speed Rail.

- 16-5** Urban sprawl is defined as suburban and exurban land development at relatively low densities that is also auto-dependent. As discussed in Chapter 4 (*Growth-Inducing Impacts*) of the DSEIR, the Proposed Project is intended to accommodate planned growth and to help redistribute regional population growth in a more compact manner characteristic of "smart growth." Generally, extension of rail transit systems such as BART into communities has the effect of concentrating growth and producing more compact development, creating less urban sprawl than would be the case if all development were auto-oriented. BART agrees that transit-oriented development has the potential to reduce sprawl in outlying areas of the Bay Area. As a transit agency, BART is committed to development at densities high enough to sustain transit, and BART is specifically committed to transit-oriented development. As discussed in previous responses, BART is coordinating with the City of Fremont to facilitate a Specific Plan process to provide for a combination of land uses in high enough densities to provide for transit-oriented development at the Warm Springs Station site.



April 28, 2003

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

Chevron Pipe Line Company
 Los Medanos Team
 2360 Buchanan Road
 Pittsburg, CA 94565
 Fax (925) 753-2030

RECEIVED

APR 29 2003

STANDARD & POOR'S
 TRANSPORTATION DEVELOPMENT

**DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT; DATED MARCH 2003
 BART WARM SPRINGS EXTENSION (WSX)
 CHEVRON'S BAPL PIPELINE, M.P.s 90.2 - 91.4; R/W 33101**

Dear Mr. Wenzel:

Chevron received your **Draft Supplemental Environmental Impact Report for the BART Warm Springs Extension (WSX) dated March 2003**. Chevron Pipe Line Company offers the following comments to the DSEIR.

Upon our review of the DSEIR it has come to our attention that at several locations within the text of the DSEIR there is a "general" reference to **fuel pipelines** within the project area, specifically as follows:

1. Table ES-2. Hazards and Hazardous Materials. Page 2 of 40 - states: Prior to construction near the underground fuel pipelines, the exact location of lines should be accurately established....
2. Chapter 2 - 2.7.2 Coordination with Utility Providers. Page 2-54 - states: BART is currently working with utility providers to identify the location of those utilities in the proposed Project corridor.....
3. Section 3.1.3 Issues Not Further Analyzed in this Supplemental EIR - Hazardous Materials. Page 3.1-3 - states: The 1992 EIR concluded that employees and passengers could be exposed to hazardous materials in the event of an accident involving fuel pipelines along the alignment.....
4. Section 3.1.3 - Utilities. Page 3.1-4 - states: The 1992 EIR concluded that the following potential impacts related to utilities and public services could occur with implementation of the Adopted Project. Potential disruptions of utilities, electrical transmission lines, pipelines, and fiber optics cables.....
5. Section 3.2.4 Impact Assessment and Mitigation Measures - Construction Related Impacts. Page 3.2-15 - states: Prior to construction near the underground fuel pipelines, the exact location of lines should be accurately established. Potential hazards associated with rupture of the pipelines or discovery of hazardous materials releases from the pipelines should be included in the site health and safety plan.

The text of the SDEIR does not include any direct references to Chevron's active 8-inch petroleum products pipeline within the project area.

Mr. Wenzel, to the best of my knowledge, Chevron Pipe Line Company was never afforded the opportunity of reviewing and submitting comments on the 1992 EIR for this project. Would it be possible for your agency to forward a copy of the 1992 EIR to my attention for Chevron's information and reference. The EIR can be mailed to Mr. Larry Whitehead at the letterhead address. We appreciate the opportunity of reviewing the 1992 EIR. Thanks.

We would like to give you a little background on our pipeline and some of the safety requirements, guidelines and restrictions we require before allowing any work near our pipeline. Chevron operates one (1) active pipeline in the vicinity of the Union Pacific Railroad corridor. This 8-inch buried steel pipeline is located within Grimmer Blvd., paralleling Grimmer then enters the property of the Union Pacific Railroad, turning south paralleling the railroad property along the eastern boundary of the railroad corridor, continuing within the UPRR corridor for approximately 10 miles. This buried pipeline transports refined petroleum products such as gasoline, diesel and jet fuel. Extreme caution should be used when excavating, drilling, or grading around this pipeline.

Enclosed herewith are two (2) copies each of our pipeline drawings PL-A 10957 sheets 35 & 36 indicating the approximate location of the pipeline within the UPRR railroad corridor. The drawings show the **approximate** location of Chevron Pipe Line Company's high pressure pipeline. Chevron assumes no responsibility for the accuracy of these drawings and it should be used only for the general location of our facilities. Actual depths and alignment could only be determined by field checking and potholing the pipeline. Chevron will provide a Facility Inspector to mark and help locate our pipeline. Your Agency would be responsible to provide a backhoe and operator and a surveyor if needed.

We consider your request as very preliminary fact finding. Chevron will require several weeks of lead time to provide any detailed information regarding facilities and right-of-way information. A request for more specific information should be requested through Larry Whitehead (Chevron Right of Way Specialist) at (925) 753-2003, mailing address 2360 Buchanan Rd., Pittsburg, Ca. 94565.

Our pipelines are operated and maintained under Federal Regulations (D.O.T. 195) and State Regulations (California Pipeline Safety Act).

Chevron, Federal, and State regulations require 12-inches (minimum) clearance between petroleum pipeline and other crosslines that intersect at a 90° angle (perpendicular to each other).

If the intersection angle is less than 90°, the minimum clearance between the two pipelines must be 24-inches or greater.

Chevron recommends that the potholing of the Chevron pipeline be done before development plans are completed so conflicts between any future development of the BART Warm Springs Extension (WSX) and our pipeline can be avoided, or mitigated. Chevron requires that arrangements for potholing of its pipeline be made **at least** forty-eight (48) hours in advance with Mr. Larry Whitehead at (925) 753-2003. Chevron will provide a Facility Inspector to locate the pipeline and assist with the potholing.

Regarding restrictions on development over our pipelines, as previously mentioned, our pipelines and easements are operated and maintained under Federal Regulations (D.O.T. 195) and California Pipeline Safety Act (CAPSA). CAPSA Section 51014.6 provides that the pipeline and easement must be maintained clear of obstructions so that aerial observation can be conducted. Inspection of the pipeline rights-of-way are required by Federal law D.O.T (CFR 195.412), and is extremely important in maintaining safe pipeline operations. That is why Article 51014.6 (a) of CAPSA specifies that no person, other than the pipeline operator, shall (1) build, erect or create a structure or improvement within the pipeline easement or permit the building, erection, or creation thereof. (2) Build, erect or create a structure, fence, wall, or obstruction adjacent to any pipeline easement which would prevent complete and unimpaired surface access to the easement, or permit the building, erection, or creation thereof. Section 51014.6 (b) recites that no shrubbery or shielding shall be installed on the pipeline easement which would impair aerial observation of the pipeline easement.

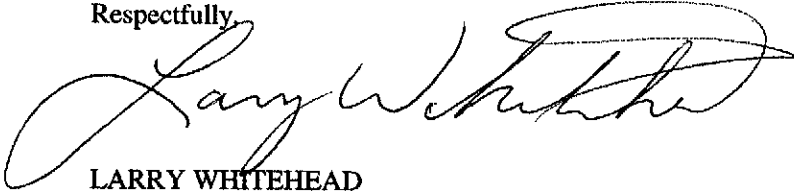
April 28, 2003

In order to comply with the above stated regulations it is imperative that Chevron has the opportunity of reviewing and evaluating all development and construction plans that involve proposed right-of-way encroachments. **In addition, any proposed modification to the existing grade over the pipelines including the addition or elimination of soil by cut or fill will need to have prior approval of Chevron.** All excavations within 24-inches of Chevron's facilities must be done by hand tools only.

All work that would affect our pipelines needs to be coordinated with our office at 2360 Buchanan Rd., Pittsburg, Ca. 94565.

Notify Underground Service Alert (USA) at 800-227-2600 **at least 48 hours** prior to any excavation work. If you have any questions or need additional information, please contact me at (925) 753-2003. Thank you for the advance notice on this project, we look forward to working with you.

Respectfully,

A handwritten signature in black ink, appearing to read "Larry Whitehead". The signature is fluid and cursive, with a large loop at the end.

LARRY WHITEHEAD
RIGHT OF WAY SPECIALIST

WLW/wlw
Enclosures

Cc: C.A. Wages
Eric Lind

File: BART WarmSprs SEIR412.doc

Response to Comment Letter 17 (Chevron Pipeline Company)

- 17-1** BART is aware of the 8-inch pipeline currently operated and maintained by Chevron in the railroad corridor. The 1992 EIR describes the presence and general location of the 8-inch pipeline on page 3.10-4 of the 1992 Final EIR. (A copy of the 1992 EIR was sent to the commenter as requested.) Comments and input regarding the Proposed Project's likely interfaces with the Chevron petroleum pipeline are appreciated, and BART will carefully coordinate all project interfaces with Chevron.

Hotline Comment--Tuesday May 6, 2003--8:55 am from (510) 656-5341

I have a concern about the eastern Union Pacific Railroad tracks, which will be used as the primary tracks for the movement of BART as well as other through railroad lines. It would be better if both the eastern and western Union Pacific Railroad tracks were moved to the center along with BART so it would not have an effect the quality of life for residents in the Los Positas and vicinity.

18-1

Moving both closer to one side of the open space would make it difficult on all the residents living there. It would be much better if they were kept in the center, and that's where the overpass as well as the underpass were located.

18-2

Response to Comment Letter 18 (Hotline Comment)

18-1 See the response to comment 15-1.

18-2 See the response to comment 15-1.

Comments from Charlie Cameron, Received 4/28/03

- 1 Please remove the sign at the Fremont BART Station directing overflow parking to the South Hayward BART Station. Why does Hayward have to handle this overflow?
- 2 What will the temperature be at the Warm Springs Station? What pests will be in the station at night during the different seasons (bugs, flies, mosquitoes, dirt moles, cats)? Addressed in 1992 EIR but not in 2003 SEIR.
- 3 What dates was the DSEIR available to the public?
- 4 Comment expresses the hope that the design of the station(s) will be better than that of the Hayward Station.
- 5 Comment expresses concern that passengers will have to get off BART at the Fremont Station to get a seat on VTA buses in the p.m. commute to San Jose rather than getting off at the Warm Springs Station and risk not getting a seat on VTA.
- 6 Comment expresses concern that the proximity of new stations to shopping centers could cause problems with people leaving shopping carts on bus islands or in the station area.
- 7 Comment asks whether fare zones are going to be base or basic and whether the station(s) will have charts indicating time to get between stations or miles between stations.
- 8 Comment expresses hope that the design for the bus bays at the Warm Springs BART Station will have the proper islands and/or saw-tooth design. (Comment references pp. 5.2–5-4 of the DKS Transportation Technical Report.)
- 9 Comment expresses hope that the BART security vehicles will not park and block the bus bays at the Warm Springs Station. (Comment references pp. 5-3–5-4 of the DKS Transportation Technical Report.)
- 10 Comment expresses hope that the design for the bus bays at the optional Irvington Station will be appropriate and will not have tight pinch pints in the islands and curves. (Comment references p. 6-3 of the DKS Transportation Technical Report.)
- 11 Comment refers to pp. 2-10, 9-4, 12-6, 13-7, 14-7, 15-7, and 16-2 of the DKS technical report. All comments on these pages state that AC Transit route 253 does not currently run in the area referenced in the tech report and that the bus route is scheduled to be cut soon. Also, comment on p. 17-1 of the DKS technical report expresses concern over the temporary removal of 200 parking spaces from the Fremont Station lot and asks where those displaced patrons would park.
- 12 Comment mentions the current and correct routing of AC Transit 253.
- 13 Comment notes that BART incorrectly stated that AC Transit serves the area of the April 14, 2003 public hearing.
- 14 Comment refers to AC Transit Ridership Schedule cited in section 3.9. Comment notes that Route 253 is proposed to be eliminated because of low ridership and that this will affect all ridership figures in the DSEIR and will add to vehicle

- congestion at the points mentioned above in Comment 11 as well as at other affected intersections in Fremont.
- 15 Comment refers to Section 2.45 on p. 2-9 of the DKS technical report. Comment appears to be agreeing with idea of third pair of BART lines operating from Fremont to SF (24th Street). Suggests that BART put out information regarding this line to the general public.

Response to Comment Letter 19 (Charlie Cameron)

- 19-1** This comment refers to the existing signage at the Fremont BART Station and does not apply to the DSEIR or the Proposed Project. No response is required.
- 19-2** The issues of local temperatures and pests in the BART stations at night were not addressed in the DSEIR. However, the temperature in Fremont, for the foreseeable future, is expected to be similar to what was stated in the 1992 EIR; the mean annual temperature is 57 degrees Fahrenheit, with a maximum annual temperature of 68 degrees and a minimum annual temperature of 47 degrees. No significant pest issues are expected at the proposed stations, either in terms of species or numbers.
- 19-3** Public notice of availability of the DSEIR was published in five newspapers with general circulation on March 25, 2003.
- 19-4** Comment noted.
- 19-5** With the Proposed Project in operation, VTA would operate its buses from the new Warm Springs Station rather than Fremont Station. Getting off BART a station before Warm Springs in order to get a seat on a VTA bus would not be possible because VTA would no longer be operating from the Fremont Station.
- 19-6** BART does not anticipate that abandoned shopping carts would be an issue at the new stations. However, BART has established maintenance standards to deal with them if they become a problem.
- 19-7** BART will continue its current fare policy, unless the BART Board of Directors institutes fare policy changes. The new station(s) would have train schedules showing timed stops at destinations, similar to existing time/destination charts. Typically, BART destinations are not given in miles.
- 19-8** Conceptual plans for the proposed stations currently have the bus islands with a saw tooth design.
- 19-9** At both the Warm Springs and the optional Irvington Stations, the interaction of BART security vehicles with buses and private autos would be deliberately kept to a minimum. However, some minor degree of mixing is inevitable, just as it is on the public street system.
- 19-10** The optional Irvington Station has been expressly designed with buses in mind, and BART has worked with bus service operators to provide appropriate facilities.
- 19-11** The AC Transit 253 Route currently runs from Fremont BART to the ACE Train Station. Communications with AC Transit indicate that due to low ridership, AC Transit is considering eliminating Route 253.⁹ AC Transit has other routes near the Route 253

⁹ Nathan Landau, AC Transit, e-mail communication, May 29, 2003.

alignment that will continue to serve patrons. Elimination of the AC Transit Route 253 would not affect any of the conclusions in the DSEIR. As noted in the comment, 200 parking spaces would be temporarily displaced from the Fremont BART Station parking lot during construction. Off-site replacement spaces during construction would be considered as part of the construction traffic management plan, Mitigation Measure TRN25.

- 19-12** Comment refers to the current routing and schedule of AC Transit 253. No response is necessary.
- 19-13** AC Transit does serve the area around Parkmont Elementary School, the location of the April 14, 2003 public hearing on the DSEIR. The public notice for the public hearing stated that the AC Transit Route 219 operates within walking distance of the school, and people should use the Paseo Padre Parkway and Country Drive bus stop. In addition to Route 219, AC Transit Routes 215 and 253 operate in the vicinity of the school.
- 19-14** As noted above, AC Transit is considering eliminating Route 253 due to poor ridership. AC Transit expects that other AC Transit bus routes in the vicinity will accommodate patrons currently riding Route 253. The elimination of Route 253 would not affect any of the analysis in the DSEIR.
- 19-15** The comment refers to the proposed BART operating plan to have two Fremont BART lines operating on a daily basis (one to Richmond, one to San Francisco's 24th Street Station) and a third line operating from Fremont to 24th Street during a.m. and p.m. peak periods only. The commenter supports this plan. BART will provide information to the public regarding service changes.

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

2003 May 08

Comments on BART to Warm Springs, Fremont Extension.

1. First, thank you for the report package in it computer-searchable .PDF form. You should publish an address for e-mailed public comments, too. 20-1
2. Additionally, the maps composed of aerial photographs with outlines of BART structures superimposed are excellent in understanding how this project is situated. 20-2
3. This report correctly analyzes that bus and surface transit would get stuck in traffic and offer at best haphazard service. 20-3
4. The analysis of Fremont's land use and planning which reserves the proposed corridor for BART, and facilitates transit oriented development at Irvington and Warm Springs is correct. 20-4
5. The location of the Warm Springs station sandwiched between I-680 and I-880 makes it ideal to attract people out of cars. The analysis needs to show that freeway exits facilitate easy access to the BART station. 20-5
6. The report understates the demand for this project, because programmed road improvements are behind schedule or possibly may not be built at all.

The programmed highway improvements to I-880 and its interchanges in Fremont and Milpitas projects are behind schedule so the report may understate the demand for alternatives to driving I-880. 20-6
- For example:

* SR-84 (Fremont Expressway) and SR-238 (Hayward Freeway) have been endlessly delayed, and the Hayward bypass freeway is mostly downgraded to surface streets.
7. BART has proven to be an attractive alternative to driving; it enjoys much more rider support than bus service. I think the report understates this preference of choice riders. 20-7
8. The plan for restoring Lake Elizabeth to after construction of the tunnel is excellent. 20-8

9. All the bus alternatives would impose an additional transfers.

20-9

The review of this project should, in addition, consider:

1. The current Fremont station has standard rail in proximity at Shinn Avenue in Fremont. The report wrongly states that there is no conventional rail in vicinity of the Fremont BART station.

The project scope should be amended to include an option of enhanced ACE service and a transfer station at Shinn Ave in Fremont between ACE and BART, and include ridership in the Golder Triangle region of Santa Clara. This comparison should show how much service could be provided at the cost of the favoured alternative.

20-10

2. An operating plan for a one seat ride to SFO

3. A operation plan so as to allow riders to get to SFO during all SFO's operating hours, including access to early morning and late evening flights.

20-11

4. Consider segregation of multiple modes of access traffic to stations, with the objective of maximizing speed. Consider avoiding conflicts between modes; failure in this aspect will affect demand for counterproductive traffic calming measures.

All modes must be accommodated:

- * fast cars from Freeway to parking
- * kiss and ride easy in-out access
- * bus loop
- * walking path
- * bike path

20-12

I'm concerned that access from Mission Blvd may be congested.

The plan should show more details:

- * Show car pool access at CA-262, I-880 and I-680
- * Show easy kiss and ride access from CA-262

20-13

5. Should include details of provision for a two-way connection with the Altamont Commuter Express (shuttle busses) at Pacific Commons.

20-14

6. Need a contingency plan if the Warm Springs station is well utilized and demand exceeds capacity. Is there room for multi-level garage on site ?

20-15

7. Ridership projections should include possible demand due to connection with Dumbarton Express Rail at Union City.

20-16

8. Report states:

Commuter rail is defined as "long-haul rail passenger service operating between metropolitan and suburban areas, whether within or across the geographical boundaries of a state, usually characterized by reduced fares for multiple rides, and commutation tickets for

20-17

regular, recurring riders" (American Public Transportation Association 2002).

- 'BART operates long-haul rail passenger service within the metropolitan and suburban communities in the greater Bay Area. BART serves four Bay Area counties; San Francisco, Alameda, Contra Costa, and San Mateo. BART provides reduced fares on high-value ticket purchases. As such, BART fulfills the definition of commuter rail service. A commuter rail alternative in the project area is already being considered with the Proposed Project.'

20-17
cont'd.

BART's discount for multiple rides is negligible; should consider an operating plan where e.g, holders of reserved parking spots at BART get a more significant discount.

David W. Crawford
dc@omor.com

15466 Los Gatos Blvd.
Suite 109-222
Los Gatos, CA 95032

Response to Comment Letter 20 (David Crawford)

- 20-1** Comment noted.
- 20-2** Comment noted.
- 20-3** Comment noted. BART appreciates the commenter's concurrence with the analysis in the DSEIR as indicated in this and the following comments.
- 20-4** Comment noted.
- 20-5** The DSEIR reports Proposed Project-induced changes to intersection levels of service at freeway interchanges that would serve the Warm Springs Station. As indicated by the changes in freeway interchange and intersection levels of service shown in Table 3.9-16 on pages 3.9-52 and 3.9-53 of the DSEIR, the I-680/Washington Boulevard, I-680/Durham Road/Auto Mall Parkway, and Fremont Boulevard/I-880 interchanges would be used by BART patrons to access the Warm Springs Station and optional Irvington Station.
- 20-6** The transportation analysis was developed based on travel demand forecast model assumptions consistent with regional transportation planning being conducted by the Alameda County Congestion Management Agency (ACCMA) and the Metropolitan Transportation Commission (MTC). Programmed roadway improvements were included in the analysis, along with their current anticipated schedule for completion. Projects that are currently scheduled for completion prior to 2010 were included in the 2010 analysis scenarios, and projects scheduled for completion after 2010 were included in the 2025 analysis scenarios. Modifications to the roadway network assumed in the travel demand forecast model were made in consultation with ACCMA and the City of Fremont (see Appendix N, Section 2.3 "Network Changes").
- Should programmed highway improvements not be constructed as planned prior to the opening of the Proposed Project, it is possible that increased freeway congestion would encourage a further shift of automobile trips to transit trips within the corridor.
- 20-7** Comment noted. The transportation analysis conducted for the Proposed Project does not account for the transportation user's preference for type of vehicle, rather it uses network theory to determine the quickest and most direct trip using the programmed network as a conservative assumption. The Proposed Project transportation analysis is based on the travel demand forecasting and traffic analyses methodologies described in Appendix N of the DSEIR. Based on that analysis, the Proposed Project is projected to attract more riders than the Proposed Bus Alternative, as shown in Tables 5-1 and 5-2 in Chapter 5 (*Alternatives Analysis*) of the DSEIR. Assuming patrons find riding BART attractive in preference to driving or bus service, the Proposed Project ridership would increase in comparison to the No-Project and proposed Bus Alternatives, beyond the projections of the conservative analysis in the DSEIR.
- 20-8** Comment noted.

- 20-9** The commenter suggests that any bus alternative implemented would impose additional transfers. BART agrees with this assessment.
- 20-10** The comment refers to the proximity of ACE rail service at Shinn Avenue in proximity to the Fremont BART station and suggests including an alternative of enhanced ACE service with a transfer between ACE and BART. Enhanced conventional rail service was among the alternatives considered but rejected in the DSEIR. See Section 5.3 (*Proposed Project Alternatives Considered but Rejected*) on page 5-12 of the DSEIR.
- 20-11** The operating plan for the Proposed Project is presented on page 2-41 of the DSEIR. The operating plan is based on anticipated ridership patterns that do not support a BART line directly from Fremont to San Francisco International Airport (SFO). Patrons from Fremont to SFO would transfer to an SFO-bound train at 24th Street Station.
- 20-12** Access for all modes of transportation to the proposed BART stations has been considered in the analysis. Conceptual station designs include access for automobiles, bus, pedestrian and bicycle, and kiss-and-ride drop off. Station concept designs are shown on Figure 2-6a for the Warm Springs Station and Figure 2-8a for the optional Irvington Station in Chapter 2 (*Project Description*) of the DSEIR. These station designs will be refined during preliminary and final design to maximize access for all modes accessing the stations.
- 20-13** Traffic congestion on Mission Boulevard was factored into the analysis and reported in the SEIR in terms of intersection service levels and roadway segment analysis. Programmed roadway improvements and their current anticipated completion schedules, including future carpool lanes on regional roadways, were included in the analysis.
- Designs for access to the Warm Springs Station do not include the suggested development of carpool lanes from I-880 and I-680 to provide direct access from the freeway to that BART station. Project-induced changes to traffic level of service at the freeway interchanges that would provide access to the Warm Springs and optional Irvington Stations are reported in Section 3.9.5 of the DSEIR. Mitigation Measure TRN5 addresses intersection improvements needed to improve level of service at I-680 southbound ramps/Durham Road/Auto Mall Parkway interchange, thus improving access to the Warm Springs Station.
- 20-14** The transportation analysis assumes connections with shuttle buses serving major employment centers, as described on pages 3.9-21 and 5-22 of the DSEIR.
- 20-15** There is room for a multi-level parking garage at the Warm Springs Station site. This possibility will be analyzed as part of the Warm Springs BART Area Specific Plan process.
- 20-16** Only programmed transportation improvements and their current anticipated completion schedules were included in the transportation modeling analysis. The Dumbarton Express Rail project was not included in MTC's Regional Transportation Plan, and therefore was not included in ridership projections for this analysis. In addition, based on the *Union City BART Comprehensive Station Plan* and the *Union City Commuter Rail Opportunities Phase One Report*, ridership associated with the Dumbarton Express Rail project is expected to be focused at Union City.

20-17 Comment noted. BART recently instituted a program for reserved parking at BART stations where BART patrons pay a monthly fee for a parking space reserved until 10:00 a.m. It is not currently anticipated that the BART fare structure be changed to provide a discount for holders of reserved parking spots.

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

RECEIVED
 APR 14 2009
 STATIONS CAPITAL PROGRAM
 TRANSIT SYSTEM DEVELOPMENT

From: Neil J. Edwards
 39400 Albany Cmn #G
 Fremont CA 94538
 (510) 793-2341

Subject: Written Comments on Draft SEIR for BART WSX

Dear Mr. Wenzel,

Thank you for sending me the DSEIR. I have reviewed it and have some questions/comments. First, let me thank you in advance for your assistance and patience. My primary concerns involve noise and aesthetics. I will orient you as to my location. I am a homeowner that lives in the Fremont Villas condominium complex. My balcony and living room windows directly face the proposed route of the extension. My balcony and windows are approximately 45 feet from a wood fence that delineates the west edge of the BART property line. I am on the first floor, which is actually slightly elevated above ground level. If you refer to page 3.10-26 of the DSEIR, you can see my building. It is located in the upper left hand corner of the complex. I have attached a copy of page 3.10-26 with my building circled, for reference. There are three buildings designated as "project-induced noise impacts." My building is just left of the leftmost indicated building. It is not designated as one of the noise affected buildings, which leads me to my first comment.

1) Why is my building not indicated as one of the project-induced noise impacts? I definitely believe it should be. As stated above, I am a mere 45 feet from the perimeter fence. I was surprised to see the building just right of me (about 240 feet away from me) was indicated, while mine was not. Both buildings are very close to the perimeter. Also, at the location of the other buildings that *are* indicated, the trains (I believe) are projected to be either at or below grade. Page 3.7-23 states that the trains would be at their lowest when they are the closest to the residences. This would fit the description of the other buildings. One would assume that the trains would be quieter (relative to adjacent residences) when they are at or below grade. As far as my location, the trains are projected to still be on the embankment and more in a direct line of sight to adjacent residences. Page 3.7-14 clearly shows the train on an embankment. The location depicted on Page 3.7-14 (the parking lot of the Benton Development) is just left of my location and seems to be an accurate assessment of how it will look going by my building. Wouldn't it be just as loud, or louder, as it goes by me on an embankment, than it would be for the other buildings when it is at or below grade? Even if I was slightly farther away from the train than the other buildings? In closing, I believe my home is in an area that will be impacted by noise and will need mitigation.

2) The photo on page 3.7-14 brings me to my next comment. Clearly, no sound wall is depicted in this photo. I'm pretty sure a sound wall is going to be needed in this location and I am curious to know why a sound wall was not depicted in the photo. Sound walls are clearly an issue when dealing with visual impacts, as stated on page 23 of 40, so I would assume that a photo in the aesthetics portion of the report would show a sound wall. Was this an oversight or are we really not slated for a sound wall? Based on what I have read on page 3.10-32, I don't think my location is planned for a sound wall, while the other buildings are. Even if the train is going to be at or below grade as it goes by my location, I'm so close I just can't imagine not having a sound wall.

21-2

3) On the subject of aesthetics/visual impact. I strongly disagree with the finding on page 3.7-23 that there is no mitigation required for potential visual encroachment on adjacent residential uses. I'm not exactly sure what I am going to be able to see when I look out my window. Right now, I see trees and an empty field. To my right is the swimming pool and beach volleyball court for the entire complex. There are picnic tables and a barbecue pit. This is a very quite, serene area. This needs to be taken into account. I'm relatively certain (based on the photo on 3.7-14 and the project description on page 2-31) that the trains are still be going to be above grade, on the embankment, when it passes by my building. Therefore, there are going to be several residences of my building that are probably going to be able to see the trains, especially the top floor. I believe a row of trees placed along the extreme west edge of the BART property line could serve as a definite visual break. It could provide additional noise reduction. It could also help protect property values. When a potential buyer comes to look at a place in this building, the first thing they should not notice is a train going by about 100 feet away! Therefore, I think a simple step of placing trees could help solve this issue.

21-3

4) Would it possible to have a meeting, at Fremont Villas, with one of the persons very familiar with the project? We at Fremont Villas (especially my particular building) are at a strange location in the proposed alignment. Since it is transitioning from an embankment to at/below grade and then a subway tunnel, we are not 100% sure of what it will look and sound like when it goes by our location. Someone could come by and show us exactly where it is projected to be on an embankment and where it would be at grade. Right now, I can't go onto BART property and measure out 1000 feet from Walnut and then another 1000 feet to the projected location of the subway portal (taken from project description on page 2-31). At the very least, please have someone visit and confirm what I have detailed in my comments.

21-4

5) Another homeowner has a concern about the projected speeds through this location. The previous environmental impact report indicated that the maximum speed through here would be 50 miles per hour. The DSEIR now lists a maximum speed of 70 mph. I know that BART wants to get the maximum speed possible from its trains, because it is rapid transit. However, it seems odd that the speeds could possibly increase from 50 mph to 70 mph. Speed does seem to be an issue through here, because this part of the project would be exempt from the 80 mph maximum speed as stated on page 2-42. There is no reason given for the exemption. We are concerned about the radius of the curve through here causing additional noise the faster the train takes it. Also a related issue is whether they will be beeping their horns through this area and is that calculated in determining the passby noise.

21-5

6) Another homeowner, a resident of one of the buildings projected to have a noise impact, brought up the fact that the DSEIR only counts 4 residences for the 3 indicated buildings. There are more than 4 residences for each building. At some point will there be clarification on the specific unit numbers affected?

21-6

7) No current assessment was made of the existing noise conditions at Fremont Villas. Pages 3.10-6 through 3.10.8 show this. It was assessed during the 1992 report. We are one of the closest residential areas for the entire project and I am in one of the closest buildings and no current assessment was made. I don't want to sound dramatic here, but I feel like we're being left out. The report states on page 3.10-6 that "estimating existing noise exposure is an important step in the noise impact assessment because the thresholds used to assess the significance of cumulative noise impact are based on existing levels of noise exposure." Shouldn't existing noise levels be evaluated here? I think it is quieter here than the closest location evaluated, Red Hawk Ranch Apartments. If that is proven it to be true, it would mean we may have a greater cumulative noise impact.

21-7

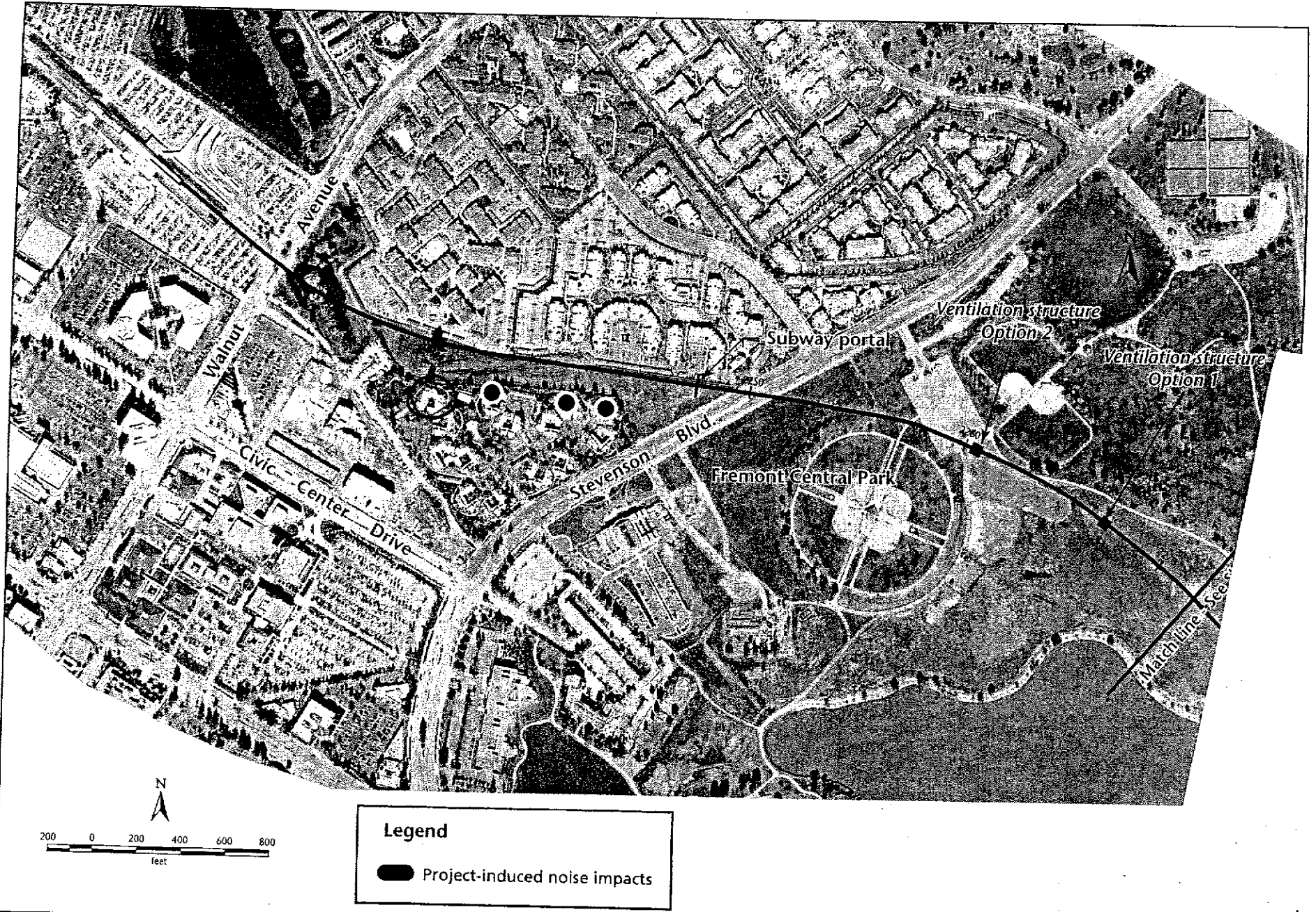
In closing, I support BART because it is a very important resource for this area. However, I feel that due to my building's extreme close distance to the projected project we deserve more consideration that the report currently reflects. I eagerly await your response.

Sincerely,



Neil J. Edwards.

Page 4 of 4



02041.02 (2/03)

Source: Harris, Miller, Miller & Hanson 2002.

Sheet 1 of 5

Figure 3.10-6a
Project-Induced Noise Impacts

Response to Comment Letter 21 (Neil J. Edwards)

- 21-1** The Proposed Project alignment would be approximately 170 feet from the building referred to in the comment. The BART tracks would be approximately 100 feet from the Fremont Villas building immediately south of Mr. Edward's building and approximately 65 feet from the two subsequent buildings southward in Fremont Villas. The BART tracks would be located on the northern side of the right-of-way, which is farther from the residence referred to in the comment than from the other buildings in the complex. The elevation of the tracks near the referenced building would be approximately 6 feet above grade. At the next building to the south, the tracks would be at grade. Southward, adjacent to the two subsequent buildings, the tracks would be in a trench of increasing depth, which would provide some reduction of noise level. However, the trains would run at higher speeds adjacent to the two southernmost Fremont Villas buildings, and all three buildings would be closer to the tracks than the building in question, resulting in the noise impacts. Because the building referred to in the comment would be farther from the BART tracks than the three other Fremont Villas buildings adjacent to the BART right-of-way and the trains would run at slower speeds near the commenter's building, no significant noise impact is projected.
- 21-2** Figure 3.7-4 on page 3.7-14 of the DSEIR has been revised to show a simulation of how a noise barrier would look if placed on the BART embankment. The revised figure follows this page. Table 3.10-9 on page 3.10-32 of the DSEIR identifies the portion of the Proposed Project alignment adjacent to Fremont Villas as a potential location for noise barriers.
- 21-3** As noted in the description of Impact A2 on pages 3.7-22 and 3.7-23 of the DSEIR, the alignment section where trains would pass closest to adjacent residences is also where trains either would not be visible at all from ground level or would present the lowest visual image. At the location indicated on the map accompanying the commenter's letter, the top of the rail for the Proposed Project alignment would be approximately 8 feet above the existing ground level, and the BART tracks would be on an embankment approximately 140 feet from the residence. The Proposed Project alignment would transition to grade and then to subway at a point south of the Fremont Villas. By comparison, Viewpoint 2, on page 3.7-14 of the DSEIR, simulates the approximate view of the Proposed Project alignment and embankment in the general location of the Fremont Villas. However, at the location of Viewpoint 2, the tracks are higher (approximately 18 feet above the existing ground level) than at the residence, so that the visual effects of the Proposed Project at the residence would be substantially reduced compared to the simulation.

In addition, as described on page 3.7-22, the perimeter of the alignment is lined by existing fences, trees, and landscaping that are expected to block partial views of BART trains and the train corridor. The existing fences, trees, and landscaping at the commenter's location would not be affected by project construction. The commenter's suggestion that BART place a row of trees along the alignment where it passes existing residences is noted. However, the fact that visual impacts from this location are expected to be substantially reduced compared to the simulation in Viewpoint 2, combined with the presence of existing visual features, makes additional mitigation unnecessary at this location.

- 21-4** If the Proposed Project is approved, BART will have a community affairs team available to meet with residents on issues related to the project.
- 21-5** The alignment for the Proposed Project has been refined since the EIR for the original Warm Springs Extension project was certified in 1992, and the 2003 DSEIR provided updated estimates of BART train speeds. As stated on page 2-42 of Chapter 2 (*Project Description*), train speeds in the Fremont Station to Stevenson Boulevard segment of the alignment would be between 50 and 70 miles per hour (mph). The typical operating speed for BART trains is 70 mph. However, this portion of the alignment is quite constrained both horizontally and vertically, and ongoing alignment design work will reveal whether maximum train speeds could reach 70 mph or would have to be reduced to a lower speed.

The BART train horns would not be used in the Walnut Avenue to Stevenson Boulevard area, but the horns would be used by northbound trains between Walnut Avenue and the existing Fremont BART Station.

- 21-6** The noise analysis identified only those residences within the Fremont Villas buildings that would experience noise impacts from the Proposed Project. Not all residences within the three buildings would experience project-induced noise impacts (see page 3.10-22 of the DSEIR).
- 21-7** Existing noise levels were measured at two locations between Walnut Avenue and Stevenson Boulevard—the Red Hawk Ranch Apartments and the Presidio Apartments—during the noise analysis conducted for the DSEIR. Both locations are directly adjacent to the BART right-of-way from the Fremont Villas. Accordingly, the two noise measurements would accurately represent noise in the area, and the appropriate noise levels were used in assessing the noise impacts in this area (see pages 3.10-7 and 3.10-8 of the DSEIR). There are no unusual features or existing noise sources on the west side of the Proposed Project alignment that would cause noise levels to be different directly across the right-of-way or that would require additional ambient measurements to accurately identify the existing noise levels either east or west of the Proposed Project alignment in the segment between Walnut Avenue and Stevenson Boulevard. For this reason, it was reasonable to base the noise analysis on the two measured locations, and it was not necessary to do additional noise measurements in this area.

MAY 09 2003

STATION CAPITAL PROGRAM
TRANSIT SYSTEM DEVELOPMENT

BART WSX DSEIR comments:

Table ES-2, TRN5 through TRN18, Intersection LOS mitigations: These mitigations must not reduce bicyclist comfort through these intersections. Ideally, provide sufficient room for through cyclists to travel side by side with through motorists. All intersection modifications shall be reviewed by the Fremont Bicycle/Pedestrian Technical Advisory Committee.	22-1
Table ES-2, POP7 and TRN25, construction traffic impacts: Ensure that cyclist comfort is not reduced in construction areas. Provide sufficient and continuous room for cyclists to travel side by side with motorists on major streets. Provide smooth, clean, non-slip roadway surfaces to the extent possible.	22-2
Page 2-7, Table 2-1: The number of car parking spaces is listed, but not the number of bike parking spaces.	22-3
Page 2-21, Figure 2-6a, and Page 2-29, Figure 2-8a: Bike lockers should be closer to station entrance elevators. All elevators should be in pairs so that if one elevator is out of service, there's still another working elevator at the same location. Elevators should be centrally located, not out of the way as in some older BART stations. ADA-compliant ramps should be considered in addition to elevators where space allows. Restrooms shall be adequate for the passenger volume, unlike older BART stations where restrooms were an afterthought and are inadequate.	22-4
Page 2-30, Figure 2-8b: Irvington station needs elevators at all entrances. No elevators are shown for the kiss & ride area.	22-5
Pages 2-35 and 2-40: Striped bike lanes within the BART parking lot are unnecessary. These are not fast, high traffic arterials. Cyclists need not be restricted to the curb within a low-speed parking lot. The main parking lot roads should have sufficient lane width for cyclists and motorists to travel side by side. Poorly striped bike lanes leading toward the Warm Springs Blvd. exit would tend to discourage cyclists from making legal left turns.	22-6
Pages 2-36 and 2-40: The number of secure bike parking spaces is not mentioned. Secure bike parking should include long-term lockers, daily-use lockers, and/or a "bikestation".	22-7
Page 2-42: All new parking should be "market rate". Secure bike parking shall be significantly less expensive than car parking.	22-8
Pages 2-46 to 2-48, 2-51 to 2-52: Wide curb lanes or bike lanes shall be maintained during construction at Walnut, Stevenson, Paseo Padre, and Grimmer. Roadway surfaces will be smooth, clean, and non-slip.	22-9
Page 2-49: Metal plates on pedestrian bridges should be treated with a non-slip surface. Pedestrian access between Gomes Park and Central park shall be maintained during construction.	22-10
Page 3.5-4, Figure 3.5-2: The "Newark" label is shown within Fremont.	22-11
Page 3.7-17, Figure 3.7-7, Viewpoint 5: The truck should not be parked in the southbound bike lane. The northbound bike lane looks too narrow, especially near the speed limit sign.	22-12
Page 3.7-18, Figure 3.7-8, Viewpoint 6: The parking lot should be full in this midday scene. The pedestrians nearly outnumber the cars, which seems unlikely given the surrounding land use. The contrasting color crosswalks are a nice touch, though. I would have expected to see a left turn pocket leading into the station, and more traffic signal poles. The southbound bike lane looks kind of narrow.	22-13
Page 3.7-21 and several following pages: "motorists" should usually be "motorists and cyclists".	22-14
Page 3.7-33, Figure 3.7-10, Viewpoint 5: The southbound bike lane should be parallel to the travel lane, not parallel to the curb. I would have expected to see at least a few cars traveling on Osgood.	22-15

Page 3.9-15, Parking: All vehicle parking should be market rate. Spaces should always be available at all times of the day for anybody willing to pay the market-based fee. If lots are filled to capacity, then the fee is too low. Midday and weekend parking should probably be cheaper than weekday morning parking.

22-16

Page 3.9-16 "Signed bicycle lanes (15-foot travel lane)" should be "Signed bicycle ROUTES". These are also called Class III. Some of these are wider than 15 feet. The distinction between Class II Bike Lanes and Class III Bike Routes is not important. What matters is that all major streets AND ALL MAJOR INTERSECTIONS have sufficient width for cyclists and motorists to conveniently and comfortably travel side by side. The width should be smooth, clean, and continuous. Minor streets should be well-connected to provide cyclists with alternative routes. All traffic signals shall detect bicycles. The frontage roads are far inferior to sharable width on the main thoroughfare because of excessive stop signs and intersection conflicts. Those thoroughfares should be restriped to provide a wide curb lane or bike lane.

22-17

Pages 3.9-21 and 3.9-23, Bicycle Facilities: There should be secure bike parking (both daily and long-term). It should be close to the entrance elevators and/or it should be a "bikestation" in the concourse. Bike parking shall be significantly cheaper than vehicle parking. Bike lanes on the driveways are unnecessary. (This is a parking lot, not an arterial.) Wide curb lanes for the major driveways are sufficient if side by side travel is desired.

22-18

Pages 3.9-34 and 3.9-35, Tables 3.9-9 and 3.9-10: Walk/Bike should be separate columns.

22-19

Page 3.9-41, Bicycle impacts: Again, those are bike ROUTES.

22-20

Page 3.9-42, Intersection Operations: The impact on cyclists must be considered. Mitigations must not reduce cyclist convenience or comfort. Ideally, cyclist convenience and comfort should be increased.

22-21

Page 3.9-63, Table 3.9-18, Parking Demand: Where demand exceeds supply, the price is too low.

22-22

Page 3.9-66, Construction Impacts: A wide curb lane or bike lane should remain whenever lanes are closed or diverted.

22-23

Thank you for your consideration.

Michael Graff
4512 Richmond Ave
Fremont CA 94536

Response to Comment Letter 22 (Michael Graff)

- 22-1** Intersection mitigation measures are not anticipated to reduce bicyclist comfort because the mitigation measures do not propose to remove existing bicycle facilities or reduce bike lane widths at the affected intersections. BART will coordinate with the City of Fremont during the design and implementation of mitigation measures on City of Fremont roadways. Comments from the Fremont Bicycle/Pedestrian Technical Advisory Committee should be presented to the City of Fremont so that they can be included in the city's review of the proposed intersection improvements.
- 22-2** Cyclists travel needs will be considered in implementation of Mitigation Measure TRN25, which requires development and implementation of a construction-period construction phasing and traffic management plan. Cyclists' concerns will be addressed by providing construction schedule information, haul route designations, safe bicycle access, and circulation routes during construction at the Fremont BART Station, and public information programs.
- 22-3** The conceptual site plans for the proposed new BART stations (Figures 2-6a and 2-8a in Chapter 2 of the DSEIR) identify bicycle locker locations but not the exact number of bicycle parking spaces. As the project site plans are further developed, elements will be refined, including the number of bicycle parking spaces, location of bicycle parking, designation of bicycle access routes, and prices for use of bicycle lockers.
- 22-4** Comment noted. See the response to comment 22-3 concerning bicycle lockers at the Warm Springs and optional Irvington Stations. Stations will be designed to comply with applicable provisions of the Americans with Disabilities Act. Exact locations and numbers of access ramps, elevators, and restrooms will be determined during the preliminary and final phases of station design.
- 22-5** Although not clearly visible in Figure 2-8a and Figure 2-8b in Chapter 2 (*Project Description*) of the DSEIR, there are elevators planned for both kiss-and-ride areas at the optional Irvington Station.
- 22-6** Comment noted. See the response to comment 22-3 regarding bicycle access routes.
- 22-7** Comment noted. See the response to comment 22-3 regarding bicycle parking.
- 22-8** Comment noted. See the response to comment 22-3 regarding prices for use of bicycle lockers. The BART Board of Directors sets the parking policies for the BART system and has maintained a policy of free parking for the majority of parking spaces at BART stations. As noted in the response to comment 20-17, the Board has recently initiated a reserved parking program where patrons pay monthly fee to reserve a parking space until 10:00 a.m., after which time the parking space can be used by any patron.
- 22-9** See the response to comment 22-2.

- 22-10** Temporary pedestrian bridges constructed in Fremont Central Park will be designed for safe and convenient use by pedestrian and cyclists. Access to and within Central Park, including use of existing and temporary pedestrian connections from the east of the park to the golf course and Gomes Park will be provided as noted on page 3.5-34 of DSEIR. The choice of materials selected will be appropriate to address pedestrian and bicycle safety.
- 22-11** Comment noted. The Newark label in Figure 3.5-2 of the DSEIR should have been placed southwest of I-880. The revised Figure 3.5-2 is included in Section 3 of this FSEIR. The location of Newark is correctly identified on Figure 3.5-1 of the DSEIR.
- 22-12** Comments concerning the photo simulation of the City of Fremont's grade separations project are noted. Figure 3.7-7 of the DSEIR depicts the baseline condition after construction of the city's grade separation at Washington Boulevard. The photo simulation is provided to determine the visual impacts that would result from the addition of the Proposed Project in the vicinity of the optional Irvington Station, as depicted in Figure 3.7-10, and does not reflect City of Fremont decisions such as future parking restrictions on Osgood Road and lane widths on Osgood Road.
- 22-13** Comments concerning the photo simulation of the proposed Warm Springs Station are noted. Figure 3.7-8 of the DSEIR provides a visual depiction of the proposed station to determine the visual impacts that would result from the placement of the proposed station in the Warm Springs area and does not reflect precise parking use demand or future lane configurations. Design decisions such as future intersection configuration, striping and signalization on Warm Springs Road, and lane widths would be determined during final design of the Warm Springs Station.
- 22-14** The text in Section 3.7 refers to "motorists' views" to depict roadway user viewpoints. This viewpoint would apply to cyclists, pedestrians, and motorists passing along the referenced roadway.
- 22-15** Comments concerning the photo simulation of the optional Irvington Station are noted. Figure 3.7-10 of the DSEIR provides a visual depiction of the proposed station to determine the visual impacts that would result from the placement of the proposed station in the Irvington area and does not reflect traffic demand or future lane configurations. Design decisions such as lane widths and bicycle lane striping would be determined during final design of the optional Irvington Station.
- 22-16** Comment noted. The comment refers to BART's parking pricing policy, which is not part of the Proposed Project or the DSEIR. The BART Board of Directors sets the parking policies for the BART system and has maintained a policy of free parking for the majority of parking spaces at BART stations. As noted in the response to comment 20-17, the Board has recently initiated a reserved parking program where patrons pay monthly fee to reserve a parking space until 10:00 a.m., after which time the parking space can be used by any patron.
- 22-17** Page 3.9-16 of the DSEIR provides a description of existing bicycle facilities in the vicinity of the proposed Warm Springs Station and optional Irvington Station. Impacts of the Proposed Project to pedestrian and bicycle facilities are presented on page 3.9-41 of the

DSEIR. The Proposed Project would not affect the referenced frontage roads on Fremont Boulevard and Blacow Road.

- 22-18** See the responses to comments 22-3, 22-4, 22-8, and 22-16.
- 22-19** Tables 3.9-9 and 3.9-10 of the DSEIR provide information concerning modes of access to southern Alameda County BART stations. The tables show projected ingress and egress by various modes—automobile, kiss-and-ride, bus, and non-motorized access—which allows comparison of the modes of access by general categories. The tables combine non-motorized access, which gives an indication of the general usage of pedestrian and bicycle facilities. The appendices to the transportation technical report, which is Appendix N to the DSEIR, contain a separate estimation of bicycle access at the stations.
- 22-20** Commenter’s preference for use of the term “route” to describe the 15-foot travel lane referenced on page 3.9-41 of the DSEIR is noted.
- 22-21** See the response to comment 22-1.
- 22-22** Comment noted. See the response to comment 22-16.
- 22-23** See the response to comment 22-2.



SREHOLMES@aol.com

04/24/03 09:11 PM

To: rwenzel@bart.gov

cc:

Subject: Warm Springs Extension Project

Spencer Holmes
3522 Jamestown Rd
Fremont, Ca. 94538
Boy Scout Troop #143
April 24, 2003
Richard Wenzel
Bart / Warm Springs Extension Project
Bay Area Rapid Transit
P.O. Box 12688
Oakland, Ca. 94604-2688
Dear Sir:

I attended the public hearing for the Warm Springs Extension Project at Parkmont Elementary School on Monday April 14 2003.

Could you please briefly explain how "Bart" is going to tunnel under Lake Elizabeth?

I am concerned about how this "tunneling process" is going to affect the wildlife, in and around the lake.

I think that it will disturb the wildlife. I think that the tunneling machine will create a vibration under the ground. This will confuse the animals. I understand that this is only going a small amount of time to tunnel under the lake, but I think it will disrupt their eating and mating cycles.

Sincerely,

Spencer Holmes

Response to Comment Letter 23 (Spencer Holmes)

23-1 Construction of the Proposed Project alignment under Lake Elizabeth is described on page 2-49 of the DSEIR. This section of the alignment would be constructed using the cut-and-cover method and would not require tunneling. The cut-and-cover subway would be excavated with laid-back side slopes. An invert slab would then be constructed, followed by construction of the box walls and roof slab. Once the subway box has been completed, trackwork and then train systems would be installed. The subway box would then be backfilled, and the site would be restored to the previous grade.

Impact BIO11 and Mitigation Measure BIO11, discussed on pages 3.4-41 and 3.4-42 of the DSEIR, identify biological impacts and mitigation measures associated with construction of the alignment under Lake Elizabeth. Implementation of Mitigation Measure BIO11 and the other mitigation measures discussed in connection with Impact BIO11 would reduce the effect of Impact BIO11 on biological resource to a less-than-significant level. See also the response to comment 11-19.

MAY 09 2003

STATIONING CAPITAL PROGRAM
TRANSIT SYSTEM DEVELOPMENT**Larry Milnes**

May 6, 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

Re: Draft SEIR for the BART Warm Springs Extension (WSX)

My comments on the reference document are:

Central Park Culvert.

The cross section for the planned culvert (to carry BART trains underground through Central Park) shows the bottom of this structure between Stevenson Boulevard and Laguna Creek (AKA Mission Creek) will be on the order of 20 feet below the ground surface. Borings conducted in this area in the 1950's showed there was a clay layer overlying rich quarry quality gravel deposits. A quick review of the Draft SEIR did not indicate BART had done exploratory borings in this area. In the opinion of this writer, these should be done as a part of this phase in order to identify whether or not its excavations for this below grade structure may encroach into these gravel deposits (and thus experience ground water problems during and following construction). Methods of dealing with

- o excavations into this gravel bed and water proofing of the structure); or alternatively
- o raising the grade of the structure

should be identified in this Draft document in the event borings show this to be likelihood.

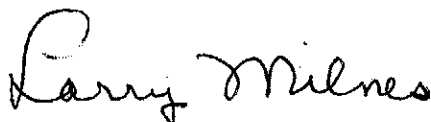
24-1

Blacow Road Extension across BART Alignment

The City of Fremont General Plan provides for Blacow Road to be a continuous thoroughfare northwesterly from Osgood Road. Portions of Blacow Road presently exist on the northwesterly and southeasterly sides of the present railroad corridor (planned to be occupied in part by BART). There is no mention of this potential conflict in the discussion on pages 2-51 and 2-52. Plans for accommodating this future extension as either an underpass or an overpass should be discussed in this Document, in order for it to be considered complete.

24-2

Thank you for the opportunity to comment on this Draft SEIR.



Larry Milnes, PE

Response to Comment Letter 24 (Larry Milnes, PE)

- 24-1** BART has initiated geotechnical site investigations, and early results indicate that the gravel bed is somewhat below the excavation depth required for the subway. The depth of the subway is subject to revision as the alignment is further refined, and minimizing the depth of excavation is one of the objectives of the project design.
- 24-2** BART has consulted with the City of Fremont concerning the placement of ancillary facilities in the vicinity of Blacow Road east of the Proposed Project alignment. As shown in Figure 2-4d on page 2-12 in the DSEIR, the traction power substation optional location is outside the Blacow Road right-of-way in the landscape area of the City of Fremont Corporation Yard. The other optional location for the substation would be on the northern edge of the Blacow Road right-of-way at 42400 Osgood Road, which would require displacement of a portion of the existing parking lot. (See Table 3.6-8 on page 3.6-14 of the DSEIR.)

Therefore, the Proposed Project would not preclude a future overpass of Blacow Road over the Proposed Project and Union Pacific tracks.

MAY 09 2003

STATIONS CAPITAL PROGRAM
TRANSIT ORIENTED DEVELOPMENT

From:
John and Sabine Hardin
1925 Barrymore Common Unit R
Fremont, CA 94538

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

May 6, 2003

Mr. Wenzel,

My wife and I were unable to attend the latest public hearing regarding the Fremont to Warm Springs extension. We do however have a couple of questions regarding our residence. Please review this and reply back to us.

We live in Fremont Villas at 1925 Barrymore Common Unit R. The Fremont Villas complex was built in 1980 long before Bart even acquired the land to build the extension to Warm Springs. All of the units at Fremont Villas are equipped with single pane windows. The windows in this complex as well as the wall insulation were not built to withstand the level of noise that Bart is about to impose upon the residents here.

Currently our unit is $\frac{3}{4}$ mile away from the Fremont Bart station. When I lay in bed at night, I can hear the Bart trains coming into and leaving the station. Imagine what the noise level will be like when the train rolls by 75 feet from my bedroom window.

One of the local residents here at Fremont Villas has provided us with access to a document that states that only 12 units, 4 units in 3 buildings at Fremont Villas will be affected and will receive some type of insulation and window work done. The document didn't state which units were the effected units. We don't know whether our unit has been selected but we suspect it has not because our building has 4 units that have a few degree more direct view than ours.

25-1

Our questions are:

- 1) Will our unit be retrofitted for the noise, and if not why not? We have provided pictures of the view from our unit of the area where Bart will be going through. It is apparent from viewing the area from our unit that we will be affected. We also tried to sell our unit last year and it was apparent to all of the prospective buyers that our unit was affected as that was the main reason for concern and in 3 months we received zero offers.

25-2

- 2) We also noticed from the environmental impact report that tests have been done to determine the decibel level of noise at varying distances away. How did you test the decibel level at a second floor level that will be above the sound barrier?

25-3

Thanks,

John T. Hardin

John T. Hardin

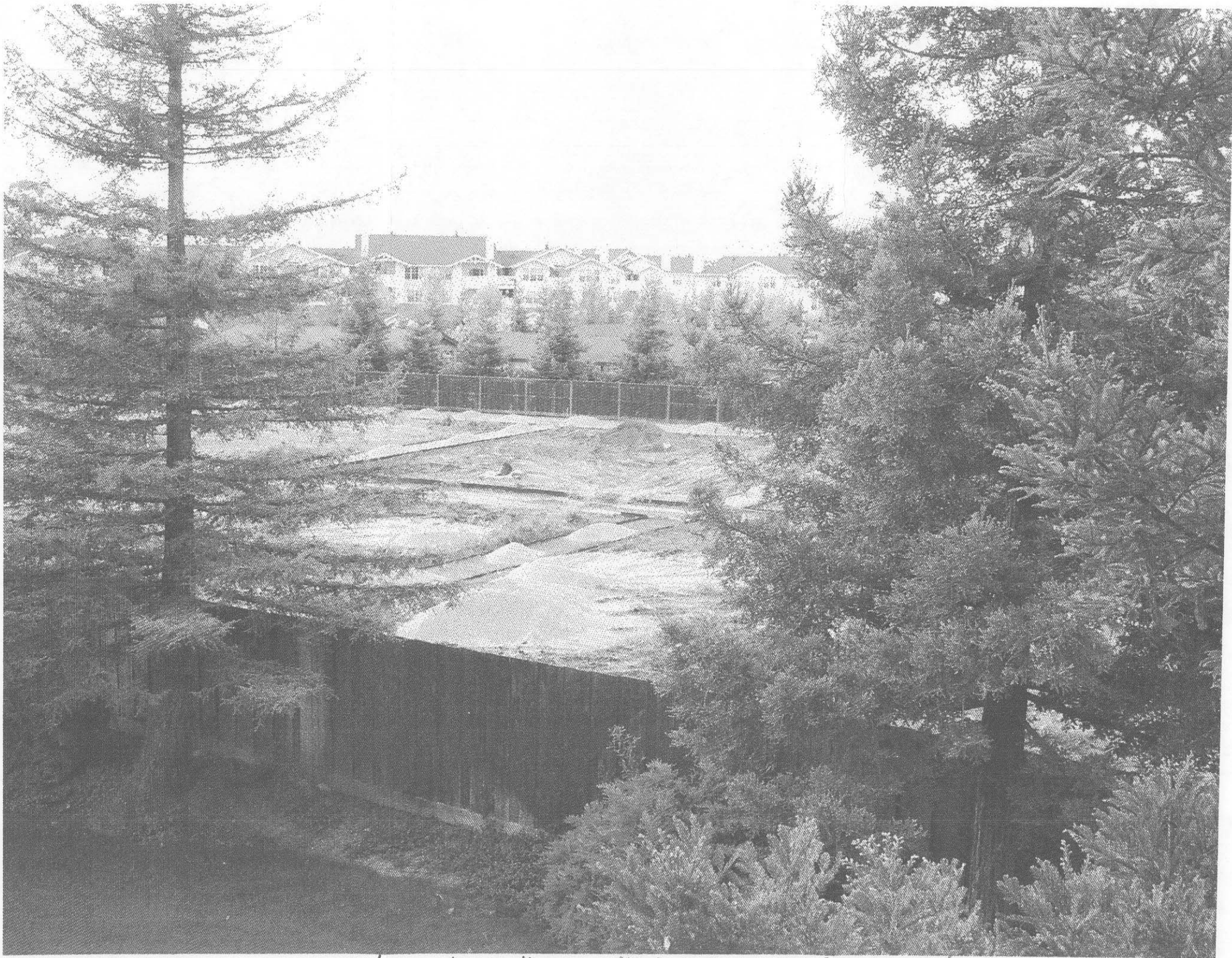


Front Patio View 1925 Barrymore Common Unit R



Front Window View

1925 Barrymore Common Unit R



Bedroom Patio View 1925 Barrymore Common Unit R

Response to Comment Letter 25 (John T. Hardin)

- 25-1** See the response to comment 21-6.
- 25-2** As indicated in Table 3.10-9 on page 3.10-32 of the DSEIR, noise barriers are identified as potential mitigation for noise impacts in the alignment segment between Walnut Avenue and Stevenson Boulevard. The exact dimensions of the noise barrier, including length and height, will be determined during the design phase. The DSEIR did not identify this alignment segment as a potential location for building sound insulation (see Mitigation Measure N1 on page 3.10-25 of the DSEIR). As noted in this mitigation measure, site-specific mitigation will be refined as engineering design details become available.
- 25-3** The noise prediction model identifies predicted future noise levels at ground and above-ground elevations. This allows for prediction of future with-project noise levels at ground floor levels and also at upper floor levels of noise-sensitive receptors. Mitigation Measure N1 includes noise abatement methods designed to reduce noise levels at the identified receptors, both at ground level and second story levels. As depicted in the revised Figure 3.7-4 in Section 3 of the FSEIR, it is likely that a noise barrier would be placed on the BART embankment adjacent to the BART tracks in the vicinity of Fremont Villas. Based on available information, it appears to be feasible to design and construct a noise barrier at this location that would provide noise mitigation for the upper floor levels at Fremont Villas. Because the alignment is partially below ground level as it approaches the subway portal, a combination of below-ground retaining wall and a noise wall would provide mitigation for upper floors at Fremont Villas.