2. Lam Nguyen, Acting Chief, California Department of Transportation, Division of Rail (letter dated October 27, 2008)

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF RAIL
1120 N STREET
P. O. BOX 942874 – MS 74
SACRAMENTO, CA 94274-0001
PHONE (916) 654-3797
FAX (916) 653-4565
TTY 711

Letter 2

Flex your power!
Be energy efficient!

October 27, 2008

Ms. Katie Balk
Planning Department
San Francisco Bay Area Rapid Transit District
300 Lakeside Drive, 16th Floor
Oakland, CA 94612

Dear Ms. Balk:

Thank you for the opportunity to review the Eastern Contra Costa Bart Extension Draft Environment Impact Report, (eBART) analyzing the impacts related to the extension of the existing BART system from Pittsburg to Antioch, California.

2-1 The California Department of Transportation's (Caltrans), Division of Rail (DOR) is supportive of this extension. Caltrans would, however, request that you expand your analysis to cover the issue of connectability to the existing Amtrak California station in Antioch. The Antioch Station connects passenger service from Oakland to the Stockton area, north to Sacramento, south to all the major cities in the San Joaquin Valley, Los Angeles, and on to San Diego. The proposed eBART extension will pass so close to the Antioch Station that developing a reliable connection between the two systems is an opportunity that should not be missed.

2-2 Roughly 450,000 passengers pass by the Antioch Station on Amtrak California trains annually. The DOR is planning for the addition of two train sets daily on this route over the next two to three years due to increasing traffic demand. The proposed eBART extension will make rail commuting more appealing to over one million people from the greater Stockton area. Coordination on ticketing, parking and scheduling between BART and Amtrak California will pay great dividends.

The Tri-Delta Transit Service may be consulted on the possibility of providing coordinated connection service between the two stations in Antioch.

Thank you for the opportunity to respond. The DOR will be pleased to work with you in any way that may be helpful.

If you have questions please contact me at (916) 654-3797.

Sincerely,

LAM NGUYEN
Acting Chief
Division of Rail

"Caltrans improves mobility across California"

2. California Department of Transportation, Division of Rail, Lam Nguyen (letter dated October 27, 2008)

2.1 The commentor expresses support for the Proposed Project. This comment concerns the merits of the project and does not concern the adequacy of the Draft EIR or BART's compliance with CEQA. Accordingly, no further response is necessary.

2.2 The Antioch Amtrak Station is located in Downtown Antioch approximately three miles from the Hillcrest Avenue Station which is part of the Proposed Project. Tri Delta Transit, the local transit service provider in the project area, was consulted as part of the analysis performed for the Draft EIR. This consultation resulted in a restructured service plan for Tri Delta Transit. This new service plan is generally described on page 2-36 of the Draft EIR in the third paragraph under the section entitled "Interface with Existing Transit Services." Pursuant to the new service plan, Route 388, which currently serves the Hillcrest park-and-ride lot, would be shortened and split into two routes. The northern portion of the route would be named 388A, and it would extend from the Hillcrest Avenue Station to Downtown Antioch and the Amtrak Station. This line operates from 6:00 AM to 10:00 PM on weekdays and provides service every 30 – 40 minutes during this period. Route 387 would also serve the Amtrak Station and would provide a connection to the proposed Railroad Avenue Station in Pittsburg.

To clarify the availability of existing and future connections between the Proposed Project and Amtrak, the following text is added to the end of the third paragraph under the section entitled "Interface with Existing Transit Services" on page 2-36 of the Draft EIR:

> There is an existing Amtrak California Station in Downtown Antioch which is about three miles from the proposed Hillcrest Avenue Station. The Antioch Amtrak Station connects rail passenger service from Oakland to the Stockton area, north to Sacramento, and south to all the major cities in the San Joaquin Valley, Los Angeles, and on to San Diego. In order to provide a connection to Downtown Antioch and the Antioch Amtrak Station, Route 388 would be modified into two routes, one of which would become Route 388A. Route 388A would provide direct service to the Downtown and the Amtrak Station.

3. Allan Fone, Ph.D., Project Manager, California Department of Toxics Substances Control, Brownsfields and Environmental Restoration Program (letter dated October 9, 2008)

Letter 3

Department of Toxic Substances Control

Maureen F. Gorsen, Director
700 Heinz Avenue
Berkeley, California 94710-2721

Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

October 9, 2008

Ms. Ellen Smith
The San Francisco Bay Area Rapid Transit District
300 Lakeside Drive, 16th Floor
Oakland, California 94612

Dear Ms. Smith:

Thank you for the opportunity to comment on the draft Environmental Impact Report (EIR) for the East Contra Costa BART Extension (also known as "eBART") (SCH# 2005072100). As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a Responsible Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project under the California Environmental Quality Act (CEQA) adequately addresses any remediation activities pertaining to releases of hazardous substances.

3-1 DTSC's review indicates that the draft EIR does not address comments provided by DTSC in response to two prior Notices of Preparation (NOP) for the eBART project. These comments (see enclosed letters from DTSC dated August 1, 2005, and April 7, 2008) recommended that an assessment of past land uses for the project area be conducted to determine if past chemical use or storage may have resulted in the release of hazardous substances. Based on the assessment, DTSC recommended that sampling be conducted to determine whether there are issues that need to be addressed in the CEQA compliance document.

Printed on Recycled Paper

Ms. Ellen Smith
October 9, 2008
Page 2

The draft EIR should be revised so that DTSC's comments are adequately addressed. If you have any questions, please contact me at 510-540-3836 or by email at afone@dtsc.ca.gov.

Sincerely,

Allan Fone

Allan Fone, Ph.D., Project Manager
Brownfields and Environmental Restoration Program
Berkeley Office

Enclosures

cc: Governor's Office of Planning and Research
State Clearinghouse
P. O. Box 3044
Sacramento, CA 95812-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

3. Department of Toxic Substance Control, Allan Fone (letter dated October 9, 2008)

3.1 This comment references two previous letters sent by the commentor on August 1, 2005 and April 7, 2008, during the scoping phase for the Proposed Project, which recommended assessment of past land uses in the project area, conducting sampling where recommended based on the assessment, and discuss the results in the Draft EIR. The Draft EIR describes such assessments on page 3.12-5 to 3.12-9. The majority of the project area is located within the SR 4 median. As stated on page 3.12-21 of the Draft EIR, it is expected that mitigation measures to address environmental contamination along SR 4 would be implemented during construction of the SR 4 widening project and would reduce potential impacts to the public and to construction workers from hazardous materials exposure to a less-than-significant level. Accordingly, soil or groundwater sampling within the SR 4 median will have already been conducted prior to construction of the Proposed Project. For portions of the Proposed Project that are not already addressed by the SR 4 widening project, such as the Railroad Avenue Station parking lot and the Hillcrest Avenue Station options, further assessment, sampling and remediation will take place as provided by Mitigation Measures HS-8.1, HS-8.2, and HS-8.3, on pages 3.12-22 and 3.12-23 of the Draft EIR.

4. Moses Stites, Rail Corridor Safety Specialist, California Public Utilities Commission, Consumer Protection and Safety Division (letter dated November 5, 2008)

Letter 4

STATE OF CALIFORNIA Arnold Schwarzenegger, *Governor*

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

November 5, 2008

Ellen Smith
Bay Area Rapid Transit District
300 Lakeside Drive, 16th Floor
Oakland, CA 94612

Re: Notice of Completion, Draft Environmental Impact Report (EIR)
East Contra Costa BART Extension (eBart)
SCH# 2005072100

Dear Ms. Smith:

We have completed our review of the proposed eBart Draft Environmental Impact Report (DEIR) to expand the existing BART system and extend transportation services to communities in east Contra Costa County that are currently not served by rail transit. We offer the following comments:

4-1 The Hillcrest Ave. station, Northside East and West options include new highway-rail crossings at Viera Road and Oakly Road. These crossings would travel over both the Union Pacific Mococo Line tracks as well as eBart tracks. All new highway-rail crossings require Commission approval according to Public Utilities Code section 1201. The CPUC will require a grade separated highway-rail crossing at these locations due to the planned increase in the number of Union Pacific freight trains, the number of commuter rail trains (eBART), the increase in residential units in the area as specified in the DEIR, and the projected 27% growth in households in the vicinity. The combination of a high number of trains and increased traffic at this crossing accessing the Hillcrest station poses a significant safety risk and therefore, the CPUC opposes this option.

4-2 The CPUC supports the Hillcrest Ave. station options where the station is in the SR 4 median. The options where the station is north of SR 4 places the station adjacent to the Union Pacific Mococo Line, increasing the likelihood of trespassing accidents along those tracks.

All eBART facilities adjacent to the Union pacific line need to have cast iron fencing to prevent trespassing.

4-3 All grade separated highway-rail crossing clearances must conform to General Order 26-D. These include all grade separations where the eBART line is in the median of SR 4. These grade separations occur at Railroad Ave., Harbor St., Loveridge Rd., Century Blvd., Somersville Rd., L St., G St., A St., Cavallo Rd., and Hillcrest.

4-3 (cont'd)

Per Section 99152 of State of California Public Utilities Code and FTA 49 CFR Part 659 Final Rule requires the California Public Utilities Commission (CPUC) to provide safety oversight of rail fixed guideway systems.

The design criteria of the proposed project must comply with CPUC General Orders (GOs), such as "Safety Rules and Regulations Governing Light-Rail Transit", (GO) 143-B, "Rules and Regulations Governing State Safety Oversight of Rail Fixed Guideway Systems", GO 164-D, "Overhead Electric Line Construction", GO 95, and "Regulation, Governing the Construction, Reconstruction, Maintenance and Operation of Automatic Train Control Systems with Respect to Train Detection and Separation, Route Interlocking, Speed Enforcement and Right of Way Hazard Protection on Rapid Transit Systems requirements", GO 127.

The CPUC needs to be included in the ongoing coordination and participation as the project moves forward since we are a responsible agency according to CEQA section 15381. Be advised that the certified FEIR may be used to support the CPUC General Order requirements as needed.

It is recommended that the above General Order requirements be include in the mitigation monitoring section of the FEIR for compliance by affected agencies.

Thank you for your consideration of these comments and we look forward to working with you on this project. For questions regarding this oversight, please contact Mr. Felix Ko at (415) 703-3722. If you any other questions, please contact me at (415) 713-0092 or email at ms2@cpuc.ca.gov.

Sincerely,

Moses Stites
Rail Corridor Safety Specialist
Consumer Protection and Safety Division
Rail Transit and Crossings Branch
515 L Street, Suite 1119
Sacramento, CA 95814

4. California Public Utilities Commission, Moses Stites (letter dated November 5, 2008)

4.1 The Northside West Station option would require the extension of Viera Avenue from Slatten Ranch Road to access parking north of the Union Pacific Railroad (UPRR). The Northside East Station option would not require the extension of Viera Avenue or Oakley Road, as all the project parking is south of the tracks and accessible from Slatten Ranch Road. However, the Northside East Station option requires the extension of Slatten Ranch Road. Costs for construction of these road extensions are not included in the Proposed Project cost estimates and would be paid for by other agencies. In all cases, the road extensions would be grade separated over (or under) the UPRR and the Proposed Project's tracks, pursuant to Public Utilities Code Section 1201. Therefore, BART does not consider these station options to be more hazardous than the other options with the station in the median of SR 4.

4.2 BART notes the California Public Utilities Commission's (CPUC's) preference for the median station options and recognizes that the median station options would have a lesser likelihood of trespassing accidents, but, if either the Northside West or Northside East Station option were selected, BART would comply with all relevant CPUC and other safety regulations and standards. The Proposed Project would include standard security chain link fencing along the adjacent UPRR line to prevent trespassing.

4.3 The Proposed Project would be designed consistent with all relevant CPUC General Orders and requirements. Representatives of the BART System Safety Department have met with the CPUC to discuss the General Orders that apply to the project. BART recognizes that the Proposed Project's system safety certification requires final acceptance by the CPUC, and BART will be cooperating with the CPUC as the project moves forward. As the CPUC requirements are not mitigation measures for project impacts, it is not appropriate to include them in the Mitigation Monitoring and Reporting Plan for the Proposed Project.

5. William R. Kirkpatrick, Manager of Water Distribution Planning, East Bay Municipal Utilities District (letter dated November 4, 2008)

Letter 5

EAST BAY MUNICIPAL UTILITY DISTRICT

November 3, 2008

Katie Balk
San Francisco Bay Area Rapid Transit District
Planning Department
300 Lakeside Drive, 16th Floor
Oakland, CA 94611

Re: Draft Environmental Impact Report – Proposed Rail Extension (eBART) Project, East Contra Costa County

Dear Ms. Balk:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Proposed Rail Extension (eBART) Project located in East Contra Costa County. EBMUD has the following comments.

MOKELUMNE AQUEDUCTS

5-1 The proposed project will cross EBMUD's Mokelumne Aqueducts (Aqueducts), located within an EBMUD right-of-way (owned in fee) in the vicinity of the proposed transfer facility, at the location where SR 4 crosses the Aqueducts. The Aqueducts are identified as "surface water bodies" on page 3.8-4 of the Draft EIR and are also identified on Figure 3.8-2. For clarification, EBMUD's Aqueducts are large diameter pipelines that transfer water to EBMUD's service area; they are not a surface water body.

The applicant must adhere to EBMUD's requirements for use of the right-of-way and the procedure for Requirements for Entry or use of EBMUD Property. A copy of these requirements and procedures is enclosed for your reference. The following are additional comments regarding EBMUD's Aqueducts.

5-2 Design drawings for any project encroachment (roadway, utility, facility, etc) crossing the right-of-way will need to be submitted for proper review, approval and permitting to preclude damage to the pipelines from the operation of BART trains. In addition, the project sponsor will need to acquire an easement across EBMUD's right-of-way where the proposed track alignment will cross EBMUD's Aqueducts. Also, to the extent that the proposed BART track alignment will have high-voltage power within the alignment, the project sponsor will need to propose cathodic protection methods to mitigate the possibility of damage to EBMUD's Aqueducts due to high-voltage induced corrosion. Design drawings for any projects planned adjacent to the Aqueduct right-of-way should also be

375 ELEVENTH STREET • OAKLAND • CA 94607-4240 • TOLL FREE 1-866-40-EBMUD

5-2 (cont'd)

submitted to EBMUD for review of possible drainage, site grading, fencing, construction access, and other conditions that affect the property. EBMUD requires a full set of drawings (full size or 11x17) for review and approval. All submittals need to be sent to Andrew Enos. Documents requiring courier use such as FedEx should be sent to 1804 W. Main Street, Stockton, CA 95203. Normal letter correspondence should be sent to P.O. Box 228, Stockton, CA 95201.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,

William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:NJR:sb
sb08_280.doc

Enclosure

11/04/08 12:08 FAX 510 287 0790 EBMUD WDPD 004

EBMUD

Procedure 718

EFFECTIVE 01 MAY 08

SUPERSEDES 27 JUN 06

RAW WATER AQUEDUCT RIGHT-OF-WAY NON-AQUEDUCT USES

LEAD DEPARTMENT O&M

PURPOSE - To establish procedures and criteria for review and authorization of surface and sub-surface use of District-owned property containing raw water aqueducts for purposes other than installation, maintenance, and operation of District raw water aqueducts.

Forms Used

L-14 Limited Land Use Permit
K-47 Work Request Agreement
N-15 Certificate of Public Liability Insurance
N-17 Certificate of Workers' Compensation Insurance
Application for Use of EBMUD Property or Request for Information
General Fund Receipts for Miscellaneous Payments

Authority and Responsibility

Use, development, and control of fee-owned rights-of-way for District and non-District uses must be consistent with water supply security and the rights and obligations of the District. District and non-District uses of District-owned aqueduct rights-of-way may be permitted when they conform to Policy 7.01, Aqueduct Rights-of-Way Maintenance.

- No use of District aqueduct properties by others will be permitted as a condition to meet city/county zoning requirements or to obtain any land use permit, approval, or entitlement affecting properties not owned by the District.
- No use of District properties by others will be permitted except under terms of a written agreement.
- Use of raw water aqueduct rights-of-way for District purposes shall have the concurrence of the Aqueduct Section Superintendent.
- Use of aqueduct rights-of-way for District treated water lines shall include all applicable aqueduct protections required for similar third-party utility water line crossings.

For the Mokelumne, Lafayette, and Moraga raw water aqueducts, acceptable long-term uses of the rights-of-way include but are not limited to: utility crossings, road crossings, limited agriculture, equestrian and pedestrian trails, parks, oil and gas leases, and District-owned ground water wells. Acceptable, long-term uses of rights-of-way and easements for future raw water aqueducts will be evaluated upon facility completion. Such uses will be authorized by letter, limited land use permits, revocable licenses, leases or easements, as appropriate. All approved uses will conform to the requirements and limitations described in Requirements for Entry or Use (Supplement No.1 to Procedure 718) and all other conditions as specified in the written approval, permit or easement for each individual use.

The Water Supply Division is responsible for monitoring permitted uses and detecting and preventing unauthorized uses of raw water aqueduct rights-of- way. The Office of General Counsel and the Manager of Real Estate Services will be consulted whenever an unauthorized user will not voluntarily desist.

The Water Supply Division is responsible for coordinating the development of recommendations with respect to the terms and conditions to be stipulated when a District or non-District use of a raw water aqueduct right-of-way is to be permitted.

Raw Water Aqueduct Right-of-Way Non-Aqueduct Uses

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The Manager of Design Division or the Manager of the Pipeline Infrastructure Division shall be consulted when needed to supply location analysis or to determine what structural, grading, drainage, corrosion protection or other engineering measures are required and to obtain estimates of engineering, design and inspection costs.

Inquiries and Applications for Use

For the Mokelumne, Lafayette, and Moraga raw water aqueducts, applications and inquiries for use of raw water aqueduct rights-of-way shall be processed by the Water Supply Division. Applications for non-District uses will not be processed unless accompanied by the appropriate application fees outlined in Supplement No. 2 to Procedure 718, Fees and Documentation Charges, Use of Aqueduct Rights-of-Way by Others.

The Water Supply Division is responsible for:

- Providing requirements for use of the District's raw water aqueduct rights-of-way to applicants and to other District departments requesting use of the right-of-way. See Supplement No. 1, Requirements for Entry or Use of Mokelumne, Lafayette and Moraga Aqueduct Rights-of-Way.
- Checking for completeness to ensure compliance with the requirements for entry or use of raw water aqueduct rights-of-way contained in Requirements for Entry or Use plus any other conditions applicable to the proposed use.
- Collecting engineering, plan review and construction inspection costs and documentation of insurance coverage, if necessary.
- Monitoring existing encroachments and inspection of the construction of new approved encroachments.
- Providing information to the Survey Section, Pipeline Infrastructure Division, and Engineering Services Division for update of District raw water aqueduct right-of-way drawings.
- Collecting application fees and charges associated with the preparation and execution of revocable licenses.
- Assuring proper environmental documentation.

Real Estate Services is responsible for:

- Advising Manager of Water Supply Division of any real estate matters which relate to a specific proposed use.
- Collecting of application fees and charges, preparing and executing limited land use permits, leases, easements, and all other property-related agreements (except for revocable licenses and temporary entry permits) and recommending fees and charges appropriate to the property use allowed, and for securing payment. See Supplement No. 2, Fees and Documentation Charges, Use of Aqueduct Rights-of-Way by Others.
- Maintaining records relating to rights-of-way crossings and use, and providing information to Survey Section and Engineering Services Division for the update of District raw water aqueduct right-of-way drawings.

Raw Water Aqueduct Right-of-Way Non-Aqueduct Uses

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Types of Permit License or Easement

The Manager of Water Supply Division shall keep available the forms listing the general requirements set forth in Requirements for Entry or Use for each of the following:

Temporary Entry/Temporary Construction Permit

For temporary access to raw water aqueduct right-of-way such as for surveying, potholing, construction, for temporary access via the District's right-of-way to property adjacent to the right-of-way, and other similar short-term situations.

Revocable License and Revocable Landscape License

For pipelines, sewers, storm drains, overhead and underground cables, public trails, landscaping and other crossings or lateral encroachments.

Limited Land Use Permit

Provides for agricultural or other surface use of the right-of-way for a period not to exceed one year. These permits are renewable annually if inspection reveals satisfactory conformance to conditions of permit.

Easement

For streets, highways, large pipelines, canals and railroads, and other permanent publicly owned encroachments. Easements are officially recorded with the county having jurisdiction. The fee or consideration will be significant and based on the value of the property being encumbered.

The Manager of Water Supply Division shall request review of any proposed revisions to application forms and lists of requirements from the Engineering and Construction Department, Real Estate Services Division and Office of General Counsel, and the District's Pipe Committee.

Processing Applications

Temporary Entry Permits

The Manager of Water Supply Division may issue temporary entry permits including standard and temporary conditions relating to the use. The Manager of Real Estate Services and the Office of General Counsel will be consulted regarding unusual circumstances.

Revocable Licenses

The Water Supply Division, if warranted, shall conduct a field investigation to determine requirements for aqueduct protection and in consultation with the Design Division or the Pipeline Infrastructure Division, will set forth the engineering and operating requirements.

The Manager of Water Supply Division shall then specify any and all requirements, including special conditions to the applicant, discuss the terms and conditions of the license agreement as well as any processing, design and inspection costs and license fee. The Manager of Water Supply Division may then enter into a standard license agreement with relevant special conditions on behalf of the District. The Manager of Real Estate Services and the Office of General Counsel shall be consulted regarding any unusual circumstances.

Raw Water Aqueduct Right-of-Way Non-Aqueduct Uses

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Copies of all revocable licenses issued by the Water Supply Division shall be provided to the Manager of Real Estate Services.

Limited Land Use Permits

The Manager of Water Supply Division shall convey the District requirements to the applicant and investigate to determine any special conditions.

Real Estate Services shall prepare the Limited Land Use Permit (Form L-14) in duplicate, including special conditions or stipulations, accompanied by a District-prepared location sketch that will refer to aqueduct stationing and other appropriate location identifiers, including adjacent aqueduct structures.

After payment of the stipulated consideration determined by Real Estate Services, the Manager of Water Supply Division shall review and execute the permit. These copies are then returned to the Manager of Real Estate Services, together with any stipulated consideration.

Forty-five days before expiration of a Limited Land Use Permit, the Manager of Real Estate Services shall notify the Manager of Water Supply Division, who shall investigate the permittee's operations. If renewal of the permit is recommended, the permit will be renewed by letter from the Manager of Real Estate Services.

Leases and Easements

The Manager of Water Supply Division shall conduct a field investigation to determine requirements for aqueduct protection and, in consultation with the Design Division or Pipeline Infrastructure Division, if necessary, will set forth the engineering and operating requirements.

If structural or corrosion protective facilities are required, the Manager of Water Supply Division shall request the Manager of Design Division to proceed with the required design or plan reviews. (During design, the designer will communicate with the applicant's engineer.) Upon completion of design, the plans will be delivered to the applicant via the Manager of Water Supply Division, who will arrange for inspection as required.

The Manager of Real Estate Services shall discuss with the applicant the terms of the agreement and the amount of the consideration, including any processing, design, and inspection costs. Real Estate Services shall obtain an appraisal and engineering estimates, if necessary.

Upon agreement with the applicant, the Manager of Real Estate Services, shall draft, for review and approval by the Water Supply Division and Office of General Counsel, an agreement granting the applicant the property interest under the terms and for the consideration as approved. Real Estate Services shall assure that evidence of insurance is provided, if required. The lease or easement shall be submitted to the District's Board of Directors for approval, if required by Procedure 108. Two copies of the lease or easement shall be sent to the applicant with instructions to sign and return the copies, together with the consideration, to the Manager of Real Estate Services. Easements shall be recorded and the applicant shall provide the Manager of Real Estate Services, with the recording data.

Approvals

District uses of the raw water aqueduct right-of-way shall be confirmed in writing listing any special conditions which may apply to the proposed use to the requesting District departments by the Manager of Water Supply Division.

Raw Water Aqueduct Right-of-Way Non-Aqueduct Uses

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Terminations

If the Water Supply Division terminates any permit or license, the Manager of Real Estate Services and the Design Division shall be so notified by memo.

Appeals

The final determination of the terms and conditions appropriate for District uses of aqueduct properties rests with the Director of Operations and Maintenance.

The final determination of the terms and conditions appropriate for a specific third party applicant rests with the General Manager and the Board of Directors. Appeals by third parties directed to the Board of Directors shall be forwarded to the General Manager for resolution.

Records

The Manager of Real Estate Services shall maintain a file containing copies of all documents relating to right-of-way crossings or uses and is responsible for the assignment of right-of-way crossing numbers to approved documents.

The Survey Section and Engineering Services Division of the Engineering and Construction Department shall maintain working sets of right-of-way prints for each District raw water aqueduct right-of-way. These prints shall be updated following:

1. Grant of Revocable License or Easement. Notice to be supplied by the Manager of Real Estate Services.
2. Completion of crossing construction covered by license or easement. Notice, including "as built" location data, to be supplied by the applicant to the Water Supply Division for transmittal to the Engineering and Construction Department. This notice will be routed through the Engineering and Construction Department., as necessary, then to the Manager of Real Estate Services. After right-of-way tracings are revised, new prints will be released to those having sets.
3. Termination of any raw water aqueduct right-of-way use. Notice to be supplied by the Manager of Real Estate Services.

Revised prints shall be released following all right-of-way drawing revisions.

Requirements and Fees

Requirements for use of raw water aqueduct right-of-way and fees for the processing of applications and documents related to such uses are included in the documents Requirements for Entry or Use and Fees and Documentation Charges, Use of Aqueduct Rights-of-Way by Others, respectively (see Supplement No. 2, attached). The Manager of Water Supply Division is responsible for periodic review and updating of Requirements for Entry or Use. The Manager of Real Estate Services is responsible for review and updating of Fees and Documentation Charges, Use of Aqueduct Rights-of-Way by Others.

References

Procedure 108 - Real Estate Transactions
Procedure 436 – Cash Receipts

Requirements for Entry or Use of Mokelumne, Lafayette & Moraga Aqueducts Rights-of-Way (attached)
Fees and Documentation Charges Use of Aqueduct Rights-Of- Way by Others (attached)
Schedule of Rates and Charges to Customers of the East Bay Municipal Utility District – Real Property Use Application Fees – Resolution 33046-97

EBMUD

REQUIREMENTS FOR ENTRY OR USE OF MOKELUMNE, LAFAYETTE & MORAGA AQUEDUCT RIGHTS-OF-WAY

SUPPLEMENT NO. 1 TO PROCEDURE 718

East Bay Municipal Utility District
P. O. Box 228, Stockton, CA 95201
(209) 946-8000

11/04/08 12:09 FAX 510 287 0790 EBMUD WDPD 010

Supplement No. 1 to Procedure 718 Page 1

1. Requests for encroachment rights or for other uses of the District's aqueduct properties shall be directed to the Manager of Water Supply Division, P.O. Box 226, Stockton, California 95201. Property uses shall only be permitted subject to appropriate written permit, license, easement, or lease agreement.

2. Requests for property uses shall be in writing and accompanied by a completed application, plan and profile drawings, in triplicate, of the area and work involved. District aqueduct stationing and adjacent above ground structures must be shown. Applicant's horizontal and vertical control must be correlated to the District's.

3. The applicant must agree to indemnify and hold harmless the District from any loss, claim, or liability which may arise by reason of applicant's use of District property and may be required to provide insurance coverage.

4. District land and facilities shall be restored to a condition as good as that which existed before applicant's entry on the right-of-way.

5. Applicant's use of property shall not increase District costs or interfere with District access, operations, maintenance, or repair of its facilities.

6. The applicant must pay the District the appraised value of the easement or lease, if appropriate, for the rights granted to the applicant. Appropriate environmental documentation must be completed in accordance with the California Environmental Quality Act before the rights can be granted.

7. For any District-approved encroachment, the applicant must pay the District for any of the following measures, as needed:

   a. Design of fences or other structures
   b. Structural protective measures
   c. Corrosion control protective measures
   d. District engineering, plan review, and inspection of activities
   e. Environmental documentation
   f. Application, permit or license fees.

8. The plan for the execution of the work must be approved by the District.

9. The type and weight of equipment working over the aqueduct must be approved by the District. The use of vibratory compaction equipment is prohibited on the aqueduct right-of-way.

10. A minimum of 48 hours notice must be given to the District before work commences. To contact the District by telephone, call: The Aqueduct Section Stockton Office at (209) 946-8000.

11. A preconstruction meeting is required prior to start of work.

12. No building or portions of buildings shall be constructed on the property. No other types of structures shall be constructed unless specific approval is given by the District.

13. No longitudinal encroachments such as drainage ditches; gas, phone, or electrical lines; pipelines, or roads will be permitted. All property line fences must be located completely outside the aqueduct property lines.
14. No pile driving will be allowed within 50 feet of the aqueducts.
15. Railroad, freeway and highway crossings of the aqueduct right-of-way shall be on permanent bridges with a minimum vertical clearance of 14 feet 6 inches between the finished ground surface and the underside of the bridge. Crossings on grade will be over structurally-encased aqueducts with a sleeve for a fourth aqueduct.
16. Street and road crossings constructed on grade shall incorporate protection of the aqueducts. Based on the load carrying capability of the aqueduct, protective measures will be designed by the District or by applicant's licensed engineer to District standards with specific District approval of each design.
17. Traffic control fences or approved barriers shall be installed along each side of the street, road or trail before opening to the public.
18. Temporary construction fences and barricades shall be installed by contractor as directed by the District.
19. Any changes in finished grade must be approved by the Aqueduct Section. Earthfills or cuts on adjacent property shall not encroach onto District property except where authorized for vehicular crossings on grade and except where the District determines that there will be no detrimental effect on the aqueducts or their maintenance.
20. Pipeline crossings shall be perpendicular to the aqueducts and on a constant grade across District property. Sanitary sewers, water lines or petroleum product lines crossing above the aqueducts must be encased in a steel or polyvinyl chloride (PVC) conduit or reinforced concrete with a minimum vertical clearance of one foot between the pipeline and the top of District aqueducts.
21. All pipelines crossing below the aqueducts must be encased in a steel or reinforced concrete conduit and provide a minimum of two feet of clearance between the casing and the bottom of the District aqueducts.
22. On pressurized pipe crossings, shutoff valves shall be provided outside and adjacent to both sides of District property.
23. At the point of crossing, steel pipeline crossings and steel casings shall incorporate electrolysis test leads, bond leads, and leads necessary for interference testing. Corrosion control devices, when required, must be approved by the District.
24. Cathodic protection for steel encasements must be installed as follows:
    - Provide a dielectric coating to the exterior surface of the steel casing within the District's right-of-way, 16 mil epoxy or equivalent.
    - Provide galvanic protection to the portion of the steel casing within the District's right-of-way in accordance with the National Association of Corrosion Engineers RP-01-69.

- If the carrier pipe is constructed of ductile iron or steel, provide electrical isolation between the carrier and casing using casing insulators; redwood skids are not permitted.

- Provide test results to the District demonstrating the adequacy of the cathodic protection system, and the adequacy of the electrical isolation of the carrier (if metallic) from the casing. The District reserves the right to witness any such tests.

25. Gravity drainage of District property shall be maintained. Open channels constructed across the right-of-way shall be paved with reinforced concrete. Headwalls, inlets, and other appurtenances shall be located outside District property. Drainage facilities shall be provided outside the District's property at the top and/or toe of fill slopes or cuts constructed adjacent to District property to assure adequate drainage.

26. Overhead electrical power conductors across the property shall be a minimum of 30 feet above ground. Communication and cable TV crossings shall be a minimum of 20 feet above the ground. Supporting poles or towers shall be located outside the aqueduct right-of-way.

27. Buried electrical cables passing over the aqueducts shall be installed in PVC conduit and encased in red concrete across the entire width of the right-of-way. In some cases, PVC-coated steel conduit with a red concrete cap may be substituted. All other buried cables shall be installed in conduit and marked in the appropriate Underground Service Alert (USA) colored marking materials across the entire width of the aqueduct right-of-way. The minimum vertical clearance between the conduit and the top of the District's aqueducts is one foot.

28. Electrical or telecommunications cables passing under the aqueducts shall be encased in conduit and marked at both edges of the aqueduct right-of-way with the appropriate USA color coded markers. The minimum vertical clearance between the conduit and the bottom of the District's aqueducts is two feet. For directional bored conduits the minimum vertical clearance is five feet.

29. Vehicular parking and storage of equipment or material on aqueduct property are specifically prohibited.

30. Extraction of oil and gas from aqueduct properties may be permitted under appropriate lease agreements.

31. All District survey monuments and markers shall be undisturbed. If any District survey markers or monuments must be disturbed, they will be replaced or relocated by the District at applicant's expense prior to the start of any ground disturbing work.

32. All aqueduct crossings involving mechanical excavation on the right-of-way require potholing of all three aqueducts at the site of the proposed crossing. Visible reference markings showing the aqueduct alignments and depths to top of pipe shall be maintained for the duration of any mechanical excavation on District property. Entry permits are required for pothole work.

33. All grading or excavating of the right-of-way requires Underground Service Alert (USA) notification and the maintenance of a current inquiry identification number.

Supplement No. 1 to Procedure 718 Page 4

34. Certified six-sack mix is the minimum acceptable concrete batch to be used on the aqueduct right-of-way. Concrete compression strength shall be 3,000 per square inch (PSI) or better at 28 days. If samples do not reach 3,000 PSI at 28 days, entire section of slab or encasement related to that sample must be removed and replaced at applicant's expense.

35. Each truckload of concrete to be placed on the aqueduct right-of-way may be sampled by the District. No water may be added to the mix after sampling.

36. Maximum allowable slump is three inches. All concrete exceeding three inches will be rejected and cannot be used on the aqueduct right-of-way.

37. No traffic will be allowed over protective slabs until 3000 PSI is reached.

38. All work areas shall be inspected by the District for final approval. As-built drawing submittals are required for District approval.

EBMUD

FEES AND DOCUMENTATION CHARGES
USE OF AQUEDUCT RIGHTS-OF-WAY BY OTHERS

SUPPLEMENT NO. 2 TO PROCEDURE 718

TYPE OF DOCUMENT	APPLICATION FEE
Fee Title (Outright purchase of District property)	$2,000
Easement (Rights for permanent use of District property such as access, utilities, etc.)	$1,000
Quitclaim (Removal of District's right, title, and interest to property)	$1,000
Revocable License (Permission to use District property for periods exceeding one year. Subject to revocation)	$500

Revocable License and Application Fees:

Applicant	Application	Property Rights	Total
Government Agencies	May be Waived	$1,000	$1,000
Public Utilities	May be Waived	$1,000	$1,000
Privately Owned Public Utilities (AT&T, PG&E, etc.)	$500	$1,000	$1,500
Developers & other profit-seeking activities	$500	$1,000	$1,500
Private, nonprofit organizations	$500	$1,000	$1,500

Lease (The right to occupy and use District land for a specified time period)	$600
Telecommunication Lease (The right to occupy and use District land for a specified time period)	$2,000
Information Only (Request for information requiring research of District records)	$60/hr
Processing and Review of Watershed Land Use Proposals (Request for District to perform a formal evaluation of watershed land use proposal)	$60/hr ***(Plus all other District costs)***
Property Entry Permits, Rights of Entry, Temporary Construction Permits (Permission for temporary access onto District property)	$100
Limited Land Use Permit (Allows landscaping, gardening, or other minor surface use of District property; subject to annual renewal)	$25

1. In addition to the above charges, applicants will be required to reimburse the District for its costs of engineering, surveying, and inspection of the proposed use of encroachment.
2. Fair market value for property rights conveyed shall also be paid by the applicant where appropriate including all costs (appraisal, recordation, title report, etc.).

5. East Bay Municipal Utility District, William Kirkpatrick (letter dated November 4, 2008)

5.1 The commentor notes that EBMUD's Aqueducts are large diameter pipelines that transfer water to EBMUD's service area and are not considered surface water bodies, as stated in the Draft EIR. Accordingly, the first paragraph on page 3.8-4 of the Draft EIR is revised as follows:

> **Other Major ~~Surface~~ Waterways.** In addition to these watersheds and multiple unnamed drainages, the project corridor also crosses the following surface water bodies or water facilities, as shown in Figure 3.8-2:
>
> - Contra Costa Canal (partially surface waterway and partially buried water conveyance facility)
> - Los Medanos Wasteway (surface waterway functioning as a floodway)
> - Mokelumne Aqueduct (underground water pipelines)
> - ~~Main Canal~~

Figure 3.8-2 is intended to identify locations along the eBART corridor, where the Proposed Project's alignment would encroach into a flood hazard area. The blue lines in the figure represent waterways and/or water facilities. Features in Figure 3.8-2 have been relabeled to describe the type of waterway and/or water facility. See revised Figure 3.8-2 in Response 1.67 and in Section 6, Revisions to the Draft EIR, of this document.

5.2 The Proposed Project would cross EBMUD's Mokelumne Aqueduct approximately 600 feet east of the DMU transfer platform, a location where the extended BART tailtracks are planned. To the extent necessary, BART would secure the necessary property rights to implement the project over the aqueduct pipelines. As requested by the commentor, BART will provide detailed design drawings when the Proposed Project advances to the next stage of design. Table 1-3 on page 1-30 of the Draft EIR is revised as follows acknowledge EBMUD's role in the review of the project:

Table 1-3
Agencies with Permit and/or Approval Authority Over Proposed Project

Agency	Statutory Authority	Permit or Approval Jurisdiction, Actions Covered	Documentation or Prior Approvals Required
Local			
East Bay Municipal Utility District	Property Owner	Right of entry	Proposed Project plans

Source: PBS&J, 2008.

In addition, the following row is added to Table 3.14-1 on page 3.14-21 of the Draft EIR:

Location	From	To	Description	Direction	Comments	Type	Relocate
SR 4	40+00	45+00	Pipeline	TR	Mokelumne Aqueduct	Underground	No

The extension of BART tailtracks over the aqueduct would require the extension of BART's third-rail traction power system. BART will coordinate with EBMUD regarding appropriate design criteria in the vicinity of the aqueduct.

6. John Cunningham, TRANSPLAN Staff, TRANSPLAN (letter dated November 4, 2008)

Letter 6

TRANSPLAN COMMITTEE
EAST COUNTY TRANSPORTATION PLANNING
Antioch • Brentwood • Oakley • Pittsburg • Contra Costa County
651 Pine Street -- North Wing 4TH Floor, Martinez, CA 94553-0095

November 4, 2008

Katie Balk
BART Planning Department
300 Lakeside Drive - 16th Floor
Oakland, CA 94611

Dear Ms. Balk:

The following are TRANSPLAN comments on the eBART Draft Environmental Report (DEIR).

6-1 The *East County Action Plan*[1] is the primary guiding transportation planning document used to ensure that mobility goals are fulfilled as growth occurs in the TRANSPLAN region. The document is used by local jurisdictions to gauge the impact of projects on existing infrastructure. No mention is made in the DEIR of the consistency of the proposed project with this adopted policy document.

6-2 The DEIR should provide an analysis of the project as it relates to both Actions and Traffic Service Objectives (TSO) in the Action Plan. The DEIR should document both where the project helps to fulfill the goals in the Plan in addition to documenting that the project does not compromise the ability of the region to meet the TSOs or to implement Actions.

6-3 In addition there is no mention of the consistency of the traffic impact analysis with CCTA's *Technical Procedures Manual* (Update 2006). This is another adopted guiding document used in the region to ensure traffic impact studies are conducted in a complete and consistent manner.

6-4 The impact on existing and planned non-motorized facilities should be expanded to include not only the impact to existing facilities in the area but the increase in demand for non-motorized trips that will result from the proposed project. The DEIR should identify any gaps between the planned stations and existing facilities.

6-5 In addition, the Contra Costa Transportation Authority is working on an update to their Countywide Bicycle and Pedestrian Plan, the two efforts should inform each other.

Thank you for the opportunity to comment.

Sincerely,

John Cunningham
TRANSPLAN staff

c: TRANSPLAN Technical Advisory Committee
O:\Transportation\Committees\Transplan\2008\Letters\eBART DEIR.doc

[1] The most up to date version of this document is the *Final 2000 Update*:
http://www.transplan.us/docs/EastActPlan.pdf The DRAFT August 2008 version is out for review:
http://www.ccta.net/files/EAST-COUNTY-ACTION-PLAN2.pdf

Phone: 925.335.1243 Fax: 925.335.1300 jcunn@cd.cccounty.us www.transplan.us

6. TRANSPLAN Committee, John Cunningham (letter dated November 4, 2008)

6.1 To include a specific reference to the East County Action Plan, the first paragraph on page 3.2-37 of the Draft EIR is revised as follows:

> *Contra Costa Transportation Authority (CCTA)*. All Contra Costa jurisdictions, including the cities of Pittsburg and Antioch, participate in the Measure C-1988 Growth Management Program. Measure C requires, among other things, that each jurisdiction adopt level of service standards for Basic Routes based on the General Plan land use designations adjoining the routes and adhere to Traffic Service Objectives for Routes of Regional Significance. The Routes of Regional Significance and the Traffic Service Objectives are identified in the East County Action Plan, published by the CCTA in 2000. Measure C specifies that the standards listed in Table 3.2-12 be applied to all signalized intersections on Non-regional Routes.
>
> The year 2000 update of the East County Action Plan sets forth the proposed objectives of the plan. The Proposed Project would be directly supportive of several of the identified actions: Action 1 – Implement Regional Transportation Improvements, Action 7 – Explore Commuter Rail Transit Options, Action 8- Park-and-Ride Lots, and Action 11- Provide Intermodal Transit Centers. In addition, the Proposed Project would not conflict with any of the actions contained the East County Action Plan.

6.2 As noted in Response 6.1 above, the Proposed Project is supportive of many of the actions identified in the East County Action Plan and would not conflict with actions in the plan.

Page 3.2-37 of the Draft EIR identifies SR 4 as the only Route of Regional Significance in the Study Area (page 3.2-37). However, the East County Action Plan identifies additional routes as having regional significance. To recognize these additional routes, the second paragraph on page 3.2-37 of the Draft EIR is revised as follows:

> The ~~only~~ following are the Routes of Regional Significance in the study area, which ~~is~~ are evaluated according to different criteria than Basic Routes~~, is SR 4~~.
>
> - SR 4
> - SR 160
> - Deer Valley Road
> - East 18th Street

- Hillcrest Avenue
- Leland Road
- Railroad Avenue
- SR 4 Bypass

The Traffic Services Objectives that apply to these routes are shown in Table 3.2 -12A below:

Table 3.2-12A
Summary of Traffic Service Objectives for Regional Routes of Significance

Regional Route	Traffic Service Objectives
State Route 4 (freeway)	1. Vehicle Occupancy of 1.2 persons per vehicle or higher during the morning peak hour 2. Delay Index of less than 2.5 3. Transit Ridership increase of 25% by year 2010 compared to year 2000
State Route 4 (State Route 160 to Balfour Road)	1. Level of Service D or better at signalized intersections 2. Level of Service E or better at unsignalized intersections 3. Delay index less than 2.5
Deer Valley Road East 18th Street Hillcrest Avenue Leland Road Railroad Avenue State Route 4 Bypass	1. Mid-Level of Service D or better at intersections (volume to-capacity ratio of 0.85 or less), except intersections on East 18th Street Bailey Road from West Leland Avenue to Canal, where objective is Level of Service E 2. Delay Index less than 2.0

Source: Contra Costa Transportation Authority, *East County Action Plan*, 2000.

The following text is added as the third paragraph on page 3.2-20 of the Draft EIR immediately before the section entitled "Public Transit Services:"

Traffic Service Objectives. The ability of the current freeway and roadway network to meet the Traffic Service Objectives for the Regional Routes of Significance set forth in the East County Action Plan of 2000 was evaluated. Twenty-one of the 31 study intersections are on routes of regional significance. Of these intersections, the following 12 intersections currently fail to satisfy the Traffic Service Objectives:

- #4 Railroad Avenue/Center Drive
- #5 Railroad Avenue/SR 4 Westbound On-Ramp
- #6 Railroad Avenue/SR 4 Eastbound Ramps
- #8 Railroad Avenue/Leland Road
- #9 Leland Road/Harbor Street
- #10 Leland Road/Freed Avenue
- #16 Hillcrest Avenue/East 18th Street
- #20 SR 4 Eastbound Ramps/Hillcrest Avenue
- #22 Davison Drive/Hillcrest Avenue – Deer Valley Road
- #23 East 18th Street/Viera Avenue
- #29 Main Street/SR 160 Northbound Ramps
- #30 Main Street/Neroly Road – Bridgehead Road

In addition, the freeway portion of SR 4 does not meet the vehicle occupancy or delay index standards.

The following text is added after the second paragraph on page 3.2-60 of the Draft EIR:

Under the Year 2015 conditions, eight of the 31 study intersections would not satisfy the Traffic Service Objectives in the East County Action Plan for both the Proposed Project and No Project conditions. One additional intersection, Railroad Avenue/SR 4 Eastbound On-Ramps, would not satisfy the objectives for the No Project condition but would satisfy them for the Proposed Project condition. The intersections that would not meet the Traffic Service Objectives are:

- #6 Railroad Avenue/SR 4 Eastbound Ramps
- #8 Railroad Avenue/Leland Road
- #9 Leland Road/Harbor Street
- #10 Leland Road/Freed Avenue
- #16 Hillcrest Avenue/East 18th Street
- #19 SR 4 Westbound Ramps/Hillcrest Avenue
- #20 SR 4 Eastbound Ramps/Hillcrest Avenue
- #22 Davison Drive/Hillcrest Avenue – Deer Valley Road
- #30 Main Street/Neroly Road – Bridgehead Road

The Proposed Project would worsen conditions at one of these intersections, SR 4 Westbound Ramps/Hillcrest Avenue, as has been already discussed.

The following text is added after the first paragraph on page 3.2-71 of the Draft EIR:

Under the Year 2030 conditions, ten of the 31 study intersections would not satisfy the Traffic Service Objectives in the East County Action Plan for both the Proposed Project and No Project conditions.

One additional intersection, Railroad Avenue/SR 4 Eastbound Ramps, would not satisfy the objectives for the No Project condition but would satisfy them for the Proposed Project condition. The intersections that would not meet the Traffic Service Objectives are:

- #5 Railroad Avenue/SR 4 Westbound On-Ramp
- #6 Railroad Avenue/SR 4 Eastbound Ramps
- #8 Railroad Avenue/Leland Road
- #9 Leland Road/Harbor Street
- #10 Leland Road/Freed Avenue
- #16 Hillcrest Avenue/East 18th Street
- #18 Sunset Drive/Hillcrest Avenue
- #20 SR 4 Eastbound Ramps/Hillcrest Avenue
- #21 Larkspur Drive/Hillcrest Avenue
- #22 Davison Drive/Hillcrest Avenue – Deer Valley Road
- #30 Main Street/Neroly Road – Bridgehead Road

The Proposed Project would worsen conditions at two of these intersections, SR 4 Eastbound Ramps/Hillcrest Avenue and Sunset Drive/Hillcrest Avenue, as has been already discussed.

The following text is added to the end of the third paragraph on page 3.2-72 of the Draft EIR:

As such, the Proposed Project would support the Traffic Service Objectives for SR 4 in the East County Action Plan. The reduced traffic due to the project would improve the delay index and would increase transit ridership.

The following text is added to the end of the first paragraph on page 3.2-85 of the Draft EIR:

The improvement in LOS would occur because trips on SR 4 would be diverted to the new transit service offered by the Proposed Project. As such, the Proposed Project would support the Traffic Service Objectives for SR 4 in the East County Action Plan. The reduced traffic due to the project would improve the delay index and would increase transit ridership.

6.3 Please note the second paragraph on page 3.2-1 of the Draft EIR: "The traffic analysis was prepared in accordance with the Technical Procedure Update – Final (July 19, 2006) manual published by the Contra Costa Transportation Authority (CCTA)."

6.4 In response to this comment, the discussion and evaluation of pedestrian and bicycle impacts under Impact TR-8 on pages 3.2-96 and 3.2-97 of the Draft EIR (starting with the second paragraph) is revised as follows:

> **Railroad Avenue Station Area.** The Proposed Project is expected to generate a significant number of walking and biking trips to and from the stations (see Table 3.2-15). These modes of access to the station are especially notable at the proposed Railroad Avenue Station, which is expected to have 30 percent of the Proposed Project passengers arriving and departing by non-motorized modes. In the year 2030, this represents 266 pedestrian round trips and 19 bicycle round trips arriving at the station each weekday. In addition, the passengers arriving by auto would be walking to the station from where they parked or were dropped off. Both sides of Railroad Avenue have access to the DMU platform with stairs and elevator (see Figure 2-7). However, t~~T~~he design of the Railroad Avenue Station recognizes that the sidewalk along the west ~~east~~ side of the Railroad Avenue overcrossing of SR 4 is only 5 feet in width. The proposed station design provides additional sidewalk width in the vicinity of the station entrances. Though the station design includes safety railings that would occupy 6 to 8 inches along each sidewalk curb, the design ~~and~~ avoids construction of other physical elements that would reduce the effective width of the existing sidewalk. Also, the layout of the station platform makes it more convenient to access the station from the east side of Railroad Avenue where the sidewalk is 10 feet wide.
>
> As identified earlier, there are a number of street segments in the vicinity of the Railroad Avenue Station that lack sidewalks either on one or both sides. The Railroad Avenue Specific Plan prepared by the City of Pittsburg calls for a comprehensive program of sidewalk improvements which would result in construction of sidewalks for all the identified sidewalk gaps and upgrading the existing sidewalks in the area to a 10-foot width (with the exception of the sidewalk on the west side of the Railroad Avenue bridge over SR 4). If widening this sidewalk, which is now 5 feet in width, required a physical widening of the bridge, it could be prohibitively expensive. Other design solutions, such as narrowing the traffic lanes to expand the sidewalk, may be feasible. BART is committed to cooperating with the City of Pittsburg and others in their efforts to enhance safety and security on the Railroad Avenue overpass sidewalks. There are currently sidewalks in the station area on both sides of the primary streets that provide access to the station. One notable exception is Bliss Avenue which lacks sidewalks on either side between Railroad Avenue and Harbor Street.

As the park-and-ride parking facility for the station is located on this street segment, it would be critical that the north side sidewalks on this street are completed by the time the Railroad Avenue Station opens.

The Specific Plan also calls for improvement to bicycle facilities on Railroad Avenue which in coordination with the existing bicycle lanes on Harbor Street would link the Railroad Avenue Station with the major existing and planned east-west bicycle facilities located both north and south of the station.

~~The Proposed Project along with the cities of Pittsburg and Antioch that will adopt transit oriented development plans that specifically call for strong linkages between the surrounding development and the stations are expected to enhance the network of pedestrian and bicycle facilities.~~

Hillcrest Avenue Station Area. The primary access route for pedestrians and bicyclists to the Hillcrest Avenue Station would be Hillcrest Avenue. The linkage to the station from Hillcrest Avenue would be via improvements to existing Sunset Drive by BART. Hillcrest Avenue lacks a sidewalk along its western side between Sunset Drive and East 18th Street. While it would be desirable to complete this sidewalk, there is an adequate sidewalk along the east side of the street which is closest to the Hillcrest Avenue Station. The City of Antioch has prepared a Ridership Development Plan for the Hillcrest Station Area. This plan includes new roadway facilities such as Slatten Ranch Road, Phillips Lane, and Viera Avenue that will provide access to the Hillcrest Avenue Station. These new roads are planned to have sidewalks on both sides and bicycle lanes. The CCTA is planning a redesign of the Hillcrest Avenue interchange with SR 4. This redesign takes into consideration the needs of pedestrians and bicyclists; however, with the plan to locate the Hillcrest Avenue Station near this interchange, it is important that the new design for the interchange include adequate sidewalks and facilities for bicyclists.

MITIGATION MEASURE. The following measure to be implemented along with Mitigation Measure TR-~~2~~1.1~~2~~, which calls for improvements at the Hillcrest Avenue/Sunset Drive intersection, would reduce the pedestrian and bicycle impact at the Hillcrest Avenue Station to a less-than-significant level. (LTS)

TR-8.1 Construct sidewalks and bicycles lanes along Hillcrest Avenue and Sunset Drive~~Slatten Ranch Road~~. For the Hillcrest Avenue Station, the Hillcrest Avenue/Sunset Drive intersection will be improved as

required in Mitigation Measure TR-~~2~~1.1~~2~~. In addition to the improvements required by TR-~~2~~1.1~~2~~, improvements shall include a sidewalk along the east side of Hillcrest Avenue and a southbound bicycle lane in the areas affected by the construction of the other required intersection improvements. BART shall contribute its fair share of these intersection improvements. In addition, BART shall provide safe and convenient bicycle and pedestrian access from the Sunset Drive/Hillcrest Avenue intersection to the station platform area. ~~The portion of Slatten Ranch Road to be constructed by BART shall include sidewalks and bicycle lanes.~~

6.5 The Contra Costa Transportation Authority has been a partner to BART in the development of the Proposed Project. As plans for the Proposed Project progress, BART will continue to coordinate with the Contra Costa Transportation Authority and, in particular, take into consideration the update to the Countywide Bicycle and Pedestrian Plan.

7. Martin R. Engelmann, P.E., Deputy Executive Director, Planning, Contra Costa County Transportation Authority (letter dated November 3, 2008)

Letter 7

CONTRA COSTA
transportation
authority

November 3, 2008

Ms Katie Balk
Title
BART
300 Lakeside Drive
Oakland CA 94612

RE: East Contra Costa BART Extension (eBART) Draft Environmental Impact Report (SCH NO. 2005072100)

Dear Ms Balk:

Thank you for the opportunity to comment on the above referenced EIR. We have reviewed it and have the following comments:

Overall Comments

7-1

Overall, we find that the DEIR is very well drafted and comprehensive in its documentation of the impacts of the proposed project. The Executive Summary, Introduction and Project Description, would make especially useful reading for anyone interested in the project. These sections clearly lay out the history of and reasons for the project, what the EIR must cover, the alternatives considered, and the range of impacts the project is expected to have.

Page S-11

7-2

While the EIR describes the roles and responsibilities that BART, as the lead agency, has in the EIR process, we suggest that the EIR also describe the role that the Authority and other responsible agencies will have in the CEQA process. Under CEQA, responsible agencies such as the Authority use the EIR in their review and approval of projects such as eBART. The Final EIR should note this potential application of the document.

Robert K. McCleary
Executive Director
3478 Buskirk Ave., Suite 100
Pleasant Hill C 94523
P: 925-256-4700
7-3
F: 925-256-4701
www.ccta.net

Page I-30

As noted above, the Authority, as a responsible agency, has a broader role in the CEQA process than is described in the DEIR. We anticipate that the Authority will also use the final CEQA document in considering its decision to approve the

7-3 (cont'd)

project. The description of the Authority's role in Table 1-3 should be expanded to reflect this.

Page 3.2-6

The DEIR states that "traffic operations were evaluated based on methodologies in the 2000 Highway Capacity Manual (HCM 2000)….The CCTA Technical Procedures' guidelines permit this approach to deriving LOS using HCM 2000 methodologies (and Synchro 7 traffic analysis software), and this approach has been used in this EIR analysis."

7-4

The last sentence should be rewritten. As a regional transit operator, BART is not subject to the Authority's *Technical Procedures*. A more accurate statement would be:

> The CCTA's *Technical Procedures* require local jurisdictions to analyze development projects in their communities using the Authority's CCTALOS methodology. This methodology is based on the "Circular 212 Planning and Operations Method". Local jurisdictions may use other methods in addition to the CCTALOS methodology, including the HCM 2000 methodology. However, as a regional transit operator, BART is not explicitly subject to the *Technical Procedures*.

Page 3.2-37

The DEIR states that only State Route 4 is designated a Route of Regional Significance. In fact, several other roadways within the study area are designated as Regional Routes:

7-5

1. State Route 160
2. Deer Valley Road
3. East 18th Street
4. Hillcrest Avenue
5. Leland Road
6. Railroad Avenue
7. State Route 4 Bypass

7-6

Consequently, of the 31 intersections analyzed in the DEIR, 21 are on Regional Routes and should be evaluated against the TSOs set in the East County Action Plan.

7-6 (cont'd)

3 Railroad at Civic
4 Railroad at Center
5 Railroad at WB on-ramp to SR 4
6 Railroad at Civic
7 Railroad at Bliss
8 Railroad at Leland
9 Leland at Harbor
10 Leland at Freed
11 Leland at Loveridge
16 Hillcrest at E. 18th
19 Hillcrest at WB ramps at SR 4
20 Hillcrest at EB ramps at SR 4
21 Hillcrest at Larkspur
22 Hillcrest at Deer Valley
23 E. 18th at Viera
24 E. 18th at Willow
27 E. 18th at Phillips
28 N. Main at WB on-ramp to SR 4
28 N. Main at WB on-ramp to SR 4
29 N. Main at EB off-ramp from SR 4
30 N. Main at Bridgehead/Neroly

7-7

Table 3.2-6 identifies the Authority as the "jurisdiction" establishing the LOS standards for several (though not all) of these intersections. Strictly speaking, TRANSPLAN, the regional transportation planning committee for East Contra Costa, is the committee that prepares the Action Plan and sets the standard for East County's Regional Routes. The Action Plan standards are attached.

Thank you again for the opportunity to comment on the Draft EIR.

Sincerely,

Martin R. Engelmann, P. E.
Deputy Executive Director, Planning

File:
Cc:

Regional Route	Traffic Service Objectives (2000 East County Action Plan)
State Route 4 (freeway)	Vehicle Occupancy of 1.2 persons per vehicle or higher, during morning peak hour Delay Index less than 2.5 Transit Ridership increase of 25% by year 2010 compared to year 2000
State Route 4 — State Route 160 to Balfour Road	Level of Service D or better at signalized intersections Level of Service E or better at unsignalized intersections Delay Index less than 2.5
State Route 4 — rural segment from Balfour Road to San Joaquin County line	Level of Service E and Delay Index less than 2.0
Deer Valley Road East 18th Street Hillcrest Avenue Leland Road Railroad Avenue State Route 4 Bypass	Mid-Level of Service D or better at intersections (volume-to-capacity ratio of 0.85 or less), except intersections on Bailey Road from West Leland Avenue to Canal, where objective is Level of Service E Delay Index less than 2.0

7. Contra Costa Transportation Authority, Martin R. Engelmann (letter dated November 3, 2008)

7.1 The commentor notes that the document is well drafted and comprehensive. As this comment does not concern the adequacy of the Draft EIR or BART's compliance with CEQA, no further response is necessary.

7.2 The Contra Costa Transportation Authority, as well as other public agencies, is a "responsible agency" as defined by CEQA, which means that they play an important role in the CEQA process and ultimately in implementing the project through funding, permitting, or other actions related to project implementation. The first paragraph on page S-13 of the Summary of the Draft EIR is revised by adding the following sentence at the end of the paragraph:

> Responsible agencies also will consider the EIR when taking action on permits, funding, and other issues related to implementation of the project.

The following sentence will be added as a sidebar in the margin of page S-13, after the note regarding "Lead Agency."

> **Responsible Agency**
>
> A responsible agency is a public agency other than the lead agency that has discretionary approval authority over a project.

7.3 The entry relating to permit jurisdiction for the Contra Costa Transportation Authority in Table 1-3 on page 1-30 of the Draft EIR is revised as follows:

> Review project for conformance with CCTA's transportation plans, approval of expenditure of Measure J funds and co-sponsor of RM-2 funds.

7.4 The third paragraph on page 3.2-6 of the Draft EIR is revised as follows:

> **Intersection Analysis.** LOS is a qualitative description of the performance of an intersection based on the average delay per vehicle. Intersection levels of service range from LOS A, which indicates free flow or excellent conditions with short delays, to LOS F, which indicates congested or overloaded conditions with extremely long delays. The HCM 2000 method calculates LOS values based on the average delay in seconds at the intersection, which is converted to an LOS value. ~~The CCTA Technical Procedures guidelines permit this approach to deriving LOS using HCM 2000 methodologies (and Synchro 7 traffic analysis software), and this approach has been used in~~

~~this EIR analysis.~~ The CCTA's Technical Procedures require local jurisdictions to analyze development projects in their communities using the Authority's CCTALOS methodology. This methodology is based on the "Circular 212 Planning and Operations Method." Local jurisdictions may use other methods in addition to the CCTALOS methodology, including the HCM 2000 methodology. However, as a regional transit operator, BART is not explicitly subject to the Technical Procedures.

7.5 Page 3.2-37 of the Draft EIR identifies SR 4 as the only Route of Regional Significance in the Study Area (page 3.2-37). However, the East County Action Plan identifies additional routes as having regional significance. To recognize these additional routes, the second paragraph on page 3.2-37 of the Draft EIR is revised as follows:

The ~~only~~ following are the Routes of Regional Significance in the study area, which ~~is~~ are evaluated according to different criteria than Basic Routes~~, is SR 4~~.

- SR 4
- SR 160
- Deer Valley Road
- East 18th Street
- Hillcrest Avenue
- Leland Road
- Railroad Avenue
- SR 4 Bypass

The Traffic Services Objectives that apply to these routes are shown in Table 3.2 -12A below:

Table 3.2-12A
Summary of Traffic Service Objectives for Regional Routes of Significance

Regional Route	Traffic Service Objectives
State Route 4 (freeway)	1. Vehicle Occupancy of 1.2 persons per vehicle or higher during the morning peak hour 2. Delay Index of less than 2.5 3. Transit Ridership increase of 25% by year 2010 compared to year 2000
State Route 4 (State Route 160 to Balfour Road)	1. Level of Service D or better at signalized intersections 2. Level of Service E or better at unsignalized intersections 3. Delay index less than 2.5
Deer Valley Road East 18th Street Hillcrest Avenue Leland Road Railroad Avenue State Route 4 Bypass	1. Mid-Level of Service D or better at intersections (volume to-capacity ratio of 0.85 or less), except intersections on East 18th Street Bailey Road from West Leland Avenue to Canal, where objective is Level of Service E 2. Delay Index less than 2.0

Source: Contra Costa Transportation Authority, *East County Action Plan*, 2000.

7.6 To address the Proposed Project's effects on the Traffic Service Objectives for applicable Regional Routes, the following text is added as the third paragraph on page 3.2-20 of the Draft EIR immediately before the section entitled "Public Transit Services:"

> **Traffic Service Objectives**. The ability of the current freeway and roadway network to meet the Traffic Service Objectives for the Regional Routes of Significance set forth in the East County Action Plan of 2000 was evaluated. Twenty-one of the 31 study intersections are on routes of regional significance. Of these intersections, the following 12 intersections currently fail to satisfy the Traffic Service Objectives:
>
> - #4 Railroad Avenue/Center Drive
> - #5 Railroad Avenue/SR 4 Westbound On-Ramp
> - #6 Railroad Avenue/SR 4 Eastbound Ramps
> - #8 Railroad Avenue/Leland Road
> - #9 Leland Road/Harbor Street
> - #10 Leland Road/Freed Avenue
> - #16 Hillcrest Avenue/East 18th Street

- #20 SR 4 Eastbound Ramps/Hillcrest Avenue
- #22 Davison Drive/Hillcrest Avenue – Deer Valley Road
- #23 East 18th Street/Viera Avenue
- #29 Main Street/SR 160 Northbound Ramps
- #30 Main Street/Neroly Road – Bridgehead Road

In addition, the freeway portion of SR 4 does not meet the vehicle occupancy or delay index standards.

The following text is added after the second paragraph on page 3.2-60 of the Draft EIR:

Under the Year 2015 conditions, eight of the 31 study intersections would not satisfy the Traffic Service Objectives in the East County Action Plan for both the Proposed Project and No Project conditions. One additional intersection, Railroad Avenue/SR 4 Eastbound On-Ramps, would not satisfy the objectives for the No Project condition but would satisfy them for the Proposed Project condition. The intersections that would not meet the Traffic Service Objectives are:

- #6 Railroad Avenue/SR 4 Eastbound Ramps
- #8 Railroad Avenue/Leland Road
- #9 Leland Road/Harbor Street
- #10 Leland Road/Freed Avenue
- #16 Hillcrest Avenue/East 18th Street
- #19 SR 4 Westbound Ramps/Hillcrest Avenue
- #20 SR 4 Eastbound Ramps/Hillcrest Avenue
- #22 Davison Drive/Hillcrest Avenue – Deer Valley Road
- #30 Main Street/Neroly Road – Bridgehead Road

The Proposed Project would worsen conditions at one of these intersections, SR 4 Westbound Ramps/Hillcrest Avenue, as has been already discussed.

The following text is added after the first paragraph on page 3.2-71 of the Draft EIR:

Under the Year 2030 conditions, ten of the 31 study intersections would not satisfy the Traffic Service Objectives in the East County Action Plan for both the Proposed Project and No Project conditions. One additional intersection, Railroad Avenue/SR 4 Eastbound Ramps, would not satisfy the objectives for the No Project condition but would satisfy them for the Proposed Project condition. The intersections that would not meet the Traffic Service Objectives are:

- #5 Railroad Avenue/SR 4 Westbound On-Ramp
- #6 Railroad Avenue/SR 4 Eastbound Ramps
- #8 Railroad Avenue/Leland Road
- #9 Leland Road/Harbor Street
- #10 Leland Road/Freed Avenue
- #16 Hillcrest Avenue/East 18th Street
- #18 Sunset Drive/Hillcrest Avenue
- #20 SR 4 Eastbound Ramps/Hillcrest Avenue
- #21 Larkspur Drive/Hillcrest Avenue
- #22 Davison Drive/Hillcrest Avenue – Deer Valley Road
- #30 Main Street/Neroly Road – Bridgehead Road

The Proposed Project would worsen conditions at two of these intersections, SR 4 Eastbound Ramps/Hillcrest Avenue and Sunset Drive/Hillcrest Avenue, as has been already discussed.

The following text is added to the end of the third paragraph on page 3.2-72 of the Draft EIR:

As such, the Proposed Project would support the Traffic Service Objectives for SR 4 in the East County Action Plan. The reduced traffic due to the project would improve the delay index and would increase transit ridership.

The following text is added to the end of the first paragraph on page 3.2-85 of the Draft EIR:

The improvement in LOS would occur because trips on SR 4 would be diverted to the new transit service offered by the Proposed Project. As such, the Proposed Project would support the Traffic Service Objectives for SR 4 in the East County Action Plan. The reduced traffic due to the project would improve the delay index and would increase transit ridership.

7.7 In Table 3.2-6 on page 3.2-18 of the Draft EIR under the column labeled "Jurisdiction," every occurrence of the term "CCTA" is replaced with "TRANSPLAN" where the intersection involves a Route of Regional Significance.

8. Steven L. Goetz, Deputy Directory, Contra Costa County, Department of Conservation and Development, Community Development Division (letter dated October 29, 2008)

Letter 8

Department of Conservation & Development

Community Development Division

County Administration Building
651 Pine Street
North Wing, Fourth Floor
Martinez, CA 94553-1229

Phone: (925) 335-1240

Contra Costa County

Catherine O. Kutsuris
Director

October 29, 2008

Katie Balk
BART Planning Department
300 Lakeside Dr - 16th Floor
Oakland, CA 94611

Ms. Balk,

The following are the Contra Costa County Department of Conservation and Development's comments on the eBART Draft Environmental Impact Report (DEIR). Thank you for the opportunity to provide input.

8-1 **Comment #1**: The DEIR incompletely addresses the trip generation impact of the proposed project. The DEIR acknowledges the corridor-wide impact of parking and automotive station access noting the dynamic between the Pittsburg/Bay Point, Railroad and Hillcrest stations. Specifically identified is the traffic impact on one station if parking at other stations is made less attractive (via shortages, parking charges, and other policy changes). However, the mitigation measure only addresses the Railroad and Hillcrest stations at the expense of other stations in the corridor, notably the Pittsburg/Bay Point Station.

Constrained parking at the proposed stations would encourage patrons to bypass the proposed stations and access the system at the Pittsburg/Bay Point Station. This would cause congestion levels higher than the DEIR projects for the Pittsburg/Bay Point Station area.

In addition, BART patrons who bypass the new station(s) in favor of Pittsburg/Bay Point are likely to offset any reduction in vehicle miles traveled assumed in the DEIR.

8-2 This preceding comment warrants an expanded mitigation measure addressing the impact more completely:

1. The Pittsburg/Bay Point Station should be included in the Parking Monitoring Program mentioned in section TR-7.1

2. Consideration should be given to the corridor-wide application of any strategy employed in the event the Monitoring Program is implemented.

3. Station area congestion and constrained parking at the Pittsburg/Bay Point Station can be addressed through construction of new pedestrian access to the platform from Bailey Road via the existing emergency exit at the freeway undercrossing. The County is very interested in improving pedestrian access to the BART station to serve patrons north of the freeway in Bay Point. We would not want the design of eBART project to create new obstacles to adding a station entrance on Bailey Road.

Ms. Balk Letter
October 29, 2008
Page 2 of 2

Constrained parking can also be mitigated by providing convenient bus service from outlying areas such as Discovery Bay and Byron to the Hillcrest Station. Discovery Bay currently has park and ride lots that could be used by BART patrons if they are connected to the Hillcrest Station with bus service.

8-2 cont'd)

5. The annual monitoring suggested in the mitigation measure (TR 7-1) may be appropriate after the initial impact of the new stations is known and accounted for. However, in the first year of the opening of the proposed stations more frequent monitoring may be warranted.

8-3 The EIR should also indicate whether BART will institute parking charges at the parking lots for the new stations as part of the project. If parking charges are collected at the new stations, this could force more patrons to the existing parking lot at Pittsburg/Bay Point BART Station and cause a greater level of congestion in the area than what is estimated in the DEIR.

8-4 **Comment #2**: The DEIR makes only vague references to the impact the new rail service/stations will have on existing transit (Tri Delta) in eastern Contra Costa. Considering the significance of the new rail service in the corridor, and the likely substantial affect on travel patterns, much more detail is warranted in terms of how the eBART project will impact existing bus service and how the project can mitigate this impact by restructuring bus service to better serve the proposed project.

Sincerely,

Steven L. Goetz, Deputy Director
Transportation Planning Section

c: W. Casey, TRANSPLAN Committee
J. Kennedy, DCD
P. Roche, DCD

8. Contra Costa County Department of Conservation and Development, Steven L. Goetz (letter dated October 29, 2008)

8.1 The assumptions used in the ridership forecasting and parking demand analysis are presented on page 3.2-41 of the Draft EIR. As noted, the forecasts assumed an unconstrained supply of parking at the Hillcrest Avenue Station. The number of spaces proposed to be provided at the Hillcrest Avenue Station was then sized to meet the forecast demand level. It is not likely that the actual ridership and parking demand at this station would exceed these conservative forecasts. At the Railroad Avenue Station the supply of parking was assumed to be constrained to be consistent with the City of Pittsburg's plan to develop a transit village. The forecasting model was specifically coded to recognize the constraint on parking at Railroad Avenue and to accommodate those who might have desired to park at Railroad Avenue at the Pittsburg/Bay Point BART Station. As a result, the analysis does consider the impact that constrained parking at Railroad Avenue would have on parking and traffic demand at Pittsburg/Bay Point. It also considers the potential impact of existing unserved latent parking demand that could be accommodated at the Pittsburg/Bay Point BART Station when the Proposed Project is in place and many existing users of the Pittsburg/Bay Point BART Station use the Proposed Project instead.

The No Project alternative represents the scenario where current constrained parking conditions at the Pittsburg/Bay Point BART Station would persist and access to the station would be constrained. Because the Proposed Project would serve many riders who currently drive to the Pittsburg/Bay Point BART Station, there would be a net reduction in parking demand at Pittsburg/Bay Point as compared with the No Project alternative. As a result, the Proposed Project would help reduce future parking demand at the Pittsburg/Bay Point BART Station and would not create an obstacle to pedestrian access improvements that the County may develop.

The following text is added at the end of the fourth paragraph entitled "Transit Ridership" on page 3.2-41 of the Draft EIR:

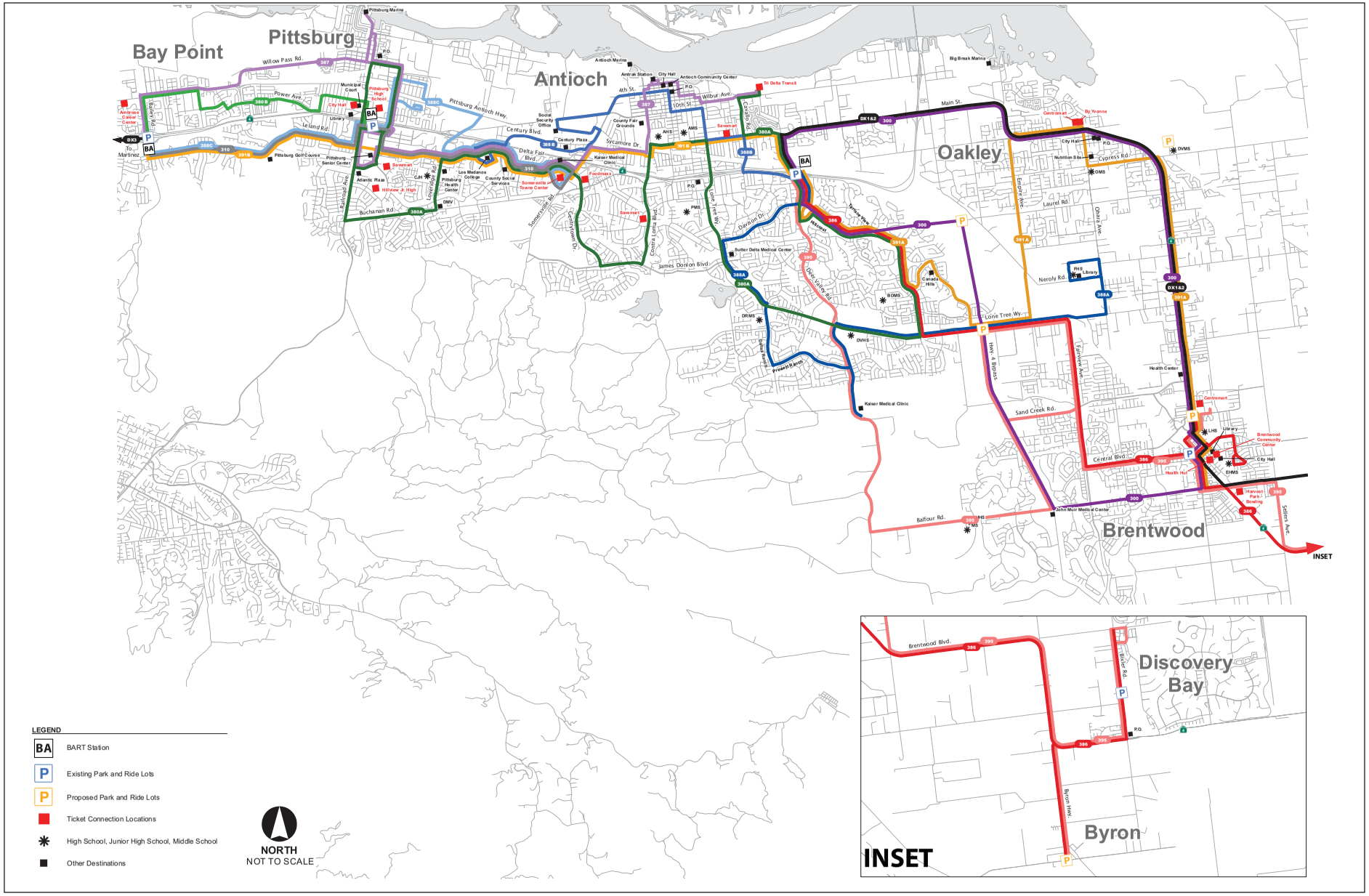
> The forecasting model was specifically coded to recognize the constraint on parking at Railroad Avenue and to accommodate those who might have desired to park at Railroad Avenue at the Pittsburg/Bay Point BART Station. As a result, the analysis considers the impact that constrained parking at Railroad Avenue would have on parking and traffic demand at Pittsburg/Bay Point. It also considers the potential impact of existing unserved latent parking demand that could be accommodated at the Pittsburg/Bay Point BART Station when the Proposed Project is in place and many existing users of the Pittsburg/Bay Point BART Station use the Proposed Project instead.

8.2 As noted in Response 8.1 above, the ridership and parking demand analysis conducted as part of this Draft EIR addresses the potential changes in parking demand at the Pittsburg/Bay Point BART Station. Future parking and traffic conditions at the Pittsburg/Bay Point BART Station would be improved as compared with the No Project alternative. As such, the Proposed Project represents an improvement to existing traffic and parking conditions at the Pittsburg/Bay Point Station and no further mitigation is required. Accordingly, the mitigation measures suggested by the commentor are not necessary. Moreover, the existing emergency access from the Pittsburg/Bay Point Station platform to Bailey Road would not be affected by the project construction, which would take place approximately 1,500 feet east of Bailey Road. Finally, in response to item 4 of this comment, improved Tri Delta Transit services to East County is part of a proposed route restructuring that would be associated with the implementation of the Proposed Project.

8.3 Parking at the Pittsburg/Bay Point BART Station is already at capacity. No new parking capacity would be created at that station as part of the Proposed Project. Therefore, patrons of the Proposed Project are unlikely to bypass available parking at the Hillcrest Avenue and Railroad Avenue stations to park at the Pittsburg/Bay Point Station. The modeling performed for the Proposed Project ridership analysis assumed parking charges at the Proposed Project's stations. Modeling for 2015 and 2030 indicates that parking is well used at the stations even if parking charges are in place (92 percent occupancy at the Hillcrest Avenue Station and excess demand at the Railroad Avenue Station in 2030). The BART Board has established a parking policy that fees may be charged for parking in BART lots. Implementation of those fees would be governed by BART's Access Management and Improvement Policy.

8.4 To provide more information regarding the planned modifications to Tri Delta Transit services that would be implemented as a result of the project, the first paragraph on page 2-36 of the Draft EIR is revised as follows:

> **Interface with Existing Transit Services.** Tri Delta Transit would provide local transit connections to the DMU stations. These connections would require a reconfiguration of the existing Tri Delta Transit route system. The changes to the system would involve the elimination of routes that would duplicate the proposed service and initiation of new bus service to the DMU stations, as well as other improvements to local bus transit services. Figure 2-14A provides an overview of the proposed service plan. This plan was developed in coordination with Tri Delta Transit.



Source: WSA, 2009.

PROPOSED TRI DELTA TRANSIT SYSTEM MODIFICATIONS
FIGURE 2-14A

Bus routes that currently run along SR 4 from the Pittsburg/Bay Point BART Station to the Antioch/Hillcrest park-and-ride lot would be targeted for replacement by the DMU service. These include Tri Delta Transit Routes 200, 300, 391, and 393. The elimination of these routes would allow for a restructuring of Tri Delta Transit services that would involve the creation of new routes and the modification of existing routes. Some of these routes would be truncated at the Hillcrest Avenue Station and adjusted to provide improved coverage to the more easterly portions of the County. For example, Route 300 would terminate at the Hillcrest Avenue Station and would be modified to provide commute period express service via the SR 4 Bypass and Balfour Road to Downtown Brentwood. A number of new shared use park-and-ride facilities are proposed to be developed by Tri Delta Transit in coordination with the property owners. These include facilities along the SR 4 Bypass at Laurel Road and Lone Tree Way and in Byron, Brentwood, and Oakley. These facilities would involve shared use of existing retail commercial parking and would not involve new construction.

Feeder bus service to Pittsburg/Bay Point BART Station would not be significantly changed; however, many of these routes would be shortened and modified to provide service to the Railroad Avenue Station also. ~~and the proposed stations at~~ Service to the Railroad Avenue Station would be provided by Routes 387, 380B 388C, 380A, 310. ~~and~~ Service to the Hillcrest Avenue Station would include the following Tri Delta Transit Routes: 388A, 388B, 380A, 391A, 391B, 300, 395, 386, and the DX1&2. ~~201, 380, 383, 384, 385, 387, 388, 389, 390, 392, and 394~~.

There is an existing Amtrak California Station in Downtown Antioch which is about 3 miles from the proposed Hillcrest Avenue Station. The Antioch Amtrak Station connects rail passenger service from Oakland to the Stockton area, north to Sacramento, and south to all the major cities in the San Joaquin Valley, Los Angeles, and on to San Diego. In order to provide a connection to Downtown Antioch and the Antioch Amtrak Station, Route 388 would be modified into two routes, one of which would become Route 388A. Route 388A would provide direct service to the Downtown and the Amtrak Station.

Many of the existing routes would be broken into shorter routes with one or more connections to the BART or DMU stations. This would allow increased local transit service coverage and improved schedule reliability. In particular, there would be better coverage in Oakley, the

southeastern portion of Antioch, Brentwood, and Bryon/Discovery Bay.

The paragraph on page 3.2-92 under Impact TR-6 of the Draft EIR is also revised as follows:

Ridership on buses along or near the project corridor, particularly on express services between the Pittsburg/Bay Point BART Station and the Pittsburg and Antioch Park-and-Ride Lots, are expected to decline as riders shift to the Proposed Project. On the other hand, ridership on feeder routes to the Proposed Project stations is expected to increase. In coordination with Tri Delta Transit, a conceptual plan for service revisions was developed that would eliminate competing bus service on SR 4, provide connections to the proposed DMU stations, and improve overall transit connectivity in the East County. More information on this plan is provided in Section 2, Project Description (see "Interface with Existing Transit Service"). Tri Delta Transit is planning to reconfigure existing routes to provide increased service to the Proposed Project's stations in response to this demand. ~~Tri Delta Transit is planning to reconfigure existing routes to provide increased service to the proposed eBART stations in response to this demand.~~

9. Mary Halle, Contra Costa County, Department of Conservation and Development (web form dated November 5, 2008)

Letter 9

11/5/2008

Hello Ms. Balk,
The Contra Costa County Department of Conservation and Development have provided comments regarding the e-Bart DEIR.

9-1 We would like to reiterate the importance of addressing their comments regarding the concern for trip generation impacts, especially for the scenario where a lack of parking shifts ridership to the Bailey Road station.

9-2 I also wanted to note an omission in mitigation measure TR9-1 as follows:

> Mitigation measure TR9-1 indicates that the construction phasing and traffic management plan should be coordinated with the cities of Pittsburg and Antioch; however, Contra Costa County should be included within the review of this document. The junction at the existing Bailey Road Station as well as the proposed transfer station are located in the unincorporated area of Bay Point. The county would like to review this document regarding construction delays and impacts as it relates to disruption on Bailey Road, Canal Road, Bel Air Elementary School, Ambrose Park, and any other facilities within unincorporated Contra Costa County.

Thank you for addressing this item.
Mary Halle

9. Contra Costa County Department of Conservation and Development, Mary Halle (letter dated November 5, 2008)

9.1 The assumptions used in the ridership forecasting and parking demand analysis are presented on page 3.2-41 of the Draft EIR. As noted, the forecasts assumed an unconstrained supply of parking at the Hillcrest Avenue Station. The number of spaces proposed to be provided at the Hillcrest Avenue Station was then sized to meet the forecast demand level. It is not likely that the actual ridership and parking demand at this station would exceed these conservative forecasts. At the Railroad Avenue Station the supply of parking was assumed to be constrained to be consistent with the City of Pittsburg's plan to develop a transit village. The forecasting model was specifically coded to recognize the constraint on parking at Railroad Avenue and to accommodate those who might have desired to park at Railroad Avenue at the Pittsburg/Bay Point BART Station. As a result, the analysis does consider the impact that constrained parking at Railroad Avenue would have on parking and traffic demand at Pittsburg/Bay Point. It also considers the potential impact of existing unserved latent parking demand that could be accommodated at the Pittsburg/Bay Point BART Station when the Proposed Project is in place and many existing users of the Pittsburg/Bay Point BART Station use the Proposed Project instead.

The No Project alternative represents the scenario where current constrained parking conditions at the Pittsburg/Bay Point BART Station would persist and access to the station would be constrained. Because the Proposed Project would serve many riders who currently drive to the Pittsburg/Bay Point BART Station, there would be a net reduction in parking demand at Pittsburg/Bay Point as compared with the No Project alternative. As a result, the Proposed Project would help reduce future parking demand at the Pittsburg/Bay Point BART Station and would not create an obstacle to pedestrian access improvements that the County may develop.

The following text is added at the end of the fourth paragraph entitled "Transit Ridership" on page 3.2-41 of the Draft EIR:

> The forecasting model was specifically coded to recognize the constraint on parking at Railroad Avenue and to accommodate those who might have desired to park at Railroad Avenue at the Pittsburg/Bay Point BART Station. As a result, the analysis considers the impact that constrained parking at Railroad Avenue would have on parking and traffic demand at Pittsburg/Bay Point. It also considers the potential impact of existing unserved latent parking demand that could be accommodated at the Pittsburg/Bay Point BART Station when the

Proposed Project is in place and many existing users of the Pittsburg/Bay Point BART Station use the Proposed Project instead.

9.2 The second paragraph on page 3.2-98 of the Draft EIR under Mitigation Measure TR-9.1 is revised as follows:

Develop and implement a Construction Phasing and Traffic Management Plan. BART will ensure that a Construction Phasing and Traffic Management Plan is developed and implemented by the contractor. The plan shall define how traffic operations, including construction equipment and worker traffic, are managed and maintained during each phase of construction. The plan shall be developed in consultation with the cities of Pittsburg and Antioch, Contra Costa County, BART, Caltrans, CCTA, and local transit providers, including Tri Delta Transit.

10. Teri E. Rie, Associate Civil Engineer, Contra Costa County Flood Control & Water Conservation District (letter dated November 5, 2008)

Letter 10

Contra Costa County
Flood Control
& Water Conservation District

Julia R. Bueren,
ex officio Chief Engineer
R. Mitch Avalon,
Deputy Chief Engineer

November 5, 2008

Katie Balk
eBART
300 Lakeside Drive, 16th Floor
Oakland, CA 94612

Our File: 3056-13-1

Dear Ms. Balk:

10-1 We received the Draft Environmental Impact Report (DEIR) for the proposed East Contra Costa BART (eBART) Extension of the San Francisco Bay Area Rapid Transit District on September 22, 2008. We commented on the Notice of Preparation in a letter dated April 15, 2008. We could not find the responses to our comments in Appendix A, as referenced in Section 3.8, paragraph 3. Several comments were not incorporated into the DEIR.

10-2 1. Section 3.8 of the DEIR provides maps for the affected watersheds and discusses creek crossings, however it does not address the need for detailed hydraulic analysis as a mitigation measure for the existing water courses such as Kirker Creek and Antioch Creek, where flooding is noted. East Contra Costa County has experienced substantial growth within the last decade and new hydraulic modeling is necessary to adequately determine the hydraulic impacts from this project.

10-3 2. The District should be included in the review of all drainage facilities that have a region-wide benefit that impact region-wide facilities, or impact District-owned facilities. The District is available to provide technical assistance during the development of the DEIR, including hydrology analysis using our HYDRO 6 methodology, under our fee for service program.

10-4 3. The hydrology section of the DEIR should discuss the quantity of runoff that would be generated by all project alternatives. Page 3.8-18 of DEIR refers to the planned culvert upgrades. Hydraulic modeling of each culvert and floodplain crossing, plus the additional runoff from this project, should be discussed. The impacts for each potential crossing should be identified in the DEIR, along with proposed mitigation measures.

10-5 4. Page 3.8-17 of DEIR states that the City of Pittsburg and CCTA will update the drainage infrastructure to mitigate impacts from this project at Kirker Creek and

10-5 (cont'd) east of Loveridge Road, due to downstream constrictions. These system updates should be incorporated into the eBART project, to mitigate project impact.

10-6 5. Please clarify if the Hydrology Report prepared by WRECO Inc., as referenced by footnotes on Page 3.8-18 and Table 3.8-1, is part of the DEIR. It was not listed as an appendix to the DEIR.

10-7 6. The DEIR should discuss the adverse impacts of the proposed runoff from the project site to the existing drainage facilities, and drainage problems in the downstream areas. Section 2.5.1 the Hydrology Report by WRECO, Inc. indicates that Caltrans and CCTA are in the process of adding more cross culverts to improve drainage for the State Route 4 (SR 4) widening and the proposed eBART projects. Existing drainage facilities downstream from the proposed improvements should be evaluated for the hydraulic impacts from increased peak runoff. Mitigation measures need to be identified in the DEIR.

10-8 7. As indicated on Page 3.8-8 of the DEIR, Contra Costa County Flood Control District is in the process of expanding the Oakley Basin and constructing a new Trembath Basin in order to prevent frequent flooding in Lake Alhambra. Design and construction of these facilities will need to be coordinated with eBart projects at the Hillcrest Station area. The DEIR should discuss incorporating the basin work into the proposed project. We recommend that these basins are completed with this project.

10-9 8. The construction of Hillcrest Station area basins may not happen for several years. The DEIR should discuss the hydraulic impacts if the basins cannot be built in the near future. It should discuss measures to mitigate such impacts to the Hillcrest Station area, until such time as the basins can be built.

10-10 9. Footnote-27 on Page 3.8-19 of DEIR should be deleted. The Trembath Basin will not be constructed by the County for several years. We suggest that the construction of the basins be incorporated into the eBART project, in order to mitigate the proposed hydraulic impacts.

10-11 10. Oakley Road is shown on Figure 2-8 to be constructed through Oakley detention basin (located east and northeast of the proposed Future Parking). The proposed road will impact the size and design of the basin. These impacts should be discussed in the DEIR.

10-12 11. On Page 3.8-33 of DEIR, please add that the Hillcrest Area Station Drainage Plan should include a drainage study (hydraulic analysis), for review by the CCCFCWD.

10-13

12. On Page 3.8-39, Impact HY-CU-14, the reference to CCWD is incorrect. CCWD is not planning any detention basins, to our knowledge. In addition, as stated above, the County will not be constructing any basins in this area for many years. We recommend that eBART incorporate the construction of detention basins into this project to mitigate hydraulic impacts to East Antioch Creek.

10-14

13. Please note in the DEIR that any work within CCCFCWD right-of-way will require an encroachment permit issued by the District.

We appreciate the opportunity to comment on drainage matters and welcome continued coordination. If you should have any questions, please e-mail me at (trie@pw.cccounty.us) or call me at (925) 313-2363. You may also contact George Kabaivanov at gkaba@pw.cccounty.us or (925) 313-2352.

Sincerely,

Teri E. Rie
Associate Civil Engineer
Contra Costa County Flood Control
& Water Conservation District

TR:GK:xx
\\dc-glacier\grpdata\FldCtl\CurDev\County Wide Projects\3056-13-1 (eBART)\Letters\eBart Draft EIR Letter.doc
Enclosure: Comment Letter from April 15, 2008

c: Greg Connaughton, Flood Control
Tim Jensen, Flood Control
Carl Roner, Flood Control
Marc Boucher, Flood Control

10. Contra Costa County Flood Control & Water Conservation District, Teri E. Rie (letter dated November 5, 2008)

10.1 The commentor expresses concern that the responses to comments on the NOP could not be found in Appendix A. The Draft EIR includes the Notice of Preparation (NOP) as Appendix A. Responses to the questions raised during the NOP review period are found throughout the Draft EIR. Impacts to hydrology and water quality, including comments on the NOP, are addressed in Section 3.8, Hydrology and Water Quality, of the Draft EIR. Below is a summation of the commentor's previous comments on the NOP and where these issues are discussed.

- Watershed maps - Watershed and watercourse maps can be found in Figure 3.8-1, page 3.8-3; Figure 3.8-2, page 3.8-5; and Figure 3.8-3, page 3.8-9.
- Analysis of runoff distribution - Discussion of runoff can be found under Impact HY-1 on pages 3.8-17 to 3.8-20.
- Impacts on watercourses or other drainage facilities - Discussion of impacts on watercourses and drainage facilities can be found under Impact HY-1, pages 3.8-17 to 3.8-20; Impact HY-6, pages 3.8-25 to 3.8-29; Impact HY-11, pages 3.8-34 to 3.8-35; Impact HY-CU-12, pages 3.8-36; and Impact HY-CU-13, pages 3.8-37.
- Storm drain facilities - Description of storm drain facilities can be found in Section 2, Project Description, pages 2-42 to 2-43.
- Potential drainages problems - See bullets one through three above.

10.2 As noted in Impact HY-1, the Proposed Project would not substantially increase impervious area, except in the vicinity of Hillcrest Avenue. The Proposed Project's alignment in the median of SR 4 would not add a substantial amount of impervious surface. The track improvements necessary for eBART would occur in the median of SR 4 and would consist of providing ballast over compacted subballast. The improvements at the transfer platform and the Railroad Avenue Station would also occur primarily within the median of SR 4. As part of the SR 4 widening project, Caltrans would be installing drainage inlets to convey any runoff to new or existing drainage facilities. There would be no additional impervious surface added to the Railroad Avenue park-and-ride lot, and the runoff characteristics would not change. In contrast to the above modifications, which would have minimal effect on storm drainage (see the WRECO Hydrology Technical Report prepared for the Proposed Project), the proposed facilities at the Hillcrest Avenue Station would alter area drainage. Project impacts related to this station area are discussed under Impact HY-1, pages 3.8-18 to 3.8-20 of the Draft EIR. At this stage of planning and engineering, detailed hydraulic modeling has

not been conducted. During the next stage of design, BART will be responsible for quantifying runoff volumes and runoff rates, and designing detention and drainage facilities. Nevertheless, in recognition that stormwater characteristics would change and could affect flood hazards and water quality, Mitigation Measure HY-1.1 requires that BART comply with NPDES permit provisions to control surface water runoff generated as a result of the construction of additional impervious surface by the project and implement a Stormwater Control Plan.

10.3 At present, drainage facility plans for the project have not been developed. BART shall ensure that the District is included in the review of all drainage facilities at the appropriate time. BART is considering using the Flood Control District's "fee for service" program to perform a hydrology analysis of the station area.

10.4 BART is working with Caltrans on drainage design for the SR 4 median. Caltrans is upgrading culverts crossing under the SR 4 median as necessary and is responsible for the final drainage design. While drainage facilities for the Hillcrest Station area have not yet been designed, compliance with NPDES permit requirements and C.3 provisions would maintain runoff volumes at existing levels. During the next stage of design, BART will be responsible for quantifying runoff volumes and runoff rates, and designing detention and drainage facilities in the Hillcrest area. As noted in Response 10.3 above, BART will coordinate with the Flood Control District in the development of these facilities.

10.5 The existing Kirker Creek culvert is designed for a 100-year storm. As part of the SR 4 widening project, both the proposed pump at Loveridge Road and the proposed SR 4 culvert at Old Kirker Creek have been designed for a 100-year storm. The benefit of upgrading the culvert at Old Kirker Creek would not be fully realized until the City of Pittsburg improves capacity downstream of SR 4. These improvements would be done separately from the Proposed Project, but BART recognizes that the Proposed Project facilities would benefit from these downstream improvements. As described on page 3.8-20 of the Draft EIR, implementation of Mitigation Measure HY-1.1 would reduce the potential impact from the Proposed Project to surface area runoff and drainage to a less-than-significant level.

10.6 The WRECO Report is a Technical Report that was prepared for the engineering design team and used as a reference in Section 3.8, Hydrology, of the Draft EIR. The WRECO report is not an appendix to the Draft EIR. A copy of the report is available for review at:

San Francisco Bay Area Rapid Transit District
Contact: Katie Balk
300 Lakeside Drive, 16th Floor
Oakland, CA 94612
(866) 596-BART

The document can also be downloaded from the BART website:
www.ebartproject.org/docs.php?ogid=1000001103

10.7 The Caltrans SR 4 widening project would upgrade culverts crossing beneath the project alignment as necessary, as stated on pages 3.8-17 and 3.8-18 of the Draft EIR. Because the Proposed Project would not add a substantial amount of impervious surface in the median of SR 4, the eBART project is not expected to substantially increase local runoff or affect downstream facilities. Additionally, the Draft EIR identifies Mitigation Measure HY-1.1, on page 3.8-20 of the Draft EIR, which would require BART to comply with NPDES provisions to control additional surface water generated by the Proposed Project.

10.8 As indicated on page 3.8-8 of the Draft EIR, the Contra Costa County Flood Control District has plans to eventually expand Oakley Basin and construct a new Trembath Basin to prevent flooding in Lake Alhambra. The Proposed Project is one of several projects that may contribute runoff to the detention basins. However, the current design for the Hillcrest Avenue Station includes on-site detention of stormwater, which would reduce or eliminate the need for off-site detention. Contra Costa County Flood Control District's plans for the basins would accommodate future growth in the area, incorporating the potential runoff increases by other projects in the area.

10.9 Segments of the Proposed Project may begin construction in 2009, but the system is not expected to be operational until 2015. BART is investigating on-site stormwater detention. On-site detention would most likely consist of on-site storage in pipes beneath the station parking area. The Proposed Project is in line with the planned development in the Hillcrest Station Area envisioned in the City of Antioch's General Plan adopted in 2003, and with the Hillcrest Station Area Specific Plan.

10.10 In response to this comment, the last sentence of the third paragraph on page 3.8-19 is revised as follows:

> Construction of the Trembath basin ~~is anticipated to commence in 2008~~ will not commence for several years.

Footnote 27 on page 3.8-19 of the Draft EIR, is deleted as follows:

~~CCCFWCD website, www.co.contra-costa.ca.us/depart/pw/design/Project%2020Info/trembath.htm. accessed May 22, 2008.~~

Please refer to Responses 10.8 and 10.9 above, for an explanation of BART's proposals to address stormwater runoff from the Hillcrest Avenue Station facilities.

10.11 As depicted in Figure 2-8, Oakley Road would extend west to future Hillcrest Avenue Station parking north of the UPRR railroad tracks. It should be noted that the extension of Oakley Road is not necessary for the Proposed Project, and is presented to show future roadway connections. In fact, Oakley Road is designated in Figure 2-8 as "Future Roads by Others" and would not be constructed by BART; and as such, impacts of the road alignment on the size and design of the basin are not within the scope of the Proposed Project. In addition, none of the station options would require the westerly extension of Oakley Road. In each case, the extension of Oakley Road would be constructed by others and the alignment for the road would be determined by those parties. The Draft Hillcrest Station Area Specific Plan by the City of Antioch identifies the Oakley Road extension as a road improvement proposed as part of the Specific Plan; the alignment in that plan shows the extension curving around an expanded Oakley Basin.

10.12 In response to the suggestion by the commentor, Mitigation Measure HY-9.1 on page 3.8-33, under Section 3.8, Hydrology and Water Quality of the Draft EIR, is revised as follows:

HY-9.1 Prepare and implement drainage plan. BART shall ensure that the contractor prepares a <u>hydraulic analysis and</u> drainage plan for the Hillcrest Avenue Station option, for review by the City of Antioch~~, and~~ the CCCFCWCD<u>, and the CCWD. The drainage plan shall include a drainage study (hydrologic analysis) for review by the CCCFCWD.</u> The purpose of the drainage plan is to help control the additional surface water runoff expected from the project in accordance with the NPDES C.3 provisions and input from the local agencies. BART will then ensure that the contractor implements the drainage plan to safely and efficiently convey stormwaters from the remote maintenance facility.

10.13 In response to this comment, the last sentence of the first paragraph on page 3.8-39 of the Draft EIR is revised as follows:

> While ~~CCWD~~ CCCFCWD is proposing to improve detention capability (detention basins), the increased runoff could potentially exceed the storm drain system's capacity.

As noted in Responses 10.8 and 10.9, current design for the Hillcrest Avenue Station includes on-site detention of stormwater, which would reduce or eliminate the need for off-site detention.

10.14 Should an encroachment permit be necessary for the Proposed Project, BART will contact Contra Costa County Flood Control and Water Conservation District to obtain the necessary permits.