

APR 9 - 2003

TRANSIT SYSTEM  
DEVELOPMENT

May 9, 2003  
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The Supplemental Environmental Impact Report (SEIR) for BART's Warm Spring Extension (WSX) lacks a real assessment of impacts to the environment, social and economic conditions, without any evaluation of cost benefits of the Proposed Project as well as the alternatives. The SEIR especially glosses over a prime salient consideration of land use development of the project area which is necessary for WSX to be viable rail project.

An important point mentioned by a BART attorney is that this SEIR only pertains to BART's administration, operation and management of the WSX project and cannot include Fremont's policies. Still Fremont's land use and development policies are major concern because it lacks a nexus of assured development which is necessary for WSX to be a viable project. Even so, until there is this nexus, BART should not approve this SEIR.

The SEIR assumes that Fremont will rezone around Warm Springs (WS) station area where it is currently zoned low density industrial with little development. Fremont has known for over a decade of the route of BART and has done little in planning and zoning in preparation for BART. In fact, within 4/10 of a mile of this station, Fremont Council has tentatively approved a Big Box Wal-Mart Development in opposition to the recommendation of their Planning Commission. They also approved a low density single floor auto oriented industrial development also within a half mile of this station.

With this void of dense development immediate to this station, the SEIR indicates the building a 2,040 space surface parking lot equal to 4 city blocks for BART access. This is worse than building a Park and Ride lot on a Freeway out in the suburbs and is unheard of for any Metro station. In regards to parking and future development, BART currently has a policy which they refuse to amend that requires that any developer to replace each existing BART parking space on a 1:1 basis in addition to the parking required for the development. This essentially sustains permanently an Auto Oriented Station rather than a Transit Oriented Station which all transit agencies are trying to advance.

Of existing WS area development with the exception of the NUMMI plant; the few scattered low density small warehouse/office type buildings are unlikely to generate any number of BART users. With no assurance that a dense multi use Transit Oriented Development (TOD) will be developed, the projected ridership by 2025 is only 7200 trips.

With this ridership and cost of \$634 Million, its estimated cost per trip per new rider for WSX would clearly be over \$50 when comparing the cost and ridership of BART's SFO Extension (SFOX) which was little over \$25 per trip per new rider with a ridership of around 70,000 at a project cost of \$1.2 billion. WSX with about 1/10 of SFOX ridership and one half its project cost, WSX cost per trip per new rider should be several times that of SFOX. Several years ago MTC made an estimate for WSX which was over \$70 per trip per new rider.

It is critical that greater density development is assured before WSX's SEIR is approved. Also, in terms of public operating subsidy, no extension should require greater subsidy than BART's overall system wide subsidy, otherwise it would be a drain on BART's operating budget. If Fremont really wants WSX despite its greater subsidy, Fremont should be made responsible to pay the difference in subsidy such that WSX's operation would not be a burden to BART's finances. VTA has agreed to pay the full cost of operation and maintenance for the San Jose BART extension.

The SEIR should not be approved until Fremont provides a committed rezone for this corridor and station site in a fashion that its projected ridership will produce revenues that would equal BART's overall fare recovery.

**Specific Comments;** Here in the following section are specific comments on the WSX SEIR and I apologize in advance to the repeated comments I make but I do so to try to point out the importance of the points.

**Project Propose; pES3 to ES6;** Mentions the total expected Vehicle trips of 500,000 by 2025; a 25% increase over year 2000 with the estimated ridership of WSX at 7,200 by 2025 which is quite low for such a large cost.

**pES-10; Land Use-** Mentions BART's Strategic Plan and System Expansion Criteria and SEIR assumes the City of Fremont will conform to BART's Plans and Criteria. However to date, on future growth and opportunities, Fremont has shown no action on changing land use and development plans for higher densities or TODs along the BART R/W even though this project has been under consideration for over a decade.

**BART System Expansion Policy and Criteria;** There are only a few BART Goals as well as BART Objectives being met or evident in planning by Fremont. Especially in terms of Land Use and development.

26-1

26-2

26-3

Transportation – SEIR states WSX will increase transit trips, but it is only 1.44% of 500,000 trips at a Capital cost of \$634 million and an annual operating cost of \$9.17 million per year whereas the Bus Alternative (BA) provides 4,200 trips which is 0.84% of 500,000 trips, costing \$284 million (45% of BART) with no mention of its operating cost. SEIR passes BA's operating cost off by mentioning it will be the local bus agency's cost. Still how can one evaluate the cost benefits of the two respective alternatives if there is no cost for its operation? It should be considerably less for BA than WSX. It also appears neither WSX nor BA will materially mitigate the total trips through this corridor.

26-4

With WSX providing greater transit ridership, will it reduce overall traffic Congestion? It appears BART may have some moderating influence on congestion but there will still be a large increase in auto use. With an increase of 100,000 trips from 400,000 in year 2000 to 500,000 trips in 2025 and BART handling only 7,200 there will still be an additional 92,800 added auto trips.

**p1-14** ; SEIR ignores Table 1-3 BART System Expansion Criteria where it mentions – Generate new ridership on a cost-effective basis- with an objective of -Minimizing the need for operation subsidies-; And - Demonstration of commitment to transit-supportive growth and development- in assuming that Fremont will conform to the Criteria.

26-5

**p2-35 & 36**; Re; WSX Access Hierarchy. The intermodal bus center should be along the major bus route street where the buses need not have to travel a circuitously route to access BART, because most local bus users are not destined to BART. It mentions auto access via Kiss and Ride at higher hierarchy than parking but there is no mention of Car-sharing which is a growing component of access.

26-6

**p2-40**; Irvington (Irv) Sta Access; No mention of the 7th hierarchy mentioned for WSX – Carpooling, etc as well as car sharing. Also, if this station is added would it not reduce the number of parking spaces at WS?

26-7

**p3.1-7; Cumulative Impacts**; Combining the SVRT, there would be a significant impact, but SEIR only mentions it as a passing comment. SVRT's MIS concluded as its preferred alternative was the extension of BART that would cost \$3.7 Billion and that it would generate 87,000 trips with about 65% coming from the East Bay. Yet there exist two commuter rail lines currently in operation that could readily serve much of this travel with minor upgrades. According to SEIR, the Proposed Project (PP) ridership by 2025 is only 7,200 trips costing \$634 million with an annual operating cost of \$9.17 million/year. What is WSX Cost per trip for total riders as well as new riders? BART's SFO cost per new riders was little over \$25 per trip and this project cost was \$1.2 Billion, roughly twice WSX but had about 10 times more daily riders in 20 years. Now that SFO cost is \$1.5 Billion the cost per trip per new rider increases accordingly and will be over \$31.

26-8

**p3.1-9**; There is a large void of new developments around WS except Skyway Court within its 1/2 mile radius. But Skyway Court is low density one story light industrial development which will not generate many transit users. Fremont Council apparently approved a large auto oriented Big Box facility Wal-Mart within its 1/2 mile area but was reviewed again by Fremont's Planning Commission and they unanimously opposed its approval.

26-9

**Land Use and Planning; p3.5-3 to 3.5-5**; Maps provided are misleading in that they do not show the jurisdictions or planning area mentioned in the narrative of the SEIR.

26-10

**p3.5-6 & 7**; Where is the Mission San Jose and Irvington Planning Area? Maps do not show street names as Roberts, Carol, and Adams Aves listed in the SEIR. And what map delineates the Irvington Planning Area?

26-11

**p3.5-9 & 10**; Industrial Planning Area Map with street names like Lopes Court or Tavis Place with large lot single dwellings mentioned in the narrative cannot be located.

Note; the lack of existing development and density at WSX is worse than BART's West Pittsburg (WP) Extension or East Dublin/Pleasanton (DP) Extensions, so where will riders come from and go to in using BART? On the overall cost of WPX including annual operating cost, the public is subsidizing each round trip rider more than what we provide a welfare family of three for bare existence over a period of 20 years and the capital cost for WSX exceeds WPX as well as the WSX projected ridership is only 7/12 of WPX.

26-12

**p3.5-12**; It appears the goals of Fremont's General Plan F-11 & F-14 are not being pursued. BART corridor has been well defined for more than a decade yet Fremont has done little towards its planning and development for a dense corridor or station area that would develop the necessary ridership to have a viable BART Extension.

26-13

What is the relationship and immediacy of Fremont Central business District mentioned in the GP Policies and the italicized CBD Area Conceptual Pedestrian Connection Plan?

p3.5-13 Threading through description of Fremont's GP there is reference to the BART extension, but again they have done little in planning or rezoning to foster BART's viability. Although Fremont's GP Goals details BART in construction but what have done on details for land use and development or rezoning compatible to BART's Plans and Strategies? Their GP even mentions supporting this BART Extension, but again what have they done in development or rezoning?

26-14

p3.5-16 to 5-22; SEIR includes a section about the GP on Central Business District and Central Area Residential but what is its bearing or its relationship to either Warm Springs or Irvington Area Station Development? Overall Fremont has ignored to really plan for this BART Extension and that the densities that are mentioned are not in keeping with generating any kind of ridership that would minimize the subsidies for BART operating to Warm Springs. As it is, the ridership would be less than the Concord to West Pittsburg Extension where we are now subsidizing each round trip rider more than what we provide for bare subsistence a family of three on welfare! WSX is still zoned industrial. For the record, can the SEIR Reviewer describe any metro station in the world that only serves a sprawled low density industrial site? Also why shouldn't the BART platform straddle Washington Blvd. and Grimmer Blvd. to provide easier access for bus users and travel time saving for bus transit system?

26-15

SEIR states "the WS Planning area does not anticipate significant changes from those in the past" which is ominous as to the extent changes are direly needed and should be made. Does the author of the SEIR know of any metro system like BART having a station located amidst a large parking lot in a low density industrial area?

p3.5-26 & 5-27 WSX does not appear to meet MTC goal of Community Vitality nor the "Guiding Principles" of ACCMA. The SEIR only mentions that this project shares the visions and goals. Is sharing visions or goals any assurance that the goals and principles will come to fruition? An investment banker would want greater assurance than a vision so why shouldn't the public also want better assurance?

26-16

p3.5-30 to 32 SEIR states that Fremont is addressing the Concept Plan for BART, but again should the public commit \$634 million in hopes that they would come up with a dense corridor that would minimize auto use and provide adequate ridership that would be equal or exceed BART's present fare recovery such that it will not adversely affect BART present subsidy revenues.

26-17

If Fremont presses for this project under current nebulous claimed visionary developments, Fremont should be required to provide the difference in funds that matches BART's current overall subsidy. Only when there is coordinated development of nodal density around WS Station area will the ridership develop revenues equaling BART system.

p3.5-33 to 35; LU2 points out the inconsistency with applicable plans and policies with BART, MTC, and ACCMA. Still the SEIR mentions they will be addressed, but to what degree? So until the inconsistencies are resolved should the SEIR be approved?

The 'concept station plan' may be compatible to BART's policies but it is still just a concept, or a vision. Current station area development of up to 1/2 mile, there is a void of any actual development that will result in low transit ridership.

Another point which has large financial impact is not mentioned. This is when added public infrastructure is constructed it creates large appreciation in land value around the infrastructure, which should be evaluated: City of Portland managed to get an LRT Airport Extension without expending public funds by just providing the development rights along the LRT R/W leading into the Airport. Property around the periphery of East Dublin/Pleasanton's large 3,000+ surface parking lot sold for over \$85 per square foot or \$3.7 million per acre and the land owner did not earn it, the public earned it! So the public should capture some of this appreciated value by forming an assessment on surrounding property that gradually decreases its assessment based on distances from the stations up to a range of 1/2 mile. Embarcadero Station was added to the original BART system paid via an assessment district and is now the second highest used station.

26-18

SEIR mentions better "expected" land use development specific plan, but for such an expensive public investment that is reliant on dense development that will provide good BART usage, it should be more definitive than an expectation!

ACCMA's guiding principle states, "Transportation investments must be made in conjunction with appropriate land use planning ....." and to date nothing along this line has happened. Yet the SEIR implies Fremont's specific plan "would encourage higher density development around proposed stations site" and concludes this "proposed plan is consistent with applicable plans and policies so it is less than significant" in impact. Again with such a large public investment are words such as "encourage" and "proposed" an assurance for this to happen?

With all this rather tentative description of land use and development the SEIR, classifying LU as 'less than significant' is very puzzling.

**p3.9-20 Parking;** What was the criterion for determining the number of parking spaces for WS and Irv? The history to date on modes of access to BART in low density suburban areas is that most BART parking gets filled well before the 20 year projection and other modes of access lag. Yet, the future of BART's increased ridership will be dependent on development and other modes such as pedestrian, bicycle, car sharing and buses because parking is finite, once filled it is difficult to expand. Also the parking area with its number of spaces takes so much valuable developable space. Actually, the parking space should be gradually replaced with Transit Oriented Development but BART directors have unwaveringly maintained a position to retain all the parking and when any TOD is planned the developer is required to replace all the existing parking plus build additional parking required by the development itself. This is a no win situation. Also there is no mention of charging for parking which can be used to temper the demand.

For a sprawled area such as Fremont it probably would be best to serve WSX in the future by some form of feeder transit. Feeder transit can be expanded extensively based on its frequency and capacity of the vehicle used. Whereas with parking it is finite.

26-19

Another problem with most suburban BART station location designs is that parking determines the location of the station. Stations are located around parking and not along the street where buses operate. If future access will be dependent more on feeder transit and the hierarchy is for buses, rather than merely provided buses a closer access to stations over parked cars, by requiring buses to maneuver circuitously taking up considerable time, why not require the parkers to walk a little more and locate the station across or near the street where the buses operate. Many of the bus riders are local users and are not headed to use BART, so why subject local users riding the buses in and out of the BART maze and adding to their commute time. In the future additional bus routes will be serving the station as well. BART's Rockridge or MacArthur Stations are good examples where buses feed BART without having to drive off route through large parking lots and its congestion and increasing bus travel time for the user as well as increasing operating cost for the bus agency.

**p3.9-29; Table 3.9-5 Rail Ridership** In an earlier assumption it mentioned that the Capitol Corridor (CC) would operate at 60 minutes headway all day and its been reported in the media that this line has experienced about the greatest increased ridership as a commuter rail in the country. Commuter rail can operate even more frequently during peak periods for I have experienced headways down to 4 minutes which is better than any BART line. Yet it shows CC with only 2,300 riders which is about 3.5 times less than the ACE which operates only during peak hours. Can this be correct? And if the CC line has greater ridership wouldn't that reduce the WSX ridership as well as when the SVRTC is constructed? In Japan and many Countries in Europe there are more commuters using commuter rail than urban rail or metros to commute to work and the capital cost for commuter rail is far less than for urban rail or BART.

26-20

**p3.9-39 - Table 3.9-13; Transit Travel times -** Comparing the 2010 No Project to the Proposed Project (PP), of the nine trip examples, 4 shows with WSX there is improvement over the No Project and 2 where the No Project excels with the remaining 2 that are same. There is a similar table comparing the Bus Alternative (BA) to No-Project but it is for year 2025. I find no comparison for BA to PP.

If the BA was operated similar to Ottawa's Busway (BW) system, I would venture to say that in most cases the travel time would equal or would be less than the PP. Ottawa's buses before operating on the BW pick up riders in the neighborhood before getting on the busway and if there are a number of riders destined to a place of high employment some buses would be designated to serve that destination by diverging off the busway to deliver riders to say NUMMI. During peak they operate over 200 buses per hour on the BW. Similarly if the BA was extended to serve San Jose it would also very likely provide similar time savings because buses can be flexibly operated to serve the various dot-com Campuses which are mostly located some distance from the BW. All this is done without the need for transfers, again if there is adequate demand. In addition it would cost far less and could be in operation much sooner.

26-21

**p3.9-51 to 53; Table 3.9-15 & 3.9-16,** Historically in the long run we have never managed to relieve congestion. This is because we continually permit auto oriented development along with sprawl which is totally dependent on auto use. What will be the state of congestion beyond 2025 or for year 2050? We have never built ourselves out of congestion and we cannot endlessly widen roads for we do not have the R/W and we cannot afford elevated roads or subways. It should be obvious we will have congestion when we are registering more vehicles than the capacity of lane miles we build. Widening roads promotes more auto oriented developments and will exacerbates congestion problem.

26-22

Cities are recognizing they can do little on reducing congestion problem and coping with the problem. London recently has done this by imposing congestion charges. Also most major arterials in Japan are toll roads. Singapore charges 250% tax on car purchases. In other words they are imposing pricing options. We need to make people aware that there is a cost in the use of the auto not only monetary but social and environmental as well. Therefore Table 3.9 of charting the LOS of traffic for 2025 is meaningless. Even comparing No Project to other alternatives the comparisons shows there are really no major differences.

**p3.9-62 to 65; Parking Demand.** SEIR mentions the parking demand is based on unconstrained travel demand. Does this mean that parking the parking demand is based on it being provided FREE? If so the demand will be exceeded as mentioned at most existing BART stations well short of the year 2025, demand is insatiable if free. Also does this mean that BART is obligated to provide this unconstrained demand of 2040 spaces if the project is to go forward? If there was a charge would it not affect the demand? Parking should be instituted with a minimum parking charge to make it clear that there will be a charge and when the supply is exceeded the charge would increase to control the demand and not the other alternative of increasing the supply.

BART is about the only major transit system that has 42,000 parking spaces and had provided it free until about a year ago when BART incurred a large funding deficit. BART instituted a parking charge for 25% of its spaces at \$63 per month. Yet the City of Lafayette has charged \$2 for street parking on the peripheral streets for years, also several stations have metered parking around BART's free lots and there are several private lots next to BART charging up to \$5.50 per day.

26-23

There is also the social equity problem of parking for inner city BART users have little or no parking and have a lower household income, yet to use BART many need to pay an extra transit fare with other public transit to use BART.

The SEIR does not cover the social equity aspects of BART which it should. On FTA New Start it is a requirement. As mentioned earlier about the subsidy for one suburban BART user exceeds what a family of three gets from Welfare. So there apparently is a social equity problem with WSX due to its low ridership and high cost. One outside consultant remarked to me that at the high project and operating cost the whole area could probably have free transit over the 20 year period and develop far greater ridership.

**pP4-5 Growth Inducing:** While it is true that BART should foster more dense development around the station area but it also needs to have some overriding regulation that insures that dense development takes place. There is a problem that NIMBY forces may build up and prevail to down zone the area which has happened on several cases. Ottawa faced this problem but since they received funds from the Province on a condition that Ottawa to develop a regional plan. This resulted in a transit project which emphasized TODs. After the project was completed and Ottawa proceeded to construct TODs, some NIMBYst objected to the dense development and tried to down zone. The Province told Ottawa that they would have to return the funding if they changed from the TOD oriented regional transit plan.

26-24

**Bus Alternative (BA);** Note; I have numerous questions and differences mentioned in the SEIR on Bus Rapid Transit (BRT). I have traveled extensively and have studied and viewed many rail, metro, PRT, and especially BRT systems. Also served on several TCRP oversight committees on transit that produced well used reports. With this background, it appears that the SEIR only perfunctorily studied BA without consideration for an optimal use of BRT. BRT has many facets that can be phased in and be very accommodating to generate as many riders as most rail systems except in heavy dense urban areas. I am familiar with BRT systems in Canada, Japan, Europe, South America (especially Curitiba, Brazil), Australia and the US that handle as many or more riders than BART at a cost that is a fraction of BART's cost. There are BRT projects in the US that has attracted more riders than our recently constructed BART extensions. So what I read in the SEIR, BA alternative is being glossed over.

**p5-19 -** SEIR downplays BA by mentioning the congested roads, ramps and intersections that the buses would have to traverse. But it does not mention or consider that one can readily build special by-pass lanes at sections of congestion which have been used in several cities as Leeds UK, or special on/off freeways ramps for buses and High occupant vehicles which are common at many US ramps. One can in the near future extend the BW along UPRR R/W down to Hwy 262 and provide a special access onto Hwy 262 as Caltrans has done north of Hilltop Drive on I-80 and at Cutting Blvd. on I-80 in Richmond. Also HOV lanes have been or will be constructed by Caltrans along most of the Freeways in areas that the BA can use if San Jose is the destination. HOVs may reach capacity but one can increase the occupancy per vehicle which will lessen the capacity and buses can continue its use and making effective use of the HOV lanes at little cost to the public and still provide good fast, reliable and effective transit which is our future.

26-25

Also SEIR downgrades the BA saying that there would be a dwell time of up to 1 minute. This can easily be overcome as most LRT have done using the pre-paid fares or another way which is the introduction around the country that is taking place is the use of the Smart Card which would be as fast as the boarding a BART system. Also in Curitiba they use buses that have five doors on their triple unit buses.

Another criticism was on the time the Buses will take to maneuver through local congested arterials. Again most of the congestion occurs at intersections so it may be possible to construct by-pass lane for buses to queue jump the congestion.

Another way to speed up buses through Fremont is from the Fremont BART station initially build an exclusive BW on the PP R/W to Stevenson and along Stevenson and Paseo Padre Parkway provide a special turn lane with signal priority to operate onto Paseo Padre. If there is a marked directional peak flow of the congestion, it may be possible to building a single reversible bus lane that buses can use in the direction that is congested.

I do not know the design used for the BW and its cost but I do know it is possible to build a simple 24 ft wide 2 lane busway without shoulders and at stations widen it to 48 ft so buses can pass each other. A plain BW could have many of the crossings at grade with signal priority. Also for more precise boarding for a small gap at the platform to bus one can use magnetic guidance perfected by PATH. If one uses this guidance along the BW itself then the roadway can be reduced to 20 ft and drivers would not have to steer. Or another construction alternative of BW is to pre-cast 2.5 wide by 20 to 40 feet length sections for the bus wheel to operate on. This is what Adelaide did to build their BW mainly with pre-cast members at less than \$18million per mile. Also Adelaide managed to build grade separated crossings with the pre-cast members at little extra cost. So BW cost could be markedly reduced from the proposed estimated cost of \$284 million.

With three or four local bus lines as well as the BA to WSX operating on the same street as Paseo Padre Parkway with signal priority, considerations for an exclusive Busway (BW) operation maybe warranted. In Japan and Europe they have taken away existing traffic lanes and converting them to BW lanes. With the BW bus operating in platoon with the other local buses they can traverse the busway section as fast as any BART system and with greater frequencies since more routes will be utilizing the busway. Also local buses can operate flexibly in that they can operate on the BW along the congested portion of the route and then divert out into local service and serve the neighborhood faster and with greater reliability to schedules. These variances obviously were not considered in assessing BRT service and should have for it would generate many more riders. Ottawa operates along much of what is described and within two years its ridership was up to 200,000 per day which is greater than what any single BART line carries today.

Miami Metro service was extended with a busway at 1/16 the cost of BART's Dublin/Pleasanton Extension. They have 7 bus routes utilize the BW and almost over night carried more riders that BART's WP or Dublin Extensions did after 3 years of service. 5 of the bus routes use portion of the BW and at various points along they diverge from the BW and go into local service. Since it has a number of bus routes serving a wide strip, riders can access local transit without having to drive and park so the need for parking is minimal. They built a convenient transfer arrangement at the Metro station so overnight the BW built up a daily ridership of 11,000 per day in a few months of operation. Again this is far greater ridership than the WSX system that has a 2040 parking facility.

Ottawa, Canada's Busway transporting 200,000 riders/day operates over 200 buses/hour during peak periods. Local buses pick up passengers at neighborhood bus stops and enter the Busway, eliminating transfers and station parking, (reducing air polluting cold starts and the need for an extra car) and run express most of the way, since most of the riders are picked up locally rather than at the stations, to dense nodal destinations. If a bus stalls, other buses just bypass it, which can't be done by rail. 40+% of inner-city workers now use transit. Moreover, within six-year period, Ottawa's Busway has attracted over four times its capital cost in developments. The BW increased system wide speed that saved 5% bus hours in the first year and by year 2000 without the Busway at slower speed they would need 23% larger fleet to provide the same coverage. It was calculated that the use of the Busway's efficiency in 20 years would offset the Busway's capital cost, which cannot be matched by any rail application.

Pittsburgh, Pennsylvania's MLK Busway operates similarly to Ottawa. About 20 local routes use MLK during peak periods plus 2 Busway assigned routes, transporting 3,000 riders peak direction/hour, equivalent to 3.7 major arterial lanes and carries 31,000 riders/day. In its first year, MLK carried about 3.5 times the ridership per route mile than Portland's MAX. Speed of express buses exceeds their own Light Rail by 2.8 times and 1.8 times by Busway routed bus. Operating subsidy/passenger was 57.5% less than their light rail. Its construction cost was under \$13 million per mile.

Example for WS:BA operation; If the NUMMI plant is a major destination for BART riders from Fremont Station, a specific bus can be routed on the Busway to the WS Station and riders without requiring a transfer to another mode to get to the NUMMI Plant, the bus simply take the riders there without a transfer. Or riders bound to Ohlone College could have buses from Fremont BART use the BW to Washington if there are large numbers wanting to go to the College. Or line 210 could be increased in frequency from 30 minutes down to 15 minutes which will increase service to the Irvington center where this center could use more frequent service as it is further developed as a transit center. Or the buses can go off route at Auto Mall Parkway and shuttle along the Parkway or feed bus 232 where there will be considerably more development to where riders would want to get to. The same with Grimmer Blvd Station.

VTA buses headed to Santa Clara Co could also use the BA BW and save considerable operating time by extending the BW to connect to Hwy 262 and utilize the HOV that is under construction on I-880. From I-880 they can connect to their system at various points along I-880 or State Hwys.

If the BA option included the bus' flexibility of operation and convenience, it will improve local mobility far more than a fixed rail BART extension and take less travel time as well for the users. Because of the flexibility of buses by including a more comprehensive BA, it should generate far greater ridership than what the SEIR has projected.

26-25  
cont'd.

26-26

Also since it is very likely that the SVRT extension will be a delayed in getting all its funding together to begin construction due to VTA's serious financial problems as well as the State's deficit problems, its completion will be extended several years. It could very well be a period of at least 15 years hence. Being so, one should consider local service more than intercity service with an overall flexible and adaptable transit system.

There is little in the SEIR that delves into Cost-Benefit which is a prime concern of the public on how well a project utilizes public funds in providing public transit, especially in a time when most Transit Agencies are having to cut service and staff. Recently Transit Cooperative Research Program published an excellent TCRP Report 78 titled "Estimating the Benefits and Cost of Public Transit Projects; A Guidebook for Practitioners" which helps respond to questions on matters such as ; congestion, travel times, pollution, and community developments.

Report 78 describes overall Benefits-Costs Concepts and Applications of Travel Impacts, Costs and Revenues, Impacts of Land Use and Development, and Impacts on Economic Development. It also mentions the prime public concern which is on the perceived cost of the transit system and how it relates to travel time savings and the fares which the SEIR does not really point out when comparing the BA to the PP.

Again the SEIR appears to gloss over many good points of the very cost effective BA and favors the PP primarily on the increase in projected ridership. SEIR also relies on VTA's modified MTC Model that has produced much higher ridership numbers than what other reputable consultants such as Cambridge Systematics and Parsons Brinckerhoff have done on related studies.

**p5-60 Environmentally Superior Alternative;** SEIR states overall the BA has more superior aspects on impacts to the environment, on costs and avoids archaeological impacts than PP. Yet, SEIR favors PP primarily on the perception that it attracts greater transit ridership with improved air quality and greater potential for compact development.

The consultant is unfamiliar with the many aspects of BW and BRT that is in use in many ways throughout the world and most BWs transport far more riders than any existing BART line. Also buses are being developed that emit far less pollution and are more quiet. Actually BART generates more noise and vibration.

As for attracting greater ridership through better development around station is a matter of how well a city commits itself to the overall general plan that is oriented to TODs. As mentioned earlier in Ottawa's case, there needs to be an overseeing body like Ontario Province in Ottawa's case that sees the Ottawa or a Region sticking to a General Plan. Ottawa's Busway with its committed TOD Plan has built more substantial TODs than any city with recent rail in the US.

Before BART started in operation, AC Transit carried as many passengers across the Bay Bridge as the autos during peak periods. During peak period AC operated a bus at an average of every 14 seconds across the bridge. Riders walked from their home to the local transbay bus stop to board the buses in their neighborhood which eliminated the short polluting auto trip and the trip to San Francisco was made without a transfer.

This Transbay bus service was a few to many type of trip and BART's current high ridership also is few to many type service, whereas, the PP scenario which is suburban or in sprawl, is a few to few type of trip where buses can serve this condition more effectively than rail because rail is a fixed route system. With rail, one has to access the rail usually by auto and at the point of rail egress one needs to find some other mode due to low density to get to their destination.

And regards to air quality, since BART is dependent on so much auto access (parking and Kiss and ride) majority of users will use the auto on some part of their trip and the auto use will likely be short trips which are the most polluting. Suburban BART station survey has shown that auto use to access/egress BART is in the range of from 70 to 90% of the trips. Providing so much parking also promotes greater sprawl, more air-pollution and more auto use. Also if the unconstrained demand for parking is based on free parking, it too promotes more auto use. The demand for parking will be continual and insatiable, once filled there will be public outcry and pressure to increase parking as we have experienced along with the media editorializing for more parking. So the SEIR statement that the PP would better promotes displacement of an air-polluting auto trip is questioned.

Sincerely,

*Roy Nakadegawa*

Roy Nakadegawa P.E.

26-26  
cont'd.

26-27

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**Response to Comment Letter 26 (Roy Nakadegawa, PE)**

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- 26-1 An assessment of environmental impacts related to the Proposed Project is presented in Sections 3.2 through 3.12 of the DSEIR. Land use impacts are discussed in Section 3.5 of the DSEIR, and Alternatives are presented in Chapter 5. Under CEQA, an EIR is required to contain only a general description of a project's economic characteristics and is not required to supply extensive detail. CEQA Guidelines Section 15124. A detailed cost-benefit analysis of the Proposed Project is not required under CEQA and is not included in the DSEIR. Project costs and benefits have been prepared separately and will be presented to the BART Board of Directors in connection with the staff's recommendation on adoption of the Proposed Project.

The Proposed Project is a 5.4-mile extension of the BART system from Fremont to a new station at Warm Springs, with an optional station at Irvington. While BART policy supports promoting transit-oriented development surrounding new BART station locations, including the proposed Warm Springs and optional Irvington Stations, the Proposed Project does not include development of residential or other land uses surrounding the station sites. Future proposed development in the proposed station areas will be subject to separate environmental review by the City of Fremont. BART intends to continue closely working with the City of Fremont to encourage successful transit-oriented development through an in-depth policy plan and project analysis.

The DSEIR analysis of ridership and associated benefits for congestion relief, air quality, and energy does not assume rezoning around the Warm Springs Station area. This makes ridership projections for the Proposed Project conservative. Any consequential benefits of such rezoning would be in addition to the benefits identified for the Proposed Project in the DSEIR. See the response to comment 16-d.

The DSEIR does assume that the Proposed Project will provide additional opportunities for transit-oriented development in an area, which is currently zoned low-density industrial with little development. These opportunities are not considered speculative. The City of Fremont is now proceeding with a Warm Springs BART Area Specific Plan. The City Council authorized staff to begin preparation of the Specific Plan, and a consultant team has been retained to prepare the analysis. BART has coordinated with the city to develop the Specific Plan scope of work, which is currently scheduled to be approved by the Fremont City Council on June 24, 2003. The purpose of the Specific Plan is to identify development constraints, and development opportunities, and provide land use criteria, development densities, and design guidelines for the coordinated development of the station area and ridership outcomes. (Also see the responses to comments 4-4 and 16-4.) In addition, the City of Fremont has developed the Draft Irvington Concept Plan, which is in final draft form and is expected to be acted on by the City Council in the near term. See responses to comments 4-4, 16-1c, 16-1d, 16-2, and 16-3.

The City of Fremont recently approved a conditional use permit for a Wal-Mart store on a vacant site approximately 0.5 mile north of the proposed Warm Springs BART Station. As shown in the DSEIR (see Figure 3.5-5, page 3.5-10), there are a number of undeveloped or

underdeveloped parcels in the station area. The 34-acre station site is vacant as is an adjacent 36-acre parcel. Altogether, over 200 acres in the proposed Specific Plan study area are vacant or underutilized. This relative lack of development provides the opportunity to develop large-scale transit-oriented development projects around the station site.

The BART Board of Directors sets parking policy for the District. Parking replacement ratios for TOD could be changed if the Board chose to do so. The proposed Warm Springs Station includes a 2,040-space parking lot, but the station site—including the parking lot—is designed to be flexible in order to accommodate a parking structure in conjunction with transit-oriented development. This possibility will be explored during the Warm Springs BART Area Specific Plan process.

The Proposed Project is not subject to the Federal Transit Administration's (FTA's) New Starts requirements. Although the cost-per-new-rider calculations for FTA New Starts projects are not required for the Proposed Project, which is not a New Starts project, the cost per new rider for the Proposed Project is estimated to be \$26 to \$29 in 2025 based on FTA New Starts criteria. This range is generally comparable to the cost per new rider for the BART San Francisco Airport Extension project.

Additional redevelopment and land use intensification that is anticipated through efforts by the City of Fremont (with BART's cooperation and assistance) but not yet included in the Alameda County Congestion Management Agency's (ACCMA's) model was not included in the DSEIR. As a result, the reduction in vehicle miles traveled and resulting benefits discussed in the DSEIR represent anticipated benefits of the Proposed Project *without* transit-oriented development in the vicinity of the stations. Accordingly it is not necessary to require the implementation of such projects before the benefits identified in the DSEIR can be realized by construction of the Proposed Project. See the response to comment 16-d.

A discussion of fare subsidies is a policy discussion for the BART Board of Directors and is beyond the scope of this SEIR.

- 26-2** The increase in regional vehicle trips between Alameda County and northern Santa Clara County is estimated to increase to 500,000 by 2025, a 25% increase. Increased BART ridership alone cannot be expected to close this gap.
- 26-3** See the responses to comments 4-4, 16-1c, 16-1d, 16-2 and 26-1. The City of Fremont has anticipated the BART alignment for over a decade, and has made efforts to retain adjacent land opportunities in advance of final approvals. The *Fremont General Plan* illustrates the transit corridor, references the Warm Springs BART Area Specific Plan area, and otherwise sets the framework for forthcoming transit efforts.
- 26-4** The operating cost of the proposed Bus Alternative is estimated to be \$4 to \$4.5 million annually, see the response to comment 4-1. This estimate is based on the number of revenue hours required to maintain the level of service described in the operating plan for the Bus Alternative (page 5-20 of the DSEIR) and is for the Fremont BART Station to Warm Springs Transit Center segment of the Bus alignment only. If the Bus Alternative were implemented, then AC Transit and VTA would be the most appropriate agencies to operate the service,

assuming that one or both agencies undertook the project and funding was found. (Also see the response to comment 4-4.)

The 25% increase in auto trips by 2025 is related to regional auto trips between Alameda County and northern Santa Clara County. It is unrealistic to expect one transit project to materially reduce the traffic increase expected by 2025.

- 26-5** Comment noted. The DSEIR does consider the BART System Expansion Criteria policy, and in fact incorporates the substantive goals of the policy into the goals and objectives for the Proposed Project. The DSEIR acknowledges that the proposed Bus Alternative requires less capital investment and lower operating and maintenance costs compared to the Proposed Project. See DSEIR page 5-67. Other transit alternatives may offer better cost effectiveness on a dollar-per-new-rider basis, but cost effectiveness is not the only measure of performance to be considered in assessing the overall effectiveness of a project. The DSEIR concludes that the Bus Alternative is not as effective as the Proposed Project in maximizing new transit trips or in providing the associated environmental benefits of reduced traffic congestion and energy consumption and improved air quality.

The DSEIR also considers the System Expansion Criteria with regard to commitment to transit-supportive growth and development. Regarding the City of Fremont's commitment to transit-oriented development, see the responses to comments 4-4, 16-1c, 16-1d and 26-1. The proposed Bus Alternative is considered much less likely to foster development around the proposed station sites than is the fixed-rail investment of the Proposed Project. See DSEIR page 5-35 and the responses to comments 4-4 and 13-1.

- 26-6** The Warm Springs Station is designed and located so as to be a multi-modal transfer station that bus providers can also use as a bus-to-bus transfer point. Access does not require extensive and unnecessary travel for buses. Bus service providers have indicated that they would realign bus routes to take advantage of the multi-modal nature of the station. Car sharing is a growing component of station access. The station plans presented in the DSEIR are conceptual and can be refined to accommodate car sharing.
- 26-7** Carpooling was inadvertently left off the access hierarchy description for the Irvington Station. Page 2-40 has been revised to add a bullet to the list of items. The new item reads, "Carpool, single-occupancy vehicle parking, and parking for the disabled." The number of parking spaces at Warm Springs Station is assumed to be the same regardless of whether the optional Irvington Station is built. If the Irvington Station is built, it will reduce the parking demand at the Warm Springs Station. (See Table 3.9-18 for parking supply and demand with and without the Irvington Station.)
- 26-8** The SVRTC project is described in Section 3.1 of the DSEIR as one of the projects considered in the cumulative impacts analysis in the DSEIR. The cumulative analysis, which includes the SVRTC project, is discussed at length under each individual impact area in Chapter 3 of the DSEIR (for example, biology, land use, aesthetics, etc.). An extensive cumulative transportation analysis that specifically addresses the SVRTC project together with the Proposed Project appears in the DSEIR on pages 3.9-68 to 3.9-76.

Page 5-13 of the DSEIR discusses commuter rail lines in the project area. The Altamont Commuter Express (ACE) serves the Tri-Valley area and Central Valley, but does not serve the north-south East Bay commute corridor. The Capitol Corridor system provides service north to Sacramento and south to Gilroy, but is relatively inaccessible for many commuters. It only has five stops south of Richmond and misses the population centers and other key destination centers that BART serves. As noted in the response to comment 26-1, the project's cost per new rider would be \$26-29 in 2025.

- 26-9** See the responses to comments 4-4, 16-1c, 16-1d, and 26-1.
- 26-10** Figure 3.5-1 on page 3.5-3 of the DSEIR illustrates the Planning Areas in Fremont as described in the text on pages 3.5-2 through 3.5-11. Figure 3.5-2 on page 3.5-4 illustrates the Fremont Planning Areas where the Proposed Project alignment would be located. The Planning Areas are identified in the figure legend. Figure 3.5-3 illustrates land uses adjacent to the Proposed Project alignment and does not show Planning Areas.
- 26-11** The Mission San Jose and Irvington Planning Areas are illustrated on both Figure 3.5-1 and Figure 3.5-2. For graphic clarity, not all street names were labeled on figures. Roberts Avenue, Carol Avenue, and Adams Avenue are all streets in the vicinity of the optional Irvington Station, west of the railroad alignment and south of Washington Boulevard. Lopes Court and Tavis Place are located in the vicinity of the proposed Warm Springs Station, west of the railroad alignment.
- 26-12** Local land use policies are being addressed by the City of Fremont through the Warm Springs BART Area Specific Plan and Draft Irvington Concept Plan. See the responses to comments 4-4, 16c, 16-1d, and 26-1. The policy question of whether cost subsidy issues should affect the Proposed Project's going forward is a policy decision that will be made by the BART Board of Directors.
- 26-13** Goals F-11 and F-14 of the *Fremont General Plan* relate to the City of Fremont's reliance on the private auto for transportation and a need to work cooperatively on regional transportation issues. The city is currently undertaking such cooperative efforts through the Warm Springs BART Area Specific Plan process, as discussed in Section 3.5 of the DSEIR and in the responses to comments 16-1c, 16-1d, 26-1, and 26-3.

The existing Fremont Station and Proposed Project alignment through Fremont Central Park are located in the Central Planning Area. The pedestrian connection plan refers to the central business district and is provided as general background information.

- 26-14** The *Fremont General Plan* contains numerous references to supporting a BART extension through Fremont, with stations at Warm Springs and Irvington. The city has maintained these policies for the 11 years since BART adopted the Warm Springs Extension in 1992. The city is currently moving forward on a Warm Springs BART Area Specific Plan. See the responses to comments 16-1c, 16-1d, 26-1, and 26-3.

**26-15** A portion of the Proposed Project alignment is located in the Central Planning Area, and information about the central business district and central area residential situation is provided as general land use background.

Regarding the City of Fremont's commitment to the Specific Plan process, see the responses to comments 16-1c, 16-1d, 26-1, and 26-3.

Because the Hayward fault runs through Washington Boulevard, it would be unwise to have the BART station straddle Washington Boulevard. Neither Washington Boulevard nor Grimmer Boulevard has sufficient right-of-way to provide bus stops without disrupting travel lanes. In addition, the conceptual plans for the Warm Springs and optional Irvington Stations contain bus transfer facilities, both for bus-to-BART and bus-to-bus transfers. For safety reasons and to facilitate intermodal transfers, these transfers should take place at an off-street site.

The sentence in the DSEIR that states, "the Warm Springs Planning Area does not anticipate significant changes from those planned in the past," refers to the city's Warm Springs Planning Area, which is located south of Mission Boulevard and east of Warm Springs Road. The Warm Springs Planning Area does not contain the Warm Springs Station site, which is located in the Industrial Planning area. (See Figure 3.5-2 on page 3.5-4.)

As noted in the response to comment 16-1c, other transit systems have a record of locating stations in vacant sites, creating transit-supportive land use policies, and building transit-oriented development that ultimately boosts ridership. The Portland Westside MAX project is a notable example of this approach.<sup>10</sup>

**26-16** The statement cited in the comment about a "shared vision" was intended to introduce the role of ACCMA in bringing the county's transportation needs together. The actual ACCMA policies described in that section are the "Guiding Principle" that transportation investments must be made in conjunction with appropriate land use planning with the objective of a service-oriented transit system that provides frequent, convenient, and reliable service to the major activity centers in each of Alameda County's major transportation corridors. The MTC Regional Transportation Plan's Community Vitality Goal includes the objectives of fostering new ideas for improving communities for transportation investments, and assisting with efforts to plan and implement transit oriented-development projects. The Proposed Project is considered consistent with these policies. See pages 3.5-34 and 3.5-35 of the DSEIR. BART will continue to fulfill the BART Board's policy and directives by assisting the City of Fremont's efforts to create transit-supportive policies and plans to implement transit-oriented development associated with the Proposed Project. See the responses to comments 16-1c, 16-1d, 26-1, and 26-3.

**26-17** The policy question of whether cost subsidy issues should affect the Proposed Project's going forward is a policy decision that will be made by the BART Board of Directors. The issue of fare subsidies is a policy issue for the BART Board of Directors and is beyond the scope of this SEIR.

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<sup>10</sup> G. B. Arrington, Jr. "At work in the Field of Dreams: light rail and smart growth in Portland." September. 1998.

- 26-18** The analysis of Impact LU 2 concludes that there is no significant inconsistency between the Proposed Project and applicable plans and policies of BART, MTC, and ACCMA. See pages 3.5-33 to 3.5-35 of the DSEIR.

As described in the DSEIR on page 3.5-33, the Warm Springs Station conceptual site plan is designed to be flexible to accommodate transit-oriented design at a future date. In particular, parking could be replaced with appropriate TOD in the future. Locating transit centers for buses close to the streets that the buses use rather than requiring a circuitous route to the transit center is a laudable goal. However, both the Warm Springs and optional Irvington Stations are well located as multi-modal transfer points for bus-to-bus and bus-to-BART transfers and do not require extensive and unnecessary travel for buses. Bus service providers have indicated that they would realign bus routes to take advantage of the multi-modal nature of the stations.

An assessment district is a funding mechanism that has been used successfully to capture funds for capital improvements. An assessment district in the project area may be a viable funding tool. For discussion of the City of Fremont's progress on the Warm Springs BART Area Specific Plan, see the response to comment 26-1.

The ACCMA Guiding Principle states that transportation investments must be made in conjunction with appropriate land use planning. The City of Fremont's land use planning is being undertaken in conjunction with the current Proposed Project. See the responses to comments 16c, 16-1d, and 26-1.

- 26-19** The number of parking spaces at the Warm Springs and optional Irvington Stations was based on the ridership model's calculation for parking demand (unconstrained) and on the site constraints. For instance, topographic site constraints would limit the number of parking spaces at the Irvington Station site to fewer than the estimated parking demand. At the Warm Springs Station site there are fewer site constraints, and the number of parking spaces is in keeping with anticipated demand based on modeling results.

BART agrees that station parking is finite, and once filled, parking lots are hard to expand. BART also agrees that feeder transit offers an access mode that is not as space dependent, as is parking. Feeder transit could be expanded in the future to serve the Proposed Project, as noted in the comment.

Parking charge policy as established by the BART Board would apply to parking at the Proposed Project stations. Parking policy could be changed by the Board to temper parking demand. Any lessening of parking demand would make onsite TOD more viable.

See the response to comment 26-18 regarding the Warm Springs Station conceptual site plan.

- 26-20** As discussed on page 5-13 of the DSEIR and in the response to comment 13-4, the Capitol Corridor system serves a different market with fewer stops than either BART or the ACE train. Capitol Corridor is constrained by using the same tracks as the Union Pacific freight line, which makes for a more circuitous and therefore longer trip than would otherwise be the case. The Capitol Corridor alignment adjacent to San Francisco Bay serves a different

market. Much of the Capitol Corridor is also single-track line, which makes any expansion more difficult or even prohibitive in environmentally sensitive areas such as over wetlands. Because Capitol Corridor and BART do not serve the same markets, any ridership gains or losses by Capitol Corridor do not necessarily affect BART.

**26-21** Direct bus service (bus service directly from an origin to a destination as described in the comment and as exemplified by the Ottawa bus system) can move large numbers of people. However, the direct bus system has drawbacks. The frequency of service is generally low because routes are tailored to a specific but limited passenger demand. Also, as mentioned in previous responses, if a bus route is changed or dropped, the former patrons often have few transit options left.

**26-22** The commenter is expressing the opinion that “we have never built ourselves out of congestion” and that charting the Level of Service for traffic in 2025 is meaningless. CEQA requires analysis of potentially significant impacts using reasonable and accepted methodologies, and the traffic analysis is important to anticipate potential roadway impacts and to take action to mitigate those impacts where possible. Addressing congestion by imposing road tolls and automobile sales taxes is beyond BART’s jurisdiction and the scope of reasonable alternatives considered in the DSEIR.

**26-23** The project parking demand, as estimated by the transportation model, was based on unconstrained parking demand (a parking space was available for those who wanted to drive) at the proposed stations and tailored to reflect current BART parking policies, which reserve up to 25% of station parking spaces for a monthly fee.

BART parking policies are set by the BART Board and can be changed at the Board’s discretion. Moreover, the Proposed Project reflects current BART policy on parking charges, social equity considerations related to the imposition of charges on inner city BART users are not at issue. An analysis of environmental justice is required by Executive Order for projects subject to the National Environmental Policy Act (NEPA), but it is not required under CEQA.

**26-24** Comment noted. It is always possible that land use planning efforts by local authorities to promote TOC (such as *General Plan* amendments or zoning changes) may be rescinded at a later date.

**26-25** The DSEIR does contain extensive analysis of the Bus Alternative (see pages 5-16 to 5-69 of the DSEIR and Appendix N). The Bus Alternative proposed in the DSEIR was developed with the collaboration of AC Transit and VTA, the two primary bus operators in the project area. AC Transit endorsed the proposed Bus Alternative evaluated in the DSEIR as “a well-defined project” with a “high quality analysis [that] represents a model that should be used for analyzing alternatives in other transit corridors.” (See comment letter 4.) Local constraints were taken into account.

Regarding special by-pass lanes as mentioned in the comment, as described on page 5-19 of the DSEIR, the proposed Bus Alternative would be on an exclusive busway for a substantial portion of the route. In addition, high-occupancy vehicle (HOV) lanes were assumed on

portions of I-680. Special by-pass lanes, on/off ramps, or expanded travel lanes on Paseo Padre Parkway were not included in the Bus Alternative, with the concurrence of bus operators AC Transit and VTA, because they do not seem reasonable at this time. Providing an exclusive bus lane on Paseo Padre Parkway between the Fremont BART Station and the bus guideway near the railroad right-of-way was considered during development of the Bus Alternative. However, providing an exclusive bus lane (without taking additional right-of-way for expanding the roadway) would require reducing the number of travel lanes for automobiles. Considering that bus travel times on Paseo Padre Parkway were relatively good, removing a travel lane for automobiles (and creating the corresponding impacts to auto travel) was considered unnecessary.

The assumption of a 1-minute dwell time is conservative for a bus system and was determined with the concurrence of bus operators AC Transit and VTA.

- 26-26** As illustrated in Table 5-5 of the DSEIR, the cost for the 3-mile long busway was estimated to be \$54 million (2001 dollars). This is comparable to the \$18 million per mile cost cited in the comment.

An exclusive busway was considered and incorporated into the Bus Alternative as described in the DSEIR on pages 5-17 through 5-20. The proposed Bus Alternative would operate on an exclusive busway in the UP right-of-way from Paseo Padre Parkway to South Grimmer Boulevard. Providing an exclusive bus lane on Paseo Padre Parkway between the Fremont BART Station and the bus guideway near the railroad right-of-way was considered by BART in conjunction with VTA and AC Transit, but was rejected as unnecessary. See the response to comment 26-25.

BART agrees that Bus Rapid Transit (BRT) systems are appropriate in certain situations, but many have also failed to live up to expectations. The commenter offers the busway model found in Miami, Ottawa, and Pittsburgh as a potential alternative to the Proposed Project. In the busway model, buses serving different local origins converge to use a common busway toward the downtown before diverting to a variety of different destinations. Use of these “direct routes” increases the possibility that the traveler can make the trip without transferring, which decreases travel time and increases convenience. In general, the commenter is correct in noting that busways offer flexibility for routing buses and avoiding transfers. However, by designing a bus transit system focused primarily on avoiding transfers, other important issues, such as frequency, network connectivity, service efficiency, and opportunities for TOD, may be overlooked.

Although busways typically feature a high number of direct routes, those routes provide infrequent or limited service. Often they serve only the peak-period downtown-bound suburban commuters effectively. Busway routes seldom operate frequently during off-peak hours when demand is much lower. Individual direct routes typically cannot support short headways since no passenger consolidation occurs and the demand on any one route is likely to be low. In addition, busways generally do not serve local needs well, even though they originate in residential neighborhoods, because of their radial orientation and limited schedules. Consequently, busways do not facilitate multiple trip patterns although they can consume a disproportionately large amount of operating resources. Thus, a transit agency

may also need to operate a redundant basic local bus network to enhance overall mobility, as is the case in Ottawa.

It is impossible to design a transit system that avoids transfers altogether because passengers have multiple origins and destinations. Systems that generate the heaviest transit ridership depend on intermodal transfers between frequent, but not necessarily direct, transit routes. Transfers are less an issue if service is frequent (10 to 15 minutes or better). For instance, in Toronto, the subways intersect high-frequency bus and streetcar cross-town routes. In Chicago, the “L” trains intersect frequent perpendicular bus routes. This network connectivity results in increased ridership and service efficiency. In these and other cities, transit-oriented hubs have developed in part because of transfer activities around these stations.

The commenter is correct in noting that Ottawa’s busway carries large volumes of people. According to Statistics Canada (2001 Census), transit captures a mode share of 20.8% in the City of Ottawa. However, there are also cities with intermodal bus and subway systems similar to the San Francisco Bay Area that have significantly higher transit ridership than Ottawa. For example, the transit mode share in the cities of Toronto and Montreal is 33.8% and 38.2%, respectively. Washington D.C., a federal capital like Ottawa, has a mode share of 34.7% (U.S. 2000 Census). While bus priority treatments offer some advantages, particularly when compared to conventional bus service, the busway model may not always be appropriate in every situation. Recently, Ottawa itself initiated a pilot rail project known as the O-Train as a first step towards a possible citywide light rail system.

The comment notes that Ottawa operates over 200 buses per hour during peak periods. Eight to ten BART trains can carry an equivalent number of passengers much more efficiently. Two hundred buses would require 20 times the number of operators required to provide the same capacity by rail. In addition, in Ottawa’s case, the busway exits onto a pair of one-way streets downtown. The heavy bus volume poses severe traffic and environmental impacts on these streets.

From an operating network perspective, Pittsburgh’s busways resemble trees with about twenty branches each. Although busway service itself is frequent (but uncoordinated) because there are multiple routes utilizing the busway, peak-hour headways on individual routes can exceed 45 minutes. During the off-peak hours, buses commonly run every 1 to 2 hours, if at all. This level of service attracts few “riders of choice.” Frequencies are relatively poor because the network is not designed to serve multiple trip patterns. Travel for trips not destined to downtown Pittsburgh can be difficult. For example, customers often cannot take transit between two adjacent neighborhoods on opposite sides of the busway without transferring between infrequent routes. With dozens of long suburb-to-downtown busway routes and no passenger consolidation on the busway, Pittsburgh devotes so many resources to supporting the busway network that it only offers limited local service. Pittsburgh’s overall ridership has declined since the introduction of the first busway (the South Busway) in 1978. Whereas Pittsburgh’s buses carried 93.9 million people in 1978, they only carried 65.9 million people in 2001.<sup>11</sup> While this 30% ridership decline might not

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<sup>11</sup> Pittsburgh Tribune-Review, “Money Spent on Busway Questioned,” April 2, 2002.

be attributable to busways per se, it suggests that busways alone are not sufficient to generate long-term transit ridership growth.

For the Warm Springs Extension, the busway model is unlikely to be as successful as a BART extension. The Proposed Project is a continuation of a 100-mile regional rail system that serves several major urban cores. The busway systems referred to by the commenter are mostly stand-alone systems that funnel into downtown areas. Consequently, the busway model suggested is not really applicable to this Warm Springs situation. It is also important to note that transfers would not be avoided in this particular situation. Transit patrons, even if they can board a bus in their neighborhood that travels directly on the busway, must still transfer to BART once they reach Fremont. It is also unlikely that local service would be improved in the Fremont area, as direct bus routes would not provide continuous east-west service perpendicular to the busway, but would instead be diverted onto the busway towards the Fremont BART Station. The experience from other cities with busway suggests that this proposal would have difficulty achieving ridership expectations and is not appropriate for the Fremont to Warm Springs corridor.

BART is a regional rail provider and the Bus Alternative was specifically designed to provide service comparable to the Proposed Project, an extension of the BART system. Local bus service is provided by other transit agencies; therefore, the proposed Bus Alternative reflects extension of a regional system, and not local service as suggested in the comment.

The comment emphasizes the flexibility of operations and convenience of a bus alternative compared to a fixed-rail BART extension. However, the commenter is also concerned about TOD opportunities. For reasons discussed on page 5-35 of the DSEIR and in response to previous comments, flexible and convenient bus service is not expected to be as effective as fixed-rail service in attracting TOD investment. See the responses to comments 4-2.

The DSEIR is not required to provide a detailed cost-benefit analysis under CEQA. CEQA Guidelines Section 15124. However, the DSEIR does provide analysis of the environmental costs and benefits for each alternative, and as suggested in the comment, describes roadway congestion, travel times, air quality, and community development potential. As noted in a previous response, the cost per new rider for the Proposed Project is estimated to be \$26 to \$29 in 2025, based on FTA New Starts criteria.

The commenter claims that modeling analysis produced higher estimated ridership for the Proposed Project than might be expected from other studies. BART notes that another commenter asserts that the Bus Alternative ridership is overestimated. (See comment letter 11.) As noted above, AC Transit endorsed the proposed Bus Alternative as a “high-quality analysis” that should “serve as a model for other transit corridors.”

- 26-27** Overall the comment is correct that, as discussed in the DSEIR (pages 5-60 and 5-61), the proposed Bus Alternative would create fewer environmental impacts than the Proposed Project and would require fewer mitigation measures. However, as described in Section 5.6 of the DSEIR, the increased transit ridership provided by the Proposed Project would translate into greater long-term environmental benefits and improved environmental quality. As patrons transfer from automobile travel to transit travel, there would be a corresponding

reduction in the number of vehicle miles traveled, which would result in regional air quality improvement, energy savings, and conservation of non-renewable energy.

It is correct that BART generates more noise and vibration than buses. The Bus Alternative assumes the use of buses that are currently available, although newer production models may emit reduced air pollution and be more quiet. Currently available bus models are a source of diesel exhaust, which contains toxic air contaminants. See pages 5-52 to 5-58 of the DSEIR.

BART agrees with the commenter that attracting ridership through better development depends on how well a city commits itself to TOD policies and how well regional authorities reinforce local land use plans. This is one reason that BART is working to assist the City of Fremont on its Specific Plan for the Warm Springs Station area. The commenter suggests that busways/bus transit can generate TOD that exceeds that of rail systems, citing the experience in Ottawa. He then observes that AC Transit's Transbay bus network in the 1960s provided direct service from East Bay neighborhoods to San Francisco (similar to Ottawa's radial-oriented busway network). In fact, this network configuration has worked against TOD. Without transfers, the nodes of activity that are critical to TOD success have failed to materialize along East Bay transbay bus lines. In contrast, TOD projects have been or are being implemented around major BART intermodal stations such as Hayward, Fruitvale, and Downtown Berkeley. Such an effort would be undertaken for the Warm Springs Station as well. See the response to comment 4-5.

Regarding the Ottawa system, see the response to comment 26-26.

BART recognizes the need to increase access to its stations by non-automobile modes. As described on page 3.9-21 of the DSEIR, BART intends to work with AC Transit and VTA to increase bus service to Proposed Project stations. Other strategies may include charging for all station parking, which is a policy issue for the BART Board of Directors and is beyond the scope of the DSEIR. A reserved parking program has been established district-wide, and the Board of Directors has authorized charges for new parking facilities such as the Warm Springs and Irvington Stations.

The analyses of air quality impacts of the Proposed Project and the Bus Alternative take into account trip duration and parking availability. Overall, the analyses demonstrate that the proposed Bus Alternative would result in a reduction in mobile source emissions compared to the No-Project Alternative, but not as much of a reduction as the Proposed Project. See page 5-58 of the DSEIR. BART's current parking charge policy is also reflected in the model.

RECEIVED

APR 09 2003

STATIONS CAPITAL PROGRAM  
TRANSIT SYSTEM DEVELOPMENT

Richard —

just received my notice about the  
Warm Springs Extension meeting - April 14th.

Why is Irwington Station always refer  
to as the optional. We who live in  
the area, and shop in the area and  
will be affected by the Irwington  
station - WANT the station. It  
will be a true walking neighborhood  
when the station is in. Please let  
your committee know Irwington wants  
the Irwington Station.

Mark Nelson  
3216 Bruce Dr.  
Fremont Ca 94539

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**Response to Comment Letter 27 (Mark Nelson)**

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- 27-1** Comment noted. BART appreciates the commenter's support for constructing the optional Irvington Station. As described in Chapter 2 (*Project Description*) of the DSEIR, the Irvington Station is optional because funding for the station has not yet been secured. The City of Fremont is currently investigating an amendment to the 1998 Redevelopment Plan that could contribute funds to the construction of the Irvington Station, which is considered a significant component of the redevelopment effort for the Irvington area.

MAY 09 2003

STATIONS AND PROGRAM  
TRANSIT SYSTEM DEVELOPMENT

Chien-Pang Kung  
41001 Valero Drive  
Fremont, CA 94539

May 6, 2003

Dear Sir,

I am writing to you to strongly express my concern about BART extension project. I looked at DSEIR very carefully but couldn't find any pages addressing the impact to Hayward fault due to this project. As you probably knew, Hayward fault is very close to my home which is also very close to proposed BART extension. But failing to address on this issue, I think this DSEIR should be deemed incomplete. Besides the issue about Hayward fault, this BART extension certainly will destroy the environment because of noises. Take my street for example, the existing noise level is around 56dB but once this extension is done, the noise level will jump to over 80dB. How could you expect anybody to endure such hardship? I think No Project Alternative or a Bus Alternative should be the best options for everybody provided the economy in Silicon Valley is in a dump right now. All I can say is this project can't convince me that it will benefit everybody or most of people. Thanks for your attention in this matter!

28-1

28-2

Sincerely,

  
Chien-Pang Kung

---

**Response to Comment Letter 28 (Chien-Pang Kung)**

---

- 28-1** Section 3.1.3 of the DSEIR explains why certain issues that were analyzed in the 1992 EIR were not further analyzed in the 2003 SEIR. Among these is the issue of geology, soils, and seismicity. As described on page 3.1-2 of the DSEIR, the information provided in the 1992 EIR still accurately characterizes the regional geology of the Proposed Project alignment. Further, there have been no changes to the project or in the setting that would result in additional impacts beyond those disclosed in the 1992 document related to geology, soils, and seismicity. Mitigation Measures 1A through 1F, identified in the 1992 EIR to address project geological, soils, and seismic impacts (see 1992 MMRP, Appendix B of the DSEIR) continue to apply to the Proposed Project and will be implemented with construction of the Proposed Project. The 1992 EIR did find a significant and unavoidable risk of harm to people and property in the event of a ground rupture where the alignment crosses fault traces in the Hayward Fault Zone. The 1992 EIR found that this risk could be reduced by implementing BART's seismic design criteria and emergency procedures, complying with Uniform Building Code and Alquist-Priolo Special Studies Act requirements, and performing investigations to identify the precise location of the Hayward fault and secondary faults near the Irvington Station prior to final design. These mitigation measures are incorporated into Mitigation Measure 1A from the 1992 EIR, which continues to apply to the Proposed Project.
- 28-2** The projected noise levels at 41001 Valero Drive from the BART vehicles are  $L_{max} = 70$  dBA and  $L_{dn} = 60$  dBA. The total noise level (measured existing noise plus projected BART noise) is projected to be 61 dBA  $L_{dn}$ .

The commenter's reference for the No-Project Alternative or the proposed Bus Alternative due to current regional economic conditions is noted. As described in Chapter 5 (*Alternatives Analysis*) of the DSEIR, the Proposed Project is expected to provide greater benefits than the No-Project and proposed Bus Alternatives in terms of ridership, congestion relief, air quality, energy, and opportunities for transit-oriented development.



P.O. Box 12688  
Oakland, CA

Phone: (510) 476-3900  
www.bart.gov

# BART WARM SPRINGS EXTENSION DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT PUBLIC HEARING COMMENT CARD

Thank you for your interest in the BART Warm Springs Extension. Your input and participation is encouraged and appreciated.

(Please print clearly)

Name: Ali Pirooz Date: 4/14/03

Address: 1441 Valdez way

Fremont City CA State 94539 Zip

Home Phone: (510) 623-7367 Work Phone: \_\_\_\_\_  
Area Code Number Area Code Number

Email: \_\_\_\_\_ Company: \_\_\_\_\_  
Organization or Affiliation

I would like to make the following written comment: \_\_\_\_\_

describe maximum noise passby noise + vibration  
Station 2280 + 2290

29-1

You can hand in your completed sheet to a project representative at the Public Hearing or you may mail it.

Feel free to send in additional sheets.

Comments must be received by 5:00 p.m. on May 9, 2003.

Please fold this form in half and seal with tape before mailing.

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**Response to Comment Letter 29 (Ali Pirooz)**

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- 29-1** The alignment between Station 2280 and 2290 is projected to be over 400 feet from the nearest residences. In addition, the alignment in that area would be in a tunnel, so the residences in the area would not be affected by noise. Also, the vibration levels at this location would be below the threshold at which humans typically feel vibration.

May 9, 2003

RECEIVED  
BART

APR 9 - 2003

TRANSIT SYSTEM  
DEVELOPMENT RECEIVED

MAY 09 2003

STATIONS CATTLE PROGRAM  
TRANSIT SYSTEM DEVELOPMENT

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

**Subject: Draft Supplemental Environmental Impact Report  
 Proposed BART Warm Springs Extension**

Dear Mr. Wenzel:

I am opposed to extending the BART system further in a region where the planning process is not capable of guaranteeing that new growth will provide the new traffic necessary to justify the high construction and operating costs. The Smart Growth, New Urbanism, transit-oriented and pedestrian-oriented developments we hear so much about are not mandates, but merely attempts to lure developers to provide infill development with taxpayer-provided incentives. These developers can still find opportunities to put their housing, retail shopping centers and office parks in places that are inaccessible and dysfunctional for those who cannot, should not or choose not to drive.

Unless we can find a way to prohibit urban and suburban development that is "off limits" to those who don't drive it is unlikely that new BART extensions or other new rail construction will ever attract sufficient new riders to justify the expense. More flexible bus services should be considered if present development patterns cannot be changed.

In the 1950s we began construction of a huge federal "public works" project which has signs posted at every entrance reading: "Pedestrians, bicycles and non-motorized vehicles prohibited." Since then elected decision-makers have had no concerns about approving new development for motorists only, despite the fact that driving a motor vehicle on a public road is a privilege, not a fundamental right equivalent to our right to travel. Before spending huge additional sums on our transportation infrastructure those who call themselves "transportation experts" or "planning experts" should consider whether such development is in violation of our constitutional guarantees of equal protection and our right to life. This is a particularly serious matter when we consider how much new development has offered so many of us no option but dependence on modes of transportation so dangerous that they require seat belts, air bags or crash helmets.

Sincerely,



Art Weber

30-1

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**Response to Comment Letter 30 (Art Weber)**

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- 30-1** BART agrees that high-density development should be the goal for the areas surrounding BART stations. It is BART's policy to encourage transit-oriented development surrounding new BART station locations, including the proposed Warm Springs and optional Irvington Stations, as an alternative to "auto-oriented" development and urban sprawl. See the responses to comments 16-1c and 16-1d. As discussed in the response to comment 13-1, a fixed-rail transit such as BART is considered more likely to attract investment in transit-oriented development than more flexible bus service.

"steve.vanpelt@hp.com"  
m" <steve.vanpelt

05/09/03 02:41 PM

To:"webcustomerservices@bart.gov" <webcustomerservices@  
cc:

Subject:Rider Feedback from: Steve Van Pelt

Name: Steve Van Pelt  
email: steve.vanpelt@hp.com  
City: Menlo Park, CA 94025

phone: 650-224-2856

Subject: Warm Springs EIR feedback

Feedback: Having trouble navigating back to ES for Warm Springs.

My comments are:

Maps somewhat out of date and incomplete. Map on ES-2 from 2003 shows Regional Rail interconnect at SFO (not yet open) but does not show the same for Union City or Oakland Coliseum. Map on pg 5 from 2002 incorrectly labels ACE route. ACE goes East just north of Mowry, label would be correct if it said Capitol Corridor. I think Regional interconnects of any kind are vcrv significant and wish your graphics were more complete and accurate!!

31-1

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**Response to Comment Letter 31 (Steve Van Pelt)**

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- 31-1** Figure ES-2 in the DSEIR incorrectly labeled the Capitol Corridor intercity rail service alignment as the Altamont Commuter Express (ACE) alignment. The incorrect label is hereby changed to Capitol Corridor in this FSEIR, and the revised figure is included in Section 3 of this FSEIR.

BART provides for connections to intercity and regional rail facilities as indicated on Figure ES-1 in the DSEIR. The BART San Francisco Airport Extension, which includes an interconnection to Caltrain at the Millbrae Station, will be in service on June 22, 2003.

Patricia Snow  
C & K Properties  
2563 Abaca Way  
Fremont, CA 94539

Letter 31A  
RECEIVED  
APR 14 2003  
SINCE THE PROJECT IS A  
PROJECT OF THE BART

April 9, 2003

BART/Warm Springs Extension Project  
Attn: Richard Wenzel  
MS 1KB-6  
P O Box 12688  
Oakland, CA 94604-2688

RE: 2878 Prune Avenue, Fremont

Dear Mr. Wenzel:

I spoke with you at the scoping meeting March 25, 2002. At that time, you assured me that BART wouldn't need to take a slice of our property at 2878 Prune Avenue, Fremont. You showed me the proposed design that has the BART tracks completely on the other side of the drainage ditch and at grade level instead of elevated.

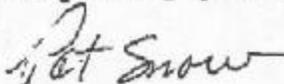
I just received the notice of the public hearing April 14, 2003. I will be out of town that week so I am submitting my concerns now. I went to the library and looked through the Draft Supplemental Environmental Impact Report. I came across some information that disturbs me.

Appendix L - Potential Displacement Tables from 1992 EIR, dated June 25, 1991. There are only four pages in this section. Table C-2 - Corridor Potential Displacement lists our property at 2878 Prune Ave. as an industrial complex with the tenants names listed at that time.

My question is: How would this information be used now since the rail alignment has changed? Why was this information even included in this DSEIR? I want to be assured that BART will not design a plan that takes some of our property. My phone number is 510-651-8370.

31A-1

Very truly yours,



Patricia Snow

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**Response to Comment Letter 31A (Patricia Snow)**

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**31A-1** The information presented in the DSEIR supersedes information presented in the 1992 EIR and at the March 25, 2002 scoping meeting, which was prior to the commencement of preparation of the DSEIR. The purpose of a Supplemental EIR is to update the information in a previous EIR, based on changes to the project, changed circumstances, and new information that was not previously available. The list of potential displacements from 1992 (Appendix L of the DSEIR) was included in the 2003 DSEIR for comparison with Table 3.6-8 (page 3.6-14 of the DSEIR), which lists the displacements required for the current Proposed Project. Some displacements listed in the 1992 table for the 1992 Adopted Project are still applicable for the Proposed Project.

The graphics presented at the scoping meeting were for illustrative purposes only and were intended to show the general project alignment as anticipated at that time. In the year between the scoping meeting and the release of the Draft SEIR in March 2003, the alignment underwent refinement and the current alignment for the Proposed Project is more precisely illustrated in Figure 2-4 (pages 2-9 through 2-14) of the DSEIR.

As the commenter notes, the Proposed Project alignment in the vicinity of 2878 Prune Avenue is at ground level with tracks slightly higher than the existing railroad tracks, and not on an aerial alignment as was the case for the 1992 Adopted Project. As shown in Figure 2-4e of the DSEIR, the BART tracks will extend over the top of the drainage ditch and enter onto the property at 2878 Prune Avenue. As indicated in Table 3.6-8 of the DSEIR, based on the Proposed Project alignment, the property at 2878 Prune Avenue will be affected by the Proposed Project. Three business displacements at the property are listed in Table 3.6-8. As indicated in the table, full displacement of two of the businesses may be necessary, with a partial displacement of the third (access to rear of business will be reduced).

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3  
4 PROPOSED BART WARM SPRINGS EXTENSION  
5 PUBLIC HEARING  
6 FOR COMMENTS ON  
7 DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT  
8

9 ORIGINAL  
10

11  
12 Monday, April 14, 2003  
13 Parkmont Elementary School Auditorium  
14 2601 Parkside Drive  
15 Fremont, CA 94536  
16

17  
18  
19 Freddie Reppond, Reporter  
20

21  
22  
23 CLARK REPORTING  
23 2161 Shattuck Ave., Suite 201  
24 Berkeley, CA 94704  
24 (510) 486-0700  
25

APPEARANCES

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BART:

Tom Blaylock

Richard Wenzel

JONES & STOKES:

Austin McInerney

PUBLIC (in order of speaking):

Douglas Bazzone

John Cameron

Arnold Mammarella

Steven Cooper

John Kimmer

Norman Howard

Gloria Olsen

Ken Price

Lesley Payne

Craig Mao

Spencer Holmes

1 MR. MCINERNEY: San Francisco Bay Area Rapid  
2 Transit System welcomes you tonight to the hearing that  
3 we're going to have on the draft supplemental  
4 environmental impact report for the proposed Warm  
5 Springs extension.

6 My name is Austin McInerney. I work with an  
7 environmental consulting firm named Jones & Stokes that  
8 is assisting BART with this planning process.

9 We'll provide you with a brief overview of  
10 what we're going to do tonight with this hearing and how  
11 we will conduct the actual public comment portion and  
12 give you just a quick overview of the agenda before  
13 turning it over to the BART staff.

14 So does everyone have a copy of the agenda?  
15 If not, show your hands. We have got some around here,  
16 just some information. We'll have some in the back in a  
17 moment.

18 In addition, there was a comment form that was  
19 available. If you don't have one, that's okay, but be  
20 sure and pick one up before you leave tonight, because  
21 it does have the address to mail your comments and  
22 questions about BART.

23 There's also a comment card if you're planning  
24 on speaking tonight. We're trying to get a sense of how  
25 many people will speak. If you will, fill one of those

1 out, if that's okay. It looks like it's not as big a  
2 turnout as we thought, so there will be plenty of time  
3 for everyone to talk.

4 First of all, what is the purpose of the  
5 hearing? Really, there's two main purposes. One is to  
6 provide you all with an update on where this project is  
7 at and to learn a little bit about the project. And we  
8 have some graphics, so it looks like a lot of you have  
9 taken a look to get a little more educated about the  
10 project.

11 As you recall, or maybe not, this project has  
12 been under way for quite some time. It originally -- I  
13 think it goes way back, even to the late 1970s in the  
14 earlier planning, but it really got going about 10 years  
15 ago and was designed to a point where BART was  
16 considering going forward with the project; however,  
17 because of some funding difficulties, the project didn't  
18 go past the planning stages.

19 So time went by; bond measures were passed;  
20 funding was secured. And the project has come back and  
21 is a slightly different version. That's what drove the  
22 need to do a supplemental environmental impact analysis  
23 to see what the range of impacts were going to be so  
24 that the board of directors for BART can make an  
25 informed decision.

1           That process started about a year ago today,  
2 when we held a scoping meeting at the Fremont Main  
3 Library. Many of you might have been there. That  
4 meeting was directed towards generating comments and  
5 concerns that the public had that BART needed to go and  
6 analyze and present in this supplemental environmental  
7 impact report.

8           That document has been completed and  
9 published. Many of you were looking at it in the back  
10 of the room, or maybe you've seen it elsewhere. It's  
11 also at the local main libraries and, of course, at the  
12 BART headquarters.

13           This meeting, the second public meeting in the  
14 overall process, is geared towards receiving comments  
15 and questions that the community has on what's in that  
16 draft document.

17           And this is not -- I want to reiterate --  
18 tonight is not the only chance you have to provide  
19 comments. It is one format. And we have a court  
20 reporter who is recording your comments, because each  
21 one of those will be responded to in the final  
22 environmental impact analysis, or report. However, if  
23 you haven't had a chance to look at the document, which  
24 is very likely considering tax season is here and the  
25 document hasn't been out that long, you have until May

1 9th to review it and provide written comments on the  
2 document.

3 If some of you want a copy, it is available  
4 both in CD-ROM version that you can use on your own  
5 computer or in a hard copy. And they are very  
6 expensive, so we're trying to ask people to look at the  
7 computer version on line and CD-ROM, if preferable.  
8 However, they are available. You just need to request  
9 one, and we have a sign-in sheet on the back table for  
10 you to request a document.

11 So a little bit more the second and really  
12 most important reason for tonight is to hear from the  
13 community. What are your concerns about this project?  
14 Specifically, what did you read in this draft document  
15 that you don't understand or you're questioning, some of  
16 the findings that are in it, some of the methodologies  
17 used to do the analysis? We want to hear questions.  
18 And, thus, the majority of the meeting is being focused  
19 to allow people to raise those questions.

20 However, before we do that, we are going to  
21 have a brief presentation and some words from the BART  
22 board of director member from this area, Director  
23 Blaylock.

24 MR. BLAYLOCK: Good evening. Welcome to this  
25 continued public hearing, if you would. As indicated,

1 we had our opening a year ago in March at the Fukaya  
2 Room and got it started; and it resulted in the draft  
3 supplemental that's on the back table. It's about that  
4 thick. If you haven't looked at it yet in the executive  
5 summary of the top of it, there is quite a list of  
6 compilation of comments today and several answers. So  
7 you might look through there and find that your question  
8 may have been addressed in some way. So we're seeking  
9 those comments.

10 I want to acknowledge the presence of council  
11 member Steve Cho in the back, with his hand up. Thank  
12 you for coming, Steve.

13 And also Dawn Arbuello, representing  
14 Supervisor Scott Henry, right behind Steve in the next  
15 row back. I think that's all the elected officials who  
16 are here tonight.

17 We have quite a few BART staff members. Could  
18 all the BART folks put their hands up, please? Quite a  
19 few. They have all had a hand in this process so far,  
20 and you should seek them out with questions or comments.

21 Also, we've got representation from Santa  
22 Clara County, their Valley Transportation Authority.  
23 There are three or four people here.

24 Okay. I think with that we're ready to go.

25 Dick Wentzel is our honcho on the project and

1 the project engineer, so he's going to take the ball  
2 from here and give you some input.

3 MR. WENTZEL: Thank you, Tom. I'll give a  
4 little tour objectively about the project, just to  
5 remind you of what we've been analyzing for the last  
6 year. And also I should ask for a show of hands from  
7 City staff. There are a lot of City staff. Afterwards,  
8 there may be some questions of City staff, too.

9 Great. Thanks. Okay.

10 Now, real briefly. I'll make this brief so I  
11 can get you up here.

12 This is the existing BART station here  
13 [indicating] right on the north side of Walnut. The  
14 general alignment for the proposed station extension  
15 would be past Walnut and Stevenson, under Stevenson,  
16 under Lake Elizabeth, under the park, under the first  
17 railroad tracks in the west, coming up between and  
18 moving southward between the railroads -- actually, this  
19 current alignment is going to be on the railroad track  
20 after we pass Paseo Padre Parkway, so we'll pass through  
21 Paseo and Washington Boulevard here.

22 There's an optional Irvington station, and you  
23 follow the railroad alignment straight through Warm  
24 Springs past Auto Mall Parkway, Railroad Boulevard. The  
25 station is sited in the southeast quadrant of Railroad

1 and Washington Boulevard. There will be a tail track  
2 component where we'll turn our trains around. And there  
3 will be a small maintenance facility right at the end of  
4 the tail track.

5 Okay. Well, like this example, if you were  
6 here looking around it gives us a chance to show how the  
7 project has changed. In 1992, the project was  
8 different. The BART board adopted the project. It was  
9 a little bit of a roller-coaster ride.

10 We have straightened out the alignment to a  
11 certain degree. Here's the 1992 limit for the project,  
12 and here's the current 2002 project. In the opening  
13 part, where BART's coming off an embankment at the  
14 Fremont station and crossing over Walnut Avenue, we have  
15 aerial. It has to be, so both those proposed projects  
16 are aerial.

17 Then the difference comes with the original  
18 1992, which has us going aerial over Stevenson and  
19 aerial over the park and aerial over the railroad  
20 right-of-way then settling down in between. The  
21 currently proposed project has us going under Stevenson,  
22 under the railroad track. So that's a significant  
23 difference in the project right there.

24 The original project also had us parallel to  
25 two railroads all the way down. There are two railroads

1 that were presumed to be in existence and we were going  
2 to fit in between. What has happened is now the  
3 easternmost railroad alignment or railroad tracks are  
4 actually being purchased -- have been purchased -- by  
5 the Valley Transportation Authority of Santa Clara; and  
6 we will be acquiring from them the Fremont portion for  
7 the Warm Springs extension. And so we will now be on  
8 the railroad tracks on the eastern side, so that's a  
9 different part of the project. We have more flexibility  
10 in there.

11 The other difference is that right here, the  
12 Paseo Padre Parkway, the City is putting in during the  
13 design phase a grade separation. The Paseo Padre  
14 Parkway will go under the existing railway, so BART will  
15 now be able to be at grade. That is a really positive  
16 part of our project.

17 Then coming into the Washington  
18 Boulevard-Irvington area, we were going to be aerial  
19 coming into there. We will now be at grade. We are  
20 going to go under Washington Boulevard. You see below  
21 grade here at 92, but the other part of the grade  
22 separation project has Washington Boulevard elevated.  
23 Also, it will be a flyover coming down off the hill over  
24 the top of the tracks. Now BART can remain at grade  
25 again, so we will be that way through the Washington

1 Boulevard area, through the Irvington area. And we were  
2 going to be aerial coming into there, and we'll now be  
3 at grade. We were going to go under Washington  
4 Boulevard, but the other part of the grade separation  
5 project has Washington Boulevard being grade-separated,  
6 also. And we'll be a flyover, coming in off the hill  
7 over the top of the tracks.

8 So now BART can remain at grade again, so we  
9 will be at grade through the Washington area, through  
10 the Irvington area. And then you'll have at-grade area  
11 through the Irvington area; and then we'll have a  
12 section not really on railway track as opposed to the  
13 railroad track right-of-way beside. That was what was  
14 planned originally, but in the original plan since we  
15 were between a railroad we were going to have to rise up  
16 in an aerial configuration and go over the east and drop  
17 down to the Warm Springs station site, which would have  
18 been right in this section here.

19 We don't need to do that now, because we're on  
20 the railroad right-of-way and at grade. And in the  
21 final portion it's the same for both at grade, but the  
22 entire project now, after the park, is at grade, as  
23 opposed to aerial below, at grade, aerial below, and at  
24 grade, which makes it a lot better project.

25 You've seen the boards if you got here early

1 enough, but I'll give everybody a quick review. This is  
2 the conceptual plan for the Warm Springs station.  
3 Here's Warm Springs Boulevard, Osgood Road; here's  
4 Grimmer. There's Warm Springs Court.

5 So the station platform is right here. It's a  
6 one-sided station, and we have buses that will come  
7 right into this area in here -- the shelter. The  
8 regular buses that are not shuttles will circulate in  
9 and out of the station. Here we have an American with  
10 Disabilities Act -- ADA -- parking over here and mid-day  
11 parking. Regular parking is further out. Two  
12 intersections will be lighted. And then the Warm  
13 Springs Court out here on Warm Springs Boulevard will  
14 have a signalized section here, also signalized.

15 This is a conceptual view of the station, just  
16 to give you a different look at it. We are up back to  
17 Grimmer, looking southward. Here's the BART platform  
18 which has trains on both sides. You will come across.  
19 This is the shuttle area. You drop down into the main  
20 part of parking lot, what we call the pavilion, and the  
21 parking is in the area right here. This gets you up to  
22 the top so you can drop down on either side.

23 We had a visual simulation. This is not  
24 necessarily the way it is going to look. This is the  
25 way it could look. We're just trying to give everybody

1 a sense of what could be out there. This is our first  
2 concept of the layout.

3 This is one of the signalized intersections  
4 out on Warm Springs Boulevard. We are looking  
5 northwest.

6 The Irvington concept plan for a station --  
7 let me focus you here. This is Driscoll; this is Osgood  
8 Road, Washington Boulevard, Roberts Avenue, and Bruce  
9 Drive. It's a two-sided station. Here's the platform.  
10 We have the existing UP railroad on the west side would  
11 be coming right through in this area. I'll show you in  
12 a cross-section in a minute.

13 On this side we have a circulation where taxis  
14 and dropoffs occur; ADA parking, and mid-day parking  
15 right here. On the east side we have the bus bays,  
16 mid-day parking. The regular parking will be over  
17 across the street. We have a walkway across. And taxis  
18 and dropoffs will be right here and dropoffs right here,  
19 so this is a pretty well-designed station for a very  
20 tight area.

21 Here's your section plan. We are back to the  
22 north, looking south. Here comes the UP right-of-way.  
23 So over here, this is more towards the Irvington  
24 downtown and crossing over the existing railroad  
25 right-of-way and drop down to the side platform. You

1 can come in this area with parking and buses. Here's  
2 Osgood Road. This is across the street where there's  
3 parking drop-offs and you can walk on the walkway across  
4 to the platform.

5 Here's another simulation of the concept. Not  
6 necessarily looks like this, but this is our best shot  
7 at it, just to give you a sense of what it will look  
8 like. This is your back is facing south. You're  
9 looking northward. This is Osgood Road.

10 Now, in the environmental assessment we are  
11 required to look at the no-build alternative; and we  
12 also have looked at a bus alternative, which is called  
13 the bus rapid-transit alternative, which will make use  
14 of as much of the same corridor as possible.

15 The railroad corridor is to be our key,  
16 because it will be pretty much the same flow straight up  
17 through the spine of the corridor. I'll show you with  
18 the next slide that we can take the buses through area  
19 effectively through the park, so then buses would move  
20 on through the Paseo Padre Parkway to make it a viable  
21 alternative. So let's take a look at that.

22 Fremont BART station. You come up outside the  
23 station, and you follow Walnut Avenue to Paseo Padre  
24 Parkway, and you'll move down to Stevenson, where  
25 there's the first bus stop here. There will be a

1 minimum of bus stops to keep the speeds up for the  
2 buses. There will be signal preemptions, meaning that  
3 when they travel down Paseo Padre Parkway, that they  
4 will have priority all the way through, but they will be  
5 in the Paseo Padre Parkway corridor so that they will go  
6 around the park with, as I said, there will be a stop  
7 right here at Stevenson.

8 And at this point, where they come into the  
9 railroad alignment, the buses will rise up on an  
10 overpass out in the center lane and they will move into  
11 the railroad right-of-way. And those that will come  
12 over the railroad right-of-way will do the same, rise  
13 up, and come up over the Union Pacific, which is still  
14 active, so when they go up and over and settle down into  
15 the corridor with the railroad track to the east. So  
16 then you're actually now in a free-flow bus mode just  
17 like BART, where there's no -- you're separated from  
18 all the other traffic.

19 The first stop then would be at the Irvington  
20 station site and will presume the same footprint for  
21 parking. We'll have parking that'll access the bus  
22 corridor and then down Auto Mall Parkway, where we have  
23 a bus stop, and then moving into the Warm Springs  
24 station site, which is now the Warm Springs transit  
25 center site.

1           There will be a large parking lot also. It's  
2 a little hard to see in this lesser light, but there's a  
3 green line showing the AC Transit route. We follow the  
4 AC Transit route and move over on Grimmer over to the  
5 Auto Mall Parkway area, where there's one final station  
6 site or bus stop. The VTA buses would come down and  
7 serve the Warm Springs transit center, then move out on  
8 to Warm Springs Boulevard and go east on Mission  
9 Boulevard and get on I-680 and head towards Santa Clara.

10           Okay. All right. That's just trying to  
11 refresh your memory on what we've been talking about and  
12 analyzing. This is where we are. We're in the public  
13 comment period and we need your comments tonight. We  
14 need your written comments right on through May 9th. We  
15 will be addressing those. You can write to me at that  
16 address. We will deal with all those questions and come  
17 up with the answers, and we'll be glad to have them. We  
18 will make it a better project.

19           And then I would like to go to two other  
20 subjects real quickly. One is vibration. And I know  
21 there are concerns. As you read the document, the  
22 document says it described the vibration impacts as  
23 potentially significant and unavoidable. That's in the  
24 document, and basically that's because we will not know  
25 the answers to whether they are significant or not until

1 we do our final design analysis, because the vibration  
2 impacts as well as mitigation measures that we intend to  
3 employ are site-specific, very detailed site-specific.  
4 So as we get into our final design engineering we will  
5 be able to answer this question. Because we're not able  
6 to come up with site-specific results, we're required to  
7 just announce to you that there's a potentially  
8 significant unavoidable impact. Our intent is not to  
9 avoid dealing with it; in fact, to the contrary. We  
10 will use all of our ability, all of our exploring  
11 analyses to identify mitigation measures. And we will  
12 implement all the reasonable available techniques we  
13 have to make sure that we do eliminate as much as  
14 possible, but at this point we cannot say that they will  
15 all be washed away.

16 So we have identified a couple of techniques.  
17 They are called resilient railroad ties, where there's  
18 rubber cushioning around the rails. There's ballast  
19 mats. There's location of special track work. There's  
20 all sorts of things like that that you can employ. And  
21 we intend to do that. We will define that better in the  
22 final design. That's our intent.

23 One other thing. When we pass through the  
24 environmental stage and move into design and then  
25 proceed to construction, we're going to have a community

1 relations team on board that will be available to the  
2 public at all times through the construction program.  
3 You're going to have questions. You're going to have  
4 needs for answers. We want your input. We want your  
5 feedback. We will address those issues. We have done  
6 this with all of our projects, and we not going to do  
7 anything less than that for the construction phase.

8 I think we are ready for your comments now.

9 MR. MCINERNEY: Thank you, Dick and Director  
10 Blaylock. We'll be reminding you, if you need them, the  
11 restrooms are in the building behind us around the  
12 corner.

13 I think the presentation was helpful to walk  
14 people through the alignment. Now, it's really the main  
15 purpose of tonight to hear from you all. I want to get  
16 a sense of how many people would actually like to speak  
17 tonight. A show of hands maybe.

18 Okay. I don't need to go into great depth  
19 about the amount of time for you to speak. There will  
20 be plenty of time. I do want to remind you of a couple  
21 points. On the back side of your agenda for tonight.  
22 You might just turn that over real quickly. We had  
23 originally put together a couple of points to help move  
24 the meeting along efficiently. I just want to call your  
25 attention to some of these.

1           If you can, limit your speaking to three  
2 minutes or less. But with the number of people, we want  
3 to be sure that everyone gets to speak and get their  
4 points out, so we won't be too concerned about that. To  
5 the best of your ability, focus your comments on  
6 specific issues that you read in the draft document and  
7 questions related to that, because BART staff needs to  
8 respond in revising and preparing the final document;  
9 and they want to be as direct as possible.

10           Sir, did you have a question?

11           MR. KIMMER: I want to be clear on this  
12 railroad track, the Santa Clara Valley Transportation  
13 Authority has acquired. How -- I couldn't understand --  
14 are we buying it from them or is BART buying it from  
15 them or what?

16           MR. MCINERNEY: Let's entertain that as a  
17 comment that you would have, and please restate that  
18 once we start the public comments. I was thinking more  
19 along the lines of if you have a question regarding how  
20 we are operating tonight, so we will get to that.  
21 That's a real good question.

22           Again, try to be as specific as possible, as  
23 this gentleman is. Raise a question about something  
24 you've heard tonight and you would like to hear a  
25 response to.

1           I want to reiterate that this is not going to  
2 be a back-and-forth dialogue. Staff are not in a  
3 position to answer every question that you have tonight.  
4 It's really to set the stage for the work that the team  
5 that's working with BART staff to analyze in greater  
6 depth and provide in its final document. However, there  
7 might be some clarifying questions that staff might be  
8 able to answer anyway, if possible. So let's just take  
9 turns, be respectful of one another. I have collected a  
10 couple of cards that people filled in. I will call  
11 those folks first. Then we'll just show our hands and  
12 we'll go through.

13           Now, as I stated earlier, we do have a court  
14 reporter and we have a podium and microphone. When you  
15 come up to speak, I ask that you state your name clearly  
16 and if it's potentially a difficult name to spell it.  
17 Please spell so we can record it accurately.

18           With that, I don't have any other introductory  
19 comments. I did just want to reiterate what we said a  
20 couple of times: All of the comments that we received  
21 tonight and in writing by May 9th will be the basis for  
22 the final environmental analysis assessment that's  
23 prepared. So don't feel that if you have not reviewed  
24 the document and feel you need more time, by all means  
25 take it. You can request a document. Be sure to fill

1 in your request if you like before you leave tonight if  
2 you like. Go to the BART website, download the  
3 document, review it there. It's also at the main  
4 library here in Fremont, Union City, and, I think,  
5 Newark; so the documents are out there. We encourage  
6 you to take a closer look and raise questions.

7 UNIDENTIFIED SPEAKER: If we make a comment  
8 tonight, do we need to follow that comment up in  
9 writing?

10 MR. MCINERNEY: The gentleman asked if you  
11 raise a comment tonight do you need to follow up in  
12 writing. The answer is no. Tonight's hearing serves as  
13 a formal hearing. Thus, the court reporter here is  
14 recording all questions that are raised, and they will  
15 be transcribed and serve just as if they were mailed in,  
16 so you do not need to reiterate in writing.

17 That raises another issue. If you hear  
18 someone speak tonight who raises the same question that  
19 you are going to ask, you are welcome to restate it, but  
20 you don't need to. It will be part of the record and be  
21 responded to. It might generate another idea that you  
22 have and generate another question, so feel free to  
23 raise that.

24 Any general questions about how this works  
25 tonight? If not, I'll call the first name here, and

1 we'll hear from you.

2 MR. BAZZONE: Douglas Bazzone. I have two  
3 comments. One is regarding radio interference. I live  
4 on Valero Drive in the Las Cancitas community. And the  
5 tracks, as proposed, would come about 50 to 60 feet from  
6 my back door and I'm concerned that the electrical  
7 engines will disrupt my TV reception and possibly cell  
8 phone.

9 My second comment is whether different  
10 proposals were given regarding the section of the  
11 property that is between Paseo Padre to the north and  
12 Washington Boulevard to the south, whether that could be  
13 retranscribed [sic] and the tracks moved a little bit  
14 further away to the community that lies to the east.  
15 That's it.

16 MR. CAMERON: Good evening. The name is John  
17 Cameron. I'm a Hayward resident. First of all, I want  
18 to constructively tell you and bring to your attention  
19 in your statement here where your document is available  
20 to be seen is 1000 Broadway, not Lake Merritt, 800  
21 Madison Street.

22 Second thing: I only at 3:00 o'clock did know  
23 of your documents, but I did read about today's public  
24 meeting through the Daily Review in Hayward.

25 There are about half a dozen corrections to

1 the document as we speak. I only seen it. I will be  
2 sending in corrections.

3 One of the corrections is you have the Route  
4 253 running into your Warm Springs area. The current  
5 Route 253 only runs from Fremont BART to Centerville  
6 BART station [sic]. That is connected with the ACE  
7 Train. Trust me. AC Transit is getting ready to cut 5  
8 this 253 route. It's only been in business for about  
9 two to three years, and the money is very tight. This  
10 route is scheduled to be cut, so you will be short a bus  
11 route out there.

12 Just your wording here: All of the at-grade,  
13 will they be fenced in? I asked a question at the  
14 proposed Warm Springs and at the Irvington station about  
15 where exactly are the BART revenue vehicles to come in 6  
16 and where exactly are the security vehicles going to be  
17 coming in so they're not interfacing with buses and  
18 cars?

19 So can I ask the question, the new railroad  
20 trackage right-of-way that you propose to take, is it 7  
21 and was it the former Southern Pacific railroad; or is  
22 it the current Union Pacific railroad? And I make the  
23 point again, all your new trackage rights-of-way over 8  
24 that new proposed route are going to be at grade, but  
25 are they going to be fenced in?

1           So that's any comments. I'm going to be  
2 mailing in other additional comments. Thank you.

3           MR. MAMMARELLA: My name is Arnold Mammarella.  
4 I'm a Fremont resident. Me and my wife, Lia, live  
5 between Walnut Avenue and Stevenson Boulevard in the  
6 condominium complex there. I've got a couple of  
7 comments about the proposal, but just in terms of the  
8 overview, in terms of process, I think that there are a  
9 lot of people who are concerned; and maybe you want to  
10 put it in we would request that some by-law be  
11 established during this stage of the process -- you can  
12 speak to specific project engineers as to how to address  
13 specific issues and have a dialogue rather than just a  
14 public hearing comment period.

15           The second is that we are very concerned about  
16 the impacts. We are very happy it's going under Central  
17 Park, but we wonder why residents who are affected 24  
18 hours a day, almost, by BART are not given nearly the  
19 level of consideration as the people in the park, who  
20 are using it on a very short-term basis; so we would  
21 like a similar level of consideration.

22           The third point is a general point in terms of  
23 the alignment. We would like to see that the maximum  
24 downward angle you used to establish off of Walnut  
25 Avenue to get into a grade cut as soon as possible.

1 Right now the underground is not till Stevenson  
2 Boulevard, but it could be done in a more rapid fashion  
3 and will allow for more closure and can total privacy  
4 and less visual effects to people if that was done.

5 I would like to see the impact and noise  
6 handled at the source rather than being handled by sound  
7 walls and buildings that receive the sound. Those  
8 buildings in that area, both the BART complex and  
9 others, they have balconies and face directly there, so  
10 it is a pretty big issue. The report indicates a few  
11 different areas -- the noise level from multifamily is  
12 75 decibels, instead of a single-family. There's a bias  
13 built into that we would like to see corrected, that  
14 multifamily should not be quality than a single family.  
15 A lot of those persons are homeowners.

16 This second is that the 81-decibel level is  
17 what the expected impact is. And in the report you said  
18 you could get it down to 73 with the sound mitigations.  
19 Of course that's in the lab; the field notes may not be  
20 that way. Even at 73, it's above the EPA goal for  
21 residential -- acceptable residential, significantly.  
22 In fact, looking at my restaurant guides, it's about  
23 where they have a bomb next to the noise at that level,  
24 so it's a significant impact on people's ability to talk  
25 or hear a TV comment. Apparently the specifics they

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cont'd.

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1 have to resolve later.

2 A couple more points on this. There's a  
3 statement in here about esthetics, that it is a less  
4 significant impact; and mitigation is not required. I  
5 think that's not a very accurate statement. It is much  
6 more than less significant. That would pertain to both  
7 the tracks and the BART transfer, but also to the  
8 detention pond which is being planned for that area,  
9 which we don't know what that looks like. We have  
10 questions about that, whether it should be put there.  
11 And also there's already a mosquito problem and would  
12 standing water make that worse. So that detention pond  
13 is an issue as well as the vehicle alignment.

14 Let's see. Lastly, just that the Fremont  
15 general plan for housing rules calls for conservation of  
16 existing residential neighborhoods as a goal. I think  
17 that the total mitigations can't make a finding that  
18 that hasn't been done. There's impacts on residents'  
19 health, the noise and the other things, running trains  
20 all hours of the day; and it would definitely impact  
21 negative property values. So we would like to see a  
22 process that allows for more input, an alignment that  
23 allows for more closure of these things, and things of  
24 that nature. And I appreciate what you're doing and  
25 input and the comments and questions.

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1 MR. MCINERNEY: Steven Cooper?

2 MR. COOPER: My question has been answered.  
3 Thank you.

4 MR. KIMMER: John Kimmer. I just wanted to  
5 reiterate my question as to how the tracks were being  
6 acquired from the Valley Transportation Authority. It  
7 sounds as if it's a done deal. I don't know whether  
8 that is. And how is that going to impact Santa Clara's  
9 desire to be the Union City area intermodal hub?

10 MR. HOWARD: Norman Howard. Several comments  
11 I'd like to make. First of all, is the Valley Transit  
12 has acquired the railroad tracks to the east there. And  
13 I'm not sure how far. I've heard reports they have even  
14 acquired Niles Canyon. I'm not sure. It's certainly to  
15 Niles Canyon anyway.

16 Another comment I'd like to make with regards  
17 to the tracks that you actually utilize, there's still a  
18 section of those tracks from the Lake Elizabeth up to  
19 Alameda Creek. And one of the things that I would like  
20 you to consider is perhaps taking that railroad bed and  
21 since it's already very isolated out there converting it  
22 into a bicycle footpath a hiking trail that would  
23 connect with the Alameda Creek trail. It would also  
24 provide an alternate means of people to use alternate  
25 transportation to come down, even to the Irvington

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1 station perhaps, with a little planning there that could  
2 make room for a similar pathway at least as far as  
3 Washington Boulevard and Irvington Station. That would  
4 mitigate alternate travel plans besides just the  
5 automobile, which we ought to be looking as well and  
6 could be accomplished there in this area.

7 I'm also concerned that in the area there that  
8 we would come up east of the railroad tracks through  
9 there. There is a rather unique habitat at present  
10 there at this point in time. One of the things that I  
11 would encourage BART to consider is consider purchasing  
12 that land in that area and then dedicate it to the City  
13 of Fremont for incorporation into the Stivers Lagoon  
14 area as a natural area, not a groomed park but as a  
15 natural area. Of course, one on either side of the BART  
16 tracks at that point, but that piece of land is going to  
17 become very inaccessible and not be much use for  
18 anything else. And you have the opportunity to add to  
19 the natural habitat area that is indicated by Stivers  
20 Lagoon there at the present time.

21 So I think those are things to consider.  
22 There is wildlife in that area through there. There's  
23 some wetland area at that part of that, and there's some  
24 unique wildlife in that area that I hope the biologists  
25 will pay attention to. I can certainly clue them in to

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1 a lot of them. I'm a biologist myself. I have a good  
2 idea of what's there. I know what's out there at this  
3 time.

4 MS. OLSEN: Good evening. Gloria Olsen.

5 I have not read the document. But I do have  
6 some questions. But first I'd like to make some  
7 comments.

8 I really do enjoy riding BART. I think it's  
9 really a great thing. I voted for it. And I am glad we  
10 do have it here in Fremont. I also believe that  
11 Washington, D.C., used Fremont as a model for their  
12 system. They also have a great system there, too.

13 And some of my questions are: Have any  
14 studies been -- I know we talked about going under the  
15 lake and over the lake, but I'm not sure but there's  
16 been any talk about going around the lake? Have any  
17 studies been down about going around the lake?

18 Question, please?

19 MR. MCINERNEY: I have to reiterate that the  
20 format for the hearing is one where the staff is not  
21 able to respond to all your questions. It would just  
22 take us all night, and we don't have all the resources  
23 and staff available right now to answer every question.  
24 So what's most important is that you state your  
25 questions and get them out, as you're doing, and we will

20  
cont'd.

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1 respond to them in writing as part of this final  
2 document.

3 MS. OLSEN: Thank you.

4 I would like to know if any studies have even  
5 been considered of going around the lake, because I know  
6 we don't want to spoil the view of the lake by going  
7 over it. My position has always been right from the  
8 beginning way, way back that we go around the lake. And  
9 I really I think that is very, very important; and we  
10 need to look at that. And also that would be probably  
11 not as expensive as going over or under the lake.

12 And my next question is -- I know you can't  
13 answer it -- but I would really like some answers, maybe  
14 not tonight but in the future.

15 Why do Fremont residents have to pay for this  
16 extension? I really feel that BART should pay for this.  
17 I don't think we need an extra tax for Fremont. It  
18 should not be liable for any extensions going to either  
19 Irvington or Warm Springs. And I know that we have been  
20 paying taxes for this many, many years. And I really  
21 feel that BART needs to take this responsibility and pay  
22 for it. I know they're short for money, but so is  
23 everybody else.

24 So I really would like to have some answers if  
25 you can't answer them tonight like you said. I would

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1 like BART to take a look at this, my questions, and see  
2 what can be done about them, especially going around  
3 lake. I really feel that it really needs some  
4 consideration. Thank you.

5 MR. MCINERNEY: That does it for speaker  
6 cards, so let's get a show of hands.

7 MR. PRICE: I have a card. It's not the box  
8 up there.

9 MR. MCINERNEY: Well, come up. You can  
10 introduce yourself and state your question.

11 MR. PRICE: My name is Ken Price, and I live  
12 in Hayward. But I happen to have my RV stored down on  
13 your property in Warm Springs. And so I was interested  
14 if you're going to build, I need to move. But be it --  
15 pardon me -- certainly, with the current budget crisis  
16 between the State and the counties and BART, more severe  
17 than it was in the early '90s, I just wondered if this  
18 project will be -- I don't think it will ever be deleted  
19 but postponed.

20 Certainly, I know that you started the  
21 environmental process. You probably need to go all the  
22 way through that and get that side, but it just appears  
23 right now with these of [inaudible] funds that are  
24 required for this project and the fact that the state is  
25 looking for every place it can to cut the dollars that

1 this project most likely is in jeopardy of a funding  
2 shortfall. I don't know where the dollars are coming  
3 from, if indeed your timeline of trying to start  
4 construction will be a 2004-2005 time frame.

5 So for what it's worth. I'm sure you guys  
6 have looked at it. You probably don't know the answer  
7 either, but sort of in there everything is, as Ms. Olsen  
8 said, everybody is going to be looking for money; and  
9 the dollars probably are not there right now. Thank  
10 you.

11 MR. PAYNE: My name is Lesley Payne. I have  
12 to refer to the map.

13 I live right here. And I've got a number of  
14 comments. I build this house about five years ago and  
15 invested a substantial amount of money in a sound wall  
16 and used a consulting company to consult on the eventual  
17 decibels that I would receive. They, too, suggested 72  
18 to 73 decibels with an 8-foot wall. I encircled the  
19 three sides of the house with an 8-foot wall and didn't  
20 get even close to 72 decibels. When the trains come  
21 through, they go as high as 91 and typically 87. So I  
22 wanted to give that input, because clearly there's  
23 either an exaggeration or misunderstanding of sound  
24 decibels.

25 The other thing is we do get a substantial

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cont'd.

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1 amount of vibration through the tracks. I'm pleased to  
2 hear that you're attempting mitigation there.

3 The other thing, for my benefit, the tracks  
4 are about 18 feet low here. And I particularly like the  
5 idea of going around the lake and saving an awful lot of  
6 money, because what I would like to propose, since there  
7 are an awful lot of residents who are going to be  
8 affected here, is that it be elevated higher up. If you  
9 could take advantage of the tracks being low and maybe  
10 cover the tracks, maybe an expensive tunnel or maybe  
11 cover over the tracks, because this noise does effect  
12 all of these people much higher by the tracks. And  
13 since the tracks are depressed, you could maybe take  
14 advantage of that.

15 Another thing: I'm so frustrated with the  
16 traffic in the mornings. I wanted to point out that at  
17 this intersection right now as it is, I can't get out of  
18 my driveway in the mornings. In fact, if I want to go  
19 down Osgood Road, I can't do it; so what I do is I go up  
20 Driscoll Road and come back this way, because there's so  
21 much traffic backed up here. I get so frustrated trying  
22 to get to my house. They let me get out so I go all the  
23 way around. So this already exacerbates what we have.

24 The other thing: I'd like to know how you are  
25 going to accommodate this traffic on Washington, as it's

25

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1 substantial as the trains cross Washington Boulevard,  
2 because now with these sets of traffic lights we can't  
3 accommodate Driscoll Road traffic and is now building a  
4 substantial development on Driscoll. And with the  
5 trains' interference, it's only going to get worse.

6 I guess that's it. Obviously, traffic coming  
7 to the station, buses, taxis, and everything else would  
8 be a concern as well. Thank you.

9 MR. MAO: My name is Craig Mao. I live here  
10 in Fremont.

11 I just have a real short one. The Warm  
12 Springs station there is going to be a one-sided  
13 station. I think that's missing a very big opportunity  
14 there, because you have a tremendous amount of people  
15 working at the NUMMI plant. And not that people who  
16 work in an auto plant want to take public  
17 transportation, but it's an easy way to get a lot of  
18 traffic through there, I think, instead of them having  
19 to walk all the way around and get to the station.

20 MR. HOLMES: My name is Spencer Holmes. I  
21 live here in Fremont. I just want to ask the question  
22 how would you affect the environment by drilling through  
23 it instead of -- since you'd have to drain it first then  
24 you'd kill most of the environment, the water, the lake,  
25 the fish, some of the ducks, some of the geeses [sic].

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cont'd.

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1 So would you guys affect and, like, how would you be  
2 able to help out the environment by going around it or  
3 if possibly going over it?

4 MR. MCINERNEY: Thank you. Anyone else like  
5 to raise a question tonight? Again, I reiterate that  
6 you can send written comments in to the address shown on  
7 the screen, and we have until May 9 to review the  
8 document.

9 If there are no further questions tonight --

10 MR. KIMMER: Apparently, there are fewer  
11 questions than you might have anticipated. I might say  
12 that we understand that flexibility is the goal of all  
13 projects that are going on. Why can't you be flexible  
14 and just answer a few questions; and if they can be  
15 answered, then they can be answered. Why do we just  
16 have to come back? If you want to take 10 minutes or 15  
17 minutes or half an hour or something, whatever you would  
18 normally plan for, why cut it off if somebody might want  
19 to ask a question that may lead to some kind of answer?

20 MR. MCINERNEY: Let me explain, really, a  
21 two-fold response to that. First of all, we do have  
22 more time in this room. I believe staff would be more  
23 than happy to have people mill about the various  
24 stations and talk to staff informally and probably get  
25 some of your questions answered in that format. That

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1 would be my recommendation, if that's okay with staff.

2 The second part of the response is that this  
3 process, tonight's hearing, is part of a formal  
4 environmental review process that the State of  
5 California really sets in the California Environmental  
6 Quality Act. And, as such, BART is doing what it has to  
7 do to comply with that law. That is a standard law that  
8 all public jurisdictions and public agencies have to  
9 comply with when they're reviewing large capital  
10 expenditures and construction projects.

11 And so to comply with that law, we go through  
12 this process in the format as is being done tonight so  
13 that it's consistent with all projects. So if we were  
14 to engage in a dialogue on questions that folks had  
15 while in an ongoing hearing, that would be different  
16 than what BART has done on its previous projects and  
17 potentially would be cause for BART to be liable for  
18 legal challenges for some folks that want to question  
19 the process. So BART needs to protect not only  
20 themselves but also the public that's invested in this  
21 project and interested in the outcome that's productive.

22 So that's the reason why we cannot really  
23 change course. But staff is more than happy to spend  
24 more time with you all at the various stations, looking  
25 at the graphics, and talking about some of your

1 questions that you have.

gc 2 So unless there's any remaining questions I  
3 say we adjourn and close the forum hearing.

4 Yes, Ms. Olsen? Did you want to come back up?

5 MS. OLSEN: I would just like to suggest that  
6 maybe next time you have a meeting not to have it so  
7 close to a holiday. Maybe you can have a better  
8 turnout. I don't know how you got the word out. I  
9 happen to be on the mailing list. And maybe you need to  
10 do more advertising to get more people here. That's  
11 all.

12 MR. MAMMARELLA: What's the next step?

13 MR. MCINERNEY: The question has been asked  
wh14 what is the next step. And, Dick, would you like to  
15 explain to people? We have touched on it real briefly  
16 in your comments, but would you like to explain just  
17 what the process is here?

18 MR. WENTZEL: We're in the middle of the  
19 project. We're certainly going to collect everything we  
20 can to help finalize the environmental assessment. You  
21 can help us as you're doing. We need the written  
22 comments, too. We're halfway through the process only  
23 in the comment period, so you can go back and think some  
24 more. You can bring more comments to us. Thoughts that  
25 have been generated. You go back home and think more.

1 The more input you give us, the better the project is  
2 going to be. We have until May 9th to collect as much  
3 as we can. Then we will be answering every question,  
4 whether it's verbal or written. We will continue with  
5 that. We have to. And we want to because it makes the  
6 project better. We will be publishing the final  
7 supplemental environmental report. It's a response  
8 document and answers the questions that have been asked,  
9 no matter where and how we got them.

10 So that's basically the next process. Then  
11 after we have that document, then we will be going to  
12 the BART board of directors and will be presenting that  
13 document with its comments as well the base document  
14 which they already have for certification; that is, the  
15 environmental process is completed.

16 So we will be at the BART boardroom eventually  
17 sometime this summer, we anticipate, after we have  
18 answered all the questions and we will have a  
19 certification completed at that point. At that point we  
20 will be proposing mitigation monitoring plan, and we  
21 will seek project approval.

22 At that point after we pass through the  
23 environmental process with project approval then we move  
24 on to designing the project and constructing it. And  
25 that will take several years. That's the process. C.

1                   Certainly, funding is key to that. And we  
2                   don't have answers to that. So that's the general  
3                   process we go through. Is there any clarification you  
4                   need on that?

5                   MR. PRICE: Your final report, you say, this  
6                   summer?

7                   MR. WENTZEL: We're anticipating this summer.

8                   MR. MCINERNEY: Thank you, Dick.

9                   I would just like to close by thanking  
10                  everyone who did come out tonight and really encourage  
11                  you to take a closer look at the document and provide  
12                  information so that BART can be responsive to the  
13                  concerns you have.

14                  As a final note, we have a bunch of cookies in  
15                  the back. If folks want to take a little break and have  
16                  some coffee and stay and talk with some of the staff,  
17                  we're going to stay around for another 30 or 40 minutes.

18                  So with that, we're going to close the formal  
19                  hearing and thank you for coming tonight.

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**Response to Letter 32 (Public Hearing Transcript Comments, April 14, 2003)**

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**Comments of Douglas Bazzone:**

- 32-1** Based on previous BART experience, no significant electrical or radio interference would be expected on televisions, radios, cell phones, personal computers or other normal household equipment from the construction of the Proposed Project or subsequent BART operations.
- 32-2** The alignment of the Proposed Project in this area is constrained by the City of Fremont's grade separations project and the associated realignment of the Union Pacific (former Southern Pacific) track. There is very little room for adjustment. See also the responses to comment 15-1.

**Comments of John Cameron:**

- 32-3** The Warm Springs DSEIR and related documentation is available at 1000 Broadway, Suite 620, Oakland CA 94607. The office of the BART General Manager is located at 800 Madison Street, Oakland. All public notices and the DSEIR listed the 1000 Broadway address, as well as local libraries in the project area, as the location to review the document.
- 32-4** Comment noted. Written comments from Mr. Cameron are included as Letter 19 in this FSEIR and responses are provided above.
- 32-5** The comment is correct that the AC Transit 253 Route runs from Fremont BART to the ACE Train Station. AC Transit staff indicate that due to low ridership, AC Transit is considering the elimination of Route 253.<sup>12</sup> Elimination of the AC Transit Route 253 would not affect any of the conclusions in the DSEIR.
- 32-6** All sections of BART at-grade trackway are protected by a chain link fence not less than 8-feet high, which is normally located on the property line.
- At both the Warm Springs and the optional Irvington Stations, the interaction of BART service vehicles (emergency, maintenance, cash handling, etc.) with buses and private autos is deliberately kept to a minimum. However, some minor degree of mixing is inevitable, just as it is on the public street system.
- 32-7** The railroad right of way proposed for the Proposed Project alignment is the easternmost alignment of the Union Pacific Railroad, the former Western Pacific Railroad property.
- 32-8** As noted above, all BART at-grade trackway sections are secured by a chain link fence no less than 8-feet high, which is normally located on the property line.

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<sup>12</sup> Nathan Landau, AC Transit, e-mail communication, May 29, 2003.

**Comments of Arnold Mammarella:**

**32-9** The CEQA process provides for public comments to be received during a public comment period. A 45-day public comment period was held for the DSEIR from March 25, 2003 to May 9, 2003. During that period, a public hearing was held on April 14, 2003, to accept comments on the DSEIR. Immediately prior to and immediately following the formal public hearing on the evening of April 14, BART WSX project staff and consultants were available for one-on-one conversations with hearing attendees to address specific issues. This provided an opportunity for dialogue between project engineers and local residents. In addition, a project telephone hotline was established in January 2002 and has been available since that time to take calls from residents. BART engineers have responded to hotline calls.

**32-10** The comment in favor of the below-grade alignment beneath Fremont Central Park is noted. Impacts to residents along the alignment have been addressed in the SEIR, and mitigation measures have been provided to address impacts, where feasible and cost effective. Visual changes are addressed in Section 3.7 (*Aesthetics*) of the DSEIR; noise and vibration impacts to residences along the alignment are addressed in Section 3.10 (*Noise and Vibration*) of the DSEIR.

It is not considered feasible to construct the entire Proposed Project in a subway alignment. In particular, design constraints do not permit the construction of a below-grade alignment between Walnut Avenue and Stevenson Boulevard. The alignment would be on an embankment leaving the Fremont BART Station, and there is insufficient distance to construct a portal transitioning from the aerial alignment while providing a grade separation of Walnut Avenue. The current alignment would provide an aerial crossing of Walnut Avenue and place the BART tracks on an embankment where the alignment crosses the Hayward fault. The alignment would transition from aerial to below ground level prior to crossing Stevenson Boulevard.

**32-11** The vertical alignment (profile) of the Proposed Project does represent the steepest practical grade descending from the embankment south of Walnut Ave into the retained cut section and subway portal just north of Stevenson Blvd. Due to vehicle performance limitations and passenger ride comfort thresholds, the BART design criteria limits the combined effects of horizontal curvature, vertical curvature and vertical gradient. All three of these factors are present at this location. The net result is that a steeper descent into the retained cut section is not a practically viable option.

**32-12** The Proposed Project alignment segment between Walnut Avenue and Stevenson Boulevard, to which Fremont Villas is adjacent, is a potential location for noise barriers (see Table 3.10-9 on page 3.10-32 of the DSEIR). Noise barriers on the Proposed Project alignment adjacent to the tracks would be among the noise mitigation approaches likely for this segment. Revised Figure 3.7-4 in Section 3 of the FSEIR, presents a simulation of the noise barriers placed adjacent to the BART tracks in the vicinity of Fremont Villas. Building sound insulation is not proposed at Fremont Villas.

**32-13** Most noise level criteria, whether they are city land use noise ordinances or transit design criteria, make a distinction between noise levels appropriate for single-family and multi-

family housing. This difference is based on the assumption that ambient noise levels are generally higher in urban areas, which typically have more multi-family housing, than suburban areas, which typically have more single-family housing.

The BART noise criteria are determined based on development density and existing noise levels. The noise criteria assume that noise levels are generally higher at multi-family residences and that residents in dense developments are less sensitive to noise than residents in low-density developments. However, the criteria also consider the existing noise level at all noise-sensitive receptor locations. The selected criterion is based on both residential density and measured ambient noise levels. Therefore, the analysis takes into account the possibility that an isolated multi-family building in a predominantly single-family area might be more sensitive to noise than a multi-family development surrounded by higher density development, if the existing noise levels at the isolated multi-family development were lower.

- 32-14** The 73 dBA impact following mitigation does not exceed the BART criteria for significant noise impacts, which is 75 dBA in multi-family residential areas. This threshold is explained in Section 3.10 (*Noise and Vibrations*) of the DSEIR.

Depending on construction materials and techniques, the average residence with standard windows can provide approximately 20 dB of noise reduction from outside to inside (windows closed). With special treatments (special windows, doors, etc.), this number can reach 30 dB. Therefore, an outdoor maximum level of 73 dBA would likely be approximately 53 dBA inside the residence (windows closed).

The DSEIR assesses the potential for noise and vibration impacts to result from the Proposed Project. As described in Section 3.10 (*Noise and Vibration*), the mitigation measures, including precise locations and heights of soundwalls and use of special track-design features to reduce potential for vibration impacts, will be based on detailed engineering design. This detailed engineering design will be developed during the preliminary and final design phases of the project. Final design details will include plans, specifications, and estimates for location and dimensions of noise and vibration mitigation measures.

- 32-15** Mitigation Measure A1 on page 3.7-21 of the DSEIR lists measures to provide vegetative screening for the new Tule Pond. These measures would minimize the removal of mature vegetation to the extent possible and replace vegetation lost during construction to provide replacement screening for adjacent residents. With implementation of these measures, visual impacts would be less than significant.

BART does not have regulatory control for mosquito abatement at the Tule Pond. The Alameda County Department of Public Works maintains the pond.

- 32-16** The Proposed Project is consistent with the *Fremont General Plan*, which reserves the project alignment as a transit corridor. Noise impacts to residences adjacent to the Proposed Project alignment were assessed in Section 3.10 of the DSEIR. Where necessary and feasible, mitigation measures have been proposed to reduce noise impacts to residences to a

less-than-significant level. Implementation of Mitigation Measure N1 would reduce noise impacts at Fremont Villas to a less-than-significant level.

Reduction in property value is not considered an environmental impact for CEQA purposes.

BART will conduct a community information program during the design and construction phases of the Proposed Project to provide current information concerning the project to residents.

#### **Comments of John Kimber:**

**32-17** BART has not acquired the Union Pacific Railroad (UP) right-of-way (former Western Pacific right-of-way) from VTA. For the Proposed Project to go forward, BART would need to enter into an agreement with VTA for the sale and transfer of the UP right-of-way to BART. Commuter rail service between Union City and San Jose is an alternative that has been considered but rejected. (See page 5-13 of the DSEIR.)

#### **Comments of Norman Howard:**

**32-18** VTA has acquired the Union Pacific Railroad right-of-way to a point approximately 200 feet north of Paseo Padre Parkway. This right-of-way does not include Niles Canyon.

**32-19** As noted in the response to comment 32-18 above, the Union Pacific Railroad retains ownership of the railroad right-of-way north of Paseo Padre Parkway. A hiking trail/bicycle path is not feasible in that segment of right-of-way at this time.

**32-20** The commenter suggests that BART consider purchasing the land between Stivers Lagoon and the future BART tracks and convert it to a natural area. Wetland mitigation pursuant to Mitigation Measures BIO3, BIO5, and BIO12 would be designed through coordination with the agencies having jurisdiction as described in the DSEIR. If appropriate and approved by the agencies with jurisdiction, BART will consider using the area identified by the commenter as wetland mitigation.

#### **Comments of Gloria Olsen:**

**32-21** Sections 1.2 (*BART Extension Program*) and 1.4 (*Purpose and Need*) of the 1992 EIR provide background on the BART extension program and planning for the Warm Springs Extension. Alternatives that would have avoided Lake Elizabeth were considered during the Warm Springs Extension planning process, but were ultimately rejected as infeasible. See Section 9-2 (*Alternatives Considered*) and Figure 9-1, on page 9-7 of the 1991 Draft EIR

**32-22** As described in Section 2.6.3 of the DSEIR (pages 2-43 and 2-44), funding for the Proposed Project would be provided by a variety of funding sources. The City of Fremont would not contribute to Proposed Project costs without the optional Irvington Station. However, as noted on page 2-38 and 2-39 of the DSEIR, construction of the optional Irvington Station is not included in the project's funding plan. For that station to be constructed, funding for the

estimated \$76 million cost of the Irvington Station would need to be identified. The City of Fremont is currently investigating potential sources of funds for the station.

**Comments of Ken Price:**

- 32-23** Section 2.6.3 of the DSEIR (pages 2-43 and 2-44) describes the currently anticipated funding sources for the Proposed Project. If the Proposed Project is adopted by the BART Board of Directors, BART anticipates beginning project construction in 2004.

**Comments of Lesley Payne:**

- 32-24** The effectiveness of a noise barrier depends on the height of the source and the receiver, and the material used in the construction of the noise barrier. The primary concern in constructing a noise barrier is to block the line of sight from the source to the receiver. For a source that is very low, such as the wheels of a train, the barrier would not have to be very high to block the line of sight to a residence. However, if the noise source is higher, such as the exhaust on a diesel locomotive from trains using the Union Pacific tracks, a horn mounted on top of a locomotive, or an elevated BART train on a structure, the barrier would have to be significantly higher to block the line of sight.

The commenter's agreement that vibration mitigation measures should be used is noted.

- 32-25** Alignments that would avoid Lake Elizabeth were considered but subsequently withdrawn from further consideration. See the response to comment 32-21.

Request for consideration of placing the BART tracks in a tunnel or trench where the alignment is current below the existing grade level of adjacent residences is noted. Use of tunnels or trenches for noise mitigation in this segment, while providing noise mitigation, would not be cost effective. To mitigate noise impacts, BART proposes to construct noise barriers along this portion of the alignment, in combination with installing building sound insulation of selected residences, as identified in Mitigation Measure N1.

- 32-26** The Proposed Project baseline assumes that the City of Fremont's grade separations project will be in place prior to operation of the BART Warm Springs Extension. The city's grade separations project will eliminate the existing at-grade railroad track crossing and provide a grade separation of Washington Boulevard over the Union Pacific and BART tracks (see page 2-3 and 2-33 of Section 2.2.2 of the DSEIR) so that vehicles, bicycles and pedestrians will not cross either street in conflict with trains.

**Comments of Craig Mao:**

- 32-27** BART's conceptual design for the Warm Springs Station is designed to accommodate a future pedestrian bridge to the west, over the adjacent Union Pacific tracks. This is noted on page 2-35 of the DSEIR and illustrated in Figure 2-6b (page 2-22). See also the response to comment 11-28.

**Comments of Spencer Holmes:**

**32-28** See the response to comment 23-1 regarding mitigation for impacts to the open water habitat of Lake Elizabeth. Construction activities in Lake Elizabeth are not expected to result in mortality to ducks and geese.

**Comments of John Kimber:**

**32-29** The commenter requested additional time for questions regarding the Proposed Project. Following the formal public hearing comment period, BART staff remained in the room to answer questions posed by members of the public.

**Comments of Gloria Olsen:**

**32-30** Notice regarding the public hearing was provided in five local newspapers, where announcements were published three weeks prior to the hearing. Additionally, flyers announcing the meeting were sent to neighborhoods in the vicinity of the Proposed Project alignment, as well as to individuals who asked to be placed on the mailing list.