

**Letter 37**

Roy Nakadegawa P.E.  
751 The Alameda Berkeley CA 94707  
makadegawa@myfastmail.com

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To: Shari Adams  
Warm Springs Extension Group Manager  
S F Bay Area Transit District  
300 Lakeshore Drive  
Oakland, CA 94612

Ms Adams

Herewith I submit my comments on Warm Springs Extension DEIS.

According to NEPA's Section 101, it calls for studies that includes social responsibility, intergenerational welfare, sustainability and stewardship, on the short and long term implications of responsibility based on sustained agreements and decision with all parties using a wide access of best available information.

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Using the service range of 1/2 mile along the entire length of the route is improper in evaluating walking accessibility since BART is only adding one station. The band should be a 1/2 mile radius of the station. Since this additional station has a dearth of any people oriented development and without any assurance of any transit oriented development this is not being addressed in regards to the intent of Section 101 of NEPA legislation.

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The DEISs' study on ethnic population is very limiting and of little meaning in that it covers only the area between the Existing Fremont to the end of the WSX project. But most of the riders will not materialize from this area because BART is not a local system transit system but a regional system. Besides most of its users would probably be middle-upper class riders who will use it primarily only to commute on these longer transit trips. Ethnic and income data needed is on the riders who would use BART over this new extension to determine whether WSX provides travel benefits equally through this section from the sub-region.

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The DEIS glosses over a prime salient consideration of land use development of the project but goes into extensive details in regards to autos and provides considerable access for the auto. The DEIS mentions BART has no powers to establish Land Use and that BART only encourages intensification, which is obviously needed around Warm Springs and at Irvington Stations, presently and in the future. At WS Station the project will only build a 2,040 space parking lot covering almost 32 acres equaling 4 city blocks but there are no plans of mixed development along with affordable housing that will develop a socially equitable use of BART and its development.

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The DEIS assumes that Fremont will rezone around WS station area where it is currently zoned low density industrial with little existing development. Fremont has known for over a decade of the route of BART and has a done little in planning and zoning in preparation for WSX. But they have been strongly insistent about tunneling under their park over the same period of time. One wonders if the City is really for Transit Orientation when last year, within 4/10 of a mile of this station, Fremont Council has approved a large Big Box auto oriented Wal-Mart Development in opposition to the unanimous 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.

The NUMMI plant is the only existing large nearby development. But they operate on around the clock in shifts so the likelihood of it generating BART riders will be a small fraction of its workforce. There are few scattered low-density small warehouse/office type buildings, which also are likely to generate only a few BART users. All this with no assurance that a dense multi use Transit Oriented Development (TOD) will be developed.

DEIS projects a new ridership by 2025 of only 7200 trips, [EQUAL TO 3,600 ROUND TRIPS PER DAY] for a project likely to cost of \$700 million. The 2,040 parking spaces will likely fill far before the study's 20 years. The lot itself would generate over 1/2 of the new trips from the 2,040 spaces because each space will generate at least 2 trips. Therefore, WSX will do little to reduce congestion and traffic for the overall area for increase in traffic throughout this area will be greater than the trips attracted by WSX, and furthermore WSX encourages auto access.

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WSX at \$700 Million, its estimated cost per round trip per new rider for WSX would clearly be over \$50 when comparing the cost and ridership of BART's SFO-Millbrae Extension. Their Final EIR/S cost estimate was a little over \$25 per trip per new rider having a ridership of around 70,000 per day with a project cost of \$1.2 billion.

Being WSX handles about 1/7 of SFO/M ridership and one costing roughly half, WSX cost per trip per new rider should be several times greater. Several years ago MTC made an estimate for WSX, which came over \$70 per trip per new rider.

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Also, with such low ridership its operating cost should be higher, but 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. Santa Clara Co, VTA has agreed to pay the full cost of operation and maintenance for the San Jose BART extension. Therefore, if Fremont really wants WSX despite its higher operating subsidy, Fremont should be made responsible to pay the difference in subsidy such that WSX's operation would not be a burden on BART's finances

The DEIS should not be approved until Fremont provides an assured rezoned development this station area with balanced use of all members of society and its projected ridership will produce revenues that would equal BART's overall fare recovery.

For the future other means of access should be another major consideration in view of or deteriorating environment, economy, energy resource, and well being. We also need to consider beyond 20 years as this study does for such a costly public infrastructure like BART if built should be viable for 50-100 years to all sectors of society.

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The report acknowledges that BART does not establish, administer or manage land use and development but only encourage what Fremont should and can do. Still Fremont's land use and development policies are major concern because the existing type of development does have a bearing on Environmental Justice that NEPA study directs. Without this nexus of any assured development of plans for mixed development along with affordable housing that will create a socially equitable use of BART around the station, the success of WSX and for the WS Station is not possible, so the DEIS should not be approved.

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Another item in the DEIS questionable is that the study anticipated no changes in bus service, however the future access should place reliance on less auto access and more on other access modes that will improve livability and not be a detriment to our environment. Good transit access should be considered the major access mode of the future, not auto access as presently designed. A balanced access for riders is what WSX lacks. The station layout bus plan creates longer trip time for buses in having to navigate several blocks extra to access the station, whereas, if bus access was more direct off the cross street it would improve bus service and bus riders for many are not destined to BART but want to travel beyond BART to other destinations. Also large expansive parking is a deterrent to the development of a good Transit Oriented Developments.

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WSX Funding is questionable in term of social equity and cost-effectiveness. Its ridership cost over 20 years will be \$30 plus per trip for all passenger. At this cost it is in the range that a family of three will get on welfare and if one compares this to the cost per new rider it is more than what this family will get with supplements if without any income. Being that this degree of subsidy for a middle-upper income commuter because the area experiences some congestion is definitely a concern in social equity.

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Also a good portion of WSX funding that is to come from Ala. Co Measure B-Tax is conditioned on an assurance that San Jose Extension (SJX) is fully funding from FTA and other sources. However FTA has reviewed SJX has deemed it a "not recommended" project twice due to its cost and questionable ridership. Another portion of funding is to come from SamTrans' BART operation of Colma to SFO/Millbrae, which was expected to produce \$145 million but is currently operating at a deficit. BART staff estimates it will take at least 20 years before any revenue from this operation can ever begin to materialize.

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The DEIS is silent about an obvious discriminatory matter on the manner BART provides parking. It has been provided substantially free or highly subsidized. The free/highly subsidized parking is provided primarily in the low-density areas where household income is far higher than in central city. Presently 70% of its BART riders do not use parking but the fares they pay subsidizes 60% of the parking operating cost. And 100% of its construction and right of way costs are paid from other public funds. Large percent of the non-parking riders are low income, disabled, elderly, and seniors (a growing sector to our society) and many even pay an extra local transit fare to access BART. This is clearly an Environmental Justice matter that the DEIS needs to address according to NEPA guidelines. A parking charge that is revenue neutral should be required

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With this void of planning for dense TOD immediate to this station, the project only considers building a 2,040 space surface parking lot equaling 4 city blocks where a Dense Mixed use development should exist. The BART

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parking is worse than building a Park and Ride lot on a Freeway out in the suburbs in an area where development is not expected. It is unheard of for any Metro line to be extended to just a parking lot.

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cont.

The BART Board currently requires replacement parking based on an unwritten policy that claims any new development at stations needs to replace each existing BART parking space which they refuse to amend. Most cities will also require additional minimum parking for the development itself. So, this essentially sustains a permanent Auto Oriented development rather than a Transit Oriented one which all transit agencies try to advance. BART Board is operating under double opposing standard where they adopted a Station Area Development Plan with Guidelines based on BART's Strategic Plan that recommends Developments with greater Transit Orientation.

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DEIS is fairly extensive on assessing impacts within the local area and its local environment but lacks a real assessment of impacts to the social and economic conditions, when considering there is no apparent development at Warm Springs (WS) other than the parking lot. Also there is no assessment of what WSX will have on BART's overall system, and benefits to its various users. There is a lack of overall ridership data of overall customer profile as to BART users in terms of income, ethnicity, color or people with disabilities, who need and use transit the most. Ethnic and income data needed is on the riders who would use BART over this new extension is needed to determine whether WSX provides travel benefits equally over the sub-region.

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The study performs extensive analysis of the impact of existing and short term, but not the long term future of auto use of the area than the non-parking users? Large percent of the non-parking riders are low income, disabled, elderly, and many even pay an extra local transit fare to access BART. The EIS is silent about this obvious discriminatory matter where substantial number of BART's existing parking is still according to the study being provided free. This is clearly an Environmental Justice roadways. Are we going to have to account for the future use of the auto ad infinitum? There is nothing on the transit dependent; low income, people of color, disabled, and seniors who are the growing sector to our society and without any evaluation of their cost benefits or impacts for this disregarded sector.

*Upon further review of specific items of the DEIS I find that I would be repeating much of what I wrote initially on the DEIR, so I am including comments I wrote for the DEIR in 2002 for I believe it is still relevant and has bearing on DEIS.*

I say we need to approach this matter of planning and design more comprehensively as most other developed countries do. They have much better accessibility, which is key to good transit, as compared to the US which is so concerned with mobility that we are losing mobility by primarily by over designing developments for cars.

All BART Lines and Extensions were not comprehensively planned within an overall Regional perspective including a focus or goal for communities to integrate land use to BART with station area developments that would generate ridership. BART in the past assumed if you build it, they would come. BART claimed it would attract enough riders that it would operate in the Black! It promised that it would run so frequently (@ 90 second headways) and fast (@ 80 mph) that everyone would get a seat. But, I don't recall that BART promised all the tremendous amount of free parking. BART has promoted more auto use and sprawl and worsen our problem of congestion and air quality. The South and East county portion of Alameda County is where pollution is currently most serious and adding more auto use via parking jeopardizes our whole region to be a non-attainment area and where air quality regulations will increase general overall operational cost for the region.

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With congestion unsolvable, we need to focus on Access rather than on Mobility. But BART and most planners basically thinks of access by providing tremendous parking. Currently BART has around 42,000 spaces and probably is responsible for more air pollution than any other company in our region. Many say BART helps clean our air but with shorter trip to and from BART under the cold start/hot soak cycle and with 40,000 trips coming to BART stations in a short time period because the vast majority of BART users are commuters, this congestion around the station adds to the pollution.

Metro, Commuter, Light Rail, Busways, and Automated Shuttles have varying carrying capacities with a considerable range of cost as shown on the slides. BART is the most expensive whereas, Curitiba claims there exclusive busway system which carries as many riders as any BART line cost only 1/500 of a typical Metro. In Japan an intelligent busway was constructed that cost 1/68 of their Metro and carries more riders than any of BART's Extensions.

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We should consider Regional Land use along with Transit Area Development Zones before considering any BART extensions for BART is a regional system. It is far easier and more effective to establish a Transit Oriented Development Concept or Zoning from the beginning before any major transit improvement is considered or be redeveloped rather than the helter-skelter uncoordinated way we presently develop, often after the fact.

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Warm Springs Ext is even more ineffective and more costly. As you can see on the map of Warm Springs there is little development. And Fremont has not or made any commitment of rezoning for transit development at Warm Springs even though they know there is the developing spill over of expansion of the Silicon Industry. Also, there are many less costly alternatives by coordinating to various existing transit lines you can see on other maps, but the reports basly insist on BART!

FTA has developed excellent New Start criteria of how to evaluate transit and determine its effectiveness. They include 1 - MOBILITY IMPROVEMENTS; 2 - ENVIRONMENTAL BENEFITS; 3 - OPERATING EFFICIENCIES; 4 - COST EFFECTIVENESS; 5 - TRANSIT SUPPORTIVE LAND USE; 6 - OTHER FACTORS including social equity; and 7 - LOCAL FINANCIAL COMMITMENT. Here below are a mree details of listed elements;

1 - MOBILITY IMPROVEMENTS - Projected Value in Aggregate Travel Time Savings per Year; -Compare the New Start to No-Build and TSM; -Dollar value based on Standardized National Rates ; -Annual hours saved on Transit and Competitive Modes; -Number of Low-Income Households located within 1/2 Mile of Access Points to the proposed New Start System; -Use Census Data on Households Below Poverty Level

2 - ENVIRONMENTAL BENEFITS - Forecast change in pollutant and precursor emissions and greenhouse gas emissions; -Forecast change in regional energy consumption; -EPA Air Quality Designation for Region; - Compare Emissions of New Start to No-build and TSM; - Regional emissions forecast for: CO, NOx, VOC, PM10, & CO2

3 - OPERATING EFFICIENCIES - Forecast change in operating cost per passenger-mile in the forecast year; - Efficiencies for the entire transit system; - Compare efficiencies of New Start to No-build and TSM; - Operating Cost per passenger mile;

Optional measure for new start service area for affected service area: - New start facility; -All connecting bus routes and rail lines; and - Parallel routes within one mile of new start facility

4 - COST EFFECTIVENESS (CE) - Incremental change in total capital and operating cost per incremental passenger based on: - Annualized total capital investment (all funding) and annual operating cost; -Forecast change in annual transit ridership (in forecast year); - How is the CE Measure calculated?

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5 - TRANSIT SUPPORTIVE LAND USE (LU) - Ratings: High, Medium, Low for:  
 -Existing LU; -Containment of sprawl; -Transit Supportive corridor policies; -Supportive Zoning Regulations near stations; -Tools to implement LU policies; -Performance of LU policies  
 - Assessment of local policies and conditions (not rating of transit agency); - Document existing Information (NO NEED for additional analysis); - Assessment need to consider: -stage of project development & - Local transit and LU history.

LU documentation : -Maps, maps, maps; -LU plans; -Economic development plans; -Station area development plans; Zoning and development regulations; Public-private agreements; -MIS other planning studies; -Long range Transportation Plans;

Existing LU : -LU mix; -Employment centers and densities -Transit trip generators; Pedestrian friendly environment

Containment of Sprawl : -Existing and planned LU; -Planned densities and development market trends; - Growth management policies; -Existing and planned pedestrian friendly development.

Transit Supportive Corridor Policies: -Encourage Transit Oriented Development; -Corridor and station area plans; -Mixed use and high density development; -Growth management; -Pedestrian friendly design; -PARKING MANAGEMENT

Supportive LU Near Stations : -Transit supportive LU plans, Zoning Ordinances and regulations; -Regulations promoting mixed use and high density development; -Regulations promoting pedestrian friendly development

Tools to Implement LU policies : -Promotion of Mixed use and high density development; -Process for development of corridor and station area plans; -Organizational participation in planning and economic development process; -Public and private sector involvement (including joint development)

Performance of LU Policies : -Implementation of transit supportive LU plans, zoning ordinances and PARKING MANAGEMENT PROGRAMS; -Active public/private partnerships; -development proposals and projects; -Short and long range development targets

<p>6 - OTHER FACTORS - Degree to which local institutions, policies and programs are in place - Project management capabilities - Multimodal emphasis of project - Factors relevant to local and national priorities and success of projects                  - Environmental justice and equity issues - Livable Communities Initiatives -- Employment Access - Welfare to Work - Joint development opportunities - Innovative financing and procurement such as design build</p>	<p>37-18 cont.</p>
<p>7 - LOCAL FINANCIAL COMMITMENT - Proposed local share of project costs (special consideration to innovative financing and flexible funds) - Rating of the stability and reliability of the capital financing plan &amp; the operating plan and proposed funding sources Financial Assessment: -Regional economic condition; -Structure and financial condition of transit agency; -Total cash flow - 20 year; -Detailed project capital and operating and maintenance cost estimate; Capital and operating funding sources for new start and existing system; -Long range transportation plan and TIP</p>	
<p>SPECIFIC COMMENTS;</p>	
<p>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.</p>	<p>37-19</p>
<p>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.</p>	<p>37-20</p>
<p>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.</p>	
<p>Transportation -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 (58% of WSX) is 0.84% of 500,000 trips, costing \$284 million (45% of BART) with no mention of its operating cost. SEIR passes off BA's operating cost 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 will be considerably less for BA than WSX. It also appears neither WSX nor BA will materially mitigate the total trips through this corridor.</p>	<p>37-21</p>
<p>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 larger 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.</p>	
<p>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.</p>	<p>37-22</p>
<p>p2-35 &amp; 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 Stations 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.</p>	<p>37-23</p>
<p>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?</p>	<p>37-24</p>
<p>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 [now \$6.2 Bill] 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.</p>	<p>37-25</p>
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<p>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 second time by Fremont's Planning Commission and again they unanimously opposed its approval.</p>	<p>37-28</p>
<p>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.</p>	<p>37-27</p>
<p>p3.5-6 &amp; 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?</p>	<p>37-28</p>
<p>p3.5-9 &amp; 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.</p>	
<p>Note; the lack of existing development and density at WSX is worse than BART's West Pittsburg Extension (WPX) 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 (26%) as well as the WSX projected ridership is only 7/12 of WPX so the cost per trip is more than double.</p>	<p>37-29</p>
<p>p3.5-12; It appears the goals of Fremont's General Plan F-11 &amp; 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.</p>	<p>37-30</p>
<p>What is the relationship and immediacy of Fremont Central business District mentioned in the GP Policies and the italicized <i> CBD Area Conceptual Pedestrian Connection Plan</i>?</p>	
<p>p3.5-13 Threading through the 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, 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?</p>	<p>37-31</p>
<p>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?</p>	<p>37-32</p>
<p>SEIR states "the WS Planning area does not anticipate significant changes from those in the past" which is ominous as to the extent changes that 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?</p>	
<p>p3.5-26 &amp; 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?</p>	<p>37-33</p>
<p>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 equal or exceed BART's present fare recovery such that it will not adversely affect BART present subsidy revenues.</p>	<p>37-34</p>

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.

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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 increased 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 recently 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.

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SEIR mentions better "expected" land use development specific plan, but for such an expensive public investment that is reliant on expected 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 again 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 and only generates 1.2 passengers per day at the most. 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.

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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. The projected number of riders transit will provide is higher than cars yet the station design favors cars. 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. It increases bus travel time for the user as well as increases operating cost for the bus agency.

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**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 in Japan and Portugal 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.

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**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.

37-38

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.

**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 developments along with sprawl which is totally dependent on auto use. What will be the state of congestion beyond 2025 or for year 2050 be? 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 exacerbates congestion problem.

37-39

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 for parking the 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.

37-40

BART is about the only major transit system that has 42,000 parking spaces and has 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.

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 above the subsidy for one suburban BART user exceeds what a family of three gets from Welfare. So there obviously 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.

37-40  
cont.

**p4-5 Growth Inducing:** While it is true that BART should clearly 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 that has happened on several cases. Ottawa faced this problem but since they received funds from Ontario Province on a condition that Ottawa to develop a regional plan. This plan integrated transit project to take advantage of TODs. After the project was completed and Ottawa proceeded to construct TODs, some NIMBYs 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.

37-41

**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 recognized and 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 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 transit cost and still provide good fast, reliable and effective transit which is needed in our future.

37-42

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 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 the consultants 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 or even build a single lane BW for some of the long stretches because buses will be operating at 5 minute headways, so with GIS location one can readily schedule bus operation through that section. Or one can build short double lane sections similar to what many rail systems do to account for two-way operation. A plain BW could have many of the crossings at grade with signal priority.

For more precise boarding with small gap at the platform for wheelchairs and disabled 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 \$18 million 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 far 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 attracted many more riders than PP. 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.

37-42  
cont.

Miami Metro service was extended with a busway at 1/16 the cost of BART's Dublin/Pleasanton Extension. They have 7 bus routes utilizing the BW and almost over night carried more riders than 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 off the BW and go into local service. Since it has a number of bus routes serves a wide span including many popular destinations, riders can access local transit without having to drive and park so the need for parking is minimized. They built a convenient transfer arrangement at the Metro station so overnight the BW built up to 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 MLKing Busway operates similarly to Ottawa. About 12 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 their BW 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.

37-43

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, if there are large numbers wanting to go to there, could have buses from Fremont BART use the BW to Washington. 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 superior 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.

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.[The recent Recall of Governors was on public spending.] Transit Cooperative Research Program recently 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.

37-43  
cont.

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 delve into 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. Ottawa as mentioned earlier managed to build more TODs not because of the mode of service but because it was clearly defined in their Regional Plan.

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 quieter. 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 Ottawa or a Region sticking to a General Regional Plan. Ottawa's Busway with its committed TOD Plan has built more substantial TODs than any city with recent rail in the US. [E.G. for any area that has a cumulative employment of 5,000 employees or more have to be located within a quarter mile of the BW]

37-44

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 to nearby BART Station 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 questionable.

Sincerely,

Roy Nakadegawa P.E.

## Response to Comment Letter 37

- 37-1:** NEPA section 101, a portion of which is cited by the commenter, contains the general declaration of Congress regarding national environmental policy. An EIS is an informational document which is intended to further this policy by supporting informed decisions by decision-makers with public participation. This DEIS conforms to the requirements of NEPA section 102 and implementing regulations of the Council of Environmental Quality and Department of Transportation regarding the preparation and content of EISs.
- 37-2:** The area accessible for walking access was considered to be a 1/2 mile radius from the station sites, as the commenter recommends, not 1/2 mile along the entire alignment. Regarding transit-oriented development (TOD), please see response to comment 21-7.
- 37-3:** The DEIS environmental justice analysis (Tables 4.18-1 and 4.18-2) provides information on race/ethnicity and income/poverty status of populations in Alameda County, the City of Fremont, and in census tracts that surround the WSX Alternative alignment (Figure 4.18-1). This information is sufficient for analysis of environmental justice impacts. The comment is correct that BART is a regional rather than a local transportation system, with many stations in a variety of communities. An extension of the system will give access to new areas for riders from any station in the system. Therefore, the benefits of the WSX Alternative will extend beyond the local populations to the system-wide population served by BART (including non-riders who benefit from traffic congestion relief). System-wide, BART survey data demonstrates that BART riders are an ethnically and economically diverse population. In a 2004 survey of BART riders, 26% identified themselves as Asian or Pacific Islander, 14% as Hispanic ancestry and 12% as Black/African American. Only 44% of riders identified themselves as white. BART riders include many income categories. In the 2004 survey, 37% percent reported household incomes under \$45,000, and 25 percent reported household incomes of \$30,000 or less (San Francisco Bay Area Rapid Transit, 2004 BART Customer Satisfaction Study, 2004; pages 19 and 22).
- 37-4:** As the comment notes, BART encourages land use intensification, but specific TOD projects are under the land use jurisdiction of the City of Fremont. As discussed in the DEIS, the City of Fremont is developing a Warm Springs BART Station Area Specific Plan and is considering high-intensity residential and/or mixed-use developments near the station. In addition, in January 2005, the City approved the Irvington Concept Plan, which envisions the optional Irvington BART station as a neighborhood station and seeks to create an intensification of land uses - both mixed use and high-density residential - adjacent to the optional Irvington station. The City's planning processes demonstrate its commitment to smart growth and have included public outreach efforts. The proposed WalMart store, 0.5 miles from the Warm Springs station, is at the outskirts of the zone in which transit-oriented development would be expected to occur and will not preclude successful transit-oriented development on the many other undeveloped or underdeveloped parcels within walking distance of the proposed station. The Warm Springs station parking lot would not be a permanent barrier to the potential for future TOD projects. Construction of surface parking represents a limited investment which can easily be replaced with a parking structure to accommodate specific TOD projects. For example, at BART's Fruitvale Station, land utilized for a parking lot was converted to TOD uses with the construction of a parking structure.

The City of Fremont did recently approve an industrial development at the northwest corner of Research Avenue and Corporate Way. This development is more than 0.5 mile from the Warm Springs station site.

NUMMI will be accessible from the BART station and NUMMI employees will be able to take BART to and from work. While BART does not operate late at night, workers on the other shifts will be able to use the system to commute.

- 37-5:** The parking analysis in the DEIS (pp. 4.2-48 - 51) demonstrates that the Warm Springs Station parking lot will serve demand generated by the WSX Alternative, not generate additional demand.

The comment's claim that the cost per new rider for the WSX Alternative would be over \$50 or \$70 is incorrect. BART is not aware of a study suggesting a \$70 cost per new rider for the WSX Alternative. The financial analysis presented on page 7-6 of the DEIS indicates that the cost per new rider would be \$28.82 without the optional Irvington Station, and \$25.69 with the Irvington Station.

The WSX alternative would not require a larger subsidy per rider than the BART system as a whole. Because riders from the Warm Springs Station are expected to make longer than average trips (toward Oakland and San Francisco), riders from Warm Springs Station would generate higher than average fares per rider. As noted on page 7-4 of the DEIS, farebox recovery for the WSX Alternative is estimated to exceed the systemwide percentage.

Regarding the City of Fremont's land use planning efforts, please see response to comment no. 21-7 and 37-4.

- 37-6:** Regarding alternative means of access, please see DEIS section 3.5. The 20-year time horizon examined in the DEIS is standard in modeling and analysis of ridership and associated environmental effects for transportation projects.
- 37-7:** The comment appears to assume that having specific transit-oriented development (TOD) policies and projects already in place is necessary in order to support the DEIS' conclusions. That assumption is not correct. As the DEIS explains (pp. 4.8-22 – 23, 4.8-28 – 29, 5-42 - 46), the WSX Alternative is anticipated to promote future TOD, but TOD is not part of the WSX Alternative itself. Ridership and associated environmental benefits attributed to the WSX Alternative in the DEIS were based on ABAG growth projections incorporated in the Alameda County Congestion Management Agency's model, without assuming changes in land use policies or specific TOD projects near the station sites. Additional redevelopment and land use intensification that is anticipated by the City of Fremont, but is not yet included in the ACCMA model, were not included in the analysis. Therefore, projected ridership and resulting congestion relief, air quality and energy benefits described in the DEIS represent anticipated benefits of the WSX Alternative *without* additional transit-oriented development in the vicinity of the stations. Future TOD would be expected to substantially enhance ridership and associated environmental benefits beyond those discussed in the DEIS. Please see also responses to comment nos. 21-7 and 37-4.
- 37-8:** BART worked with both AC Transit and VTA to design stations that are multi-modal transfer sites, combining auto, bus, and pedestrian/walk access. The conceptual station layout for the Warm Springs site places the bus intermodal center as close as possible to the

BART platform entry point. Although it may take a little extra time for the buses to reach the bus intermodal center from the street, it saves time for patrons who transfer from the buses to BART. For bus patrons not transferring to BART, the station design provides a safe, central, off-street location for patrons to transfer from one bus to another. A parking area has been designed so that it can be developed with transit-oriented development. (See response to comment no. 21-7.)

- 37-9:** The financial analysis presented on page 7-6 of the DEIS indicates that the cost per new rider would be \$28.82 without the optional Irvington Station, and \$25.69 with the Irvington Station. As indicated in response to comment 37-3, the WSX Alternative would provide benefits to members of minority and low-income communities and to the diverse system-wide population served by BART. By comparison, cost-effectiveness of New Starts project submissions to FTA in fiscal year 2000 ranged from \$2.54 to \$48.82, with a median of \$10.39; see DEIS p. 7-6.
- 37-10:** The Expenditure Plan for Alameda County's Measure B tax states, "Funds for construction of the first segment of the BART rail extension to Warm Springs in Southern Fremont may not be used until full funding for the rail connection to Santa Clara County is assured." VTA, the lead agency for the proposed BART rail extension from Warm Springs into Santa Clara County, is seeking federal funding from FTA's New Starts Program. VTA must show that it has the operating funds to support the SVRTC project. FTA has also expressed concerns about the capital cost of the SVRTC Project and suggested to VTA that it first complete a minimum operating segment and complete the remainder of the project at a later time. VTA does not wish to break its project into two segments but continues to seek ways to significantly reduce project costs. VTA has also proposed to FTA a federally funded segment (FFS) of the project that consists of approximately the first half of the alignment, with the remainder of the project being funded solely with non-federal funds. FTA has accepted this approach in principle pending further analysis. VTA continues to work on addressing any concerns FTA has about the SVRTC Project to gain a "Recommended" rating in the New Starts process.
- 37-11:** BART policy is to provide free parking at some stations and low-cost parking at some stations in order to increase ridership and decrease automobile use, thereby reducing regional air pollution and traffic congestion. The DEIS analysis assumes that parking charges for the WSX Alternative would conform to BART policy for the rest of the system. Increasing parking charges at WSX Alternative stations would reduce ridership and associated environmental benefits. The commenter's concerns regarding the system-wide BART policy are outside the scope of this DEIS.
- 37-12:** Parking facilities with large numbers of parking spaces are commonly found at the end-of-the-line stations in most heavy rail systems in this country, including FTA New Starts heavy rail projects. The Largo Metrorail Extension for the WMATA system in Washington, D.C. includes the Largo Station at the end of the line with 2,200 parking spaces. The North Springs Station of the North Line Extension in Atlanta, which is operated by MARTA, has 2,325 parking spaces. The BART San Francisco Airport Extension includes the Millbrae Station at the end of the line with 3,000 parking spaces. These three stations were all recently funded in part with federal New Starts funding. The Red Line in Boston was extended to the Alewife Station with 2,595 parking spaces. (These examples are illustrative and not intended to be comprehensive.)

- 37-13:** BART policy is to provide parking associated with expansion projects that meets the demand expected to be generated by the projects. Failure to do so would be considered a direct adverse environmental impact to transportation and, by reducing access, would reduce the ridership and indirectly reduce the associated environmental benefits of the projects. The commenter's concerns regarding the system-wide BART policy are outside the scope of this DEIS. Regarding the potential for accommodation of future TOD at the Warm Springs station parking lot, please see response to comments 13-3 and 19-6.
- 37-14:** Section 4.10 of the DEIS contains analyses of socioeconomic impacts of the WSX Alternative. As noted above, in a 2004 survey of BART riders, 26% identified themselves as Asian or Pacific Islander, 14% as Hispanic ancestry and 12% as Black/African American. Only 44% of riders identified themselves as white. Approximately 37% of BART riders surveyed in 2004 reported household incomes of up to \$45,000. The addition of the WSX Alternative to the general ridership population presumably would maintain or enhance the trend of overall service to minority communities.
- Please see response to comment 37-11 regarding parking policy. Section 4.18 of the DEIS analyzes potential impacts and offsetting environmental benefits for minority and low income communities in the vicinity of the project. Regarding system-wide use, the BART system serves an ethnically diverse community and over 1/3 of riders have household incomes of up to \$45,000.
- 37-15:** Please see responses above regarding BART policy of encouraging integrated land use and TOD to generate ridership. The analysis of air quality impacts took into account vehicle trips by commuters parking at BART stations, including "cold start" emissions when parked cars are started. The results demonstrated both regional air quality benefits and no local pollution "hot spots" in the vicinity of the stations. Please see DEIS Section 4.14, "Air Quality."
- 37-16:** Commuter rail, light rail, busway and shuttle alternatives may be less costly. However, these alternatives have been evaluated and rejected on other grounds, as summarized in section 3.5 of the DEIS.
- 37-17:** Regarding the City of Fremont's transit-oriented development process, please see the response to comment no. 21-7.
- 37-18:** The comment recited the criteria utilized by FTA to evaluate transit improvement projects under its New Starts program. These criteria do not apply since, as explained in the DEIS (Section 7), New Starts funding is not being sought for the WSX Alternative. Nevertheless, BART's System Expansion Policy has incorporated criteria similar to many of the FTA New Starts criteria, which are addressed in the analysis of the WSX Alternative under the System Expansion Policy.
- 37-19:** 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. No single project can be expected to address this increase. Please see the response to comment no. 21-2, which indicates that projected ridership for the WSX Alternative is comparable to that for other projects with similar costs.
- 37-20:** Please see responses to comment no. 21-7.

**37-21:** The operating cost of the proposed Bus Alternative is estimated to be \$4 to \$4.5 million annually, based on the number of revenue hours required to maintain the level of service described in the operating plan for the Bus Alternative; see page 5-20 of the 2003 SEIR (incorporated by reference in the DEIS). This estimate is for the Fremont BART Station to Warm Springs Transit Center segment of the Bus alignment only.

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.

**37-22:** The DEIS does consider the BART System Expansion Criteria policy and incorporates the substantive goals of the policy into the purpose and need for the WSX Alternative. 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 DEIS (section 3.15) summarizes the prior analysis of the Bus Alternative, demonstrating that the Bus Alternative was not as effective as the WSX Alternative in maximizing new transit trips or in providing the associated environmental benefits of reduced traffic congestion and energy consumption and improved air quality.

The DEIS 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, please see the responses to comment nos. 19-5, 21-7, and 37-4. The proposed Bus Alternative is considered much less likely to stimulate TOD around the proposed station sites than is the fixed-rail investment of the WSX Alternative. See DEIS p. 3-39.

**37-23:** 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 DEIS are conceptual and can be refined to accommodate car sharing.

**37-24:** Carpooling was inadvertently omitted from the access hierarchy description for the Irvington Station. The following text has been added to the end of the bulleted items on page 3-14 of the DEIS:

- 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 5-9 in the DEIS for parking supply and demand with and without the Irvington Station.)

**37-25:** The basis for the commenter's figures is unclear. However, the comment implies that the WSX Alternative is not cost effective, particularly when compared to BART SFO extension. In order to do a comparison, the two projects need to be compared in same terms. The WSX project would be a 5.4-mile extension with one station. The project (with one station) is expected to generate 16,300 entries and exits, 7,200 linked trips, at a cost of approximately \$678 million in 2004 dollars. The BART SFO extension is an 8.2-mile extension with 4



stations. According to the Final EIR/EIS, the SFO project was expected to have 68,600 exits and entries, 23,400 linked trips, at a cost of approximately \$1.167 billion in 1996 dollars (*BART-San Francisco Airport Extension FEIR/FEIS Volume 1—Financial Analysis*, Table 6-2.) The average number of exits and entries for the SFO stations is 17,150 per station compared to 16,300 for the Warm Springs Station. The average number of linked trips for the SFO stations is 5,850, which is less than the 7,200 linked trips anticipated for Warm Springs Station. Based on the estimated cost of \$1.167 billion, the SFO extension cost approximately \$142 million per mile, while the WSX extension is estimated to be \$126 million per mile—a cost that is less than SFO extension even before taking the decreased value of the 2004 dollars into account. By these measures, the proposed WSX extension is comparable in rider efficiency to the SFO extension.

**37-26:** Please see the response to comment no. 21-7.

**37-27:** Figure 4.8-1 on page 4.8-2 of the DEIS illustrates the Planning Areas in Fremont as described in the text. Figure 4.8-2 on page 4.8-2 illustrates the Fremont Planning Areas where the WSX Alternative alignment would be located. The Planning Areas are identified in the figure legend. Figure 4.8-3 illustrates land uses adjacent to the WSX Alternative alignment and does not show Planning Areas.

**37-28:** The Mission San Jose and Irvington Planning Areas are illustrated on both Figure 4.8-1 and Figure 4.8-2. 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.

**37-29:** Local land use policies are being addressed by the City of Fremont through the Warm Springs BART Area Specific Plan and have been addressed already in the Irvington Concept Plan. Please see the response to comment no. 37-5 regarding the operating subsidy for the WSX Alternative.

**37-30:** 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 4.8 of the DEIS. Please see the response to comment no. 21-7.

The existing Fremont Station and WSX Alternative 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.

**37-31:** 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 14 years since BART adopted the Warm Springs Extension in 1992. The city is currently moving forward on a Warm Springs BART Area Specific Plan. Please see the response to comment no. 21-7.

**37-32:** A portion of the WSX Alternative alignment is located in the Central Planning Area, and information about the central business district and central area residential situation is

provided (DEIS Section 4.8.2.2, “Existing Conditions”) as general land use background. Regarding the City of Fremont’s commitment to the Specific Plan process, please see response to comment no. 21-7. Regarding transit subsidies, please see the response to comment no. 37-5. 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>1</sup>

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 DEIS 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 4.8-2 on page 4.8-2.)

- 37-33:** 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 WSX Alternative is considered consistent with these policies. (See pages 4.8-23 and 4.8-24 of the DEIS.) 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 WSX Alternative.
- 37-34:** Local land use policies are being addressed by the City of Fremont through the Warm Springs BART Area Specific Plan and have been addressed already in the Irvington Concept Plan. Please see the response to comment no. 37-5 regarding the operating subsidy for the WSX Alternative.
- 37-35:** The analysis of Impact LU-2 concludes that there is no significant inconsistency between the WSX Alternative and applicable plans and policies of BART, MTC, and ACCMA. See pages 4.8-22 to 4.8-24 of the DEIS.

As described in the DEIS on page 4.8-22, 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

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<sup>1</sup> G. B. Arrington, Jr. “At work in the Field of Dreams: light rail and smart growth in Portland.” September. 1998.

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 no. 21-7.

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 WSX Alternative.

**37-36:** 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 WSX Alternative, as noted in the comment. Parking charge policy as established by the BART Board would apply to parking at the WSX Alternative stations. Parking policy could be changed by the Board to temper parking demand.

**37-37:** As discussed on page 3-34 of the DEIS, 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.

**37-38:** 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.

**37-39:** The commenter suggests that "we have never built ourselves out of congestion" and that charting the Level of Service for traffic in 2025 is meaningless. NEPA 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 DEIS.

- 37-40:** 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. The WSX Alternative reflects current BART policy on parking charges. Regarding social equity considerations, please see response nos. 37-3 and 21-10.

- 37-41:** Comment noted. It is always possible that land use planning efforts by local authorities to promote TOD (such as *General Plan* amendments or zoning changes) may be rescinded at a later date.

- 37-42:** The DEIS explains the reasons why the Bus Alternative was rejected, and summarizes and incorporates by reference the extensive analysis of the Bus Alternative provided in the 2003 SEIR. The Bus Alternative described in the DEIS was developed with the collaboration of AC Transit and VTA, the two primary bus operators in the project area. AC Transit has endorsed the proposed Bus Alternative as evaluated in the 2003 SEIR 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." Local constraints were taken into account.

Regarding special by-pass lanes as mentioned in the comment, as described on page 3-37 of the DEIS, 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.

- 37-43:** Table 5-5 of the DSEIR (incorporated by reference in the DEIS) indicates that 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 DEIS on pages 3-35 to 3-39. 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 during development of the Bus Alternative.

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 WSX Alternative. 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>2</sup> While this 30% ridership decline might not 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 WSX Alternative 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 WSX Alternative, 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 3-38 to 3-39 of the DEIS and in response

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

to previous comments, flexible and convenient bus service is not expected to be as effective as fixed-rail service in attracting TOD investment.

The DEIS is not required to provide a detailed cost-benefit analysis under NEPA. However, the 2003 SEIR (incorporated by reference in the DEIS) analyzed the environmental impacts 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 WSX Alternative is estimated to be \$28.82 without the optional Irvington Station, and \$25.69 with the Irvington Station. 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.”

The commenter claims that the modeling analysis produced a higher estimated ridership for the WSX Alternative than might be expected from other studies. BART performed modeling using an accepted modeling methodology, and the effectiveness of the model was confirmed in a validation analysis, as described in the transportation technical study presented as Appendix N to the SEIR.

- 37-44:** Overall the comment is correct that, as discussed in the DSEIR (pages 5-60 and 5-61), as incorporated by the DEIS, the proposed Bus Alternative would create fewer environmental impacts than the WSX Alternative and would require fewer mitigation measures. However, as described in Section 3.5.3 of the DEIS, the increased transit ridership provided by the WSX Alternative 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 quieter. 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, as incorporated by the DEIS.

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.

Regarding the Ottawa system, please see the response to comment 37-43.

BART recognizes the need to increase access to its stations by non-automobile modes. As described on page 3.9-21 of the DSEIR, as incorporated by the DEIS, BART intends to work with AC Transit and VTA to increase bus service to WSX Alternative 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 DEIS. 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 WSX Alternative 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 WSX Alternative. See page 5-58 of the DSEIR, as incorporated by the DEIS. BART's current parking charge policy is also reflected in the model.



**Letter 38**

To: burtwarmsspringsextension@bart.gov  
From: mark nelson <tomarkinsf@yahoo.com>  
Date: 04/01/2006 09:41AM  
Subject: comments BART extension-IRVINGTON

As a long term homeowner and taxpayer and one who has donated to the tax rolls of Bart for over 30 years I am dismayed at the continuation of the term "optional station" at Irvington.

When will we get a definite answer to this? We want the Irvington station...There is so much political smoke about trying to make cities work, and in Fremont, make a downtown.....well we in the Irvington district have a downtown and thousands of us in the area are looking forward to being able to WALK to public transportation.  
Please stop the talking and make the Irvington station part of the extension.

Mark E. Nelson  
3216 Bruce Drive  
Fremont  
CA 94539

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Do You Yahoo?  
Tired of spam? Yahoo! Mail has the best spam protection around  
<http://mail.yahoo.com>

38.1

## **Response to Comment Letter 38**

**38-1:** As described in Section 3 of the EIS, funds are not currently available for the development of the Irvington Station. BART has included the proposed Irvington Station in its EIS to obtain environmental approval of station construction, and so that construction can proceed when funds are available.

**Letter 39**

To: "bartwarmsspringsextension@bart.gov" <bartwarmsspringsextension@bart.gov>  
From: "jurgis\_sj@yahoo.com" <jurgis\_sj@yahoo.com>  
Date: 04/25/2005 09:24AM  
Subject: BART Warm Springs Project from: : George Rasko

Name: George Rasko  
email: jurgis\_sj@yahoo.com phone: 408-259-1649  
City: San Jose, CA 95132

Subject: Warm Springs Extension  
Feedback: Please push forward as fast as possible on this extension. BART needs to connect with the Great Mall transit hub that the VTA has now developed. That would be as far as BART needs to come into Santa Clara County. I feel it would be helpful if the BART board took a position of "only as far as Berryessa" on the San Jose piece, so as to prevent issues of cost/tunnelling/schedule from turning this comparatively short extension into another Bay Bridge.

39-1

Sincerely,

GR

User IP: 209.172.119.130  
Browser: Mozilla/5.0 (Windows; U; Windows NT 5.0; en-US; rv:1.7.2) Gecko/20040804 Netscape/7.2 (ax)

## Response to Comment Letter 39

**39-1:** Comment noted. The commenter recommends extending BART to the Great Mall, which is midway between the South Calaveras Station and Montague/Capitol stations proposed by VTA as part of the SVRTC project. BART's WSX project would not extend beyond the Warm Springs Station. The length of any extension of the BART system south of the Alameda-Santa Clara County line would be the province of the Santa Clara Valley Transportation Authority.

Letter 40

**From:** "carol.thomas@whipps.fki-et.com" <carol.thomas@whipps.fki-et.com>  
**To:** "bartwarmsspringsextension@bart.gov" <bartwarmsspringsextension@bart.gov>  
**Date:** Monday, April 04, 2005 01:06PM  
**Subject:** BART Warm Springs Project from :: Carol Thomas

**RECEIVED**  
APR 04 2005

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Name: Carol Thomas  
email: carol.thomas@whipps.fki-et.com phone: 804-453-3644  
City: Richmond, VA 22539

Subject: Update information  
Feedback: Please update me with update information about the Warm Springs project. | 40-1

User IP: 4.129.83.43  
Browser: Mozilla/5.0 (Windows; U; Windows NT 5.1; en-US; rv:1.4) Gecko/20030624 Netscape/7.1 (ax)

[http://notes-c01.adm.bart.gov/mail/web0006.nsf/\(\\$Inbox\)/86C41D819CE3BE2088256FD9...](http://notes-c01.adm.bart.gov/mail/web0006.nsf/($Inbox)/86C41D819CE3BE2088256FD9...) 4/4/2005

## **Response to Comment Letter 40**

**40-1:** The commenter's name has been placed on the notification list for the WSX project.

Letter 41

RECEIVED

35 S. AUTUMN ST  
SAN JOSE, CA 95110  
MARCH 28, 2005

BART WARM SPRINGS  
EXTENSION PROJECT  
P.O. BOX 12688 MS LKS-21  
OAKLAND, CA 94604-2688

ATTN: Ms SHARI ADAMS

GENTLEMEN:

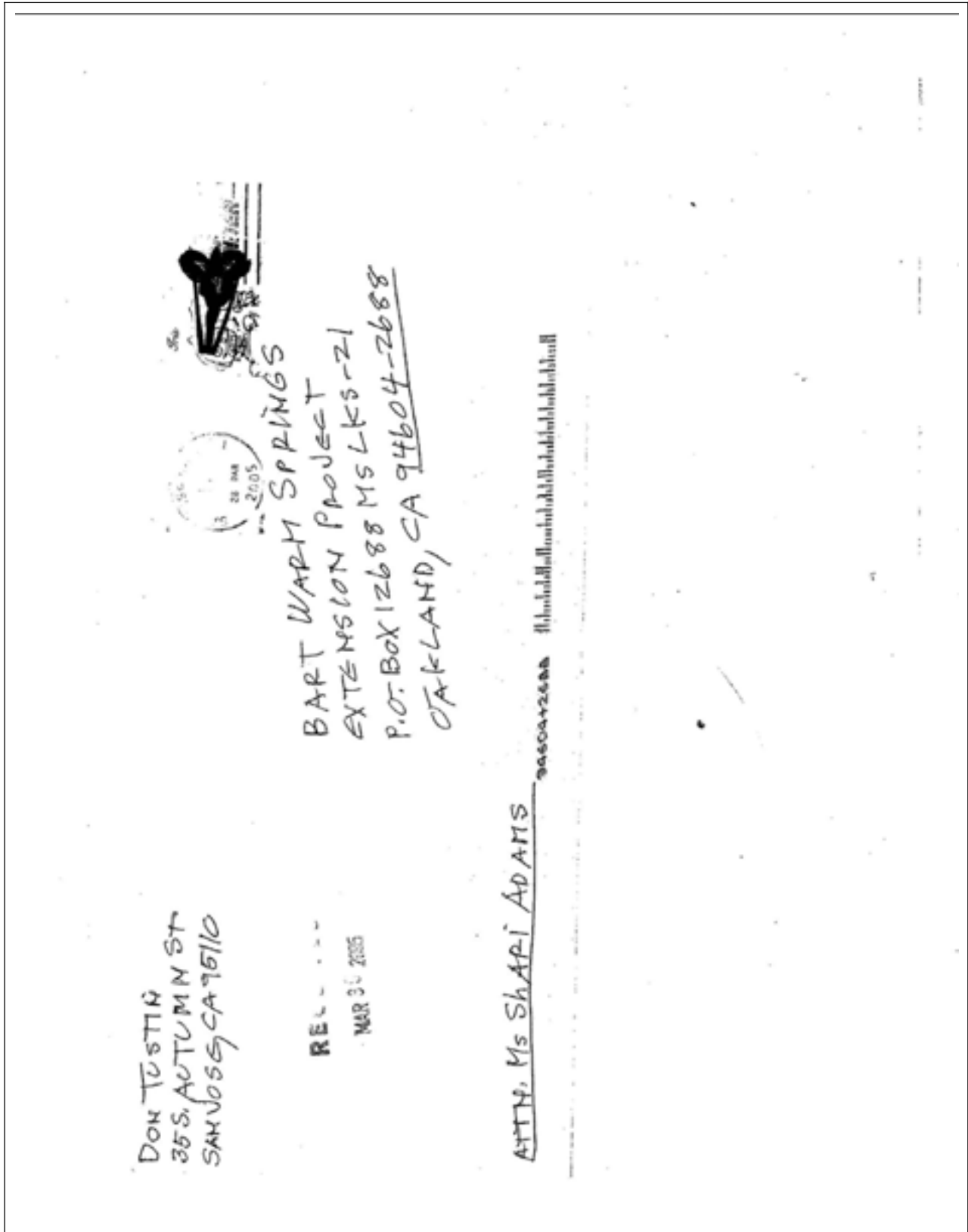
PLEASE ADD MY NAME AND  
ADDRESS TO THE MAILING LIST TO RECEIVE  
MORE INFORMATION ON "THE BART  
WARM SPRINGS EXTENSION PROJECT".

ALSO SEND A COPY OF THE  
DEIS.

WOULD APPRECIATE COPIES  
OF THE FOLLOWING: ① "ENVIRONMENT  
IMPACT REPORT" AND ② "SUPPLEMENTAL  
ENVIRONMENTAL IMPACT REPORT".

WHEN WILL THIS PROJECT BE UNDER  
CONSTRUCTION AND READY FOR OPERATION.

SINCERELY,  
Don Tustin  
DON TUSTIN





## **Response to Comment Letter 41**

**41-1** WSX construction was originally expected to begin in 2006, but that now seems unlikely. A new project schedule has not been determined.

**Letter 42**

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BART WARM SPRINGS EXTENSION  
Public Hearing on the  
Draft Environmental Impact Statement

Tuesday April 12, 2005  
6:30 p.m.

Held at:  
Washington Township Veterans Memorial Building  
37154 Second Street  
Fremont, California

REPORTED BY: KRIS A. DANIELS

CLARK REPORTING  
2161 Shattuck, Avenue, Suite 201  
Berkeley, CA 94704  
(510) 491-4611  
FAX (510) 491-4635

1    A P P E A R A N C E S

2

3    For BART:

4

5    Tom Blalock  
6    BART Board of Directors

7    Shari Adams  
8    Group Manager

9    Molly McArthur  
10    BART

10

11

12

13    Also Present:

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15    Members of the Public

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1 MS. MCARTHUR: Good evening and welcome to  
2 the open house for Warm Springs Extension, the  
3 formal public meeting on the NEPA clearance process.  
4 This evening we're here to receive comments on the  
5 revised documents. Evaluation by dictation to make  
6 the project eligible for federal funds involve  
7 clearance of NEPA.

8 Let me walk you through the NEPA process so  
9 far. Notice of Intent was published April 6, 2004.  
10 A Public Scoping meeting was then held on April 28,  
11 2004. The end of the scoping comment period was May  
12 17, 2004, and that then produced a public Draft  
13 Impact Statement March 2005. We have a 45-day  
14 review period which is the period that we are in  
15 right now. We will publish the final Environmental  
16 Impact Statement in May, and then publish a record  
17 of decision in June.

18 There is a 30 day availability of the rods  
19 June or July 2005. During this comment period,  
20 we're here to receive comments from you. You may  
21 give comments this evening, if you choose to think  
22 about them and provide comments. There will be time  
23 following the meeting through April the 25th that  
24 you can continue to provide comments. These  
25 comments will then be gathered and included in the

3

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1 Draft EIS.

2 What I'd like to do now is welcome Tom Blalock,  
3 Director of Bart Board, to the podium to talk to you  
4 a little bit about the project and its history in  
5 the BART system. Mr. Blalock.

6 MR. BLALOCK: Thank you.

7 I have behind me the map of the system, and you  
8 can see the way it is now. When I came on the BART  
9 Board in 1996, it was the original system from 1974,  
10 that is after the Bay Crossing. But since then  
11 we've had three, actually four different extensions.  
12 Two extensions into the San Francisco site, Colma,  
13 and then on down to the airport. And we had an  
14 extension to Bay Point and to Dublin/Pleasanton.  
15 The next up extension for Bart was scheduled years  
16 ago to be Warm Springs, and so that's what brings us  
17 here today.

18 I want to refer to some materials on the back  
19 table in case you missed it. There is a basic sheet  
20 about the BART that has a small map, and has some  
21 system facts that you may find interesting to take  
22 home with you. And then there is another little  
23 brochure that goes right in your coat pocket, and it  
24 says how BART benefits a region. And this is a boil  
25 down for a very thick study done by consultants who

4

1 looked into every aspect of improvements around the  
2 BART system; broken business development, increase  
3 in property values, and things like that, and how  
4 BART connected people to go. So I encourage you to  
5 pick one up and take it along, and lastly a document  
6 sheet.

7 Some of you have noticed a couple of months  
8 back when the Bay Area Poll came out that  
9 transportation has again risen to the top as the Bay  
10 Area opinion of the most important issues. It's  
11 always in the top three. Last year it was second,  
12 this year it's back to first.

13 Ridership on BART is coming back. We had a  
14 zenith back in 2000, and we were way up over  
15 300,000-350,000, I believe we were at. We had a  
16 375,000 passenger day when we had the baseball games  
17 on both sides of the Bay on the same date. That was  
18 the peak for regular service. But we dropped off  
19 since the economy hit the skids, but it's coming  
20 back now. I don't know whether that's gas prices,  
21 economy coming back, bridge toll, but let's get more  
22 people on Bart so that when you have to drive your  
23 car, there's room on the road left for you, and we  
24 still get the commuters off to work on time.

25 Congestion is rising also on some of the

1 freeways in our area, and this extension of BART  
2 into Santa Clara, eventually gets there, is a  
3 guaranteed connection to help the folks have an  
4 option to drive -- ride BART rather than the freeway  
5 system and sit there forever.

6       The Warm Springs Extension will serve more than  
7 a hundred thousand people in Fremont alone that live  
8 south of the existing Fremont station. People who  
9 live in the southern part of Fremont down on the  
10 county line are 25 minutes by car and much longer  
11 than that by bus to get to the Fremont BART station.  
12 So it will be great to have an opportunity for  
13 people to get to a BART station, convenient to get  
14 to where the Warm Spring Station location is, which  
15 you'll see later in the program.

16       I think the region really needs the Warm  
17 Springs Extension, and the workers that live north  
18 of us along the East Bay and east of us on through  
19 Contra Costa County and on to the San Joaquin County  
20 that come through on 680 every morning, they need an  
21 option to get to work and for pleasure trips too.  
22 So I think the area needs it.

23       And now I'd like to ask Shari Adams to come up,  
24 our project manager, to talk to you and to commence  
25 with her part of the program.

6

1 Thank you for your attention.

2 MS. ADAMS: Good evening, everyone. Thank  
3 you for joining us tonight. I appreciate your  
4 participation, and I'm glad that you're here, and I  
5 will be going through the brief presentation about  
6 what the project alignment is and what the  
7 components are about, and we will end the discussion  
8 for comments that we will receive from you.

9 Basically, the alignment is set up where we  
10 leave the BART, existing Fremont station at an  
11 elevated section, and we leave on an aerial  
12 structure, and then immediately we try to bring the  
13 slope down so we can go under this park. So the  
14 Central Park as well as the lake would be a  
15 substation for the alignment. After that we come  
16 out on the other side of the park and we're aligned  
17 with an abandoned Western Pacific Railroad, and we  
18 will upgrade from then on forward all the way down  
19 to the end of the project.

20 Along the project we pass through the Irvington  
21 District where we have an optional station, and that  
22 optional station is optional because we need local  
23 City of Fremont funding. Once the City has that  
24 fund available, then we incorporate into the project  
25 as well. We are clearing that station

7



1 environmentally as part of our process today and  
2 moving forward.

3 Now, if we could move to the next slide.

4 How many of you -- I'm going to step away from  
5 the microphone. If you can't hear me, please tell  
6 me.

7 Now, how many of you have had a chance to see  
8 this large big print of the alignment? Great. So  
9 if you have had time to see it, if you've seen the  
10 documents, basically, this is the major component of  
11 the project along here. And we talked about leaving  
12 the Fremont station going over Walnut, and here we  
13 have a traction power substation, it's a new element  
14 that you will see, and then we go across, we go  
15 under Stevenson Boulevard under the lake.

16 And throughout the lake here, we will have a  
17 ventilation structure on the south side of it and  
18 the ventilation structure on the north side of it,  
19 or option one would be having a single ventilation  
20 structure in the middle. So those are the auxillary  
21 parts of the project in terms of what we will have  
22 potentially around here.

23 Also, here we have an additional access road.  
24 There's an existing access road for the channel work  
25 for Alameda County Flight Control District. We are

8

-

1 talking about extending that to potentially this  
2 ventilation structure. And then on either side of  
3 the subway, we have portals for emergency exits as  
4 well as at the ventilation structures. That would  
5 be this area.

6 Past that point south when we come back out, we  
7 have another traction power station and a train  
8 control bungalow, and then we go over the Paseo  
9 Padre, which will be a sub -- I guess it's going to  
10 go under. They're actually changing the grade of  
11 Paseo Parkway to become an underpass up in there.  
12 So we will at grade. That roadway would be an  
13 underpass.

14 And we continue south, as I mentioned, until we  
15 get to Washington. And at the Irvington District,  
16 Washington is going to turn into an overpass by the  
17 City of Fremont Grade Separation Project, and we  
18 will at grade still going south. We have another  
19 train bungalow in this area, and we go basically  
20 south, south, south, south at grade with another  
21 traction power substation until we end pretty much  
22 at the river over here.

23 We have another train control bungalow. We  
24 have a little gap breaker here at the -- in the  
25 middle between Auto Mall and South River, and then

9

-

1 we end up at the Warm Springs Station where the  
2 terminal is for the project. We have some  
3 (inaudible) track areas. In this area we have some  
4 maintenance facilities and gap breakers to basically  
5 operate the extension. So those are the basic  
6 components of the project. And if you have had a  
7 chance to look at it, you can come up and look at it  
8 again. The total length of the extension is 5.4  
9 miles of new tracks.

10 And I mentioned to what proportion were going  
11 to be aerial versus at grade or subway. And just  
12 briefly I thought I'd give the consolidated version  
13 of the Warm Springs Station. It is going to be an  
14 at grade station. We are going to have intermural  
15 access with a variety of different modes of  
16 transportation; AC Transit, AT buses. We are going  
17 to have taxis, kiss and ride, bicycle and pedestrian  
18 access all to the station, and we will also have  
19 about 2,000 parking spaces.

20 So some of you have been around and have been  
21 tracking this project for quite some time. Just to  
22 let you know, we did do a CEQA, which is a  
23 California Environmental Impact Report process, and  
24 that was adopted by the Board of Directors in June  
25 of 2003, and they -- an example of that document is

10

1 available here.

2 We also began a pre-engineering of the project  
3 in November of 2003, and then we realized we needed  
4 federalized funds because the State economy was not  
5 doing as well, and sales tax wasn't coming in as  
6 fast as we were hoping. So one way of securing  
7 federalized funds is to do the (Inaudible)  
8 requirement (Inaudible. Thumping noise) Processing  
9 Market Production.

10 Now, just briefly on the project cost aspect of  
11 it. The construction element of the project is  
12 about \$344 million. This is the 2005 dollar  
13 estimate. The ride-a-way portion of it would be  
14 around 105, and the vehicle, those are the cars,  
15 train cars that people get into, is about 96.

16 The other engineering administration and costs  
17 associated with the construction, management, and  
18 other things are totalling about a 133, for the  
19 project being at \$678 million. Now, those are the  
20 cost slides. Now, where the money comes from is the  
21 next slide.

22 Now, we have various funding for the project,  
23 and there is one thing that will absolutely change  
24 between the environmental document that we had  
25 before and this one because we have the Regional

11

1 Measure 2 passed, and we have \$85 million of that  
2 fund source for the project secured. And the  
3 Regional Measure 1 was changed to \$84 million. The  
4 California Transportation Commission, those are the  
5 TCRP funds, were always a hundred and eleven, so  
6 there's no change there. And the Measure B, which  
7 is the ACTIA fund, is the \$195 million. That leaves  
8 about 645 for the SanTrans, so that's a total of  
9 678. That's where the pie is made.

10 So that's how we have the various financing  
11 sources divided up for the project. With that, I'd  
12 like to return the podium to Molly to start the  
13 public comments period. Thank you.

14 MS. MCARTHUR: Thank you, Shari.

15 Now, this being a comment evening and not an  
16 answer evening, I want to make sure everyone was  
17 aware of the ground rules and the process for this  
18 evening.

19 We have a court reporter sitting over here. It  
20 is her job to record this evening. So if you do  
21 want to make a comment this evening, I'm going to  
22 use this microphone, I'll be handing it to each and  
23 every commenter. Please speak clearly and slowly  
24 into the microphone so that she can hear and record  
25 your comments. She will ask you to state your name

12

1 and your city of residence as well.

2 We will have a three minute time limit. You  
3 will have three minutes to speak, and at the end of  
4 the three-minute mark, we'll indicate that your time  
5 has expired. Written comments can also be  
6 submitted. We have a written comment card in the  
7 lobby. It's a yellow paper. You're welcome to  
8 write your comments and there is a box to deposit  
9 those written comments, if that's your preference.

10 We also will, as I said, continue to accept  
11 those comments via e-mail and regular mail and  
12 internet and computer, of course. So there are a  
13 variety of ways. We're happy to -- or also fax.  
14 We're happy to accept those comments from you. All  
15 comments must be received by 5:00 p.m. April 25,  
16 2005.

17 And with that, I'd like to formally open the  
18 comment period.

19 Is there anybody who would like to make a  
20 comment?

21 Please step forward.

22 MR. HEATH: Okay. My concern in the  
23 project is to basic necessity to Central Park. So  
24 you mentioned that you have several or there is  
25 several ventilation structures proposed. I would

42-1

1 like to know what the size of those is going to be,  
2 what they are going to look like, whether or not  
3 we're going to have some ambient noise coming  
4 through them into our park.

42-1  
cont.

5 Also, I'm a bit unsure of what at grade means.  
6 I thought it meant on the ground, but you said at  
7 one point that cabs will be going underneath the  
8 BART, I believe, somewhere along Washington around  
9 Paseo Padre Parkway around there. So I would like  
10 to know what at grade means, if it doesn't mean  
11 along the ground. So those are my two concerns in  
12 basic necessity to the park.

42-2

13 Also, during the construction, what sorts of  
14 restrictions are we going to have for access to the  
15 park, if any. What sorts of inconveniences we are  
16 having, going to be having along Stevenson and  
17 Walnut and so on. And those ventilation structures.  
18 Thank you.

42-3

19 MS. MCARTHUR: Thank you. And your name?

20 MR. HEATH: Robert Heath from Fremont,  
21 California.

42-4

22 MR. PERKELL: I'm Roy Perkell from  
23 Berkeley. I've reviewed this former DEIR quite  
24 extensively, but my basic question is: Just last  
25 week I understood FTA has always insisted that they

42-5

1 shorten -- should shorten the project, and VTA  
2 pretty much accepted it.  
3 Now, the latest is that they're going from  
4 Fremont to Berryessa. And now I understand that  
5 there should be some kind of an EIR/EIS on that as  
6 well as some new study that we're talking about  
7 tonight. So how would this mesh together or isn't  
8 this going to be redone? Thank you.

42-5  
cont.

9 MS. MCARTHUR: Thank you. Other  
10 commenters? Yes, please.

11 MR. CAMERON: Yes. Charlie Cameron and  
12 I'm a Hayward resident. Earlier I did speak with  
13 Shari, Ms. Adams, and I told her, I will be sending  
14 in about a dozen plus corrections and mistakes to  
15 this document as we speak. Mostly dealing with the  
16 transportation sector of the document. So I'll be  
17 in touch.

42-6

18 MS. MCARTHUR: Thank you.

19 MR. MATTA: George Matta. I'm the  
20 president of the Irvington Business Association. We  
21 will make our comments in writing before the 25th.  
22 Obviously, the optional station is our concern.  
23 We'd like to have a copy.

42-7

24 MS. MCARTHUR: I saw another hand over in  
25 this area. Anybody else? Yes.



1 MS. QUINSON: Roberta Quinson. I live in  
2 the Irvington section of Fremont. Some residents  
3 and myself, we back into the tracks, and we are  
4 curious of a few things. One being the  
5 Environmental Impact Study, if I understand  
6 correctly, has already been done and submitted. And  
7 as residents, we did receive letters of what  
8 vibrations we would be receiving.

9 Our concern is that there will be a sound wall,  
10 which will be on the BART side, but we still have a  
11 freight train on the other side, and so now the  
12 freight vibration hits the sound wall and comes back  
13 into our properties. And we're not sure what the  
14 statement says, or actually when it was tested,  
15 because we as residents know that all of us either  
16 said, yes, you can come test, and no company ever  
17 contacted us to do it, or some of us said they did  
18 not want their property to test.

19 So we're really curious as what do those  
20 results say, what kind of vibration impact will be  
21 had because of the wall with the freight train. And  
22 then in addition, things like how big is the sound  
23 wall going to be? Is it going to affect our  
24 property values because of the views of the hill?  
25 What type of -- because of the walls, I'm sure that

42-8

42-9

1 there's not looters and things of that nature  
2 because you could get to the Bart, but with the  
3 noise in just -- in other areas of Fremont where  
4 Bart is zipping back and forth, what happened to  
5 those property values?

42-9  
cont.

6 We ourselves know what we may or may not be  
7 getting into, and do we sell our house now, or do we  
8 not?

9 MS. MCARTHUR: Other commenters?

10 MR. MARTIN: Elliot Martin, Berkeley,  
11 California. All I want to say was that in the event  
12 that these stations do go forward, I hope that BART  
13 and the localities consider -- encourage to  
14 (inaudible)and development of the outlying areas.

42-10

15 MS. MCARTHUR: Thank you. Other  
16 commenters?

17 MR. SCHONBRUNN: I'm David Schonbrunn from  
18 the Organization TRANSDEF. I'm based in Mill  
19 Valley, California. We work with regional  
20 transportation issues. Our web site is  
21 transdef.org.

22 We've been very troubled by this extension for  
23 all the time of our existence. There are three key  
24 lies that are essential to this environmental  
25 document, and I want to expose them right now.

42-11

1 First is the assertion that Warm Springs is a  
2 logical terminus. There's no pool of transit riders  
3 surrounding Warm Springs. Fremont is too spread out  
4 to benefit in that sense.

42-11  
cont.

5 Second, the Warm Springs extension has  
6 independent utility. Just because it was initially  
7 proposed as independent, doesn't mean that it can  
8 still be considered to be independently usable.  
9 First of all, there's no one there at Warm Springs  
10 to ride it. Second, alternatives were discarded  
11 solely because of their impacts on the VTA BART  
12 extension.

42-12

13 And third, the proposal of the VTA BART  
14 extension indicates changed circumstances which  
15 requires reconsideration of the existence as  
16 separate projects. This either was not done or the  
17 wrong conclusion was reached. This is only a piece  
18 of a VTA BART extension. To consider it otherwise  
19 is a legal fiction.

20 Third, there are no Smart Growth benefits to  
21 the Warm Springs Extension as it currently exists.  
22 The site is a mixture of massive industry and  
23 pasture. There is no Smart Growth planning in place  
24 on that pasture. No BART extension has ever brought  
25 Smart Growth as part of the project. The City of

42-13

1 Fremont's commitment to Smart Growth cannot be given  
2 the benefit of the doubt. Its track record of  
3 approving Wal-Mart near the proposed station site  
4 shows an institutional blindness to Smart Growth  
5 concerns.

6 Finally, a 2,000-car parking lot is the  
7 antithesis of pedestrian friendly mixed use Smart  
8 Growth. So the EIR speaks often -- or the EIS  
9 rather -- speaks often of the benefits of  
10 encouraging Smart Growth. Well, unless something is  
11 done to tie the project to the actual adoption of  
12 Smart Growth planning by the City of Fremont, you  
13 can't consider that a benefit. And quite frankly,  
14 the BART's track record is such that we won't see a  
15 Smart Growth benefit.

16 This project, unless mitigated as we had  
17 suggested in our NCIR comments, will have the  
18 following effects.

19 MS. MCARTHUR: Please wrap up your  
20 comments.

21 MR. SCHONBRUNN: You don't have anybody  
22 else to talk.

23 MS. MCARTHUR: Your three minutes is up.

24 MR. SCHONBRUNN: You don't have anybody  
25 else to talk.

42-13  
cont.

42-14

1 MS. MCARTHUR: Your three minutes is up.

2 MR. SCHONBRUNN: There is plenty of time  
3 in here.

4 MS. MCARTHUR: You have a three-minute  
5 time limit.

6 MR. SCHONBRUNN: Are you going close the  
7 session right now and thereby -- is that your  
8 purpose?

9 MS. MCARTHUR: My purpose here is to ask  
10 you to wrap up your three minutes.

11 MR. SCHONBRUNN: Are you going to close  
12 this session right now?

13 MS. MCARTHUR: I'm going to ask you --

14 MR. SCHONBRUNN: And now are you going to  
15 ask this policeman to come here; is that what you're  
16 going to do?

17 MEMBER OF THE AUDIENCE: I'd like to  
18 speak, please. May I speak? May I have the mike,  
19 please?

20 MR. SCHONBRUNN: Let me finish this  
21 paragraph here.

22 MEMBER OF THE AUDIENCE: Well, you had  
23 your three minutes; I want my three minutes.

24 MR. SCHONBRUNN: There is plenty of time.  
25 I need to finish this paragraph.

20

-

1                   MEMBER OF THE AUDIENCE: Let's ask the  
 2 audience. Would you rather I speak, or would you  
 3 like this gentlemen --

4                   MEMBER OF THE AUDIENCE #2: Let him  
 5 finish.

6                   MR. SCHONBRUNN: The three effects of this  
 7 project are: Number one, it will squander precious  
 8 public funds, discriminating against the mobility  
 9 needs of low income communities and people of color.

42-14  
 cont.

10                  Number two, it will encourage more sprawl by  
 11 wasting an opportunity for Smart Growth. Nothing in  
 12 BART's plan will prevent Fremont from developing the  
 13 station area as auto dependent in uses, the NUNI  
 14 plant already is heavy in auto dependent uses as you  
 15 can get.

42-15

16                  Three, it may interfere with California High  
 17 Speed Rail, now being planned. This change of  
 18 circumstance, where there's now study going on of  
 19 the Altamont alignment requires of the Warm Springs  
 20 Extension to evaluate potential impacts. Also, a  
 21 Regional Rail plan is now underway.

42-16

22                  I want to ask the transportation professionals  
 23 here. How do you feel going home to your families  
 24 knowing that you are responsible for justifying the  
 25 expenditure of over \$700 million of scarce public

1 funds, funds that could be used to create such  
2 greater transportation benefits for future  
3 generations than a mere 5-mile BART extension.  
4 Thank you.

5 MS. NCARTHUR: Other commenters? Yes.

6 MR LOUEY: Tony Louey from San Francisco.

7 I am concerned about the access for -- to the  
8 stations, when the station is done. I heard of  
9 2,000 parking spaces. I think it's better to make  
10 connecting BART service being much better, like the  
11 currently 261 out there is every hour, which is not  
12 very effective.

42-17

13 So there's too many people need their car to  
14 ride to BART. So I was suggesting it will be best  
15 if to provide time transfer for some trains and work  
16 with AC and having for better connecting service and  
17 hopefully more service to Santa Clara County.

42-18

18 I think if the project needs to be effective,  
19 access to the station will be very important because  
20 we need to -- I think it's better to remove more  
21 cars from the roadways to the better connective  
22 service, and as well transit oriented development  
23 will make the project -- will make the project more  
24 effective. Okay. Thank you.

42-19

25 MS. NCARTHUR: Other commenters?

1           MR. McCONNEL: My name is Randy McConnel  
2 from San Jose, California. I'd like to comment that  
3 I live in San Jose and work in the Warm Springs  
4 District, and it is an area that is ill-served by  
5 transit especially going between Santa Clara County  
6 and Alameda County.

7           If this extension were in place already, I  
8 would abandon my car and use VTA express bus and a  
9 bike combination to get to work every day, and I  
10 would consider it's probably reliable because it  
11 would not require any transfers or anything like  
12 that.

13          So you can consider me as one immediate  
14 minority, but I do know that probably maybe a  
15 quarter of my colleagues at my work place, which is  
16 250 people, work in Santa Clara County and they  
17 would love to consider something like this.

18          I do believe that there is a lot of the sprawl,  
19 so that makes it not exactly the most heavy usage,  
20 but there are people that work there that could  
21 certainly benefit. Thank you.

22          MS. NCARTHUR: Thank you.

23          Yes, please.

24          MR. MATTA: George Matta. IEA president,  
25 Irvington Business Association. I'd like to comment

42-20

42-21

42-22



1 to the gentleman that there is hardly any people  
2 within that immediate area that can use BART, and I  
3 want -- I would like to remind him there is within a  
4 3-mile radius 100,000 people living in that area.  
5 That's all.

42-22  
cont.

6 MS. MCARTHUR: Thank you, sir.

7 MR. SCHNEBRUNN: You couldn't tell it by  
8 reading the EIS.

9 MS. MCARTHUR: Are there any other  
10 commenters?

11 MS. BACON: My name is Anne Bacon. I'm a  
12 resident of Fremont, and I'm representing the Sierra  
13 Club, Southern Alameda County group and we want to  
14 encourage BART and the City of Fremont to develop as  
15 much transit-oriented development or Smart Growth or  
16 whatever you want to call it.

42-23

17 I think if you actually look at the Fremont  
18 BART station, it's been here 25 years and the track  
19 record is simply, I think, one could argue not very  
20 good for Smart Growth around the BART station, and  
21 we really want to encourage the City of Fremont BART  
22 to work to get as much transit oriented development  
23 as possible. Thank you.

42-24

24 MS. MCARTHUR: Other commenters?

25 With that, I am going to -- we will remain here

1 to take comments, but I'm going to take it then that  
2 no one in the room at this moment has an additional  
3 comment, so we will stop the formal process, but  
4 remember there are comment cards in the hallway. We  
5 will, of course, accept those comments either by  
6 having them dropped in the box outside, by fax, by  
7 e-mail, over the internet.

8 Thank you very much.

9  
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25

1 I, KRIS A. DANIELS, a Shorthand Reporter, do  
2 hereby certify:

3 That I am the Shorthand Reporter who  
4 reported the above and foregoing proceedings at the  
5 time and place therein stated;

6 That I reported the said proceedings; and  
7 that the foregoing pages are a full, true, complete  
8 and correct transcript of my shorthand notes taken at  
9 said time and place to the best of my ability.

10  
11

12 Date: April 12, 2005

13  
14  
15

16 \_\_\_\_\_  
17 KRIS A. DANIELS

18  
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24  
25

## Response to Public Hearing Transcript (Document 42)

### Heath, Robert

- 42-1:** The proposed ventilation structures (up to 2 structures would occupy a maximum of 0.56 acre, which is approximately 0.13% of the total are associated with Fremont Central Park (433.90 acres). Vent options in the vicinity of the park are indicated on Figure 4.13-7a, and a visual simulation of a ventilation structure is presented on Figure 4.11-6 Noise from ancillary structures such as ventilation structures are discussed and evaluated on page 4.13-26 of the draft EIS. Locations within 900 feet of vents are identified as subject to noise impacts. Mitigation Measure N-3 identifies measures that BART will employ to minimize noise impacts from vent structures. This includes a performance standard in Table 4.13-6 which identifies noise levels appropriate for “quiet recreational area.” (For more information, refer to comments 3.3 and 3.5.)
- 42-2:** At grade refers to structures that are built at the same level as the ground (i.e., not underground or elevated on structures). As described in Chapter 3 of the EIS, Paseo Padre and Washington Boulevard will be modified (prior to BART construction) as part of the City of Fremont’s grade separation project. Paseo Padre would be lowered and would pass under the realigned railroad track and proposed BART alignment. Washington Boulevard would be raised to pass over the realigned railroad track and proposed BART alignment.
- 42-3:** As described in Section 4.9, “Parks and Recreation,” BART will temporarily relocate park facilities and uses, including parking areas, to reduce interruptions to park use during construction activities. Figures 4.93a and 4.93b present the location of existing and proposed temporary facilities at Fremont Central Park. To ensure pedestrian and bicycle access during construction, BART will maintain existing park pathways at all times, subject to the approval of the City of Fremont Parks Department.
- 42-4:** Operation of the BART WSX extension won’t permanently affect streets such as Walnut Avenue and Stevenson Boulevard. The WSX alignment would be on a structure over Walnut Avenue and in a subway under Stevenson Boulevard. However, as described on page 4.2-51 of the DEIS, there would be impacts during construction of the system. For instance, construction vehicles and other equipment would use local roadways to access construction zones along the WSX alignment. Trucks and other equipment could temporarily disrupt existing traffic patterns. When cut and cover construction for the subway is required under Stevenson Boulevard, Stevenson Boulevard would be temporarily relocated immediately adjacent to its current location and then reconstructed when the subway construction is complete. Mitigation Measure TRN-25 (Develop and implement a construction phasing and traffic management plan) is described on page 4.2-53 and requires that BART prepare and implement a plan that defines how traffic operations would be maintained during each phase of construction. To ensure pedestrian and bicycle access during construction, BART will maintain existing park pathways at all times, subject to the approval of the City of Fremont Parks Department.

### Perkell, Ron

- 42-5:** This comment refers to the Silicon Valley Rapid Transit Corridor project proposed by the Santa Clara Valley Transportation Authority (VTA). That is a separate project from the

Warm Springs Extension Project proposed by BART and evaluated in this DEIS. Please refer to pages 5-2 and 5-3 of the DEIS..

**Cameron, Charlie**

**42-6:** BART thanks Mr. Cameron for his comments. (Refer to comments 23 and 24).

**Matta, George**

**42-7:** Comment noted. This commenter also presented written comments. See letter 15 (Matta).

**Quinson, Roberta**

**42-8:** The completed document that the commenter refers to is the Supplemental Environmental Impact Report (SEIR), which BART completed in 2003 to fulfill the requirements of the California Environmental Quality Act (CEQA). The DEIS was prepared to fulfill the requirements of the National Environmental Policy Act (NEPA). Each document addressed noise and vibration, and area residents received notification regarding the publication and evaluation of each document.

The commenter is concerned that a wall on the opposite site of the freight train tracks would reflect ground vibration back to their property. A wall supported on the surface of the ground is unlikely to reflect ground vibration. Even if it did the reflected energy would be small compared to the direct ground vibration energy that propagates directly from the track to the property.

As discussed in Section 4.13, “Noise and Vibration” of the DEIS, BART measured noise and vibration at representative locations along the project corridor. Noise and vibration measurements were collected in May 2002 prior to the publication of its Supplemental Environmental Impact Report (SEIR). All of the noise measurement sites were located in noise-sensitive areas to represent a range of existing noise conditions along the alignment. Four vibration-testing sites were selected to represent a range of soil conditions in areas along the corridor that included a significant number of vibration-sensitive receptors. Noise and vibration measurement locations are shown on Figure 4.13-3, “Noise Monitoring Sites,” and 4.13-4, “Vibration Measurement Locations.” Vibration impacts were not measured at individual residences, as it is unnecessary to do so to predict potential impacts, which are based on soil type. The results of the noise and vibration impacts are noted in Table 4.13-7, “Residential Noise Impacts of the WSX Alternative” and Table 4.13-10, “Residential Vibration Impacts of WSX Alternative.”

**42-9:** As discussed on pages 4.13-21 and 4.13-22 of the DEIS, the construction of barriers is a common approach to reducing noise impacts from surface transportation sources. Although specific details regarding noise barriers, such as precise locations, heights, and lengths will be identified on a site-specific basis depending on the proximity to the tracks, track elevation, etc., the primary requirements for an effective noise barrier is that it must break the line-of-sight between the sound source and the receiver, be constructed of an impervious material, and be free of gaps or holes. The visual impacts associated with sound walls are discussed on page 4.11-19 of the DEIS. A variety of materials are available to construct sound barriers, and aesthetics are considered in the selection of an appropriate material. The reduction in property values is not considered an environmental impact for the purposes of NEPA.

As discussed in the response to comment 42-8, a wall supported on the surface of the ground is unlikely to reflect ground vibration. Even if it did, the reflected energy would be small compared to the direct ground vibration energy that propagates directly from the track to the property.

BART will provide a fence to separate its right-of-way from adjacent neighborhoods. The fence is provided as a security measure, to prevent the right-of way from becoming a corridor for foot traffic and access to the adjacent neighborhoods.

**Martin, Elliot**

**42-10:** BART is working with the City of Fremont to encourage Transit Oriented Development in the vicinity of the Warm Springs Station.

**David Schonbrunn, TRANSDEF**

**42-11:** Please see the response to comment nos. 21-2 and 21-3.

**42-12:** Please see the response to comment nos. 21-2 and 21-3.

**42-13:** Please see the response to comment no. 21-7.

**42-14:** Please see the response to comment nos. 21-9, 21-10, and 21-11.

**42-15:** Please see the response to comment no. 21-7.

**42-16:** Please see the response to comment nos. 21-19 and 21-20.

**Louey, Tony**

**42-17:** The conceptual plan for the Warm Springs BART station includes 2,040 on-site parking spaces. Both the proposed Warm Springs and Irvington BART stations include intermodal bus facilities for AC Transit and VTA. Both bus providers have indicated that bus service would be rerouted to take advantage of the two BART stations and make the stations true multi-modal transit centers, thus increasing opportunities to reach the stations by transit rather than automobile.

**42-18:** BART is committed to working with other transit providers to provide efficient transfers for patrons. As noted in the response above, the proposed BART stations would be true intermodal centers, with increased bus service as well as BART service.

**42-19:** BART supports development of transit-oriented development around station sites, and has been cooperating with the City of Fremont on both the *Irvington Concept Plan* and the Warm Springs BART Area Specific Plan. The Warm Springs BART Area Specific Plan is assessing three different land use scenarios for the Warm Springs Station site, all of which envision increased land use densities around the site. The *Irvington Concept Plan* was adopted by the city on January 25, 2005.

**McConnel, Randy**

**42-20:** The comment refers to the Silicon Valley Rapid Transit Corridor project proposed by the Santa Clara Valley Transportation Authority (VTA). That is a separate project from the

Warm Springs Extension project proposed by BART and evaluated in this DEIS. (Please see DEIS pages 5-2 to 5-3).

**42-21:** BART thanks Mr. McConnel for his comment. (No response required.)

**Matta, George**

**42-22:** BART thanks Mr. Matta for his comment. (No response required.)

**Bacon, Anne**

**42-23:** BART is working with the City of Fremont to encourage Transit Oriented Development (TOD) in the vicinity of the Warm Springs Station. TOD has occurred at other BART stations, most recently in the area of the Fruitvale Transit station. Please refer to the response to comment no. 21-7.

**42-24:** Regarding the “track record” of TOD in the vicinity of the existing Fremont BART station, please see the response to comment 19-5. Over the past two decades, many multiple-family residential units have been built in close proximity to the station. While many of these units are not high-rise developments, they are not the single-family homes characteristic of suburban development. “The Benton” is a TOD project constructed within approximately two blocks of the Fremont Station, providing retail space on ground level with residential space above it. Another residential project is proposed for construction just south of the Benton. In addition, a number of multi-story office buildings have been constructed in proximity to the Fremont station. The City of Fremont has developed a Central Business District Concept Plan" (adopted November 6, 2001) which proposes to make the Fremont station a downtown area. The Plan states that, “Downtown Fremont is in the planning stages to become the premier pedestrian-scale, mixed-use, lifestyle center serving the East Bay. At the core of Downtown, Capitol Avenue is being designed to serve as a Main Street retail center and gathering spot....”