

APPENDIX A
Letters of Comment on the Draft EIR

WILLIAM E. LEONARD, Chairman
KEN KEVORKIAN, Vice Chairman
JOSEPH A. DUFFEL
OCTAVIA DIENER
DEAN R. DUNPHY
JERRY B. EPSTEIN
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JEROME F. LIPP

STATE OF CALIFORNIA

PETE WILSON
GOVERNOR



ROBERT I. REMEN, Executive Director

CALIFORNIA TRANSPORTATION COMMISSION

1120 N STREET, P.O. BOX 842873
SACRAMENTO 94273-0001
FAX (916) 445-5071
FAX (916) 445-5858
(916) 445-1800

August 28, 1991

Mr. Frank Wilson
BART
P.O. Box 12688
Oakland, Ca 94604-2688

Post-It™ brand fax transmittal memo 7671		# of pages ▶	
To	Joan Kugler	From	R. Chung
Co.		Co.	
Dept.		Phone #	
Fax #	(415) 287-4834	Fax #	

RE: COMMISSION COMMENTS ON THE WARM SPRINGS EXTENSION DRAFT ENVIRONMENTAL
IMPACT REPORT

The BART Warm Springs Extension Draft Environmental Impact Report (EIR) was reviewed by the California Transportation Commission at its August meeting. As a responsible agency, the Commission has made two comments on the draft EIR:

- o The draft EIR should consider the full range of available technologies, including a light rail alternative. Cost-effectiveness for the Warm Springs Extension is particularly important in light of the second comment below. Consideration may be more justifiable for a light rail alternative, in addition to consideration of the heavy rail alternative, given that the proposed Warm Springs Extension will connect directly with a light rail transit system in Santa Clara County, thus resulting in potential savings by sharing a common track, equipment and other infrastructure with that light rail system. OA-1
- o MTC's New Rail Starts program contains a 5.4 mile two-station project, not the 7.8 mile three-station project identified in the draft EIR. How does BART propose to fund the additional 2.4 miles and the extra station? GEN-1

If you have questions about this matter, please call Robert Chung, Commission Deputy Director for Transit, at (916) 445-1690.

Sincerely,

WILLIAM E. LEONARD
Chairman

cc: Commissioners
Robert I. Remen, Executive Director
Robert Chung, Deputy Director for Transit
Joan Kugler, BART Warm Springs Extension Project Manager
Joan Van Horn, BART

197:ARC3

A-1

TOTAL P.01

MTC
METROPOLITAN
TRANSPORTATION
COMMISSION

August 23, 1991

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and Urban Development
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Executive Director
LAWRENCE D. DAHMS

Deputy Executive Director
WILLIAM F. HEIN

Ms. Joan Kugler
BART
P. O. Box 12688
Oakland, CA 94604-2688

Dear Ms. Kugler:

Thank you for the opportunity to review the BART Warm Springs Extension Project Draft Environmental Impact Report (DEIR). The DEIR provides a comprehensive analysis of a number of alternatives and design options for this extension.

As noted in the DEIR, MTC has an adopted rail extension program and financial plan (MTC Resolution No. 1876), which includes the Warm Springs Extension. This program and financial plan were updated in February 1991 based on information submitted by project sponsors including BART. MTC's update was based on BART's submitted project definition and cost for a two station (Irvington and Warm Springs), 5.4 mile extension. The proposed three station, 7.8 mile alternative in the DEIR is inconsistent with MTC Resolution No. 1876. A three station extension would require new revenue sources beyond those currently assumed in the financial plan for Resolution No. 1876 and would require revisions to Resolution No. 1876.

As a related comment, it is unclear from the DEIR whether cost figures are in 1991 dollars (as stated in Table S-1) or in escalated dollars (as stated in Table 2-5 on page 2-49). If they are escalated figures, we ask that BART revise cost figures to 1991 dollars in the final EIR or include assumptions on annual inflation projections and annual expenditures.

We hope these comments will assist you in finalizing the EIR for the Warm Springs Extension Project.

Sincerely,



Chris Brittle
Manager, Planning

RECEIVED

AUG 28 1991

BART
EXTENSION PLANNING

August 26, 1991

Ms. Joan Kugler
Warm Spring Extension Project
Bay Area Rapid Transit District
P. O. Box 12688
Oakland, CA 94604-2688

Dear Ms. Kugler:

RE: Comments on DEIR for the BART Warm Springs Extension
(S.C.H. #89030065)

Thank you for the opportunity to respond to the Draft Environmental Impact Report for the BART Warm Springs Extension project. AC Transit has reviewed this document and has the following comments.

In the transit discussion in Section 3.12.3 - Impacts of Proposed Project - on page 3.12-47, it is estimated that 40 persons would use AC Transit to connect with BART At Warm Springs on an average daily basis in the year 2010. This number appears to be quite low, considering the number of businesses in the Warm Springs area. The previous paragraph points out the the AC Transit Comprehensive Service Plan (CSP) shows one bus route passing near the proposed Warm Springs Station (Line 31). It is also mentioned in this paragraph that if a BART station were constructed in Warm Springs, AC Transit would modify bus service to connect to that station. Apparently the analysis leading to the 40 daily AC Transit passengers did not take this bus service modification into account. A revised estimate of daily AC Transit bus passengers should be made, with the assumption that AC Transit will modify its bus service to serve the Warm Springs Station.

If a Warm Springs station is constructed, AC Transit is proposing to make the following CSP bus route changes:

Line 34 would be extended to the station.

Lines 31 and 22 would deviate from the current proposed route to serve the station.

Line 32X that is currently proposed to operate as an express to the Fremont Station would be revised to operate as a feeder route serving both the Warm Springs and the South Warm Springs Station (if built).

Lines 24 and 28 might be revised to also serve the station.

T-1

Ms. Joan Kugler
August 26, 1991
Page Two

T-2

It is important to note that employment in the area served by the Warm Springs extension is quite large and continues to grow. Virtually no work site is within walking distance of any existing or proposed BART station. Therefore, reverse commuters relying on BART must use a transit link to reach their place of employment.

T-3

In all of the transit discussions in Section 3.12.9 - Impacts of Alternatives 6, 7, and 8 - on page 3.12-84; Section 3.12.10 - Impacts of Alternative 9 - on page 3.12-90; Section 3.12.11 - Impacts of Alternative 10 - on page 3.12-93; and, to a lesser extent, Section 3.12.12 - Impacts of Alternatives 11 - on page 3.12-98, it is stated that the impacts on transit service are similar to the Proposed Project. Since AC Transit has designed its CSP around the creation of a major Timed Transit Center, to be located at the Irvington BART Station, and would modify the CSP routes to serve the Warm Springs and South Warm Springs Stations, the choice of Alternative would have a major impact on bus transit in this area. This is especially significant since a suggested transit mitigation measure suggested is for AC Transit to modify its routes to improve service subsequent to project approval.

P-1

AC Transit strongly supports the Proposed Alternative and those alternatives that have a station at Irvington. This site is a natural location for a major bus and rail transit hub, based upon street layout. The combination of a BART extension with a station at Irvington and a bus route network designed around this station site, will provide an efficient multi-modal transit system designed to attract new riders to both BART and AC Transit, thereby reducing automobile traffic in the Irvington area and on Bay Area freeways.

T-4

Concerning the conceptual station plans that are mentioned in Section 3.12 - Transportation - bus transit centers should be located as close to the entrances to stations as possible with an exclusive lane for bus access and egress. Kiss-ride lanes should be located between the transit centers and the surface parking lots. This arrangement will reduce traffic congestion and conflicts, as buses will not have to compete with taxis, kiss-ride vehicles, and vehicles entering the parking lot. This would greatly improve the overall circulation at the stations. Such exclusive bus access lanes have proved to be effective at existing BART stations such as Concord and El Cerrito del Norte. In addition, the convenience of minimum walking distance between bus/BART transfers will encourage transit usage.

T-5

The discussion of traffic cumulative impacts notes that with the Proposed Project there will be a degradation of Levels of Service for several intersections. In particular, it is noted that the Driscoll Road - Osgood Road/Washington Boulevard intersection and the Mohave Drive/Mission Boulevard intersection will go to LOS F. Nowhere in the DEIR is there any discussion how the increased traffic congestion will affect AC Transit bus service reliability or travel time, and thus AC Transit costs or ridership. The DEIR claims that there would be no significant impacts on transit. LOS F at these intersections will definitely impact AC Transit.

Ms. Joan Kugler
August 26, 1991
Page Three

In addition to these specific comments, we also have some general comments concerning the effects of free parking at BART stations.

The subsidized cost of free parking spaces at BART stations should be considered. If parking fees were charged, there could be additional incentives to traveling to and from the stations in ways other than driving. These incentives could include increased frequency of bus service connecting to the stations, reduced cost or free transfers between bus and BART, expanded transit information and marketing, and additional free bicycle lockers. Improved, more frequent bus service would attract additional bus riders and reduce the size of the proposed parking lots. This will also have a beneficial effect on air quality. If people drive to BART stations as part of their commute, they will have their cars available for other high pollution generating short trips while on their way to or from the BART stations. If they utilize feeder bus service, the negative effects on air quality in the vicinity of the stations will be reduced. In addition, auto congestion in the vicinity of BART stations would also be greatly reduced.

T-6

We hope that the concerns raised in this letter will be addressed in the Final Environmental Impact Report. If there are any questions regarding this letter, please feel free to contact me at (415) 891-4845.

Yours truly,



Ronald J. Kilcoyne
Manager of Research
and Planning

RJK:PST:sc

cc: Board of Directors
Sharon Banks
Kenneth Stanley
Eric Harris
Peter Tannen

Ref: wrmapgs

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET
SACRAMENTO, CA 95814

RECEIVED



Aug 26, 1991

AUG 27 1991

JOAN KUGLER
BAY AREA RAPID TRANSIT DISTRICT (BART)
800 MADISON STREET
OAKLAND, CA 94607BART
EXTENSION PLANNINGSubject: WARM SPRINGS EXTENSION
SCH # 89030065

Dear JOAN KUGLER:

The State Clearinghouse has submitted the above named draft Environmental Impact Report (EIR) to selected state agencies for review. The review period is now closed and the comments from the responding agency(ies) is(are) enclosed. On the enclosed Notice of Completion form you will note that the Clearinghouse has checked the agencies that have commented. Please review the Notice of Completion to ensure that your comment package is complete. If the comment package is not in order, please notify the State Clearinghouse immediately. Remember to refer to the project's eight-digit State Clearinghouse number so that we may respond promptly.

Please note that Section 21104 of the California Public Resources Code required that:

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

Commenting agencies are also required by this section to support their comments with specific documentation. These comments are forwarded for your use in preparing your final EIR. Should you need more information or clarification, we recommend that you contact the commenting agency(ies).

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

Sincerely,

A handwritten signature in dark ink, appearing to read "David C. Nunenkamp".

David C. Nunenkamp
Deputy Director, Permit Assistance

Enclosures

cc: Resources Agency

Notice of Completion

Appendix F

See NOTE below

Mailto: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

SCH # 89030065

Subject Title: BART Warm Springs Extension

Lead Agency: Bay Area Rapid Transit District

Contact Person: Joan Kugler

Street Address: 800 Madison Street - P.O. Box 12688

Phone: (415) 287-4724

City: Oakland, CA Zip: 94604-2688

County: Alameda

Project Location

County: Alameda City/Nearest Community: City of Fremont

Cross Street: See project description

Total Acres: Varies by alt

Assessor's Parcel No. DNA

Section: DNA Twp. DNA Range: DNA Base: DNA

Within 2 Miles: State Hwy #: 238, 84, I-880

Waterways: Lake Elizabeth

Airports: and I-680

Railways: SPT Co and UPRR Schools: Grimmer Elementary

Mission High School

Document Type

- CEQA: [] NOP [] Supplement/Subsequent [] EIR (Prior SCH No.) [] Other [] Draft EIR
NEPA: [] NOI [] EA [] Draft EIS [] FONSI
Other: [] Joint Document [] Final Document [] Other

Local Action Type

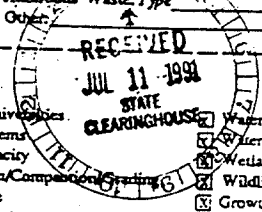
- [] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, Parcel Map, Tract Map, etc.) [] Other Project Adoption

Development Type

- [] Residential: Units Acres
[] Office: Sqft. Acres Employees
[] Commercial: Sqft. Acres Employees
[] Industrial: Sqft. Acres Employees
[] Educational
[] Recreational
[] Water Facilities: Type MGD
[] Transportation: Type Rapid Rail Transit
[] Mining: Mineral
[] Power: Type Wats
[] Waste Treatment Type
[] Hazardous Waste: Type
[] Other

Project Issues Discussed in Document

- [x] Aesthetic/Visual [x] Flood Plain/Flooding [x] Schools/Universities [x] Water Quality
[x] Agricultural Land [x] Forest Land/Fire Hazard [x] Septic Systems [x] Water Supply/Groundwater
[x] Air Quality [x] Geologic/Seismic [x] Sewer Capacity [x] Wetland/Riparian
[x] Archeological/Historical [x] Minerals [x] Soil Erosion/Compaction/Grading [x] Wildlife
[x] Coastal Zone [x] Noise [x] Solid Waste [x] Growth Inducing
[x] Drainage/Absorption [x] Population/Housing Balance [x] Toxic/Hazardous [x] Landuse
[x] Economic/Job [x] Public Services/Facilities [x] Traffic/Circulation [x] Cumulative Effects
[x] Fiscal [x] Recreation/Parks [x] Vegetation [] Other



Present Land Use/Zoning/General Plan Use Southern Pacific and Union Pacific Railroads rights-of-way, Fremont Central Park, Industrial/Commercial Public Uses, Agricultural, Residential

Project Description The Proposed Project alignment would begin at the existing elevated Fremont BART Station and extend southeasterly through Fremont Central Park, crossing the eastern arm of Lake Elizabeth on an aerial structure. It would then run adjacent to the Southern Pacific Transportation Company and Union Pacific Railroad rights-of-way, and continue to the South Warm Springs area, ending near the Alameda/Santa Clara County line. The Proposed Project includes three stations: Irvington station south of Washington Boulevard in the Irvington District; Warm Springs Station south of Grimmer Road in the Warm Springs District, and South Warm Springs Station north of Kato Road in south Fremont. There are also four Central Park design options (both aerial and subway), options at Paseo Padre Parkway, Washington Boulevard, and Warren Avenue, and a horizontal UPRR relocation end option analyzed. The DEIR also evaluates eleven alternatives to the Proposed Project. Alternatives 1 through 3 are not "build" alternatives and do not include a BART Warm Springs Extension. Alternatives 4 through 11 include various configurations of a BART Warm Springs Extension.

CLEARINGHOUSE CONTACT: Ken Button (916) 445-0613

STATE REVIEW BEGAN: 7-12-91
DEPT REV TO AGENCY: 8-19
AGENCY REV TO SCH: 8-23
SCH COMPLIANCE: 8-26

CMT SNT

CMT SNT

- Resources
Fish & Game
Parks & Rec/OHP
BCDC
DWR
Caltrans 14

- ARB
Reg. WQCB # 2
NAHC
EUC

PLEASE NOTE SCH NUMBER ON ALL COMMENTS

PLEASE FORWARD LATE COMMENTS DIRECTLY TO THE LEAD AGENCY ONLY

AQMD/APCD: 2 (Revised) 2, 13, A-7

DEPARTMENT OF TRANSPORTATION

BOX 7310
SAN FRANCISCO, CA 94120
(415) 923-4444



8/24E

August 19, 1991

RECEIVED
AUG 21 1991
STATE
CLEARINGHOUSE

ALA-880-R1.95
SCH# 89030065
ALA880247

Ms. Joan A. Kugler
Planning Project Manager
South and West Bay Projects
Extension Planning Department
212- 9th Street
P.O. Box 12688
Oakland, CA 94604-2688

**RE: BART WARM SPRINGS EXTENSION DRAFT
ENVIRONMENTAL IMPACT REPORT FOR A 7.8-MILE
EXTENSION OF THE EXISTING FREMONT LINE.**

Dear Ms. Kugler:

Thank you for including the Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. We would like the draft environmental document to include the following comments:

- CU-1 | a) Section G, concerning Cumulative Impacts should include the Interstate 680 to Interstate 880 cross connector project and how it relates to the Bart Warm Springs Extension Project.
- PD-3 | b) In reference to the footnote on page 2-6 regarding Caltrans constructing an underpass for Warren Avenue, it should be noted that Caltrans does have plans for a new interchange at Mission Boulevard and the Interstate 880 Interchange. Precise improvements at Warren Avenue as a result of these plans have not been determined. Therefore, future improvements may or may not include an underpass at Warren Avenue.

Kugler/ALA880247
August 19, 1991
Page 2

c) We continue to support a three station option which is consistent with Caltrans policy to reduce Vehicle Miles Traveled (VMT) on State Highways.

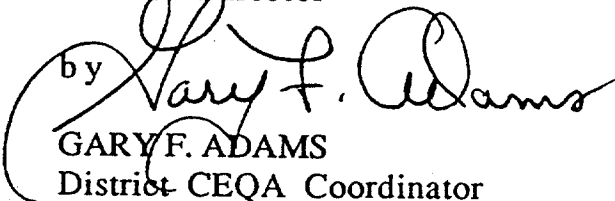
P-2

We look forward to reviewing the Final Draft EIR. We expect to receive a copy from the State Clearinghouse. If you have any questions regarding these comments, please feel free to contact Julian W. Carroll of my staff at (415) 904-9625.

Sincerely,

PRESTON W. KELLEY
District Director

by


GARY F. ADAMS
District CEQA Coordinator

cc: State Clearinghouse
Sally Germain, ABAG
Susan Pultz, MTC



City of
Fremont

39100 Liberty Street
P. O. Box 5006
Fremont, CA 94537

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AUG 26 1991

BART
EXTENSION PLANNING
William "Bill" Ball, Mayor

(415) 745 - 2704

August 23, 1991

Ms. Erlene DeMarcus, President
Board of Directors
Bay Area Rapid Transit District
P. O. Box 12688
Oakland, CA 94604-2688

ATTN: Joan Kugler, Warm Springs Extension Project

Dear Ms. DeMarcus:

This letter is submitted on behalf of the Fremont City Council. It represents the official position of the City of Fremont with respect to the Warm Springs Extension Project DEIR, dated July, 1991.

The City of Fremont continues to recognize the need to provide more transportation capacity in the heavily traveled corridor between Alameda County and Santa Clara County. The City Council supports BART's efforts to extend service to Warm Springs and sees the projects as an important first step toward extending service to Santa Clara County.

The citizens of the City of Fremont have a history of supporting important regional transportation improvements such as the Warm Springs Extension. In recent elections, Fremont voters supported Measure "B" and Propositions 108, 111, and 116, all of which provided financing for BART extensions. Indeed, Fremont's support for BART has been disproportionately greater than the benefit Fremont citizens have received.

Fremont is the second largest city in Alameda County and the third largest in the BART service area. Fremont citizens have paid taxes to BART accordingly. Yet, Fremont has only one BART station, and BART continues to argue that Fremont citizens should pay the cost of mitigating major environmental impacts which the proposed Warm Springs Extension would have on Fremont's community facilities and neighborhoods. It is clear the primary purpose of the extension is to serve Santa Clara County, and incidentally to improve service to Fremont. We have not seen firm evidence of a commitment by Santa Clara County to "buy into" the project in proportion to the benefits it will receive.

The new DEIR includes a more complete analysis of project impacts than the version published last year. However, we are disappointed the DEIR does not clearly specify the subway options as appropriate mitigations in Central Park and clearly identify BART's responsibility for traffic mitigation measures. The DEIR also fails to consider a depressed alignment in retained cut or subway under an extended Blacow Road as requested by the Fremont City Council last year.

The City of Fremont wishes to be cooperative and supportive of the Warm Springs Extension project, and to maintain a positive working relationship with BART. However, in the City's judgment, the potential for severe, permanent environmental damage from the project outweighs its benefits, and the new DEIR gives us little comfort in this regard. Therefore, the City of Fremont must oppose the project if certain key issues are not resolved:

1. ***Subway Option through Central Park:*** Central Park is a unique and very special resource. The Park is just as important to Fremont and Southern Alameda County as Golden Gate Park is to San Francisco, and it should receive the same sensitive treatment a BART extension through Golden Gate Park would receive. The extension *must go under* Central Park and Lake Elizabeth in a subway configuration at BART's expense. This a firm and absolute requirement of the City of Fremont (well supported, we believe, by State law). The City will pursue all means necessary to ensure this requirement is met.

The DEIR outlines seven goals and objectives of the Proposed Project (pages 1-8 to 1-10). The Proposed Project incorporating the aerial option through Central Park would not meet three of the seven goals and accompanying objectives. These goals are as follows:

"Goal 2 - Improve Environmental Quality. Transportation improvements should increase accessibility and efficiency while minimizing adverse environmental effects."

The Proposed Project may meet the increased accessibility and efficiency goal, and help to improve air quality, but it would not meet the objectives of minimizing the impacts on existing development and existing natural resources.

"Goal 3 - Compatibility with Adjacent Land Uses and Planned Development. Transportation improvements should be compatible with adjacent land uses and should be consistent with planned regional development."

The Proposed Project would displace and disrupt existing land uses in Central Park and result in significant adverse environmental impacts.

"Goal 7 - Support Community and Institutional Goals. The transportation system planning process should maximize community acceptance and political and institutional support."

The Proposed Project would not be consistent with local goals and objectives included in the Fremont General Plan and would not be acceptable to the City if it includes an aerial structure in Central Park.

The DEIR clearly demonstrates the need to build BART as a subway through Central Park to avoid significant adverse environmental impacts. The DEIR concludes a BART aerial option will have significant, unavoidable adverse land use impacts on the park, especially sailboats, and the recreational value of the northeasterly portion of the lake.

CP-1

The aerial option also has negative visual and noise impacts on this portion of the park and does not conform with the City of Fremont General Plan. In addition, the aerial option for the proposed project alignment would have significant, unavoidable impacts on the valuable wildlife habitat in the riparian forest east of Lake Elizabeth and is, therefore, unacceptable. These significant impacts must be mitigated by the selection of a subway option on either the proposed project design option 1 (subway) alignment or design option 2S (subway) alignment.

PD-4

The cost information regarding subway and aerial options presented in the report is difficult to interpret and may be misleading. Based on City staff discussions with the EIR consultant, City staff concludes the additional cost of subway through Central Park lands is approximately \$40 million minus the cost to replace park land impacted by the aerial alternative. The \$60 million added cost mentioned in Table 2-6 includes costs associated with subway under Paseo Padre Parkway and includes no provision for replacing park land. Replacement of park land is mandated by State law, the Public Park Preservation Act of 1971. The minimum estimated park land replacement cost for the five acres under the structure would be approximately \$4,000,000 and could be higher if it is determined that a greater acreage is affected by the aerial alternative.

PD-5

The cost of adequately mitigating the impacts of the Warm Springs extension are the responsibility of BART and the region as a whole, not the City of Fremont. While the City endorses the Warm Springs Extension, the major benefits of the extension accrue to the Bay Area region and not the City of Fremont. Since 9,249 of the 21,900 projected riders boarding at the four (4) Fremont stations are expected to have Santa Clara County origins or destinations, Santa Clara County should provide its proportionate share of the extension costs. If both sides approach these negotiations in a fair minded manner, agreement on financial participation by Santa Clara County should be possible.

N-1

- 2. Noise and Vibration Mitigation:** One of the most frequently voiced concerns expressed by residents living near the proposed BART extension alignment relates to noise and vibration impacts, especially the noise bounce-off effect if sound barrier walls are only installed between the tracks. BART should commit to meet with impacted residents and property owners and implement noise and vibration measures which resolve their concerns. The draft EIR concludes noise barriers are required along much of the alignment. The City of Fremont urges BART to select an alignment which minimizes noise impacts and declare its intent to install noise barriers to protect existing residences and other sensitive noise receptors along the extension alignment. BART should also declare its intent to use rail and ballast installation techniques for BART and railroad tracks which minimize vibration and ground-borne noise.

PD-6

Last year, the Fremont City Council suggested consideration of extending the depressed alignment of BART and the railroad lines from the Irvington Station southerly to approximately 750 feet south of an extended Blacow Road in order to mitigate impacts on a substantial number of residences south of the Irvington Station. The new DEIR does not address this option. Anticipated noise, vibration and safety impacts of BART (when added to the impacts of the existing railroads) generally between Washington Boulevard and Durham Road are unacceptable and must be properly mitigated at BART's expense. A depressed alignment extending south from the Irvington station

would be a desirable solution. We believe the 72" storm drain referenced in the DEIR poses an engineering challenge, but is not a reason to reject the concept of a depressed rail bed through this area. The City Council requests BART thoroughly address the feasibility of this option in their response to this letter.

PD-6

- Traffic Mitigation:** The Transportation Section of the DEIR presents volumes of information regarding the traffic impacts of the new BART stations. However, it fails to identify specific mitigations for which BART is responsible. Based on data presented in the EIR, the City Council believes BART should be responsible, as a minimum, for full improvements at the intersections of Driscoll/Osgood/Washington and Warm Springs/Osgood/S. Grimmer and the Blacow Road grade separation and street improvements between Roberts and Osgood. BART should consider using the existing structure in the abandoned Route 238 right-of-way south of Blacow Road to build an I-680 on and off-ramp directly into a parking structure at the Irvington Station. BART should also provide pedestrian improvements to facilitate walking to the station sites, install any traffic signals required at station driveways, and install transitional street improvements beyond BART station frontages. The cost of adequately mitigating all the impacts of the Warm Springs extension are the responsibility of BART and the region as a whole and not the City of Fremont.

T-7

- Hazardous Materials Mitigation:** Contrary to several statements in the DEIR, operation of the BART track and facilities will involve the management of hazardous materials. Examples include the vehicle wash and maintenance pit near the end of track at the Santa Clara County line. Construction operations will also involve a variety of hazardous materials which will require appropriate management. Examples include contaminated soil and water. BART, as property owner, may also be responsible for investigation and clean-up. Site characterization and remediation activities may need to be implemented before any grading, excavation and/or dewatering is undertaken. The time frames may be significant to the project and/or community. An approved remediation plan will be required to assure BART development will not negatively impact any required site remediation. The draft EIR does not document the incorrect assumption of no negative impacts. The DEIR identifies the potential for exposure of citizens and constructions workers to contaminated soil and/or groundwater.

HM-1

HM-2

The City Council also takes this opportunity to communicate the following general concerns regarding the extension:

- Fremont General Plan Conformance:** The proposed project with either design option 1 (subway) or 2S (subway) in Central Park and Alternatives 4 or 5 with either design options 1 (subway) or 2S (subway) are the only alternatives which conform to the Fremont General Plan. It is especially important for the Irvington Station to be included as part of the extension because the station is a cornerstone of the Irvington redevelopment plan.

P-3

GEN-2

2. **Station Architecture:** It is extremely important for BART to establish and maintain a close working relationship with the City to insure station designs integrate well with the future development of the surrounding neighborhoods. The City is particularly interested in integrating plans for the Irvington Station and joint development on that site with redevelopment of properties along Washington Boulevard.

The City Council requests BART make provisions for City review of architectural and building plans for all new Fremont stations. The Fremont Fire Department has determined that Title 19 of the California Code of Regulations gives the Department jurisdiction over fire safety provisions at BART stations.

LU-1

3. **Potential Displacement:** The proposed project will impact 83 businesses and 17 residences. While all these businesses and residents ultimately may not have to be relocated, they will all be concerned about how they will be affected by the extension. The City Council requests BART contact all affected parties once the project alignment is selected to provide information on anticipated impacts and available assistance.

The following specific comments on the draft EIR were prepared by City staff and are intended to assist BART staff in the completion of a final EIR (the initials in parentheses following each comment are included for our purposes to identify the department making the comment):

SUMMARY

1. **Page S-9**

SU-1

City staff is not in agreement with the following statement: "Visual Quality: Additional development will create an environment that is more built up which would allow the BART aerial structures less likely to contrast with or dominate their surroundings. Development and maturation of plantings around Central Park will contribute to a visually complex environment capable of visually absorbing the BART structures."

SU-2

Central Park has been conceptualized in zones of varying recreation activity intensity. The zone near Lake Elizabeth is considered a passive recreation zone. Some Civic Center build up near Stevenson Boulevard, such as a Police Building or Swim/Gym, will not serve to lessen the visual and aesthetic impact to passive recreation users nearer to Lake Elizabeth. (LS)

SU-3

The above EIR statement also contradicts several statements on page S-7. Considering the complete build-out of developments at the northerly side of Stevenson Boulevard opposite Central Park, and the maturing of the trees at Central Park, City staff contends the BART Design Options 2A and 3 will still have significant adverse visual impact in the surrounding area. (PW)

2. **Page S-12**

SU-4 ↓

BART, as property owner, may be responsible for "investigation and cleanup."

"Site characterization and remediation activities" may need to be implemented before any grading, excavation and/or dewatering is undertaken. The time frames may be significant to the project and/or community.

SU-4

Much more than a "site-specific health and safety plan" will be required if soil and/or groundwater contamination is identified. A remediation plan, approved by the appropriate regulatory agencies, will be required to assure BART development will not negatively impact any required site remediation. Implementation of part or all of a site characterization and remediation plan may be required. (B&S)

SU-5

3. *Page S-13*

Impact of a subway on groundwater flow would not be significant, in part, because flow direction is generally northerly near Lake Elizabeth. However, during construction, Mission Creek should not be diverted into Lake Elizabeth except during storm conditions.

SU-6

An aerial track may block the movement of wildlife which now occurs across both railroad tracks. Deer, fox, and opossum have been seen moving between Lake Elizabeth and the hills to the east. Raccoon, pheasant, and a variety of rodents are also common to the area.

SU-7

New requirements to monitor, minimize and treat non-point source runoff have not been considered. Aerial structures and other impervious cover may add a significant and unacceptable burden to the City. (B&S)

SU-8

4. *Page S-14*

Dewatering during the construction of a subway is unlikely to impact potable water supply because of the geologic composition. However, flow into Lake Elizabeth could be significantly impacted.

SU-9

An aerial would reduce available flight paths for the many water fowl which use Lake Elizabeth during migrations.

SU-10

The restoration of riparian habitat as well as the lost grasslands should be addressed. (B&S)

SU-11

5. *Page S-15*

Wetlands will likely have to be replaced at a higher than one-for-one basis, both for any losses related to Central Park and for areas in the sag ponds which are negatively impacted. (B&S)

SU-12

6. *Page S-16*

SU-13

Some summary items are not clear about establishing replacement sports fields prior to any disruption of existing fields. Section 3.7 provides more detail. However, it should be clear at all times that placement of temporary or alternate ball fields will be achieved prior to disruption of existing facilities to insure program continuity. BART should propose where the fields are to be temporarily or permanently replaced to insure they do not impact other planned developments. (LS)

7. *Page S-17*

SU-14

Propose what specific modification of softball fencing and lighting will be needed and how it may be accomplished without altering program. (LS)

PROJECT DESCRIPTION

1. *Page 2-4*

PD-7

For the Proposed Project, "South of Walnut Avenue, existing poor load bearing soils in the Tule Pond will be excavated and replaced with soils suitable for construction" This is a complex engineering project and the necessary protections for the environment and habitat have not been addressed in the draft EIR. Use of drain wells should not be allowed. (B&S)

2. *Page 2-24*

PD-8

A BART extension along Osgood Road, rather than parallel to the railroad rights-of-way, would encounter more areas of potential environmental contamination which could require soil characterization and remediation. (B&S)

3. *Page 2-42*

PD-9

This section addresses planned modifications to the Tule Pond as part of the construction project. There is no mention of essential protective measures for the riparian habitat, deep water aquifer, and stormwater control. (B&S)

4. *Page 2-43*

PD-10

Propose where a construction storage yard would be located. Adverse visual impacts would occur if the yard is located within Central Park. (LS)

5. *Page 2-47*

PD-11

The section on Cost Comparisons does not include projected costs for characterization and remediation of areas with potentially significant environmental contamination. (B&S)

SOILS, GEOLOGY AND SEISMICITY

1. *Page 3.2-13*

The graphic of "Regional Faults" and the Project Corridor is misleading. This is, in part, due to the scale. In reality, faults are not a single, solid line that have clear, sharp edges. There are several fault traces, which are discussed in the narrative. It would be more informative for the general public who may try to understand the "Seismicity" section, to have more accurate, and thus more revealing graphics. (B&S)

G-1

2. *Page 3.2-28*

Walnut Avenue will be built on embankment with a 54 foot crest, per BART Design Criteria, with sideslopes of 2:1. Fremont staff has concern with the 2:1 slope (vs. 3:1) in terms of maintenance of erosion control plants on the site slopes. Will jute-matting be provided for the side slopes? What is BART's experience in other areas with embankment having slopes of 2:1? (PW)

G-2

3. *Page 3.2-33*

The second paragraph mentions the adverse effect of groundshaking liquefaction differential settlement on the two subway options (Design Option 1 and 2S) on the proposed alignment at Central Park. What are the mitigations? The statement seems to considerably disfavor the subway option. Are not the design considerations addressed in the BART Extensions Program Design Criteria sufficient to mitigate these impacts?

G-3

What were the design considerations used in the Trans-Bay Tube between San Francisco and Oakland? (PW)

G-4

4. *Page 3.2-35*

All construction should comply with the requirements in the Uniform Building Code and Uniform Fire Code enforced at the time of construction. (B&S)

G-5

5. *Page 3.2-36*

What is the extent of review by the City's Building and Safety Department with regards to compliance with UBC requirements in the design of the facilities?

G-6

Provisions should be made to accommodate City of Fremont requirements, such as the City of Fremont Grading, Excavation and Sedimentation Control Ordinance. (PW)

G-7

HAZARDOUS MATERIALS

1. *Page 3.3-2,3*

HM-3

The local enforcement agency is, primarily, the Environmental Protection Division of the City of Fremont. It is a misnomer to say "The City of Fremont Hazardous Materials Division."

HM-4

The City does not issue business plans. The City does review business plans submitted by regulated facilities and issue Hazardous Material Permits for approved sites. This extends beyond enforcement of underground tank regulations. (B&S)

2. *Page 3.3-7*

HM-5

Item 13 is misleading. Fremont Wire & Plating is the subject of enforcement action by the City through the Superior Court. Appropriate site closure is required, but has not been adequately addressed. (B&S)

3. *Page 3.3-8*

HM-6

For Item 27, free product was identified and a treatment facility is in place. This site is contiguous to one of the proposed BART stations. (B&S)

4. *Page 3.3-14*

HM-7

The report should mention the regulated materials associated with the carwash and maintenance/inspection pit. There will be additional construction-related regulated materials (e.g., solvents, welding materials, cleaners, fuels, compressed gases, and hazardous wastes).

5. *Page 3.3-16*

HM-8

BART, as property owner, may be responsible for investigation and clean-up. There is no indication of an intent to apply "the innocent land owner" exemption. Site characterization and remediation activities may need to be implemented before any grading, excavation and/or dewatering is undertaken. The time frames may be significant to the project and/or community.

Much more than a site-specific health and safety plan will be required if soil and/or groundwater contamination is identified. A remediation plan, approved by the appropriate regulatory agencies, will be required to assure BART development will not negatively impact any required site remediation. The DEIR does not document the assumption of no negative impacts, which we believe is incorrect. Implementation of part or all of a site characterization and remediation plan may be required.

The DEIR identifies the potential for exposure of citizens and construction workers to contaminated soil and/or groundwater. However, there is no plan to detect possible exposures (3.3-20). A plan for the appropriate sampling and testing of excavated soils and

extracted groundwater should be developed. Results would need to be available in a timely manner to allow for implementation of needed protective measures. The use of an on-site certified laboratory could help with this task. (B&S)

HM-8

6. *Page 3.3-18*

Fremont Wire & Plating has been ordered to implement an approved Closure Plan. As of this date, this has not been done and the case has been referred to enforcement. (B&S)

HM-9

HYDROLOGY

1. *Page 3.4-4*

The Tule Pond, formerly called Tyson's Lagoon, is misleadingly identified as "a natural depression formed along the Hayward Fault." The Tule Pond referred to in several areas of the DEIR is part of a series of inter-connected sag ponds directly related to the Hayward Fault. No consideration has been given to the potential negative impacts of the proposal to fill portions of one. Because there are at least two direct connections between the sag ponds and the deeper aquifer (source of our drinking water), this is a serious consideration. Such impacts, as well as flood control, storm water runoff, maintenance of the specialized riparian environment, and possible geologic instability should be addressed.

H-1

The California Regional Water Quality Control Board (RWQCD) sampled the largest Tule Pond in May 1988 as part of a background study. Up to 26,000 parts per billion (ppb) of Total Fuel Hydrocarbons were identified. This level of contamination is consistent with those generally attributed to the effects of non-point discharge.

A study of this important issue was undertaken by Patrick L. Williams of Lawrence Berkeley Laboratory which includes the identification of an abandoned well (4S/1W-28601) in the largest Tule Pond.

Wetlands will likely have to be replaced on a higher than one-for-one basis, both for any losses related to Lake Elizabeth and for areas in the sag ponds which are negatively impacted by construction. This replacement must be of the same quality. The DEIR seems to imply that merely digging a nearby hole would be adequate. This is not the case. Development must proceed in such a way as to avoid augmenting contamination at and beneath the area. Storm water runoff could be channeled directly to the "B Line."

H-2

The Tule Pond is used as a surge pond for the area's stormwater collection system. Use of drain wells should not be allowed. (B&S)

H-3

2. *Page 3.4-5*

Staff is concerned with the potential flooding due to inadequate sizing of the culverts for the major storm drain line storm drain lines that runs under the UPRR and SPTCo. tracks that will be utilized for the at-grade BART extension. Will improvements on the existing culvert facilities be made? Mitigations recommended in page 3.4-13 appear

H-4

H-4 | ineffective and inadequate. "Pervious" pavements are not an acceptable method for storm drainage. (PW)

3. *Page 3.4-10*

EC-1 | The plan to enlarge the south end of one of the Tule Ponds to "makeup" for filling part of the northern end refers to the loss of riparian habitat and the necessary concurrence by the Corps of Engineers and the California Department of Fish and Game. This is a serious issue and must be adequately addressed. (B&S)

4. *Page 3.4-11*

CP-2 | The existing lake bottom is at elevation 44.0, and the low water elevation is at 48.5. High water elevation is at 51.5. The plans indicate the top of the subway structure is about 48.5, yielding a water depth ranging from zero to 3 feet. This is inadequate for boating use of the easterly end of Lake Elizabeth. The top of the subway structure should be no higher than elevation 44.0 in order to permit boating. (PW)

5. *Page 3.4-13*

H-5 | New requirements to monitor, minimize and treat non-point source runoff have not been considered. Aerials and other impervious cover may add a significant and unacceptable burden to the City. The draft EIR does not address this issue. (B&S)

6. *Page 3.4-18*

H-6 | Localized groundwater pumping for a subway at Lake Elizabeth is unlikely to impact deep aquifer production wells. The capture zone of such dewatering activities can be easily controlled. (B&S)

ECOSYSTEMS

1. *Page 3.5-8*

EC-2 | City staff have personally observed deer (not listed), striped skunk, raccoon and opossum in the proposed route area. (B&S)

2. *Page 3.5-10,11*

EC-3 | See Comment No. 1 under "Hydrology" above. (B&S)

3. *Page 3.5-15*

EC-4 | Cooper's Hawks are common to Stivers Lagoon and probably nest there. This is an exceedingly secretive predatory bird. (LS)

4. *Page 3.5-18*

Under the section on impacts related to the Riparian Forest, there is a discussion which emphasizes the design of the aerial structure will minimize loss of riparian forest area and displacement of this habitat area by the support structures. It is therefore concluded that this loss would be considered less than significant. However, this conclusion does not take into consideration the fact birds and wildlife will avoid the rail corridor after construction because of the noise of the trains, and, therefore, the movement pattern and location of wildlife habitat areas will substantially change in the area devoted to the rail corridor. (CDD)

EC-5

5. *Page 3.5-23*

Tri-Colored Blackbird is regular daily visitor in Central Park in small numbers in summer. Currently it is unknown if they nest in Central Park. (LS)

EC-6

6. *Page 3.5-24*

Curtailling tilling to preserve Ground Squirrel and Burrowing Owl colonies will present some conflict for weed abatement regulations and will impact higher costs for repeated mowing. Uncontrolled tall plant growth apparently discourages and displaces both species populations. Encouragement of Ground Squirrel colonies would create maintenance impact where the colonies might abut developed turf or structures. (LS)

EC-7

7. *Page 3.5-25*

This section states the loss of habitat quality for migratory birds due to noise from train passage through the forested area may be mitigated to a less than significant level by sound walls. How would sound walls mitigate the noise immediately above the corridors? Birds would still avoid that area above and adjacent to the train corridor where the highest level of noise and vibration occur. Birds and wildlife may approach closer to a corridor with sound walls than one without walls; however, there would still remain an overall loss of habitat quality and quantity which would not occur with implementation of one of the subway design options. (CDD)

EC-8

8. *Page 3.5-26*

Under the section on Rare, Threatened, and Endangered Species and Species of Special Concern, a mitigation monitoring program is mentioned. What agency would be responsible for monitoring the implementation of mitigation measures? To whom would BART be reporting implementation of project mitigation measures? (CDD)

EC-9

LAND USE AND ECONOMIC ACTIVITY

1. *Page 3.6-13*

LU-2

In the discussion on the land use designations under the Warm Springs Station section, it should be noted that the BART station is in an area designated a Study Area by the Fremont General Plan which extends from South Grimmer Boulevard to Brown Road. The City or any other party may initiate a study for a potential change in land use in this area. (CDD)

2. *Page 3.6-18*

LU-3

The last sentence on the page under Potential for Growth is incorrect. No proposal or study is currently being considered to change land use designations around the proposed Irvington BART station. (CDD)

3. *Page 3.6-22*

LU-4

The last paragraph on the page mentions a Warm Springs BART Area Specific Plan. Since Shapell has withdrawn its study for potential land use change, no specific plan is proposed at this time. The area is more correctly called a Study Area on the General Plan, and no land use change is being assessed at this time. However, other land uses could be evaluated for the area in the future, as discussed above. Additionally, it should be clarified that the NUMMI plant is not the only industrial use in that area which could limit the potential for residential land use. (CDD)

4. *Page 3.6-30*

LU-5

Under Neighborhood Planning Goals, the first sentence describes particular designations on the General Plan as "specific plan areas." These are more correctly termed potential plan areas. Additionally, a reference is made to a study commissioned by the City regarding residential land use in the Warm Springs BART station area. A preliminary study was initiated by Shapell Industries and later withdrawn prior to completion and approval. The area is now designated a Study Area, although no land use change is presently being considered. (CDD)

5. *Page 3.6-31*

LU-6

The reference made to the Irvington BART Station Concept Plan is incorrect. What was actually adopted in March 1990 were approved plans and specifications for street widening in the Irvington area, with final designs for plazas and central places. However, design and street improvements related to the BART station were to be considered at a later date, when plans were available, to ensure that the BART station design fits into the community and neighborhood. The footnote at the bottom of the page should also be revised. (CDD)

6. *Page 3.6-36*

The discussion on this page related to BART station areas, site planning and architecture is very limited, and should be expanded. The discussion related to the need for station design to address the issue of negative land use impacts caused by traffic congestion is appropriate. (CDD)

LU-7

7. *Page 3.6-38*

Under the section on Station Area Real Estate, regarding the discussion on the presence of a station and the minimal affect on real estate trends, this may be true in the long-term, but station development could constrain and adversely affect investment in real estate in the area in the short-term during periods of construction.

LU-8

Additionally, neighborhood goals could be positively or adversely affected depending on the design and architecture of the resulting stations. The site design and architecture of the BART stations should fit into the community and neighborhood, and not be of a standard, generic type. (CDD)

LU-9

8. *Page 3.6-42*

Under Neighborhood Impacts, it is stated the Proposed Project would impact neighborhood areas minimally since most of the BART alignment would be located on or adjacent to an existing railroad ROW. It cannot be assumed BART will minimally impact a particular neighborhood until a site plan and station design are developed. Station design will be an important consideration in determining whether or not there are such impacts on the community. (CDD)

LU-10

9. *Page 3.6-43*

Under Neighborhood Mitigation Measures, the second item listed related to construction traffic control criteria should include the City as an agency to be consulted in addition to local business associations prior to construction being undertaken by BART. (CDD)

LU-11

FREMONT CENTRAL PARK

1. *Page 3.7-11*

Under State law, BART would be obligated to replace the amount of park land traversed by the corridor through Central Park with actual land elsewhere in the City. If the affected area is 33 acres, as mentioned in the Noise and Vibration chapter as the acreage affected by the residual noise impacts, then BART would be responsible for replacement of a minimum of 33 acres. This should be discussed in the document, and a determination made as to whether such land is actually available for replacement and the estimated cost of the replacement land stated. The cost of the land would then need to be added to the cost of the Proposed Project and the cost of all alternatives incorporating the aerial structure (revise also Tables 2-5 and 2-6). (CDD)

CP-3

2. *Page 3.7-11*

CP-4

The DEIR states that the aerial structure of the Proposed Project will not significantly reduce the amount of land available within the park for recreational or civic purposes. This may be correct if the only consideration is the amount of acreage traversed by the structure. However, the aerial structure would have a significant adverse effect on recreational activities, the continuity and interrelationship of the park land use, and the overall quality of the recreational experience in the park. The aerial structure proposed would physically bisect the park and the interrelated uses such as walking trails, ball fields and concession areas. It would also result in the removal or relocation of two softball fields, and create a need to change some sailing activities in Lake Elizabeth. (CDD)

3. *Page 3.7-11*

CP-5

Open areas below aerial structure cannot be used for the same recreational activities as before. Park visitors with kites, balls, Frisbees, etc., would be impacted. These activities might disrupt train service. Open areas below tracks would not be useful for the same existing or future purposes. (LS)

4. *Page 3.7-12*

CP-6

The passby effect on pedestrians is inadequately valued. Twenty minutes is a very quick pace for the Lake pathway. Serious walking is 30 minutes, casual strolling is 40 minutes. Three hundred foot impact zone is apparently derived from noise standards. Visual impact from line of sight vehicle traffic on Stevenson Boulevard is a minimum of 1,400 feet. Using that as a currently acceptable visual disturbance distance, 7,700 feet of the lake edge pathway is within this distance of the proposed aerial structure. With a 30 minute lap, pedestrians would experience nine trains at one minute duration each when they are inside the 1,400 foot envelope. This means 30% of their walking experience would be exposed to the visual impact of a moving train. (LS)

5. *Page 3.7-12*

CP-7

The DEIR mentioned most walkers would circle the lake on the walking trail in 20 to 30 minutes. This would be an extremely fast pace. The document also states there would be only a minor to moderate effect on recreational walking in the area, and interference with conversation would only be for 2 to 10 seconds. The impact of this intrusion into the park area is grossly underestimated. The resulting impact would be significant on the quality of the recreational experience. (CDD)

6. *Page 3.7-13*

CP-8

Construction storage is proposed for open space between Walnut and Paseo Padre. Much of this open space is within Central Park. Impact analysis should address the presence of storage yard in Central Park. (LS)

7. *Page 3.7-13*

The conclusion that the implementation of the Proposed Project with an aerial alignment through Central Park would result in a significant adverse land use impact is correct. It would also be appropriate to suggest implementation of Design Option 1 or Design Option 2S, with the subway through Central Park as a mitigation measure for the adverse land use impact. (CDD)

CP-9
8. *Page 3.7-14*

Explain why Lake edge pedestrian access cannot be completely mitigated throughout construction period. Fencing, earthen alternate routes, and flag controllers could ease the construction impact. Temporary route alternations or surface degradation would probably be tolerable. Any significant closure of the Lake circumference path would substantially impact park visitors. (LS)

CP-10
9. *Page 3.7-14*

Mission Creek water quality is significantly worse than Lake Elizabeth. Mission Creek water should not be diverted into Lake Elizabeth except for storm retention purposes. Diversion would further impact contact recreation activity (boardsailing). (LS)

H-7
10. *Page 3.7-14*

Where in Central Park are temporary and permanent replacement ball fields to be located? Any site further north might present home run or foul ball conflicts with Stevenson Boulevard. Where do we replace displaced parking and maintain convenient access to sports facilities? (LS)

CP-11
11. *Page 3.7-15*

A temporary Lake pathway is a mitigation which must be maintained. (LS)

CP-12
12. *Page 3.7-16*

The loss of land for regional transportation purposes does not present the same local value as use of land for recreation or Civic Center purposes. (LS)

CP-13
13. *Page 3.7-16*

The statement that the impacts of the structure and train activity on recreational walking, jogging and bicycling around the lake would be reduced to less than significant levels, but not eliminated, is misleading and an incorrect conclusion. The trails may remain intact, but the experience of the participants would be negatively impacted by the physical intrusion of the aerial structure and train passbys. (CDD)

CP-14

14. Page 3.7-17

CP-15

Why would ball fields be lost during construction? Why wouldn't they be temporarily supplied nearby and then reconstructed after development of BART line? The text and summaries should consistently show sports programming will remain intact throughout development and operation phases of the project. (LS)

15. Page 3.7-17

CP-16

Why is it suggested a subway route would make it more difficult to maintain pedestrian routes during construction phase? Will the entire trench for subway be open and exposed at one time? Can subway be accomplished in phases so pedestrian access can be temporarily re-routed in phases? (LS)

16. Page 3.7-18

CP-17

Alignments 2A and 3 are suggested as having higher impact because they would interfere with three sports fields. Compute and discuss minor radius reductions north of Stevenson Boulevard which would eliminate impact on any outfields. Train speed reductions would not present as significant an impact in close proximity to a station. (LS)

17. Page 3.7-19

CP-18

Why is the land impact of alignment 2A so much less than BART's proposed project? See footnote. It may have been incorrectly interpreted that land between UPRR and SPRR is not a part of Central Park? (LS)

18. Page 3.7-20

CP-19

One brief sentence is inadequate to cover the issue of the future Central Park Golf Course. Alignment 2A would impact land acreage available for golf. Alignment 3 would probably eliminate any possible golf development. What impact would errant golf balls have on any of the surface or aerial alignments? Can BART aerial track be caged to prevent access of errant balls? These issues should be addressed. Alignment 2A or 3 could displace golf development. If so, this might create a substantial cumulative impact in that the 30 acres proposed for golf might then be subject to use for civic structures or intensive recreational uses. (LS)

19. Section 3.7

CP-20

The City has made a substantial asset investment in the Softball Complex building. The complex houses program staff, a meeting room, public toilets, and snack bar. What impact results when a four field complex is fractured to smaller components? Will the City have to provide duplicate services at several locations? Will the split result in loss of profitability for snack concessions and subsequent cancellation of service?

The Public Park Preservation Act of 1971 will require replacement of park acreage lost due to development. Leisure Services believes that the severance of recreational continuity in Central Park and the loss of some forms of recreation activity in the vicinity of a track superstructure will require substantial acreage replacement in compliance with this law. (LS)

CP-21

VISUAL AND AESTHETIC QUALITY

1. *Page 3.8-6*

The Civic Center is in North-West area adjacent to Central. (LS)

GEN-3

2. *Page 3.8-20*

This is the first time the City has heard of installing taller power line supports in or adjacent to Stivers Lagoon. What is the construction impact on Stivers Lagoon habitat from tower development? (LS)

EC-10

3. *Page 3.8-29*

The mitigation measures suggested for the Central Park section of the aerial structure are inadequate. This structure will result in a permanent visual intrusion into the park landscape and cannot be screened by the suggested landscape plantings. Landscape screening may be appropriate and adequate for equipment areas and fences, but would be completely inadequate when considered with the scale of the aerial structure. The plantings shown in Figure 3.8-5C are mature and would take many years to just partially hide the pillars of the aerial structure. Any screening would also result in a further separation between the east and the west side of the park, affecting the interrelationship of recreational uses. Additionally, the pillars traversing Lake Elizabeth on the east side cannot be screened even partially from view. (CDD)

V-1

4. *Page 3.8-31*

The discussion under Residual Impacts After Mitigation does not assess the impact of the landscape screening of the aerial structure and the affect on the interrelationship of the recreational land uses. This should be included in the discussion. Additionally, the discussion mentions that the future swim center, public safety building, and the landscaping proposed would reduce the visibility of the aerial structure and its relative importance to the landscape of Central Park. It is also stated that although some visual impacts would remain, they would not constitute a significant adverse environmental impact. The swim center and public safety facilities have not yet been designed or received site plan approval. The City Council has made a preliminary determination to locate a future Police Building in the Civic Center/Central Park area. Specific siting for the building is still to be determined. It is inappropriate and speculative for the consultant to assume these proposed buildings will screen or reduce the visibility of the aerial structure. (CDD)

V-2

V-3 | The suggestion that the visual impact in an active sports area would be acceptable is too judgmental a statement for an objective EIR document. (LS)

V-4 | The Fremont General Plan considers Central Park a unique visual resource, and a valuable recreational asset to the community. Therefore, it appears the consultant has underempathized the impact of the aerial structure on the visual and aesthetic quality in the Central Park recreational area. Implementation of Design Option 1 or Design Option 2S, with the subway through Central Park, should be suggested as a mitigation measure for the adverse visual impact. (CDD)

CULTURAL RESOURCES

1. *Page 3.9-11*

C-1 | Under the section on Proposed Project Impacts, the discussion on the focused subsurface archaeological testing program related to the CA-Ala-343 site is a mitigation measure and should be discussed in that section (rather than under impacts). It should also be clarified this task would be performed in implementing any of the design options since all would have some level of impact on the subsurface deposits. (CDD)

SAFETY AND SECURITY

1. *Page 3.11-1*

SS-1 | No discussion of security or vandalism impacts on park supervision program is included in this section. No reference is made to the existing park security program. Are Park Rangers expected to keep visitors from flying kites in proximity of the track for fear of dropping metallic mylar films onto the third rail? Who responds when a park visitor lofts a ball or Frisbee at an oncoming train? (LS)

2. *Page 3.11-, 1st Paragraph*

SS-2 | The Fremont Fire Department has nine fire stations, not eight as listed in the report. (FD)

3. *Page 3.11-4, 2nd Paragraph*

SS-3 | Identify the location and response time to Fremont of the four emergency vehicles. (FD)

4. *Page 3.11-5*

SS-4 | This section makes reference to a safety engineer review of drawings and specifications for compliance with safety codes. It further states on pages 3.11-6, the Fremont Fire Department requests an opportunity to conduct a review of plans for conformance with local codes.

At the July 17, 1991, EIR meeting, a BART representative stated BART enjoyed autonomy on matters of design criteria and review.

The Fremont Fire Department contends that Title 19 of the California Code of Regulations gives fire department jurisdiction over BART stations. Specifically page 1, paragraph 1.03, states these regulations should govern use and maintenance of structures used for awaiting transportation. Title 19 constitutes the basic building design and construction standards of the State Fire Marshal. (FD)

SS-4

TRANSPORTATION

1. Page 3.12-4

The method used to calculate signalized intersection level of service is slightly different from our usual TJKM method. The method used by DKS differs in its treatment of right-turn movements and does not appear capable of evaluating alternative phasing arrangements, such as right-turn overlap phasing. As such, this method would appear to generate more conservative level of service results.

T-8

The description of the all-way stop-controlled method of calculating level of service appears to be different from the method actually used, as shown in Transportation Technical Appendix. (PW)

T-9

2. Page 3.12-7

The discussion about the Blacow Road extension should be expanded. The Blacow Road extension is included in the City of Fremont's General Plan to accommodate the presence of the BART station in this area. (PW)

T-10

3. Page 3.12-13

Osgood Road will be a four-lane facility, with provisions for left turns, not strictly an undivided facility. Provisions for left turns should be available at the Irvington BART Station. (PW)

T-11

4. Page 3.12-33

The EIR does not address the impacts to local circulation in the vicinity of the Irvington BART Station with respect to the elimination of Railroad Avenue. We would anticipate a requirement to connect High and Main Streets. (PW)

T-12

5. Page 3.12-33

The report discusses significant traffic impacts for the proposed project. Included in this discussion are descriptions of the percent of BART traffic relative to the total traffic in 1998. These percentages should not be interpreted as BART's responsibility for mitigation. BART's mitigation responsibility should be based on a combination of factors. These factors include: (a) the need to have certain street and access improvements in place when train service begins, (b) the satisfaction of normal frontage

T-13

improvement requirements, and (c) the percent of incremental traffic at impacted intersections where the timing of improvements can be delayed.

T-13

This latter concept needs further explanation. Calculating mitigation responsibility by this method is in line with the intent of AB 1600. Where existing roadway deficiencies do not exist, it becomes incumbent upon future development to remedy anticipated problems. Therefore, the calculation of the mitigation responsibility must be based on the net growth in traffic – not the total traffic – at those problem locations. If a deficiency does currently exist, then the percentage of total traffic can be considered. (PW)

6. *Page 3.12-16*

T-14

The Mitigation Measures section should also list those BART driveway intersections that will require traffic signals. These signals may also require traffic signal interconnect. (PW)

7. *Page 3.12-62, Table 3.12-12*

T-15

The right-turn lane designations should be double checked on this table, particularly regarding the "*" and "**" footnotes. According to this table, some intersection approaches do not have right turn lanes. For example, see northbound and southbound Warm Springs /Kato/Scott Creek. (PW)

8. *Page 3.12-63, Table 3.12-13*

T-16

Why are some intersections designated as "NA" under the column labeled "Impact of Mitigation" when mitigation has been applied. For example, see Driscoll/Osgood/Washington. (PW)

9. *Page 3.12-67*

T-17

I-680 Northbound Ramps-Luzon/Washington – The City is not planning any particular improvements for this intersection, as stated in the text. (PW)

10. *Page 3.12-67*

T-18

I-680 Northbound Ramps/Durham Road – The statement about the eastbound-to-southbound right-turn movement being made free-flowing does not make sense (p. 3.12-67). It is already free-flowing. This movement is the on-ramp to the freeway. Our planned improvements to this intersection are as follows: northbound – same as existing; southbound – 1 LT, 1 LT+TH, 1 RT; eastbound – 2 LT, 2 TH, and one free RT; and westbound – 1 LT, 2 TH, 1 RT. (PW)

11. *Page 3.12-68*

T-19

Fremont Boulevard/Cushing Road-I-880 Southbound Ramps – In the future, with construction of the partial cloverleaf interchange, the southbound on- and off-ramps will be split into two intersections. At the southbound off-ramp, three northbound

through lanes and two southbound through lanes should be adequate. The Fremont/Cushing intersection can achieve an acceptable level of service by operating the eastbound right-turn movement as an overlap phase with the northbound left turn. This will require the prohibition of U-turns for the northbound approach. (PW)

T-19

12. *Page 3.12-71*

City staff disagrees with the assessment concerning Fremont Boulevard/Cushing-I-880 Southbound Ramp. This intersection can achieve an acceptable level of service by operating the eastbound right-turn movement as an overlap phase with the northbound left turn. See the comment above. (PW)

T-20

13. *Page 3.12-72*

The statement that there is little difference in transportation impacts between alternatives is difficult to believe. With the single station extension alternatives, it would seem traffic and parking impacts become more concentrated. There should be additional explanation to counter this conclusion. (PW)

T-21

14. *Page 3.12-79*

Alternative 8 would have a significant impact on the left turn storage lanes where the aerial structure runs along a street median. According to page 3.8-18, the aerial structure columns are spaced 70 to 80 feet apart. To span large intersections and avoid impacts on left turn lanes, the spacing would have to be on the order of 800 feet. (PW)

T-22

NOISE AND VIBRATION

1. *Page 3.13-23*

The assumption the noise of the BART trains would have little, if any, impact on wildlife is incorrect. The significant impacts related to noise in the Lake Elizabeth area with implementation of the aerial structure design would inhibit wildlife movement patterns and breeding in the area. The text mentions that passbys typically last no longer than 15 seconds, and would only result in a minor and temporary impact on wildlife. However, passbys would occur every 2.25 minutes during peak periods, and every 3.75 minutes at other times. This represents a reoccurring noise and vibration pattern which would definitely create a permanent impact on wildlife movement and habitat patterns. In other words, birds and wildlife would avoid the affected corridor all together.

N-2

Additionally, the text also states no reported instances of detriment to wildlife due to operational noise along the existing BART corridor have been observed, which indicates there would be no significant noise impact on wildlife. This assumption is based on a comparison of completely different environmental settings. There exists no other area in the BART corridor resembling the environmental makeup of the Central Park area, which contains the diversity of wildlife present there. In fact, the only similar setting might be the Lake Merritt area, and BART is an underground subway through the area,

N-2 | thereby eliminating the adverse noise impacts to both wildlife and people. The consultant should reassess the impact of project related noise on wildlife. (CDD/LS)

2. *Page 3.13-34*

N-3 | Under Residual Noise and Vibration Impacts After Mitigation, the DEIR states residual noise impacts cannot be mitigated in the far northeastern part of Lake Elizabeth and Central Park with the proposed project. Since this residual impact would exist with the proposed project and all of the alternatives which incorporate the aerial structure, the only option available to mitigate this impact is to underground the rail line through this area. This should be suggested as a mitigation measure.

N-4 | Additionally, the DEIR also states that approximately 7.5 percent of the park would be affected. This is misleading and minimizes the actual noise related impact of the aerial structure. The noise impact would occur in a corridor which physically bisects the park, decreasing the value of the recreational experience for people picnicking, walking, jogging,, boating, and engaging in other sporting activities in the park. (CDD)

AIR QUALITY

1. *Page 3.14-6*

AQ-1 | Dust from construction will be a serious problem to pedestrians after 1:00 p.m. Twice a day watering in this open area used by many park visitors would be inadequate. (LS)

SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

1. *Page 5-2*

SE-1 | If it were not for the Blacow Road extension, the Fremont Boulevard/Bay Street/Washington Boulevard intersection would be even more heavily impacted. It is, therefore, necessary to mitigate the impacts at this intersection.

SE-2 | Other intersections experiencing significant unavoidable adverse impacts include: (1) Mission/Mohave, (2) Mission/Warm Springs, (3) I-680 SB Ramps/Durham Road, and (4) Warm Springs/Scott Creek/Kato. According to Tables 3.12-12 and 3.12-13, these intersections all experience v/c ratios greater than 0.85, either in 1998 or 2010. (PW)

CUMULATIVE IMPACTS

1. *Page 6-2*

CU-2 | Under Visual Quality, the assumption is made that development and maturation of plantings will create a more complex environment in Central Park capable of absorbing the visual intrusion of the aerial structure. The assumption that the addition of buildings to the park complex would absorb the visual impact of the structure is purely speculative. As discussed under the *Visual and Aesthetic* section above, any further development in the park area is conceptual only at this time, and yet to be designed and

approved. (CDD)

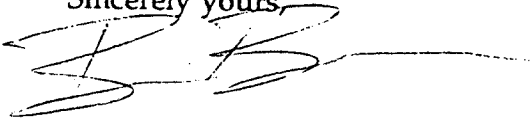
The cumulative impacts discussion should include reference to future development of Central Park. More intensive development throughout Central Park may become more acceptable to future planners if the park is impacted by an aerial structure. In particular, the open space between UPRR and SPRR is currently planned for golf. Should the proposed BART project use aerial alternates in this area, golf may be impractical. Substantial acreage could then become available for other recreation development projects which would include buildings of one sort or another. (LS)

CU-3

The City of Fremont is pleased to submit the above comments, questions and concerns for consideration by BART and in anticipation of thorough and complete responses in the Final EIR. However, the City does not represent that BART's responses will result in City support for a finding that the EIR is adequate and in compliance with the California Environmental Quality Act.

If you have any questions regarding these comments, please contact the City's Transportation Engineer, Martin J. Boyle at 790-6697.

Sincerely yours,



BILL BALL
Mayor

BB:bc
en2-21

cc: City Council
Assemblymember Eastin
Senator Lockyer
Metropolitan Transportation Commission
Alameda County Transportation Authority
City Manager
Assistant City Manager
Department Heads
Transportation Engineer

August 25, 1991

Joan Kugler
Warm Springs Extension Project
Bay Area Rapid Transit District
P.O. Box 12688
Oakland, CA 94604-2688

Dear Joan:

Thank you for allowing me the chance to speak at the BART hearing on Monday August 12 at the Fremont Main Library. Some of the people who spoke commented about topics that I would like to address briefly before I present my recommendations on the Proposed Project.

First, the length of time that this or any other BART Extension project takes, from inception to completion (which typically ranges anywhere from 10-20 years) is totally ridiculous. How can we continue to keep people's interest in transit if they must wait for so long?

Second, I, like many others, find the cost of the BART Extension exorbitant. For the Proposed Project and the Alternatives presented, the cost per mile calculates out to \$67-105 million! It is extremely difficult for the average citizen, like myself, to truly grasp how much money that is. We need to work to bring the costs more in line with reality.

Finally, I would like to see the comment period extended to possibly 90 days or more for future EIRs. Many years go into the process of forming the documents that will become the EIR with barely a moment allowed for examination by the community. It is a tremendous task for a person or an organization interested in transit issues to comprehend what is contained in this "telephone book"-like document called the Draft EIR and be able to make any type of comprehensible oral or written comments.

RECEIVED

AUG 28 1991

I reviewed the Draft EIR for the BART Warm Springs Extension in depth and came to the conclusion that the Proposed Project as outlined was fairly good. Although, I would like to offer the following recommendations that would make it a better BART extension:

P-4

1. Reduce the size of the parking lots.

The proposed station parking lots are far larger than they should be (refer to Table 3.12-11 in the Draft EIR). As an example from the Table, the estimated parking demand in the year 2010 for the South Warm Springs Station is 1390 vehicles while the number of stalls to be provided exceeds this number by 1010, for a total of 2400 parking stalls. Why do we need so many parking spaces? The Facciola Meat Packing plant, which is located at the southeast corner of this future station's parking lot should not need to be removed just to provide excess parking. This building, if retained, would also serve as a good visual block of an unsightly parking lot as viewed from Warm Springs Blvd. and Kato Rd.

A much better solution to the parking question would rely on a well integrated transit system providing feeder bus lines that access nearby neighborhoods thereby eliminating the need for people to use their cars to get to the parking lots! The land that would be used for parking could instead be better utilized for the integration of businesses located near a BART station. Riders could disembark the BART train and walk a block or less to their workplace. Besides, these new businesses would be paying property tax for the land on which their building sits. Unfortunately, land used for expansive BART parking lots becomes a permanent "no money generator" for the City of Fremont.

T-23

2. Do not construct the Warm Springs Station at this time.

As of the construction completion date, I do not see a need for a Warm Springs Station, as most of the businesses located along the proposed BART Extension are adjacent to the Irvington Station (the Irvington District) and the South Warm Springs Station. Much of the land near the Warm Springs Station is still agricultural in nature, thereby negating the need for a station. I would still recommend that preliminary engineering be completed in anticipation of the need for a future Warm Springs Station.

P-5

3. Choose Design Option 3 through Central Park.

I prefer that an aerial alignment be chosen over a subway alignment through Central Park for mainly two reasons: cost and view. Why should the transit rider be relegated to looking at the dark walls of a tunnel for an added cost to the project of \$60 million? The view of Central Park from the aerial trackway will be spectacular. It should in no way detract from the activities that occur in the Park. (Incidentally, most activities in the park occur on the west side of Lake Elizabeth; only bikers and walkers will need to pass near the aerial structure when traveling on the east side of the lake). The view of the aerial trackway from the west side of Lake Elizabeth should be minimal under Option 3 (see Figure 3.8-6B in the Draft EIR).

P-6

Option 3 is superior to the other aerial options proposed due to the fact that Option 3 would completely avoid crossing Lake Elizabeth and the riparian forest area. These two benefits outweigh the 70 mph speed restriction of Option 3 over the other aerial alignments.

4. Construct an overpass at the tracks for vehicle traffic on Paseo Padre Parkway.

The construction of an aerial alignment for BART at this intersection would only allow for the BART trains to cross Paseo Padre Parkway. Vehicles will continue to stop for SP or UP freight trains. By constructing an overpass at this street, vehicle traffic would be unaffected by any train movements whether it be BART or freight.

T-24

5. Construct an aerial alignment opposite the Grimmer School.

An aerial alignment near the Grimmer School provides for the safety accorded the schoolchildren while at the same time enhancing the view from the BART train (see Figure 3.8-8B in the Draft EIR). The at-grade alignment, which would construct walls at the outer edges of the BART tracks, would detract from the riders' view significantly while at the same time not increasing the safety factor (see Figure 3.8-8C in the Draft EIR).

SS-5

6. Relocate the UPRR track to the west.

An enormous cost savings will result from relocating the UPRR track closer to the SPRR tracks. Many of the businesses, which are to be relocated due to lack of space for the BART alignment east of the UPRR right-of-way could (and should) be spared (see Figure 1, following pages). Keeping BART between the SPRR and the UPRR rights-of-way would require the Warm Springs and South Warm Springs Stations to be constructed below-ground, increasing the project cost significantly.

Instead of constructing the BART tracks east of the UPRR track as proposed, the UPRR track can be moved west, closer to the SPRR tracks (the average spacing center-to-center between the two SPRR tracks measures only 17 feet, thus the UPRR track can be relocated relatively close to the SPRR tracks). *This idea is definitely more feasible now, considering that the property occupied by **Truck Rail Services** at Warren Ave. is up for sale. This piece of land can then be used in the relocation of the UPRR tracks to the west.*

At the point where the BART aerial alignment crosses over the SPRR tracks just southeast of Central Park, the UPRR track would continue its path northeast along the original alignment just as if the track was not relocated.

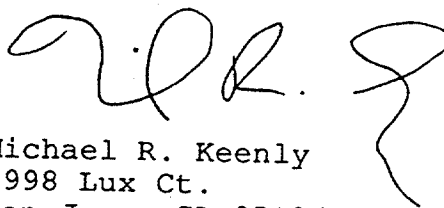
Since the UPRR and the SPRR tracks parallel each other for most of the length where the BART Extension is to be constructed, an agreement might be negotiated where the two railroad companies may even share the SPRR tracks. This would be possible considering that the UP has only a single track line and the SP has a double track line for this segment. The conflicts between SP and UP trains would be minimal considering the relative infrequency of freight operations.

Since consideration is being given to a BART extension south of the Alameda County line into the City of Milpitas, this issue of track conflict will most likely need to be addressed at some point in the future. A Milpitas BART Extension with cost effective above-ground stations would not be possible, due to the placement of relatively new housing developments directly east of the current UPRR right-of-way between Dixon Landing Rd. and Kato Rd.

PD-12

I hope you will examine seriously my comments before you produce the Final EIR for the BART Warm Springs Extension. I was so concerned about the issue of track alignments that I spent a Sunday riding my bicycle the full length of these tracks to examine the alignments in more detail. (Some of what I have mentioned in my 6th recommendation is already outlined as a "horizontal alignment design option" in the first paragraph on page 2-15 of the Draft EIR). Please don't hesitate to give me a call at work or home if you have any further questions.

Sincerely,



Michael R. Keenly
3998 Lux Ct.
San Jose, CA 95136

Work (408) 522-3352
Home (408) 266-8118

cc: Frank Maxwell, Santa Clara County Transportation Commissioner

Richard Stifel, Policy Analyst,
Santa Clara County Supervisor Dianne McKenna

Natalie Wells, Field Representative,
Santa Clara County Supervisor Rod Diridon

BUSINESSES EAST OF UPRR RIGHT-OF-WAY THAT WOULD BE PRESERVED
(IF UPRR TRACKS ARE RELOCATED WEST)

<u>Address</u>	<u># Businesses Displaced</u>
2878 Prune Ave.	8
2318 Warm Springs Court	1
2120 Warm Springs Court	1
2090 Warm Springs Court	1
2020-2040 Warm Springs Ct.	5
1501-1560 Fulton Pl.	9
980-1055 Mission Ct.	4
201 Fourier Ct.	1
255 Fourier Ct.	1
47621-47951 Westinghouse Dr	10
401 Whitney Place	1
420 Whitney Place	1
	43 businesses total

August 26, 1991

BY MESSENGER

Ms. Joan A. Kugler
Planning Project Manager
Bay Area Rapid Transit District
800 Madison Street - Lake Merrit Station
P.O. Box 12688
Oakland, CA 94604-2688

RE: Draft EIR, July 1991
Warm Springs Extension

Dear Ms. Kugler:

As you know, we are the developer of the Fremont Unified School District's Niles High School site. The Draft EIR shows the Warm Springs Extension tracks running over our property. The Draft EIR also identified a wetland relocation area on our property.

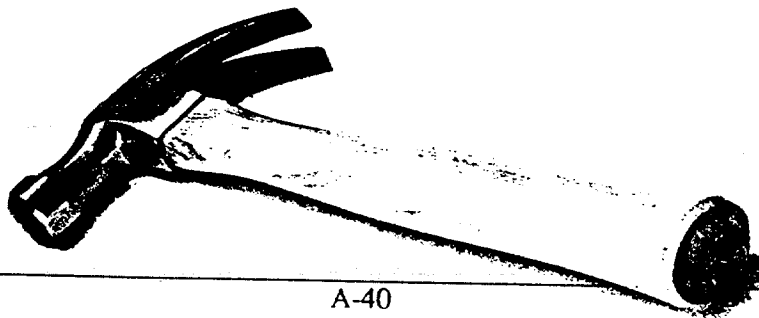
Please find enclosed photocopies of my letters to BART, dated June 27, 1990 and March 19, 1991. We are dismayed that BART has again made no attempt to address our project in the above referenced Draft EIR.

We have been in constant contact and consultation with BART staff since September 1988 in regards to our project. On May 14, 1991, we received final approval of EIR 89-79 from the Fremont City Council, as well as PD approval for the project. We plan on beginning construction of the project 1st quarter 1992.

Please address the following questions in your final EIR for the Warm Springs Extension:

- 1) Please show us on an engineered plan how much property you will take from us based on the track alignment shown in the Draft EIR.
- 2) Please give us the area of the above described right of way taking in square feet.
- 3) Please give us the elevations of the top of the rail and distance in feet from the top of rail to the existing earth grade, at 100 foot increments, for all route alternatives, both aerial and subterranean, discussed in the Draft EIR, between Walnut Avenue and Stevenson Boulevard.

PD-13



RECEIVED

AUG 26 1991

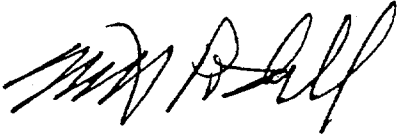
BART & BATC engineers have told us that it is possible to build a retaining wall along the side of the earthen berm on which the tracks lie across our property. The retaining wall will reduce the amount of property you have to take from us for right of way.

- 4) Would you please produce an engineered plan with a retaining wall along the earthen berm on our property so as to reduce to the minimum amount the area of land you have to take from us for the right of way. PD-13
- 5) What volume of water retention replacement in cubic yards does BART have to provide to the Alameda County Flood Control District for the Warm Springs Extension? H-8
- 6) What is the area in square feet that BART has to provide for wetlands replacement?
- 7) What is the area in square feet that you have identified on our property as wetlands replacement? EC-11
- 8) What portion of the area you have identified on our site as wetlands replacement is for Flood Control District water retention replacement. What portion of the same area is for wetlands replacement.
- 9) Why specifically in terms of hydraulic and general engineering can't BART expand the large tule pond on the north side of Walnut, on the BART parking lots, rather than disrupt our project and buy expensive high density multi-family housing land. H-9
- 10) Why specifically in terms of hydraulic and general engineering can't BART expand the large tule pond on the undeveloped land surrounding it on the north side of Walnut.
- 11) We estimate that the cost of our land will be in excess of \$700,000 an acre by the time you buy it. Please perform an economic cost analysis comparing the expansion of the water retention pond on your land adjacent to the north tule pond versus buying our land. PD-14

PD-14

- 12) Please perform an economic cost analysis comparing the cost of constructing a retaining wall against the earthen berm on our property versus buying more land without the retaining wall.

Sincerely,



Nick Podell

NP:lk

enclosure

March 19, 1991

Ms. Theresa Dunn
Environmental Review Officer
BART
800 Madison Street
Oakland, Ca. 94607

RE: Notice of Preperation of Draft Environmental Impact Report
P91008-10/A
Warm Springs Extension

Dear Ms. Dunn:

In response to your letter, dated March 7th, 1991, please find enclosed a copy of my letter to Leo Rachal, dated 6/27/91, are our comments on BART's 1st Draft EIR for the above referenced project. I never received a response from BART for this letter.

We still want the questions raised in our 6/27/91 letter answered. Would you please see that they are addressed in the proposed new draft EIR.

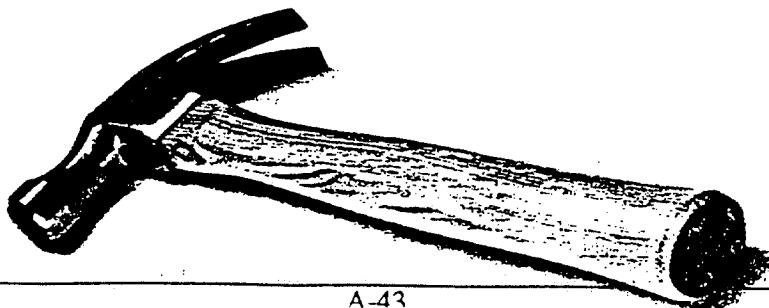
I am unable to attend the public scoping session on Wednesday the 20th. Would you please send me an agenda for that meeting as well as BART's minutes from the meeting.

If you have any questions, please do not hesitate to give me a call.

Sincerely,

Nick Podell

NFP:mk
Enclosure:



BART

6/27/90

Mr. Leo Rachal
BART
212 9th Street
Oakland, Ca. 94607

Re: Draft EIR
Warm Springs Extension

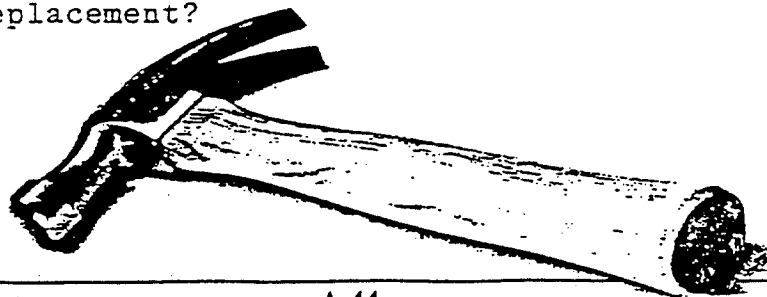
Dear Mr. Rachal:

As you know, we are the developer of the Fremont Unified School District's Niles High School site. The Draft EIR shows the Warm Springs Extension tracks running over our property. The Draft EIR also identifies a wetland relocation area on our property.

- 1) Please show us on an engineered plan how much property you will take from us based on the track alignment shown in the Draft EIR.
- 2) Please give us the area of the above described right of way taking in square feet.
- 3) Please give us the elevations of the top of the rail and distance in feet from the top of rail to the existing earth grade, at 100 foot increments, for all route alternatives, both aerial and subterranean, discussed in the Draft EIR, between Walnut Ave. and Stevenson Blvd.

BART & BATC engineers have told us that it is possible to build a retaining wall along the side of the earthen berm on which the tracks lie across our property. The retaining wall will reduce the amount of property you have to take from us for right of way.

- 4) Would you please produce an engineered plan with a retaining wall along the earthen berm on our property so as to reduce to the minimum amount the area of land you have to take from us for the right of way.
- 5) What volume of water retention replacement in cubic yards does BART have to provide to the Alameda County Flood Control District for the Warm Springs Extension?
- 6) What is the area in sq. ft. that BART has to provide for Wetlands replacement?



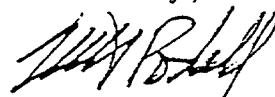
Mr. Leo Rachal

Pg. 2

6/28/90.

- 7) What is the area in square feet that you have identified on our property as wetlands replacement?
- 8) What portion of the area you have identified on our site as wetlands replacement is for Flood Control District water retention replacement. What portion of the same area is for wetlands replacement.
- 9) Why specifically in terms of hydraulic and general engineering can't Bart expand the large tule pond on the north side of Walnut, on the BART parking lots, rather than disrupt our project and buy expensive high density multifamily housing land.
- 10) Why specifically in terms of hydraulic and general engineering can't BART expand the large tule pond on the undeveloped land surrounding it on the north side of Walnut.
- 11) We estimate that the cost of our land will be in excess of \$700,000 an acre by the time you buy it. Please perform an economic cost analysis comparing the expansion of the water retention pond on your land adjacent to the north tule pond, vs. buying our land.
- 12) Please perform an economic cost analysis comparing the cost of constructing a retaining wall against the earthen berm on our property vs. buying more land without the retaining wall.

Sincerely,



Nick Podeli

NFP:mk

Hand-Delivered

223 Donner Avenue
Livermore, CA 94550

August 26, 1991

Joan Kugler
Warm Springs Extension Project
Bay Area Rapid Transit District
PO Box 12688
Oakland, CA 94604-2688

Joan - 8-26
Bob Allen
says to use
this letter as
his formal
letter. -mh

Re WSX DEIR, July 1991

Attached are copies of letters I have written about the WSX DEIR.
In summary I request the following:

- OA-2 1. Central Park/Lake Elizabeth: Keep BART at grade (or in shallow cut) thru the park and on fill across the finger of Lake Elizabeth. Use cost savings in part to reconfigure park.
BART line could divide active from passive uses.
Visual and sound impacts much less than with aerial structure.
BART ride much more enjoyable than with tracks in tunnel.
Existing finger of lake could become a silting pond/wetland.
- OA-3 2. Grade separate railroad grade crossings before or when BART comes.
Paseo Padre Parkway - build overpass or underpass.
Washington Blvd - build overpass. (Avoid major track changes.)
Blacow Road - add new overpass or underpass.
Warren Blvd. - separate per Caltrans plans.
Kato Road - stop BART to north until it is separated.
- OA-4 3. Keep BART west of the UP - between the railroads - at their grade.
Work with the railroads on compatible operations.
Design Warm Springs and South Warm Springs stations like Richmond.
- T-25 4. Plan a major intermodal station at Irvington with direct I-680 access.
Avoid traffic impacts of using city streets.
Provide quick, direct access for buses, carpools, and motorists using existing structure once planned for SR 238 freeway.
Consider parking tolls to help fund the facility.

Design concepts in the DEIR are grossly deficient and unduly costly. Using the railroad corridor makes sense, but not willy-nilly leapfrogging over railroad tracks, and not BART aerial structures over roads crossing adjacent railroad tracks at grade. I cannot understand the consultants' failure to consider a major Irvington intermodal facility when the potential has been brought forth repeatedly.

RECEIVED

AUG 26 1991


Robert S. Allen

(415/510) 449-1387

BART
EXTENSION PLANNING

A-46

223 Donner Avenue
Livermore, CA 94550

22 August 1991

Members of the
California Transportation Commission

Friends:

Re BART's WSX (Warm Springs Extension) DEIR, the attached article says that you objected on the grounds of technology and length - that you want BART to explore light rail and only two stations.

I also find the DEIR deficient, but on different grounds:

1. All of the proposed alignments unnecessarily leapfrog the two parallel railroads. They should stay west of the UP.
2. They ignore the potential of grade separating existing railroad grade crossings before or when BART comes. The cost savings are dramatic - not to mention the safety and environmental benefits. Putting BART on aerial structure over a street crossed by an adjacent railroad at grade makes any future grade separation prohibitively expensive.
3. The DEIR ignores the potential of a major intermodal terminal at Irvington fed by the existing interchange on I-680 built years ago for the now-dead Rt 238 freeway. Instead it shows traffic going from the freeway via city streets.
4. The DEIR should consider the low-cost alternative of integrating a line at grade (or in shallow cut) and across the finger of Lake Elizabeth on fill with a redesign of park uses in Fremont's Central Park. Such a line would allow de facto segregation of active from passive uses.

Over the years I have brought these concerns repeatedly before both BART staff and the consultant. They would save many megabucks and would yield a better project.

I would caution you about light rail in this corridor. Linking the largest city in northern California - one with oodles of jobs - with regional rapid transit by means of light rail would impel commuters to stay in their automobiles and continue to smog up the air. It would force a cumbersome transfer for transit riders and deny them the greater speed, safety, and convenience of rapid transit. Don't do it!

Very truly yours,

Robert S. Allen
BART Director, 1974-1988
(415/510) 449-1387

223 Donner Avenue
Livermore, CA 94550

30 July 1991

Members of the City Council
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

Friends:

I strongly urge you to nominate the Dixon Landing Road grade crossing of the UP and SP tracks for separation. This project should be coordinated with a similar Kato Road crossing in Fremont. One of the crossings would probably be over and one under the railroads, cutting the costs by helping balance excavation and fill.

The work should be done before or when the proposed BART rail extension is complete to the county line, so that the BART line can share the common vertical alignment of the railroads. (Hopefully BART will stay west of the UP thru Fremont, rather than leapfrogging to the east side as present plans propose - and the leapfrogging back.)

Keeping BART at grade - rather than on aerial structure - past Dixon Landing Road and Kato Road will greatly reduce the cost. It would also lessen the noise and visual impacts of BART on an aerial structure.

Once BART is built on aerial structure over a road that crosses a parallel railroad at grade, that grade crossing is locked in place, probably never to be removed. Witness BART's Fremont line between Fruitvale and Hayward; the only new grade separation on the parallel railroad is at Hegenberger Road, where the road had to go over BART's aerial line. The dollar and environmental costs are prohibitive.

Separating Dixon Landing Road, of course, would yield the usual benefits of any grade separation: safety, better traffic flow, elimination of noise from trains and gates, etc.

Perhaps MTC could suggest some funding source to cover the local share - maybe a demonstration grant. Cost savings in extending BART would far exceed that share. Here is a project where everyone wins.

Very truly yours,

Robert S. Allen
449-1387

cc: City of Fremont
MTC
BART

223 Donner Avenue
Livermore, CA 94550

30 July 1991

Members of the City Council
City of Fremont
39700 Civic Center Drive
Fremont, CA 94538

Friends:

I strongly urge you to nominate the Kato Road grade crossing of the UP and SP tracks for separation. This project should be coordinated with a similar Dixon Landing Road crossing in Milpitas. One crossing would probably be over and one under the railroads - similar to the Durham and Grimmer separations of a few years ago. Costs can be cut by balancing excavation and fill.

The work should be done before or when the proposed BART rail extension is completed to the county line, so that the BART line can share the same vertical alignment as the railroads. (I would hope that BART stays west of the UP thru Fremont, even though the present plans show it leapfrogging to the east side.)

Keeping BART at grade - rather than on structure - past Kato Road and Dixon Landing Road will greatly reduce the cost. It would also lessen the noise and visual impacts if BART were built on an aerial structure.

Once BART is built on aerial structure over a road that crosses a parallel railroad at grade, that grade crossing is locked in place, probably never to be removed. Witness BART's Fremont line between Fruitvale and Hayward; the only grade separation on the parallel railroad is at Hegenberger Road, where the road had to go over BART's aerial line.

Separating Kato Road, of course, would have the usual benefits of any grade separation: safety, better traffic flow, elimination of noise from trains and gates, etc.

Perhaps MTC could suggest some funding source to cover the local share. Cost savings in extending BART should far exceed that share. This would be a project where everyone wins.

Another possible source would be a demonstration grant.

Very truly yours,

Robert S. Allen
449-1387

cc: City of Milpitas
D.A.M.

A-49

223 Donner Avenue
Livermore, CA 94550

18 July 1991

BART Board of Directors
800 Madison Street
Oakland, CA 94604-2688

Re: WSX DEIR July 1991

WSX design concepts presented in the DEIR are costly and would needlessly squander many megabucks. Practical, lower-cost alternatives are not considered, even though I have suggested them repeatedly:

1. Fremont Station thru Central Park:

Keep BART at grade (or in shallow cut) along proposed project horizontal alignment.

Modify elevation of Stevenson Blvd. to conform.

Modify park layout:

Use BART to divide active from passive uses.

Landscape BART and add berms if needed.

Put BART on fill across north cove of Lake Elizabeth:

Convert north cove to a silting pond/marsh/wetland.

Resculpt Lake Elizabeth as needed to retain water acreage.

Avoid both tunnels and aerial structures so far as possible.

Save the huge costs of each.

Present riders with a pleasing vista - not just tunnel walls.

Avoid the adverse visual impacts of aerial structures.

2. Railroads, general:

Explore joint operation on one railroad's line - probably UP.

This would be like joint Niles-Tracy operation on UP thru Niles Canyon, Sunol, ^{Pleasanton} Livermore, and over the Altamont.

Grade separate streets crossing (or to cross) the BART line:

Nominate them for CPUC grade separation priority list.

Request CPUC to factor in savings that would accrue in BART construction.

Keep railroads at existing grade. Put streets over or under.

Major streets to nominate:

Paseo Padre Parkway

Washington Blvd.

Blacow Road

Warren Avenue

Kato Road

Dixon Landing Road

Keep BART on a common grade with the railroads where possible.

Run BART between the railroads; don't leapfrog them unnecessarily.

OA-5

OA-6

3. I-680 access at Irvington:

Link I-680 directly with a major intermodal facility at Irvington.

Avoid use of surface streets for traffic to/from Milpitas and San Jose.

Use the existing separation built for the since-abandoned SR 238.

Speed I-680 buses directly to and from the bus loading area.

Consider a substantial parking fee in structure for non-carpool autos using the direct I-680 access.

T-26

4. Again, keep the railroads at their existing grades in Irvington, and put Washington Blvd. over the tracks.

OA-7

Aside from these main points, I note a few points that need revision:

P. 2-35: 2nd par., last sentence, change to read:

"...would allow 2.25-minute spacings transbay."

Last par., fourth line:

Isn't board policy to have maximum cruise speeds of 70 mph?

PD-15

P. 2-36: Last par., 9th line:

Rt 180 headways are about 15 minutes during commute hours and 30 minutes during the day. (Admittedly they should be every 15 minutes during the day, timed for good connections with BART trains. They should also be direct.)

PD-16

P. 3.11-1: Footnote 1 does not distinguish between vehicle-miles and passenger-miles. It should do so.

SS-6

P. 3.13-20: The "Transit System Noise Characteristics" box could well include a comment about curve noise, e.g., gauge squeel, tread slip.

N-5

I respectfully request that the Board demand evaluation in the EIR of items 1-4 above, and that you not be satisfied with the report as presented to you. These suggestions are practical and could save tens of millions of dollars, yet yield a better project.

Very truly yours,

Robert S. Allen

Robert S. Allen

(415) 449-1387



August 23, 1991

Ms. Joan Kugler
BART Extension Planning
P. O. Box 12688
Oakland, CA 94604

RE: WARM SPRINGS EXTENSION - DEIR

Dear Ms. Kugler:

The Irvington Business Association strongly supports the proposed BART extension; however, we have the following environmental concerns:

- GEN-4
1. Lake Elizabeth Central Park Area. We do not agree with an aerial route through central park. The noise and visual impacts an aerial alignment would bring to the park and surrounding residential areas cannot be mitigated satisfactorily and as stated in the DEIR, would cause significant unavoidable adverse visual and noise impacts.
 2. Irvington Station. The Irvington Station is an extremely valuable link for the transportation needs of the surrounding residential areas. This station will mitigate current and future vehicular impacts by improving the intersections at Osgood, Driscoll and Washington Blvd.
- P-7

T-27

Most importantly, we believe the Irvington Station will become an excellent multi-modal transportation hub. AC Transit has plans to operate a transit center at the station site. The State of California and the Federal Highway System has completed an interstate off ramp for the abandoned I238/680 interchange project. This existing interstate connection is within 1/4 mile of the Irvington Station's planned parking area.

The numerous environmental benefits to the City of Fremont, i.e., street traffic, noise, air pollution, etc., warrant full investigation of this transportation opportunity.

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AUG 26 1991

P.O. Box 1631 Fremont, CA. 94538 BART EXTENSION PLANNING

Ms. Joan Kugler
August 23, 1991
Page Two

This concept was discussed at prior BART community meetings; however, it is not mentioned in the DEIR.

T-27

3. BART Extension Aerial Route. We cannot support an aerial route from the Central Park area to the Irvington Station and beyond. The same significant unavoidable impacts occur as with the park. A depressed route is the best solution and will mitigate the noise, visual, traffic and related environmental impacts to an acceptable level.

P-8

We are willing to meet with any and all BART representatives to discuss these issues.

Sincerely,

IRVINGTON BUSINESS ASSOCIATION

By William Pease
William Pease, President

Larry Milnes

August 24, 1991

Joan Kugler
Bay Area Rapid Transit District
P. O. Box 12688
Oakland, CA 94604-2668

Re: BART Warm Springs Extension DRAFT Environmental Impact Report

The following comments apply to the referenced report. You are requested to include these comments in the FINAL Environmental Impact Report and to address the issues raised in this letter therein.

CP-22 | AERIAL CONSTRUCTION AT CENTRAL PARK. The DRAFT Environmental Impact Report does not address the adverse impact an aerial structure over Lake Elizabeth would have on sail boating. The San Francisco Bay Bridge causes areas of absolute calm to exist beneath the bridge wherein sailboats become literally "dead in the water". The trees on the island in Lake Elizabeth have the same tendency. Construction of an aerial bridge over Lake Elizabeth can be expected to act in a similar fashion, substantially reducing the recreational value of the portion of the lake northeasterly thereof.

PD-17 | UNDERGROUND CONSTRUCTION AT CENTRAL PARK. The DRAFT Environmental Impact Report indicates the height of the culvert top as it crosses Lake Elizabeth would be at elevation of 48 feet. This would be approximately equivalent to the wintertime water surface elevation of the lake. An elevation of 48 feet for the top of the culvert would effectively preclude boating use of the east-erly end of Lake Elizabeth. The top of the culvert should be no higher than 44 feet, as it passes under the lake, in order for this end of the lake to continue to function as it does now.

PD-18 | One approach not discussed in the DRAFT Environmental Impact Report (in connection with the construction of a culvert for BART through the active portion of Central Park) is to fill-in the portion of the lake northeasterly of the BART crossing. To do so would reduce the water surface area of this 80+ acre lake by some ten (10) acres. Benefits to all parties could result:

1. BART would experience lower construction costs by virtue of not having to construct the culvert lower.
 - A. There would be less excavation and backfill required; and
 - B. The extent to which ground water would be encountered during construction would be lessened.
2. The culvert could be constructed in an open trench type of construction, at least cost and least construction disturbance to the lake.
3. The risk of penetrating the clay layer over the Niles Cone gravel beds below the park would be lessened.
4. BART could utilize the portion of the lake to be abandoned for disposal of excavated soil from other project locations (so long as the material was of suitable quality for park use).
5. The City would have more usable land for park development.

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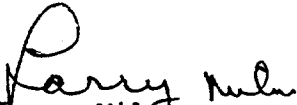
41704 Murphy Place, Fremont, CA 94539 (415) 656 6238

AUG 26 1991

BART attn Joan Kugler re BART Warm Springs Extension EIR

Such a plan would obviously have to be considered by the City's Recreation Commission and the City Council before it could be implemented. It should nonetheless be examined as a part of this environmental document in the event this approach should evolve as a project component to the benefit of and suitable to the various parties.

Sincerely,


Larry Milnes

1585 Valdez Way
Fremont, CA 94539-3660
August 22, 1991

Joan Kugler
Manager, South and West Bay Extensions
BART, Extension Planning - MSQ3
P.O. Box 12688
Oakland, CA 94604-2688

Dear Ms. Kugler,

Our residence is located at 1585 Valdez Way, Fremont. The latest BART environmental study of the Warm Springs Extension presents more detrimental and degradation of Central Park and especially our neighborhoods (Valdez Way, Vacca and Valero). This study raises too many questions and too few answers.

Prior to purchasing our home in 1977 we checked Fremont's City Hall records to see if there would be any future problems regarding developments of building around the property. There was no mention of any BART's extension. BART was already established in Fremont.

N-6 | BART's proposed 2A Aerial or 3 Aerial are completely unacceptable. These alignments could exceed the Federal noise Standards. Having BART passing our home constantly from early morning till midnight (perhaps extended hours in the future) will impose on our privacy with people looking in our house and yard. Our kitchen, den and master bedroom have large sliding doors and windows facing these aerial routes. To protect our privacy we would have to live with drawn drapes 24 hours a day, which is not tolerable or acceptable. The noise, vibration, and visual pollution, and other endangering safety factors, also make proposal 2A and 3 unacceptable.

T-28 | BART's Warm Springs Extension will only serve a select population especially those who live outside Fremont. It seem Santa Clara County is not interested in BART. Their preference is for a light rail system. Four stations in Fremont with parking will only encourage non-tax supporting commuters to drive over our already over loaded streets. All that these BART stations will accomplish is transfer the traffic from the surrounding freeways onto our city streets. Fremont will then have additional SMOG, noise pollution and traffic problems. Why should Fremont be burdened, suffer more degradation, expenses and property devaluation?

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AUG 26 1991

If we are forced to accept BART's Warm Springs Extension the alignment Option #1 (subway) is the only one that is the least detrimental to us and the neighborhood.

P-9

ONLY OPTION #1 (SUBWAY) or NONE.

Respectfully,


James P. Kliment


Helen L. Kliment

cc: Erlene Demarcus, President of Board of Directors BART.
John Glenn, Board Director BART.
Mayor Ball, Fremont
Members of Fremont City Council -
Mello, Dutra, Loisel, Roessler
Kunli Odumodi - City of Fremont Assistant Engineer
of BART project.

PENNSYLVANIA 3443 HOMEOWNERS ASSOCIATION

c/o William W. Schriever, Secretary

3455 Pennsylvania Common

Fremont, CA 94536

415-793-6328

August 23, 1991

Ms. Joan A. Kugler
Warm Springs Extension Project
Bay Area Rapid Transit District
P. O. Box 12688
Oakland, CA 94604-2688

Dear Ms. Kugler:

I attended the public hearing on the Draft EIR held on Monday, August 12, and spoke briefly concerning some seismic considerations. In particular, I quoted the following paragraph from page 3.2-28 of the Draft EIR:

"The subway portions of Design Options 1 and 2S do not cross the fault trace. Since fault rupture is restricted to areas along the fault, there is no potential for fault rupture impact on the subway structure."

G-8

I argued that contrary to the assumptions of the Alquist-Priolo Special Studies Zones Act, there is a real possibility that the fault rupture might be drawn to the long, deep cut containing the subway structure since it would be adjacent to and roughly parallel with the existing fault trace. Similarly, the fault rupture might be drawn to the Irvington station since the building and the tracks are to be placed in a deep cut that intersects the existing trace of the Hayward Fault just outside the station.

I also made reference to the following paragraph from page 3.2-33 of the Draft EIR:

"The subway structure proposed in Design Options 1 and 2S could also be adversely affected by strong groundshaking and liquefaction. Differential settlement along the tunnel in response to liquefaction or tectonic settlement could result in significant trackway deflections or displacements. Such effects could impact train operation. Cracking of the subway structure could cause significant groundwater seepage into the subway tunnel."

G-9

My comment was that to describe the leakage of water into the tunnel as "groundwater seepage" was a gross understatement of the risk to be expected. In fact, given the relatively unlimited supply of water in Lake Elizabeth, the tunnel could easily be flooded by water flowing through a crack in the subway structure. My point is that there is a significant probability that the passengers on a train trapped in the tunnel during a severe earthquake could be drowned whether or not the fault rupture actually crosses the subway structure.

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AUG 26 1991

A-58

BART
EXTENSION PLANNING

Next I made reference to the calculation presented in the following two paragraphs from pages 3.2-29 and 3.2-30 of the Draft EIR:

"The seismic design criteria and emergency procedures would not reduce the potential impacts of surface rupture where the tracks cross the fault traces to an insignificant level. The maximum expected horizontal displacement of ten feet would likely cause significant displacement of the tracks. Displacement of the tracks could result in derailment of passing trains causing risks of personal injury and damage to equipment.

The probability of such an event is the combined probability of a rupture event and passage of a train over the ruptured section of track. The probability of a magnitude 7.0 earthquake (considered capable of causing fault rupture at the ground surface) on the southern East Bay segment within the period 1990 to 2020 is estimated to be 0.23. The probability of a train passing any of the three identified alignment crossings of the HFZ is a function of trip frequency, train length and train speed. Assuming 84,280 trips per year, an average train length of 5 cars (350 ft.) and a train speed of 38 miles per hour, the probability of a train passing across three fault zones with assumed width of 200 feet is estimated to be 0.08. The combined probability of an earthquake event occurring while a train is within the fault zone is approximately 0.02, or a 1-in-50 chance."

As I pointed out at the hearing, this analysis ignores the fact that the train is moving and therefore may cross a fault zone at any time after fault rupture occurs until the train has been brought to a stop.

First consider the calculation of the probability of finding some portion of the train within a fault zone at the time the earthquake occurs based on the assumptions made in the Draft EIR. A train 350 feet in length traveling at 38 miles per hour or 55.7 feet per second will have some portion of the train within a fault zone 200 feet in width for

$$(350 + 200) / 55.7 = 9.87 \text{ seconds.}$$

Given 84,280 trips per year across 3 similar fault zones the probability of finding some portion of a train within any fault zone would be

$$(9.87 \times 84,280 \times 3) / 31,536,000 = 0.079$$

where 31,536,000 is the number of seconds in a year. In my opinion the analysis should end at this point since, sooner or later, such an earthquake is virtually certain to occur. But to continue with the analysis as presented in the Draft EIR, assuming the probability of such an earthquake is 0.23 then the combined probability is

$$0.079 \times 0.23 = 0.018$$

or approximately 1-in-50.

G-10

Now consider the calculation of the probability of the train entering the fault zone after the earthquake has occurred. Assume that the train is traveling at 38 miles per hour or 55.7 feet per second, that the brakes are applied immediately after the earthquake is detected and that braking occurs at the rate of 0.1 times the gravitational acceleration of 32.2 feet per second per second then the train will travel for

$$55.7 / (0.1 \times 32.2) = 17.3 \text{ seconds}$$

before coming to a stop. Repeating the calculation presented above with 17.3 seconds substituted for 9.87 seconds, the probability of the train entering any fault zone after the earthquake occurs is 0.139. Thus the probability of a train being caught in the process of crossing any one of the three fault zones when the earthquake occurs is

$$0.079 + 0.139 = 0.218$$

or approximately 1-in-5.

Suppose that Design Option 1 is adopted and the tracks are placed in a subway structure through Central Park. A similar calculation can be used to estimate the probability of a train being caught in the tunnel under Lake Elizabeth when the earthquake occurs. According to the description on page 2-11 of the Draft EIR, "BART would be in a subway structure for an additional 1.5 miles of its length." Assuming the trains are traveling through the tunnel at 38 miles per hour or 55.7 feet per second and that the tunnel is 1.5 miles or 7920 feet in length, the trains will spend

$$7920 / 55.7 = 142 \text{ seconds}$$

of each trip in the tunnel. Assuming 84,280 trips per year, the probability of catching a train in the tunnel when the earthquake occurs is

$$(142 \times 84,280) / 31,536,000 = 0.38$$

or approximately 1-in-3.

Finally, the probability of a train being severely impacted by the earthquake (being caught in the process of crossing any one of the three fault zones or traveling through the tunnel under Lake Elizabeth) is

$$0.218 + 0.38 = 0.60$$

or approximately 1-in-2. Should the earthquake occur during rush hour, it is virtually certain that at least one train would be severely impacted.

In conclusion, this analysis indicates the Draft EIR is in error by an order of magnitude when it suggests that the probability is only 1-in-50 that a train would be severely impacted by the fault rupture. Furthermore, the operation procedure "that all trains proceed in manual operation at a maximum speed of 25 miles per hour to the nearest station" recommended on page 3.2-29 of the Draft EIR cannot possibly have any mitigating effect. Were it implemented without regard to track conditions, the probability that a train would be severely impacted would increase to a virtual certainty.

At the first two public meetings I spoke out against the concept of running the BART tracks in a tunnel underneath Lake Elizabeth. My hope was that I might awaken some opposition to the tunnel being promoted by the Fremont City Council based on one or more of the following considerations:

1. A tunnel under Lake Elizabeth would be extremely vulnerable to damage from a major earthquake on the Hayward Fault. A crack in the tunnel could cause a train to be trapped within the tunnel and, at the same time, allow water from Lake Elizabeth to flood the tunnel so that all of the passengers on the train might be drowned.
2. Building a tunnel under Lake Elizabeth would increase the cost of the Warm Springs Extension by something like \$50 million dollars (now estimated at \$60 million dollars, see page S-3 of the Draft EIR). Considering how desperately such funds are needed for improvements to our schools, for example, spending this money on a tunnel would be an incredible waste of the community's limited resources.
3. The visual impact on the passengers of replacing a view of Lake Elizabeth with a view of the dirty wall of a tunnel such as we now experience when riding BART into the West Oakland station would be much more objectionable to many more people than any aesthetic loss that might occur if the BART tracks were carried on an aerial structure over Central Park.

At this point I sense that the tide has turned. The proponents of a tunnel have been quieted and several opponents stood up at the last public hearing to express their concerns. In this regard, I hope the BART Board won't take the machinations of the Fremont City Council seriously.

Assuming that the decision is to have the BART tracks cross Central Park on an aerial structure, I would favor shifting the alignment toward the center of Lake Elizabeth and increasing the height and span of the aerial structure sufficiently to allow boats to sail underneath. Removing the structure from the eastern shoreline of the lake would greatly improve the view and the access to the shoreline for those walking along that shoreline. It would reduce the loss of playground area north of the lake to a very minimum. And finally, the increased height and the graceful arch of such an aerial structure would provide an attractive focus for the view of the lake from the the western shoreline. I have never heard anyone complain that the Golden Gate Bridge spoils the view of the Bay from the shoreline in either San Francisco or Oakland. Why not build an aesthetically pleasing structure that will enhance the view across Lake Elizabeth?

I understand the desire of the Irvington businessmen to have this project include an Irvington station, but it seems to me that the site chosen for this station is just not practical. In the first place the traffic along Washington Boulevard is already congested and adding an Irvington station there would simply increase this congestion. Secondly, the proposed design of the station requires placing the BART tracks together with both railroad tracks in a wide cut in order to cross under Washington Boulevard. Relocating the railroad tracks would add significantly to the cost of the project without providing any benefit to the community. Also, officials of the railroads have already expressed strong opposition to this plan. And finally, as I have already

G-11

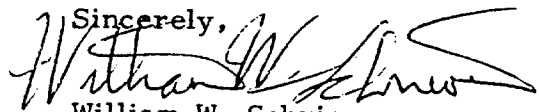
OA-8

OA-9

mentioned, the Irvington station would be located within a few hundred feet of the existing trace of the Hayward Fault. Assuming that there is a real desire to include an Irvington station in the project, I would favor moving the station toward the south to a point that would allow the railroad tracks to remain at grade. In general, I favor building the BART tracks at or above grade whenever possible since that improves the view for the passengers.

I hope the members of the BART Board will keep the best interest of the public as a whole paramount in their minds during the process of adopting the plans for this Warm Springs Extension. In my view, the first consideration should be the safety of the passengers. Placing the BART tracks in a tunnel under Lake Elizabeth exposes the passengers to a significant risk of being drowned following a major earthquake on the Hayward Fault. The second consideration should be the cost of the project in relation to the benefits to be realized by the public as a whole. Placing the BART tracks in a tunnel under Lake Elizabeth would be extremely expensive and the public as a whole would receive no benefit in exchange for paying the bill. The third consideration should be the aesthetic benefits for the public as a whole. Placing the BART tracks in a tunnel under Lake Elizabeth would block the view of Central Park for the passengers and thus for the public as a whole. **There is simply no justification for the BART Board to spend \$60 million dollars to place the BART tracks in a tunnel under Lake Elizabeth.**

Sincerely,



William W. Schriever
Secretary

MISSION SAN JOSE CHAMBER OF COMMERCE
P.O. Box 3396
Mission San Jose, California 94539

August 23, 1991

Ms. Joan Kugler
Manager, South and West Bay Extensions
BART, Extension Planning-MSQ3
P.O. Box 12688
Oakland, CA 94604-2688

Re: Mission San Jose Chamber of Commerce Response to Draft
Environmental Impact Report
Warm Springs Extension

Dear Ms. Kugler:

The Mission San Jose Chamber of Commerce would like to take this opportunity to voice its firm support for the proposed BART Warm Springs Extension. The Warm Springs Extension will preserve and enhance the quality of life for Southern Alameda County residents by serving to mitigate the environment impacts (traffic congestion, noise and air-pollution) caused by the continuing growth of the region.

We agree with Draft E.I.R. with the following exceptions:

1. The extension should pass under Lake Elizabeth to preserve its beauty as a community resource. | P-10
2. We support each of the three stations planned in the proposed project. All three stations are vital to the community and will decrease the environmental impact of vehicular pollution. | P-11
3. The Mission San Jose Chamber of Commerce would like to see the BART Extension depressed as it transverses the Irvington area. This revitalized business district would be adversely affected by a raised line. | P-12

The Mission San Jose Chamber of Commerce supports the efforts of BART directors, BART staff, and its external consultants in developing the Draft Environmental Impact Report. We encourage the prompt development of the Warm Springs Extension as outlined above.

Sincerely,



Dr. Drew Kohler
Vice President
Mission San Jose Chamber of Commerce

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BART
EXTENSION PLANNING

August 26, 1991

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BART
EXTENSION PLANNING

Ms. Joan Kugler
Warm Springs Extension Project
Bay Area Rapid Transit District
P.O. Box 12688
Oakland, CA 94604-2688

Dear Ms. Kugler:

Subject: Draft Environmental Impact Report for Warm Springs Extension Project

We appreciate the opportunity to review the subject report. The proposed project brings BART to the threshold of entering the County of Santa Clara. Not only will the BART District residents benefit from the additional transit service but the project encourages transit ridership in lieu of automobile ridership thereby taking an important step toward meeting our Bay Area environmental goals. Residents of Santa Clara County will certainly benefit from the project as riders going north as well as BART District residents who commute to the Santa Clara County area.

As you are aware MTC and the SCCTD have recently completed the Tasman Corridor AA/DEIS study document and have selected as a locally preferred alternative light rail service from Mountain View to Interstate Route 680/Hostetter Road in San Jose. The current schedule calls for light rail service in this corridor in late 1996 or early 1997. In addition the Santa Clara County BART Extension Alignment Alternatives Feasibility Study is proceeding and is scheduled for completion in early 1992. We look forward to the time when BART and the Tasman Corridor project could be directly linked. Ridership on both systems would certainly be increased as a result of a very significant improvement in overall transit service.

In the meantime we look forward to working with BART in coordinating bus service (DEIR page 2-36): "It has been assumed that the three SCCTD bus routes now serving the Fremont Station would relocate to the end station for each of the proposed project alternatives."

As stated previously we prefer those alternatives that extend BART service from the current BART Fremont terminus station to the future South Warm Springs station, further extended by tail tracks to the County line. These alternatives are Alternatives 6, 7, 8, 10 and 11.

P-13

Page Two
August 26, 1991
BART Warm Springs

Again, thank you for the opportunity to comment on this important report. We look forward to working cooperatively on this project and other projects that we will undoubtedly share in the future.

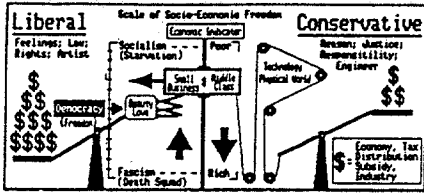
Sincerely,



Rollo Parsons, Manager
Project Development

RP:dmr

cc: Board of Supervisors
Larry Reuter
Lou Montini
Jim Pierson
Jim Lightbody
Mike Aro



Small Business Development Corporation

956 Sacramento Street, #305
 San Francisco, Calif. 94108
 (415) 362-2250 Bus / (415) 433-7497 Res



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HAND DELIVERED

Ms. Joan Kugler
 Warm Springs Extension Project
 Bay Area Rapid Transit District
 P.O. Box 12688
 Oakland, CA 94604-2688

August 26, 1991
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AUG 26 1991

**BART
 EXTENSION PLANNING**

Re: Public Comment on BART Warm Springs Extension Plan Draft EIR of July, 1991

Dear Ms. Kugler:

Please include and address both the following comments and the issues, facts and alternative land use and transportation proposals raised in the referenced documents in both the "Comments and Responses" section of the Draft EIR and the Final EIR. (Note: Quoted EIR text printed in *italics*.)

GENERAL COMMENTS

OVERVIEW

During the course of the past five and a half years I have participated in numerous EIR and EIS studies performed at the local and regional level. I have also participated in San Francisco's Housing Element of the Master Plan process. My involvement has resulted in my seriously questioning both the data and the conclusions reached by local and regional governmental agencies. I have seen the data change from page to page in a given report, subsequent updates significantly change previous reports, and conclusions that do not include the financial, socio-economic and density impacts of projects that have been certified for construction by local officials.

I could write a book on this subject, but suffice it here to state that in summary, "it is my view that ABAG develops reports that essentially justify large-scale, high-density development projects and MTC (and BART) develop the transit system extensions necessary to transport people from where they can afford to live to where they work."

Unfortunately, MUNI Metro's, MTC's and BART's proposed transit extensions are inefficient (Metro), expensive (BART), and generally obsolete about the time they are completed (all?) - or they provide substantially greater capacity than required (BART).

In sum, ABAG, MTC and BART use one another's data in their planning activities, and thus, white elephants are set in concrete." If anybody wishes to question this statement, I refer you to the referenced reports that I have prepared and delivered to local and regional officials - reports whose listing of fact and fatal flaws have been substantiated by San Francisco's Planning Department, but wholly ignored by elected officials and deleted from EIR reports.

CONFLICT OF INTEREST

It is my position that having BART officials be the Lead Agency in the development of this EIR constitutes a conflict of interest in the building of a expanded empire, which would at a minimum, for example "indicate justification for higher incomes for senior executives who operate a \$?.? billion dollar operation."

More specifically, only BART alternatives are presented in this EIR. All other NON-BART alternatives have been subject to censure, and thereby unavailable for public comment. (See Small Business Development Corporation's Proposed Alternative 12 below.

LINK OF BAAQMD TO MTC/BART

The BAAQMD's Clean Air Plan is inextricably linked to MTC/BART's 20-year Regional Transportation Plan because of the latter's definition of future land use and transportation plans. BAAQMD's plans for draconian and very expensive Transportation Control Measures (TCMs) in order to address the environmental problems created by ABAG/MTC/BART only exacerbates the situation.

Certification and implementation of the policies and projects defined by ABAG, the MTC, BART and BAAQMD will have substantial socio-economic impact upon the future of the Bay Area for well into the 21st Century. For example page 16.8 of MTC's RTP EIR states:

"The [MTC's 20-year Transportation Plans] would require an irreversible commitment of financial resources to the development of the [Transportation] elements . . . the [MTC's 20-year Transportation Plans] would require an irreversible commitment to satisfying [transportation] needs primarily through automobile accessibility."

In short, the projects defined in MTC's 20-year RTP establishes that Bay Area transportation requirements are programmed to be "solved" with an expected increase in the use and density of automobiles in already high traffic areas - and once the Project is underway, it is irreversible.

What happened to the "transit first" policy and the strict requirements codified in the Clean Air Act? MTC's RTP is fatally flawed. BAAQMD's EIR is also fatally flawed. In not this EIR fatally flawed because it is an element of the MTC 20-year plan plus the fact that it fails to present NON-BART alternatives?

TRANSPORTATION CONTROL MEASURES

Under the BAAQMD's Clean Air Plan (Socio-Economic Report) of July, 1991 [quote]:

- *Employer-based trip reduction programs are estimated to cost LOCAL BUSINESSES \$150 MILLION PER YEAR to implement [How much to operate?].*
- *Mobility improvements are estimated to cost LOCAL BUSINESSES about \$26.3 MILLION PER YEAR when the improvements are complete [How much to get them 'completed?'].*
- *The cost of construction for the transit improvement is not presented in the EIR, but according to my figures the transit element alone is about \$8 BILLION.*
- *Market-based fees are estimate to reach \$332 MILLION PER YEAR.*

The cost to employees and the public are ADDITIONAL DOLLARS:

- *Employer-based trip reduction programs are estimated to cost employees about \$1.46 BILLION ANNUALLY.*
- *Mobility improvements for "the public share of travel benefits" are estimated to cost \$266.3 MILLION PER YEAR and the public costs of "revenue measures" are estimated at \$203.6 MILLION ANNUALLY.*
- *The market-based measures would levy a substantial cost estimated at \$3 BILLION ANNUALLY to the public.*

IN SUM, THE COSTS ARE IN THE BILLIONS AND THE "BENEFITS" ARE GENERALLY "ASSUMED" TO BE RECEIVED AND ENJOYED BY THE TAXPAYER. The facts and considerations presented in this EIR do not substantiate these assumptions.

Moreover, this EIR does not point out that ONLY ABOUT ONE FOURTH OF THE TRANSIT BOARDINGS ARE FOR WORK-RELATED TRIPS AND ONLY ABOUT ANOTHER ONE FOURTH OF THE TRANSIT BOARDINGS ARE FOR BUSINESS TO BUSINESS TRIPS!

AND ON TOP OF THIS BOTH ELECTED OFFICIALS AND TRANSPORTATION OFFI-

CIALS KNOW THAT THE PERCENTAGE OF TRANSIT RIDERSHIP IS GOING DOWN WHILE AUTO USE IS GOING UP. AND, INCREDIBLY, THE MITIGATION MEASURES (TCM'S) AND PENALTIES ARE KEYED TO AUTO USE!

DENSITY

Few people know that THE key factor which defines the "quality of life" is the density of human beings per acre. I have calculated that San Francisco's residents per acre is about 23.4 (and rising to 24.6 by year 2000) and the rest of the Bay Area communities are in the 1.9 to 2.1 range (and rising to 2.3 in year 2000). Review of Bay Area's development plans indicate that planned development projects are in or directly adjacent to already high-density areas.

In my view "we" must stop building high-density office space in one area and high-density housing in another. The ONLY solution, expressed in terms of cost regarding transit, air, water quality, crime, etc., is that at least a one-to-one ratio of SKILLED JOBS to HOUSING UNITS MUST BE CONSTRUCTED WITHIN OR DIRECTLY ADJACENT TO EACH OTHER. ANY OTHER PLAN IS INSANITY.

I know that local elected officials and the members of ABAG, MTC, BART, etc., will list a thousand reasons why a one-for-one job/housing ratio cannot be done in "their jurisdiction."

Nevertheless, the problem lies in the fact that IT IS THESE SAME ELECTED OFFICIALS WHO HAVE CREATED THE PROBLEM of an unbalanced housing to job ratio. More importantly, their solution for resolving it is huge transit extensions costing billions of dollars.

THERE IS A SERIOUS PROBLEM WITH THEIR TRANSIT PLANS TOO: EVERYBODY BUT THE TAXPAYER KNOWS THAT THE PERCENTAGE OF TRANSIT USE WILL DECLINE IN THE YEARS TO COME, WHILE AUTO USE INCREASES, AND IN SOME AREAS, SUBSTANTIALLY SO.

THE UNDERLYING REASON FOR THE "NON-CONNECTED" DEVELOPMENT PLANS AND THE MASSIVE TRANSIT EXTENSIONS IS THAT DEVELOPERS GET THE FINANCIAL REWARDS OF THE DEVELOPMENT PLANS AND THE POLITICIANS GET THE VOTES ASSOCIATED WITH THE EMPLOYEES HIRED BY THE TRANSIT OPERATOR. UNFORTUNATELY, THE TAXPAYERS GET STUCK FOR PAYING FOR BOTH.

THE MERE EXISTENCE OF RENT CONTROL, RENT SUBSIDIES, TRANSPORTATION SALES TAX INCREASES AND OTHER RELATED GOVERNMENTAL PROGRAMS PROVES THE POINT - AND ITS GOING TO GET WORSE, MUCH WORSE, IF THINGS ARE NOT FIRST STOPPED, ADDRESSED IN THE LIGHT OF DAY, AND THEN CORRECTED.

UNDERLYING POLITICAL AGENDA

The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), in consensus with senior elected officials representing Bay Area cities have developed population projections and extensive land use and transportation plans for the Bay Area. The process by which these activities have been achieved are contrary to law and thus the content of subject EIR as well as related previous EIRs must be redone and reissued for public comment.

- The plans, projects, and projections developed by the above entities are based solely on political expediency, and NOT technical, environmental or socio-economic reality.
- The membership of these entities consist of entrenched elected officials who act only to guarantee their own future, Not the future of the people who pay their wages.
- Due Process has been reduced to a process where political consensus within these entities is achieved by creating or expanding bureaucratic departments and agencies whose procedures are designed to usurp, bury or obfuscate the content of public testimony while at

the same time reducing public participation to zero. This goal is achieved by frustrating, wearing down or otherwise exhausting the time and limited resources of the individual participants during a gauntlet of public hearings. The physical means of this process include studies, taskforces, Environmental Impact Reports, Citizen Advisory Committees, commissions, et al. Meaningful public comment is precluded by a policy where approximately three minutes is allotted to each speaker. However, individuals are allowed to make lengthy presentations if they speak or present testimony in support of the project. **And finally, there exists no "enforcement" division within government to compel local agencies to follow the law and thus comments and alternatives presented by the public falls onto deaf ears and subsequently ignored with no legal recourse or penalty.**

- Upon achieving political consensus, the entrenched officials proceed to adopt a resolution or other formal "certification" document with an appropriate level of news coverage performed after the fact. This is followed by waiting for the expiration of judication dates. Finally, they go on about the business of implementing their (or a joint-venture partner's) large-scale plans and projects that are designed to transfer enormous public resources and tax money to the benefit of selected private entities in exchange for social-service, regulations enforcement, environmental or other related programs that carry the force of law because they were created by legislative act, adjudication, ordinance, or decree at the local, regional, state or federal level. The public and private employees created by the projects and the related programs, in turn, consistently vote to keep the entrenched elected officials in office in order to ensure continuance of their jobs.
- This process is not Capitalism or American Due Process. This process is recognized throughout the world as Socialism, Communism, or the practices of corrupt third world regimes. Employing this process is contrary to law and the Oath of Office sworn by every elected public official prior to taking office.

A more useful approach within the tenet of American Democracy would be the placing of the tasks and decisions that lie before us into the light of day and restore Constitutional Due Process. It is going to take a kind of "marriage" between Small Business, Big Business and local Government to ensure the health and well-being of the Bay Area. The success of our region depends on this marriage, and planning for the "wedding" must start immediately.

GOVERNMENTAL INTERVENTION

The large-scale transportation and land use projects developed under the above process by ABAG and the MTC in consensus with the elected officials in cities within the nine Bay Area counties are known to be in conflict with the BAAQMD's environmental regulations.

It is my position that the members of ABAG, the MTC and others have acted to merge ABAG, MTC and BAAQMD into a "regional" superagency called the "Bay Vision 2020 Commission" in order to circumvent BAAQMD's and other environmental regulations.

Moreover, it is my position that the political intent underlying the formation of the new Commission is clear and implementing "Regional Government" is not the answer.

BAY VISION 2020 COMMISSION: Careful review of the Bay Vision 2020 proposal discloses that both its members and supporters promote high-density commercial and housing development of industrial space and "exotic" transportation systems to support the "forced" movement of commuters from where they live to where they work. Furthermore, the Bay Vision 2020 proposal is merely a political means for preventing the derailment of ABAG's and MTC's high-density development plans by absorbing the legal power being exercised by the Bay Area Air Quality Board. In other words **Creating the Bay Vision 2020 commission will relegate the project review and legal enforcement capacity of the BAAQMD to being merely a departmental function and thus, the environmental difficulties with the proposed plans and projects can be put off, ignored or otherwise suppressed by the executive committee of the Bay Vision 2020 Commission.**

SENATOR BOATWRIGHT: I: is important to note that Senator Boatright's bill establishing the creation of County Transportation Authorities and the ability to impose county Sales Tax

increases essentially removes the Regional Planning responsibilities from the purvue of the MTC. Furthermore, this bill allows local agencies to both develop and fund projects outside of the purvue of the MTC. My "*Presentation of SBDC Alternatives to Embarcadero Plaza Citizen Advisory Committee*," report demonstrates just how far out of line an un-audited local agency can travel in its quest for power and incumbency.

BART AND MTC JOINT EXERCISE OF POWERS AGREEMENT: "... authorizes the parties to create the San Francisco Bay Area Transit Financing Authority ... to have the power to issue bonds ... and may direct Net Toll Revenues, and additional sources for payment of bonds ... for financing "approved" public capital improvements or projects ... for BART, and other projects defined by Resolution 1876 (see above)." In my view BART and MTC are essentially establishing a "bank" to serve one "customer" who has the "authority" to write and approve their own "checks."

I'm speechless. This is practically a licence to steal because current Commission Meetings are essentially a "rubber stamp" process. This act and the repercussions must be added to the EIR.

These bills and the impact on subject EIRs must be formally reviewed because of the socio-economic impacts (high taxes, loss of skilled jobs and deteriorating environment) that are being formalized - impacts which I have documented will ultimately displace the Small Business/Middle Class Community.

PUBLIC COMMENT PERIOD

It is unreasonable and unfair under the tenet of free speech for governmental bodies to take many months or years to prepare an EIR report, many of which cost more than \$500,000 and contain more than 500 pages, and then expect unpaid commentators to read, assimilate, analyze, and prepare written comments within the allotted public comment period that is limited to 30 to 45 days.

The ability of the public to participate in a meaningful manner is further complicated by the fact that there are currently numerous EIR studies and documents underway, that these EIR documents are directly related to or impact one another, and that the combined (underlying) policies, assumptions and socio-economic impacts contained within these documents are generally not made known to the public even though eventual (expected) certification and implementation of the policies and projects will have substantial impact upon the future of the Bay Area for well into the 21st Century.

Therefore, and in the interest of due process relative to the general public, I request that public comment periods be retroactively redefined to encompass a period of not less than 60 days, and for large or related EIR's, a period of not less than 90 days.

MEDIA OUTREACH

There is a related issue that must be addressed both immediately and retroactively by governmental bodies undertaking the EIR/EIS process: The number of individuals involved in the EIR/EIS process in terms of public participation and comment is generally very small to nil. I attribute this phenomena to the current practice of agencies simply sending a generic Press Release to media representatives or printing a terse Public Notice in 4 point font in an obscure newspaper. This does NOT constitute reasonable or proper notice to the public because it results in little to no "meaningful" information, scope, or impact being conveyed to the public, much less media outreach efforts or in-depth coverage in terms of newspaper articles, television news reports, talk shows, et al. In short, the public is kept in the dark.

PUBLIC PARTICIPATION, ACCESS, EIR FORMAT

Public participation and access is essentially precluded during the preliminary steps (subtasks, working papers, departmental meetings, etc) leading to the formal EIR document because of the growing number of governmental bodies employing so-called sub-committees, taskforces, and Citizen Advisory Committees in recent years, i.e. "work groups" that do not have to comply or operate within the tenets of the Brown Act ("Open Meeting Act").

The resulting dilution of governmental responsibility has made it all but impossible for the everyday citizen to understand who is doing what, when, and on what subject. This "obfuscation through dilution" becomes a serious obstacle due to recent legislation that allows data, assumptions or "mitigating factors" developed in previous EIR's to be referenced or applied in the current EIR - a practice which generally ignores information, facts, fatal flaws, and alternatives that have been previously presented by public commentators from being addressed in the current EIR and thus creates a "black hole" which absorbs data from commentators but also prevents its "escape" to the general public. In short, if previous EIR's are referenced, ALL related information, facts, fatal flaws, and alternatives presented by public commentators must be presented in the current EIR - including major findings, data tables, facts and circumstances developed by "work groups" in "sub task documents" preceding the formal EIR document presented to the public.

Moreover, financial and "displacement" data is "broken" into so many tables or pages as to be unintelligible without substantial "consolidating" analysis on the part of the commentator. And further, the tables presented do not contain elements that should have been included, particularly in the patronage, cost and operations sections (see "Specific Comments," below).

This practice and policy constitutes a serious fatal flaw in that the return on the investment of public funds, to whom, in what amounts, and in what period of time is of paramount importance to the taxpayer - in terms of both "value" and the impact on the cost of living. I remain particularly concerned about the issuing of bonds and ignoring the cost of interest expense.

Finally, it is important to note that the data, criteria and the process of evaluation employed are the very cornerstones of effective project analysis. Without full disclosure of these "factors" and how they are arrived at and employed, the taxpaying public is wholly prevented from evaluating the proposed Project in a meaningful way - one that can be evaluated for accuracy over time.

It is my position that both the format and the content of state and federal environmental documents are fatally flawed. These documents must be presented in the format similar to that of a STANDARDIZED BUSINESS PLAN. Both the process and the preparation of this STANDARDIZED BUSINESS PLAN must be made available to all interested parties as each section or sub-section is developed by staff (Lead Agency, work groups, et al). Furthermore, all correspondence, referenced data, public comment and technical input developed during the process must be captured and responded to in a manner reflecting the scope and intent defined in both my "San Francisco Public Hearing Policy" document (see ref #5) and the California Brown Act. And finally, per my Public Hearing Policy, a master "EIR/Project List" must be maintained by each level of government entity, i.e., a City List, County List, Regional List, State List, et al. These lists shall be maintained at all official public repositories, and made available free or at cost upon written or verbal request.

"SUMMARIZATION" and STATUTORY/ADMINISTRATIVE EXCLUSIONS

The practice of information, facts, fatal flaws, and alternatives presented by the public commentators being reduced to "gibberish" because of the extreme level of "summarization" employed by agency/EIR staff, or dismissed out-of-hand because of the application of "specialized" statutes established through the legislative process and/or official policy must cease. In short, all working papers resulting from sub-tasks and the formal Draft EIR must list the statutory exclusions, exclusionary premises, and "public" policies established by ABAG, MTC, and other governmental bodies in the preface or "setting" section of the EIR. And finally, the content, clarity and integrity of public comment can be maintained and conveyed to the public only if summarization is very limited or not used at all.

FINANCIAL ANALYSIS - SOCIO-ECONOMIC IMPACT

Governmental bodies have established the interpretation of state and federal EIR and EIS statutes and guidelines where socio-economic and financial impacts are not addressed as legitimate project issues.

However, CEQA provides that socio-economic considerations shall be included in an EIR if a "chain and effect to actual physical changes can be demonstrated" (Section 15131).

It is my position that a formal "Socio-Economic Study" must be performed because the proposed BART extension creates this "chain and effect to actual physical changes" in that implementation of any alternative in the EIR will result in the "timing and type of redevelopment" in terms of [p. 3.6-39]:

- ". . . private and/or public development plans to include high-rise offices, retail, multifamily residential and medical facilities" in the city of Fremont;
- ". . . and/or "adopt a "BART Station Concept Plan," in the city of Fremont;
- ". . . specific area plans being redesignated from (low density) industrial parcels to (high density) residential and/or commercial (office space) use in "areas compatible with BART."

In sum, each of these options would result in increased population density, increased vehicular traffic, and increased demands for additional infrastructure (water, sewer, power, etc.) and thus, the cost of the total project, definition of its elements, funding sources, construction considerations, the socio-economic impacts relative to redefined land use, the displacement of residents and companies, the displacement/replacement of job categories/skill levels/wages, increased density, and transportation elements including ALL transportation alternatives and many other factors are presented in a very cursory and generally unclear manner or not addressed at all.

MAJOR ISSUES NOT ADDRESSED IN THIS EIR

There are numerous issues that have not been addressed during the course of public hearings, previous EIR's and studies. They are crucial and must be included in this EIR. They include:

1. **LAND USE CHANGES:** It appears that BART's policy is consistent with that of the Association of Bay Area Governments Commission (ABAG), the Metropolitan Transportation Commission, and the Bay Vision 2020 Commission to convert industrial space, to high-density housing or high-density commercial space. Doing so, causes the replacement of well-paid skilled jobs with minimum-wage unskilled jobs resulting in public deficits in the form of unrealized housing subsidies (currently valued at \$152.5 million in San Francisco), See document presented to the "Embarcadero Plaza Citizen Advisory Committee," March 26, 1991, (ref #13).
2. **IMPACT ON RAIL FREIGHT SERVICE:** This EIR must present both the circumstances and the possible impact on rail freight service in terms of traffic, cost, operating schedules, etc. Local government's lack of policy and "political will" in support of industry generally and Ocean (Marine) Commerce and related Public Trust Use of Land activities (ship repair, fisheries, et al) and rail commerce specifically has resulted in a series of activities being undertaken to re-zone public and private property as non-industrial areas (see ref #18, #19). San Francisco Bay is considered one, if not the best, deep-water port in the world. There are countries that have started wars to gain access to a deep-water port. In sum, SeaPorts cannot survive or expand without modern facilities, adequate backland area, and efficient rail freight services.
3. **INTERNATIONAL TRADE:** It is my position that local officials are using the ploy of developing major projects under the guise of non-existent public benefits to allow rezoning of waterfront and industrial land in order to circumvent federal law regarding ocean commerce and the abandonment of rail freight services (see ref #22). Doing so is indefensible considering the fact that many experts including consultants to MTC have indicated that international trade, particularly in ocean commerce, will quadruple. It has long been my argument that pursuing ocean commerce and freight transportation will create well-paying jobs for substantial numbers of Bay Area residents (see ref #3). The "best use" of land must be protected and fully addressed in this EIR.
4. **LAND USE:** SBDC's previous reports show that tourism (food service, retail, etc) essen-

LU-12

T-29

LU-13

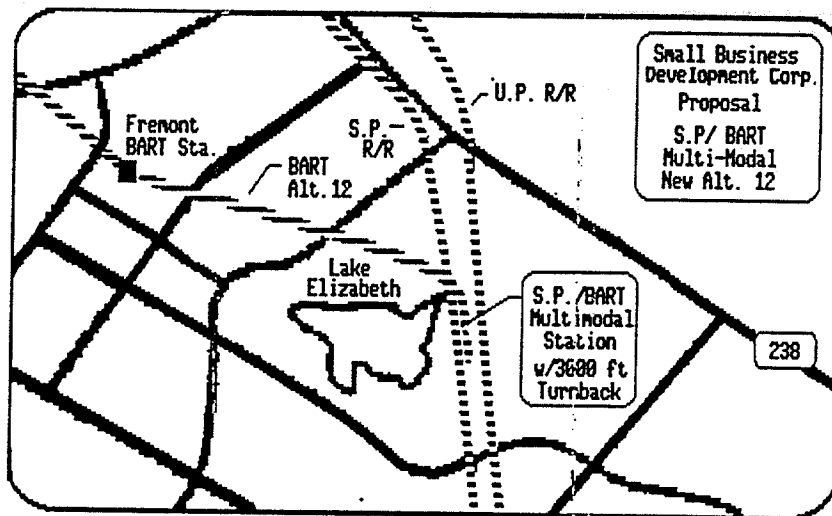
LU-14

tially generates minimum-wage jobs which then creates demands on taxpayers to provide public subsidies in the form of housing, health services, et cetera (see ref #13). The Bay Area must make best use of its industrial and waterfront properties. Converting them to retail, housing and commercial is essentially cutting our own throats.

PROPOSAL FOR AN ADDITIONAL ALTERNATIVE

The following is a brief summary of an alternative proposal employing use of existing Southern Pacific or Union Pacific trackage in a manner similar to the CalTrain service currently operating in the San Francisco Peninsula.

(NEW) ALTERNATIVE 12 - SOUTHERN PACIFIC/BART MULTI-MODAL STATION



Map Source: BART Warm Springs EIR, DKS Associates, et al
Graphics: Small Business Development Corporation

ALIGNMENT: The alignment of the proposed BART extension from the Current Fremont Station to the Multi-Modal station (as shown) will be consistent with BART Alternatives 4-11, and may employ the most appropriate "Central Park Design Option." My preference would be the use of a subway structure beneath Central Park and/or Lake Elizabeth to ensure preservation of the natural ambience and unrestricted use of the park and lake while at the same time providing the most efficient throughput and safety of trains.

ISSUES: I ask that the following issues also be addressed in a Supplemental EIR:

- The ability to lay two transit-only tracks along the S.P. and U.P. freight right-of-way, if needed, now or in the future.
- The ability to interface Alternative 12 with the SBDC's "Transit Link System," including Phase II which includes extension of CalTrain service from the Peninsula across a transit-only (rebuilt) Dumbarton bridge to the East Bay.
- The ability to interface these proposals with the Hannigan (ACR-132) proposal.
- Development of text and tables showing ridership, capital and operating costs, possible housing and business displacements, environmental considerations and mitigations, etc.

FORMAL CONSIDERATION AND REVIEW UNDER CEQA: It is my position that this proposal must be fully addressed in a Supplemental EIR as required under section 15088 of the CEQA Guidelines as summarized as follows [quote, synopsis]:

Evaluation of and Response to Comments:

"(a) The Lead Agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments."

"(b) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice."

"(c) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response comments makes important changes in the information contained in the text of the draft EIR, the Lead Agency should either:"

(1) Revise the text in the body of the EIR, or

(2) Include marginal notes showing that the information is revised in the response to comments.

Note: "Authority cited: Sections 1083 and 21087, Public Resources Code; Reference: Sections 21104 and 21153, Public Resources Code; People v. County of Kern, (1974) 39 Cal App 3d 830; Cleary v County of Stanislaus, (1981) 118 Cal App 3d 348. Formerly Section 15146(b)."

Discussion: "The main purpose of this section is to codify the holding in People v County of Kern cited in the note. The evaluation and response to public comments is an essential part of the CEQA process. Failure to comply with the requirements can lead to disapproval of a project. . . . The options of revising the draft or adding the comments and responses as a separate section of the final EIR match the permissible approaches under the federal NEPA system. . . "

SPECIFIC COMMENTS

S. SUMMARY

SU-15

Page S-3 (Table S-1): Fatal Flaw, table misleads/misrepresents ridership by presenting only figures for the year 2010 in that 10,000 of the projected 21,900 boardings are from the current Fremont Station. The balance appears hard to justify from a cost per boarding perspective.

1.4 PURPOSE AND NEED

LU-15

Page 1-7, para 1: "Because the increase in employment [in Alameda County] will exceed the number of new households [built in Alameda County], areawide commuters will require greater access to employment centers in southern Alameda County."

Fatal Flaw: A housing to Jobs ratio of at least 1 to 1 must be planned. Otherwise NEW residents will be forced to commute to work, possibly over long distances and at considerable cost considering that the non-auto transportation facilities (bus, rail, etc) will not be in place.

Page 1-7, para 2: "The proposed BART Warm Springs Extension Project is being developed in response to this need [exceeding capacity of I-880 by as much as six additional lanes] and in response to the following specific mandates:"

1st Bullet: Internally creating a policy within BART and then citing it in a BART EIR is self-serving and therefore invalid.

2nd Bullet: My letter to MTC's Hank Dittmar (ref #12) substantiates that the MTC's New Rail Starts Program (MTC Resolution No. 1876) is fatally flawed in both process and content and therefore is invalid.

3rd Bullet: I'm sure the voters voted for transit, but they also want the "best bang for the buck." My Alternative 12 should be presented to the voters and let them decide - after the facts are available from the completion of a Supplemental EIR.

4th Bullet: My Public Comment on the MTC's Regional Transportation Plan (RTP) (ref

GEN-5

#15) substantiates the fact the RTP is fatally flawed. Furthermore, on August 21, 1991, the federal court ruled that the RTP is not in compliance with the Bay Area's Environmental Regulations. The MTC has 120 days to resolve this ruling. A new RTP and RTP EIR will likely be required. And thus this bullet is invalid.

GEN-5

5th Bullet: Senator Boatwright's Law (SB 1715) may not be used as an excuse to build bad transportation projects or waste taxpayer money. Additionally Senator Boatwright was not informed of a "Southern Pacific R/R and BART Multi Modal" alternative and thus this bullet is invalid.

Pages 1-8 thru 1-10, Goal 1, Goal 2, Goal 3, Goal 4, Goal 5, Goal 6, Goal 7: Subject to findings of Supplemental EIR regarding Alternative 12.

GEN-6

2.6 RIDERSHIP

Page 2-37, para 2: My report (ref #17) demonstrates that The MTC's Regional Travel Model and the forecasts it produces is based on assumptions and programming that must be reviewed by the scientific community, certified and then rerun relative to this EIR and the previous/related EIRs.

PD-19

Page 2-37, para 4: The net reduction of 37% in the approximate 10,000 existing patrons at the Fremont Station must be reflected in the tables in this section. Doing so would result in substantially reducing the patronage figures in the tables, and thus this section is invalid.

PD-20

2.8 COST COMPARISONS

Page 2-47, para 2: *"The capital costs and operating and maintenance costs, further detailed below, are conceptual and subject to revision after preliminary engineering."*

Fatal Flaw: How can BART act to adopt (certify) this EIR if the cost per passenger ratios cannot be accurately calculated? The necessary "engineering" must be completed, this EIR and Alternate 12 updated, before the "preferred alternative" can be formalized.

GEN-7

Page 2-47, para 4: FATAL FLAW. While Table 2-5 summarizes the cost in escalated dollars, the table does NOT display the cost of bond financing. If one assumes for the purposes of conveying the point that the bonds are issued at say 8% for 20 years, then the total cost is a little more than twice the principle amount. In other words the \$690 million dollar project really costs \$1.4 billion! This is about \$176.9 million per mile for the 7.8 mile project.

PD-21

It is also my understanding that the above cost does NOT include certain mitigation costs including traffic, intersection and related costs, etc. These items must be specifically laid out and the costs presented, including the cost of borrowing money.

Page 2-48, para 4 and Page 2-51, Table 2-7: *"The total annual incremental operating and maintenance costs for the Proposed Project and alternatives in 1991 dollars . . . ?"*

Fatal Flaw. What does the sentence mean? I don't want to see "incremental" cost figures. I want to see a table that shows annualized cost figures that have been escalated for inflation for the years 1990 thru 2010.

PD-22

Fatal Flaw. Also what is the taxpayer getting for this. I want to see tables showing train frequency, cars per train, headway, et al.

3.6 LAND USE AND ECONOMIC ACTIVITY

Page 3.6-1, box "Notes on Population Estimates": FATAL FLAW. This EIR should have waited until the 1990 census figures were available. To do otherwise essentially misrepresents the data conveyed throughout the whole EIR. This EIR must be updated to reflect the 1990 census figures.

LU-16

Page 3.6-6, Table 2.6-4: The following categories must be added to the table: Average Worker Per Household; Net Commute In/Out; Average Cost Per Passenger, Per Mile by weekday totals, weekend totals, and yearly totals. "Mean Household Income in Constant 1988 Dollars" must be

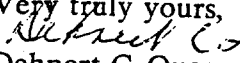
LU-17

LU-17

replaced with "Mean Household Income." The difference is substantial. The currently displayed figure of \$35,609 would be replaced with \$21,780 for 1980 and the figure of \$45,100 would be replaced with \$27,734 for the year 2000.

LU-18

Page 36-45, Table 3.6-11 and Pages C-1 thru C-12, Potential Displacements: These tables must be updated to display the number of employees (business) and residents (housing) that are beings displaced. This section must also discuss the "Relocation Mitigation Measures" in terms that are specific and easily understood, i.e., a table by parcel showing relocation efforts necessary and estimated costs.

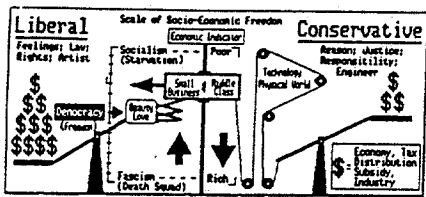
Very truly yours,

 Dehnert C. Queen
 Founder and CEO

DCQJj

Major References (Note: * = Enclosed)

- Ref: # 1 Study: "Analysis, Waterfront Transportation Projects (Prop B-Sales Tax Increase)," Fraudulent Misrepresentation of Fact, October 16, 1989, 4 pages.
 Ref: # 2 Study: "A Unifying Theory of Political Corruption/Constitutional Means for Political; Eliminating It," February 1990, 28 pages.
 Ref: # 3 Study: "Fiscal, Financial & Social Evaluation of the Mission Bay and Publicly-Funded Infrastructure Projects," June 1990, 54 pages.
 Ref: # 4 Letter: Elected Officials, re Mission Bay Ballot Issue, Fraudulent Misrepresentation of Fact, August 14, 1990, 3 pages.
 Ref: # 5 Proposal: "San Francisco Public Hearing Policy," August, 1990, 1 page
 Ref: # 6 Letter: Elected Officials, re Planning Department's & Planning Commission's Flawed EIR Process, October 29, 1990, 12 pages.
 Ref: # 7 Proposal: "Preliminary Proposal, (Update 8.1)," November 1, 1990, 36 pages
 Ref: # 8 Letter, Elected Officials, re Fatal Flaws, Compliance Gov. Code 65009, Mission Bay Dev. Agreement, Nov 15, 1990, 500+ pages.
 Ref: # 9 Letter, Elected Officials, re Improper Taking Eminent Domain, Misuse of Fed Funds, December 10, 1990, 5 pages.
 Ref: #10 Letter: Mr. Joe Cheung, Dept of Public Works, re Fatal Flaws, Waterfront Transportation Project EIS, December 23, 1990, 10 pages.
 Ref: #11 Letter: Elected Officials, re Unresolved Fatal Errors, Mission Bay EIR Certification, et al, January 7, 1991, 6 pages.
 Ref: #12 Letter: Mr. Hank Dittmar, MTC, re New Rail Starts Program, January 14, 1991
 Ref: #13 Presentation, SBDC Proposal: "Dept. City Planning/Embarcadero Citizen Advisory Committee," March 26, 1991, 20 pages.
 Ref: #14 Brochure: "Declaration For Restoring Economic and Social Freedom," (Synopsis) May 20, 1991, 2 pages.
 Ref: #15 Report: "Public Comment, MTC's Regional Transportation Plan (RTP) Draft EIR," June 14, 1991, 14 pages.
 Ref: #16 Letter: Elected Officials, re Non-Profit Housing Project, Abandon Public Easement, Rail Commerce ROW, June 24, 1991, 7 pages.
 Ref: #17 Report: "Summary/Analysis of MTC's Bay Area Travel Forecasts (Models), Facts Suppressed in EIRs, Hearings, Media," July 14, 1991, 14 pages.
 Ref: #18 Report: "Public Comment on the BCDC's Bay Plan Amendments No. 3-91, re Stopping Dredging, Ocean Commerce," July 18, 1991, 11 pages.
 Ref: #19 Letter: Assemblyman Byron Sher, AB 1509, BCDC's Bay Plan, re Stopping Dredging, Ocean Commerce, July 21, 1991, 2 pages.
 Ref: #20 Brochure: "Brief Position Paper," Dehnert C. Queen, Candidate for Mayor, July 29, 1991, 1 page (plus Substantiating Excerpts).
 Ref: #21 Report: "Public Comment, BAAQMD's Clean Air Plan (CAP) Draft EIR," August 19, 1991, 5 pages.
 Ref: #22 Letter: The Honorable T.E. Henderson, Ruling to stop Bay Area Transportation/Environmental plans, Re TRO Request, August 21, 1991, 5 pages.

Note: Under CEQA, it is the responsibility of the Lead Agency (BART AND/OR MTC) to acquire the reports referenced herein from "other agencies" including the MTC, the City and County of San Francisco, etc. However, should difficulties arise in doing so for any reason, please do not hesitate to contact me at (415) 433-7497 for copies.



Small Business Development Corporation

956 Sacramento Street, #305
 San Francisco, Calif. 94108
 (415) 362-2250 Bus. / (415) 433-7497 Res.



Restoring Economic and Social Independence to the Small Business and Middle Class Community

Founded February, 1986

Spencer of the Small Business Bowl / Transit Link System Project
 America's First Privately-Funded Small Business Sports, Convention, Housing & Transit Center and InterCity Transit System

fedcourtk3

HAND DELIVERED

August 21, 1991

The Honorable Thelton E. Henderson
 U.S. Federal Court
 450 Golden Gate Avenue, Room 18425
 San Francisco, CA 94102

Re: Ruling on Docket Number C89-2044 TEH;
 MTC's Regional Transportation Plan;
 BAAQMD's Clean Air Plan;
 Suppression of Superior Transit Alternatives by MTC, JPB, Peninsula Officials

Dear Judge Henderson:

I read in today's *San Francisco Chronicle* that you have ruled that "the Bay Area remains out of compliance with minimum federal air quality standards . . ." and the "Bay Area transportation planners have failed to develop an adequate plan to encourage the use of mass transit as a way to reduce automobile traffic and smog . . ."

Your Honor, I would like to bring to your attention an integrated land use / transit proposal that I have submitted to Mayor Feinstein, Mayor Agnos, San Francisco's Planning Commission, the Metropolitan Transportation Commission (MTC) and the Peninsula (CalTrain) Joint Powers Board (JPB) on more than 150 occasions during the course of the past five and a half years (See Attachment #1, "Bibliography of Major Documents and Events", pages 46-54).

In June, 1990, I documented that San Francisco's current (official) land use and transportation plans will unnecessarily raise the cost of living \$282 per month for every man, woman and child living in San Francisco (see Attachment #1, "Executive Summary," page 3). Even though there has not been a word in the press, the contents of this report was essentially certified as accurate by the Planning Commission's fiscal and economic expert in July, 1990 (copy of taped meeting available).

Moreover, the Small Business Development Corporation's (SBDC's) transit proposal has been improperly deleted from formal consideration in three state and federal Environmental Impact Reports/Statements undertaken by Bay Area officials in the past and has recently been excluded as an alternative in the "BART San Francisco Airport Extension Alternatives Analysis/Draft EIS/EIR" study currently underway under the auspices of the MTC/Federal Urban Mass Transit Authority (UMTA). This is most unfortunate because I have shown (using MTC *internal* studies, etc.) that the official plans will *knowingly* be obsolete upon completion in year 2000, and in the process will have wasted more than \$2.7 billion taxpayer dollars (substantiation below).

Summary of SBDC's Alternative Proposal

The SBDC proposal is not just "a good idea." The SBDC proposal is the product of a great deal of *pro bono* effort by recognized professionals (nationally recognized architectural firm, qualified rail/transit engineering firm, joint venture with ICC-qualified rail operator, qualified private funding and collateral sources, et cetera) that I have put together as a development team beginning in 1986.

The current SBDC proposal (November 1, 1990) is a refinement of a series of detailed proposals that have been prepared and presented to Bay Area officials for creating a privately-funded National Small Business, Sports, Convention, Housing and Transit Center (the "Small Business Bowl") - a *Giant's* ballpark and Gateway for Small Business activities worldwide - and integrated CalTrain, BART, MUNI Metro extensions (the "Transit Link System.") (See Attachment #2 pages 1-36 for detailed presentation, and Attachment #4 pages 3-8, for synopsis.)

Implementation of the privately-funded SBDC proposal would result in millions of residents, commuters, business people, fans, conventioners, tourists and air passengers being transported to and from Bay Area cities on an annual basis thereby generating substantial sources of public support and revenue for efficient and continued operation of CalTrain, BART and MUNI Metro rail transit systems.

In May, 1988, I succeeded in locating a qualified source of private funding who subsequently delivered a Letter of Intent in the sum of \$625 million in July, 1988, copies of which were delivered to Mayor Agnos, the Board of Supervisors, MTC, et al. In June, 1989, I succeeded in locating a qualified source of collateral. In July, 1989, I underwrote the expenses necessary to fly my banker from Amsterdam to San Francisco for a week. The design of the project, the strength of the pro forma, the integration of the transit elements, and a successful matching of conditions between the sources of private funds and collateral resulted in the ability to structure and consummate a financing package consisting of a standby Letter of Credit for the necessary \$560 million. Mayor Agnos responded by announcing his *fatally-flawed* ballpark plan using the SBDC site. The Mayor's plan failed for the same reason the USS Missouri was rejected - both were (are) considered negative impacts affecting the *joint* development of the City/Olympia and York/Catellus's Mission Bay project.

Nevertheless, the continued lack of support or consideration by San Francisco's elected officials, the MTC and other agencies has made it impossible to formalize offers of the "seed money" necessary to expand the SBDC's operations, engage the City's departments and agencies, pursue media outreach activities, and consummate a Letter of Credit with our prime funding and collateral sources.

The current situation is most unfortunate because implementation of the SBDC's proposal would make it possible for the San Francisco Bay Area to expand (for profit) international trade and sponsor a World Olympic competition in the foreseeable future. Furthermore, the Transit Link System links the Bay Area Cities together thereby making it possible to "quickly, safely and cheaply" transport people to both public events and work destinations without the use of automobiles resulting in compliance with state and federal Clean Air Acts thereby eliminating plans to implement the Bay Area Air Quality Management District's (BAAMQD) draconian measures that include parking lot taxes, bridge fare increases, etc that are estimated to cost Bay Area businesses an estimated \$3 billion.

Summary of Economic Impact on Bay Area Taxpayers

The SBDC recently attempted to participate in the MTC's update to the "New Rail Starts Program" (Resolution 1876) process, but was excluded by MTC staff (see Attachment #3, pages 1-9).

During this process, the SBDC prepared a financial analysis that demonstrated the economic viability of the SBDC proposal by incorporating funding source and cost figures derived from official San Francisco and MTC financial documents (see Attachment #4, page 16 (financial comparison)).

In sum, the SBDC's transit elements can be built in three rather than eleven years, save taxpayers more than \$2.7 billion dollars, provide vastly superior transit service, and in the process make best use of Public Trust Land in terms of creating substantial numbers (10,000) of skilled (versus unskilled) jobs in expanded ocean (marine) commerce and related industries (See Attachment #4, page 16 for summary comparison of funding/expense, and Attachments #1, #2, #4 for detailed socio-economic impacts and considerations)).

Finally, the SBDC's land use proposal demonstrates, among other things, the reason why San Francisco's current land use policies have resulted in the loss of skilled jobs and in the process developed a housing shortage and a growing deficit for housing subsidies currently valued at \$153 million (see Attachment #4, pages 10-12). While it is outside the scope of this letter, please note that I have developed a plan fully capable of resolving the housing shortage and eliminating the housing subsidy deficit.

Participation In
MTC's Regional Transportation Plan (RTP) EIR
and
BAAQMD's Clean Air Program (CAP) EIR

On MTC's closing date of June 14, 1991, I filed a 14-page "Public Comment" document regarding the MTC's RTP EIR. **This report shows in substantial detail that the MTC's transportation plans are fatally flawed and that implementing the RTP will have substantial negative socio-economic and environmental impacts upon Bay Area residents (See Attachment #5).**

On BAAQMD's closing date of August 19, 1991, I filed a 5-page "Public Comment" document regarding the BAAQMD's CAP EIR. (See Attachment #6).

My BAAQMD Public Comments report references a report titled "Summary and Analysis of How MTC's Bay Area Travel Forecasts (Models) / Factors, Phenomena, and Assumptions that are suppressed in EIR's, Public Meetings, and the Media" (see Attachment #7). **Among other facts, this report documents that MTC and other officials know that transit use will decline and auto use will increase under current plans.**

In sum, the content of these two reports demonstrates that **material facts and considerations have been deleted from EIR reports that have been released to the public as well as demonstrates that the draconian Transportation Control Measures (TCMs) and the process that created them are fatally flawed and that both the MTC's RTP and the BAAQMD's CAP EIR's must be redone using my suggested "public hearing process" (see Attachment #8)**

Restoring Economic and Social Freedom

Review of the attached documents substantiates the fact that my efforts to define and develop superior land use and transportation plans have been consistently suppressed as have my raising of the necessary funding and collateral sources. Review of the situation brought me to the conclusion that due process has been diluted or suppressed to the point where it no longer exists. The continued silence on the part of the media has brought me to the conclusion that Free Press no longer exists - in practical terms.

It was for these and additional considerations that I developed my "Declaration For Restoring Economic and Social Freedom by Re-Establishing an Economically Independent and Socially viable Middle Class and Small Business Community" (see synopsis, Attachment #9). This Declaration provides an approach capable of resolving the socio-economic and environmental issues facing Bay Area Residents.

In the interest of providing full disclosure, please be advised that my hard-learned knowledge of the Bay Area's fatally-flawed land use and transportation plans and the process that created them (via the spending of my life's savings, about \$200,000), knowledge of superior alternatives, the lack of Due Process and Free Press, the impending serious impact upon the Bay Area's Small Business and Middle Class Community, the development of an approach capable of restoring economic and social freedom (my "Declaration"), and plans capable of resolving problems of crime, health care, housing, skilled jobs, etc., has led me to becoming a formal candidate for the Office of Mayor in San Francisco. I have taken on this additional task because I have exhausted all other alternatives, and thus the only option remaining is to take-on San Francisco's elected officials *politically*, i.e., to take my case and my solutions directly to the People (see Attachment #10).

Fortunately, however, your ruling of yesterday provides Bay Area residents another, and in practical terms, a much more immediate alternative. Moreover, you have restored my belief in Constitutional Democracy, i.e., the System does work when it gets right down to the wire. There is no question that this reprieve comes at the final hour because San Francisco is scheduled to commence construction of its fatally-flawed plans starting on or about October 1, 1991 - a month before the election. Perhaps your ruling can be extended to suspending these flawed construction plans.

I thank you for creating this possibility because the negative impact of the official land use and transportation projects are pervasive and will ultimately result in the displacement of San Francisco's Middle Class and Small Business Community, and in the process will:

“ . . . replace economic diversity and skilled jobs with homogeneous, minimum wage jobs. Our children will realize they have nothing to look forward to before they are even out of high school. Hiding behind drugs and acting-out TV-created excitement-through-crime will provide their only alternative to living a life of quiet desperation. Creating counseling programs, job training programs and the like is totally useless because City Hall is setting up our children and our grand children to fail because of their pursuit of continued incumbency. Indeed, the eventual homelessness of our grand children will merely serve as rhetorical fodder in pursuit of additional federal funds and new dependency programs.”

Summary and Conclusion

I pray that you review the facts, considerations, impacts and alternatives presented in the enclosed documents. In the interest of saving the court time and providing clarity, please note that I have translated the contents of the referenced documents to a scale model, annotated aerial photographs and a graphic transportation diagram, and thus, if you would prefer, I can make a presentation in about 15-20 minutes at your convenience.

I pray that you issue a Temporary Restraining Order (or equivalent) regarding construction of the Mission Bay segment of the Embarcadero Roadway/Transportation Expenditure Plan.

I pray that you issue a Temporary Restraining Order (or equivalent) regarding construction of a non-profit housing project lying directly in the right-of-way of the proposed CalTrain extension to Downtown San Francisco.

I pray that you issue an Order (or equivalent) forcing inclusion of the Transit Link System proposal as an alternative in the "BART San Francisco Airport Extension Alternatives Analysis/Draft EIS" study currently underway.

I pray that you order the MTC, the JPB, and the City and County of San Francisco to formally review the Small Business Bowl and integrated Transit Link System Proposals - and formally include the general public in the process.

I pray that I have conveyed that there is a great deal at stake, that I welcome the opportunity to demonstrate that there has long been a better way to substantially improve transit facilities, create skilled jobs, restore health to the Bay Area's economy, mitigate environmental impacts and save taxpayers billions of dollars in the process.

Thank you for your consideration in this matter.

Very truly yours,

Dehnert C. Queen
Founder and CEO

DCQ:lj

- Enc:
- # 1 Study: "Fiscal, Financial & Social Evaluation of the Mission Bay, Infrastructure Projects," June 1990, 54 pages
 - # 2 "Preliminary Proposal, Update 8.F," November 1, 1990, 36 pages
 - # 3 Letter: Mr. Hank Dittmar, MTC, re New Rail Starts Program, January 14, 1991
 - # 4 Presentation, SBDC Alternatives: "Embarcadero Plaza Citizen Advisory Committee," March 26, 1991, 20 pages.
 - # 5 Report: "Public Comment, MTC's Regional Transportation Plan (RTP) Draft EIR," June 14, 1991, 14 pages.
 - # 6 Report: "Public Comment, BAAQMD's Clean Air Plan (CAP) Draft EIR," August 19, 1991, 5 pages.
 - # 7 Report: "Summary and Analysis of MTC's Bay Area Travel Forecasts (Models)," July 14, 1991, 14 pages.
 - # 8 Study: "San Francisco Public Hearing Policy," August, 1990, 1 page
 - # 9 Brochure: "Declaration For Restoring Economic and Social Freedom," (Synopsis) May 20, 1991, 2 pages.
 - # 10 Brochure: "Brief Position Paper," Dehnert C. Queen, Candidate for Mayor, July 29, 1991, 1 page (plus Substantiating Excerpts).



RECEIVED

Aug 22 1991

FREMONT
CHAMBER OF COMMERCE

BART
EXTENSION PLANNING

August 19, 1991

Ms. Joan Kugler
Manager, South and West Bay Extensions
BART, Extension Planning-MSQ3
P.O. Box 12688
Oakland, CA 94604-2688

Re: Fremont Chamber of Commerce response to Draft EIR for the Warm Springs Extension

Dear Ms. Kugler:

The Fremont Chamber of Commerce would like to take this opportunity to reiterate its firm support for the BART Warm Springs Extension. This position has been expressed to BART in 1979, 1984, 1990 and once again on August 12, 1991 at the Public meeting. We believe that the Warm Springs Extension will preserve and enhance the quality of life for Southern Alameda County residents by serving to mitigate the environmental impacts (traffic congestion, noise and air pollution) caused by the continuing growth of the region.

We concur with BART's proposed project, as described in the Draft Environmental Impact Report dated July 1991, with the following exceptions and comments.

The Fremont Chamber of Commerce position is:

- 1. Central Park (Lake Elizabeth) is an important community resource that must be protected for the enjoyment of present and future generations. An aerial structure through Central Park is totally unacceptable due to the visual and noise impacts on the park and the surrounding residential areas. In addition, the aerial route would degrade the many activities available in the park; including walking, picnicking, bicycling, boating, soccer, softball and other pursuits.
- 2. Each of the three stations planned in the proposed project is vital to the community. Each station will serve a different major residential and/or commercial/ industrial area, and will lighten environmental impacts of vehicular congestion and air pollution by reducing the number of vehicles transporting residents and workers to and from these areas. Specific comments on each station are included in Exhibit A.

P-14

P-15

The first three project alternatives essentially state that the Warm Springs Extension would not be built. From the Chamber's position, representing over 1300 businesses located within Fremont and employing thousands, these three alternatives are categorically unacceptable. The first three alternatives would not sufficiently ease the environmental impacts from the current and future growth occurring in southern Alameda County; therefore they are unacceptable.

The Fremont Chamber of Commerce acknowledges and applauds the efforts of BART directors, BART staff, and the external consultants in developing the Draft Environmental Impact Report. We encourage, in the strongest terms, your continued diligence and commitment to the prompt development of a vital Warm Springs Extension.

Sincerely,

A handwritten signature in cursive script that reads "Roger Kendall". The signature is written in dark ink and is positioned above the typed name and title.

Roger Kendall
President, Fremont Chamber of Commerce

EXHIBIT A

IRVINGTON STATION:

The Irvington Station will serve the transportation needs of the residential neighborhoods of Irvington and Mission San Jose. In addition, this station will contribute to the revitalization of the Irvington business district and could, if designed properly, significantly reduce the traffic congestion of this district.

T-30 | Because of the existing Interstate 680-238 Interchange property adjacent to BART property in Irvington, the Irvington station has the ability to become an ideal multi-modal transportation hub. For some reason, this interchange was not addressed in the Draft EIR.

WARM SPRINGS STATION:

The Warm Springs Station will serve the hillside communities ranging from Mission San Jose to the Weibel Winery, and the proposed new residential community to the west of I-880 off of Durham. Additionally, it will serve New United Motor (NUMMI), Fremont's largest employer, and the light industrial community to the north of NUMMI.

SOUTH WARM SPRINGS STATION:

The South Warm Springs Station will serve the existing and proposed residential and business developments of the Warm Springs District, as well as the southern light industrial area of Fremont.

Furthermore, the South Warm Springs Station would provide the necessary linkage with Santa Clara's residents and transportation systems. This station would divert a substantial amount of Santa Clara buses and cars from having to enter the center of Fremont, thus reducing their congestion on our streets.

ts/bart/8.91

BART Warm Springs Draft EIR
Comment Card
RECEIVED

AUG 22 1991

Name Karen Aikawa Date 8/26/91
Address 43426 Newport Dr EXTENSION PLANNING
City/Zip Code Fremont 94538
Telephone No. (415) 657-9662
Representing (if applicable) Homeowner - Livingston District
(Business, Organization, Association, etc.)

I would like to have the following comment/question written into the public record:

The Livingston Station should be eliminated! It will
bring crime into our community, not the prosperity
suggested by the businessmen. I look at the Emporium
Commerce Center - this center has been dying a slow
death for years! (conveniently located next to the "end of
the line" existing Fremont station). If Homeowners do not want
the Station - we want Alternative B - BART away from our

Comments must be received by August 26, 1991 by 5:00 p.m. to be considered. You may make
fax comments to BART at (415) 287-4834.

Southern Pacific Transportation Company

RECEIVED

Southern Pacific Building • One Market Plaza • San Francisco, California 94105

C. J. BURROUGHS
CHIEF ENGINEER

AUG 22 1991

IN REPLY PLEASE REFER TO

BART
EXTENSION PLANNING

August 20, 1991

900 000/521-3
(Warm Springs)

Ms. Joan A. Kugler
Warm Springs Extension Project
Bay Area Rapid Transit District
P.O. Box 12688
Oakland, CA 94604-2688

Dear Ms. Kugler:

Southern Pacific Transportation Company finds the DRAFT EIR for the BART Warm Springs Extension, dated July 1991, generally satisfactory. However, we have the following comments:

	<u>Page</u>	<u>Item</u>	<u>Comments</u>
U-1	3.10 - 2	Communication Utilities	About 0.7 mile of US Sprint fiber optic cable lies on westerly side of SPTCo. track in vicinity of Warm Springs. Protection and/or relocation must be done as needed.
U-2	3.10 - 3	Communication Utilities	MCI and SP Telecom both have fiber optic cables on westerly side of SPTCo. track. Protection and/or relocation must be done as needed.
T-31	3.12 - 20	Rail Lines	The rail crossings are controlled by crossing signals with <u>automatic gates</u> , not "barriers". (See California PUC General Order No. 75.)

<u>Sheet</u>	<u>Drawing No.</u>	<u>Item</u>	<u>Remarks</u>
3	3D	Proposed Project	(1) 800' VC is too short; must be at least 1230'. (2) Need alignment details for SPTCo. track relocation (degree of curve, spiral length, superelevation, etc.)
4	4B	Proposed Project	(3) Same as (2) next above.
11	3	Alternative 4	(4) Same as (2) second above.
12	4	Alternative 4	(5) 500' VC is too short; must be at least 795'. (6) Need alignment details for SPTCo. track relocation.
17	3D	Alternative 5	(7) 800' VC is too short; must be at least 1230'. (8) Need alignment details for SPTCo. track relocation.
18	4B	Alternative 5	(9) Same as (8) above.
62	3D	Alternative 11	(10) 800' VC is too short; must be at least 1230'. (11) Need alignment details for SPTCo. track relocation.
63	4B	Alternative 11	(12) Same as (11) above.

PD-23

<u>Sheet</u>	<u>Drawing No.</u>	<u>Item</u>	<u>Remarks</u>
73	3J	Option 2S	(13) 800' VC is too short; must be at least 1230'. (14) Need alignment details for SPTCo. track relocation.
82	15	Section H	(15) Require 15'-0" minimum from ROW Line to centerline SPTCo. track to accommodate signals, signs and ditches. (16) 10" High Pressure Petroleum Pipeline belongs to Santa Fe Pacific Pipelines, <u>not</u> Southern Pacific.
84	17	Section Q	(17) Need ditches for surface drainage along cut at right of SPTCo. track, and on two benches above it. Underdrains should handle only sub-surface drainage. Need drainage quantities and piping details.
85	18	Section R	(18) Box structure for SPTCo. track should be no closer to centerline of SPTCo. track than 10'0" on <u>both</u> sides; otherwise, this structure becomes the limiting clearance for wide loads on this main line. (This is 1' greater than the 9' minimum asked for in Drawing No. CZ 299 on June 4, 1990.)

PD-23

Your contact for all fiber optic cables lying on Southern Pacific Transportation Company property can be:

Mr. D. I. O'Callaghan
Vice President-Construction
SP Telecom
60 Spear Street, Suite 700
San Francisco, CA 94105
(415) 541-2994

As provided in your previous plans, any new gradients on the SPTCo. main track should not exceed 1%. Additionally, no highway grade separations should be constructed on BART that will preclude a future grade separation of the SPTCo. tracks with the same highway.

Vertical curves on SPTCo. tracks should conform to the standards for Main Line on our CE Drawing No. 40468, dated January 2, 1979, print attached.

Curve superelevations and lengths of transition spirals for the degrees of curvature proposed for SPTCo. should conform to our Common Standard 1912, revised May 1, 1990, copy attached. The present maximum train speed on this main line is 40 MPH. However, if the Amtrak route (and/or commuter trains) were placed on this line, the speed might be raised to 79 MPH. Therefore, spiral lengths should be provided to accommodate this higher speed.

If you have any questions concerning these comments or other relevant matters, please contact our Engineer of Special Projects, Mr. J. C. Strong [(415) 541-1505].

Very truly yours,



Attachments

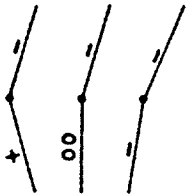
cc: See Page 5

cc: Mr. F. L. Schell, P.E. - With attachments.
Bay Area Rapid Transit District
P.O. Box 12688
Oakland, CA 94604-2688

Mr. C. J. Flannigan - With attachments.
Engineering Manager
Bay Area Transit Consultants
P.O. Box 12688
Oakland, CA 94604-2688

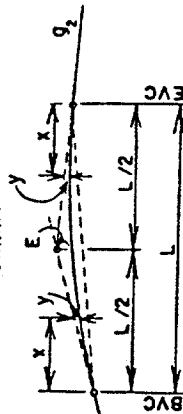
Mr. D. I. O'Callaghan
Vice President-Construction, SP Telecom, San Francisco
Mr. M. D. Ongerth, Asst. Vice President, SPTCo., San Francisco
Ms. C. A. Harris, General Attorney, SPTCo., San Francisco
Mr. H. R. Kaveny, Superintendent
SPTCo.
P.O. Box 24405
Oakland, CA 94623

SUMMITS



VERTICAL CURVES MUST BE USED AT ALL GRADE INTERSECTIONS WHEN THE ALGEBRAIC GRADE DIFFERENCE IN PERCENT IS MORE THAN:
 0.1% ON MAIN LINE
 0.2% ON BRANCH LINE
 0.4% ON DRILL TRACK
 0.5% ON SPUR TRACK

SUMMIT



$A = |g_2 - g_1|$, $L = AC$, $E = \frac{AL}{800}$, $Y = \left(\frac{x}{L/2}\right)^2 E$
 WHERE:

g_1, g_2 = GRADIENT IN PERCENT

A = ALGEBRAIC GRADE DIFFERENCE IN PERCENT

L = LENGTH OF VERTICAL CURVE IN FEET

C = CONSTANT

E = EXTERNAL DISTANCE IN FEET

X = HORIZONTAL DISTANCE FROM BVC OR EVC TO A POINT ON VERTICAL CURVE IN FEET

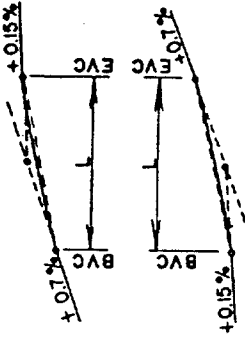
Y = VERTICAL DISTANCE BETWEEN GRADE LINE AND VERTICAL CURVE IN FEET.

NOTES:

- LENGTH OF VERTICAL CURVE TO BE TAKEN TO THE NEAREST LARGER HUNDRED FEET FOR MAIN AND BRANCH LINES AND TO THE NEAREST LARGER TEN FEET FOR DRILL AND SPUR TRACKS.
- ELEVATIONS ON CONSTRUCTION PROFILES SHALL BE SHOWN AT THE BEGINNING (BVC) AND END(EVC) OF THE VERTICAL CURVES AND AT THE INTERSECTION POINT OF THE GRADES.
- VERTICAL CURVES NOT CONFORMING TO THESE DESIGN STANDARDS MUST HAVE THE APPROVAL OF THE ENGINEERING DEPARTMENT.

EXAMPLE 1): A +0.7% GRADE INTERSECTING A +0.15% GRADE. CALCULATE THE LENGTH OF VERTICAL CURVES FOR MAIN AND BRANCH LINES, DRILL AND SPUR TRACKS.

SUMMIT:

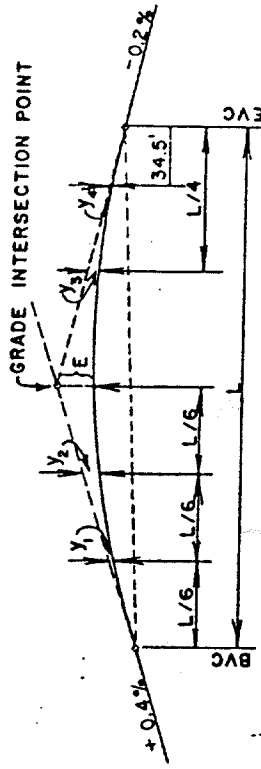


MAIN LINE : $L = (0.7 - 0.15) 500 = 275'$ USE 300'
 BRANCH LINE: $L = (0.7 - 0.15) 250 = 137.5'$ USE 200'
 DRILL TRACK: $L = (0.7 - 0.15) 60 = 33'$ USE 40'
 SPUR TRACK: $L = (0.7 - 0.15) 40 = 22'$ USE 30'

SAG:

MAIN LINE : $L = (0.7 - 0.15) 1000 = 550'$ USE 600'
 BRANCH LINE: $L = (0.7 - 0.15) 500 = 275'$ USE 300'
 DRILL TRACK: $L = (0.7 - 0.15) 75 = 41.25'$ USE 50'
 SPUR TRACK: $L = (0.7 - 0.15) 60 = 33'$ USE 40'

EXAMPLE 2): TO CALCULATE OFFSETS



ASSUME $L = 300'$

$y_1 = \left(\frac{L/6}{L/2}\right)^2 \cdot E = \left(\frac{1}{3}\right)^2 (0.225) = 0.025'$

$y_2 = \left(\frac{L/3}{L/2}\right)^2 \cdot E = \left(\frac{2}{3}\right)^2 (0.225) = 0.100'$

$y_3 = \left(\frac{L/4}{L/2}\right)^2 \cdot E = \left(\frac{1}{2}\right)^2 (0.225) = 0.05625'$

$y_4 = \left(\frac{34.5}{L/2}\right)^2 \cdot E = (0.0529)(0.225) = 0.0119'$

$E = \frac{(0.4 + 0.2)(300)}{800} = 0.225'$

	C, CONSTANT	
	SUMMIT	SAG
MAIN LINE	500	1000
BRANCH LINE	250	500
DRILL TRACK	60	75
SPUR TRACK	40	60

REVISIONS		Southern Pacific Transportation Company	
Date	Description	SCALE	NOT TO SCALE
		VAL. ENG.	ENGINEERING DEPT.
		ROUTE NO.	DRAWN BY D.F.V.
		DATE JANUARY 2, 1979	CE DRAWING NO 40468
		REVISED TO	SHEET NO. 1
			FILE DRAWER 8/2 X II

STANDARD VERTICAL CURVES

SPEED ON CURVES

1. Speeds and super-elevation for each degree of curve, are indicated on Tables 2 and 3 for each one-quarter inch of super-elevation and are defined as follows:

Equilibrium Speed, is the speed at which the resultant force is perpendicular to the plane of the top of rails and is based on the formula, "E" equals .00067 V²D, in which "E", the super-elevation of the curve is expressed in inches, "V" the velocity in miles per hour, and "D" the degree of curve.

Permissive Speed, is the maximum speed authorized for operation of trains on curves. At these speeds the resultant force of loaded freight car with center of gravity taken at eighty-four inches above top of rails, intersects the plane of the top of rails approximately four and three-quarter inches from the center line of track.

2. "Equilibrium Speed," indicated on Table 3 is for information only; however, under special conditions and when authorized by the division engineer such speed may be used.

3. "Permissive Speed," indicated on Table 2 is to be used for freight and passenger trains. Speeds in excess of those indicated by permissive speed shall not be authorized; except that speeds used in schedules, shown on speed signs, etc., shall be the nearest multiple of five miles per hour. (For example, speed indicated in Table 2 of 62 MPH will be shown in schedules and on speed signs as 60 MPH and speed of 63 MPH will be shown as 65 MPH, except maximum authorized speed shall not exceed 79 MPH).

SUPERELEVATION

4. Super-elevation of the curve shall be attained and run off uniformly, at a rate not in excess of those shown in Table 1 for the maximum speed authorized for the curve.

5. The length of spiral, or runoff, which is provided from the ends of the main curve shall govern the maximum super-elevation for the curve and this super-elevation shall govern the allowable speed for the curve.

6. Spirals should be provided on all curves where the super-elevation required for the authorized speed is one inch or more.

7. The maximum super-elevation for each degree of curve is the highest super-elevation shown to left of heavy line on Table 2 for that degree of curve. These maximum super-elevations will be used only on curves which are provided with spirals of a length sufficient to run off the super-elevation uniformly over the full length of the spiral, with no super-elevation on tangent and full super-elevation on the circular curve.

GENERAL

8. Tables 1 and 2 should be used to determine the following:

(a) The super-elevation of the outer rail on curve required to permit a given speed, and the length of spiral or runoff required to provide the super-elevation for such speed.

(b) The restriction in speed which must be imposed on a curve after determining the super-elevation which permits proper rate of runoff.

9. Special conditions which are not covered herein should be referred to the Chief Engineer for decision.

TABLE 1 RATES OF RUNOFF FOR SUPERELEVATION OF CURVES

Speed miles per hour (ft/sec)

Length in feet required for each inch change in super-elevation

(1)	(2)	(3)	(4)
10	12	10	8
20	24	20	15
25	29	24	19
30	35	29	22
35	41	34	26
40	47	39	30
45	53	44	33
50	59	49	—
55	65	54	—
60	70	59	—
65	76	64	—
70	82	69	—
75	88	73	—
80	94	78	—

Column (2) is based on a rate of change of super-elevation of 1.25 inches per second of time.

Column (3) is based on a rate of change of super-elevation of 1.50 inches per second of time.

Column (4) is based on a rate of change of super-elevation of 2 inches per second of time.

Rates indicated in Column (2) should be used in determining the length of spirals and super-elevation of curves on new work and re-alignment of existing curves in high speed territories.

For other territories and locations where local conditions restrict the length of spiral and runoff, rates indicated in Column (3) may be used.

See Instruction 2.7.3.7. Rate of change must not exceed Column (4).

TABLE 2—PERMISSIVE SPEED SUPERELEVATION, OF OUTER RAIL ON CURVES, REQUIRED FOR VARIOUS SPEEDS (Super-elevation in inches)

Degrees of Curve	1/4	1/2	3/4	1	1 1/4	1 1/2	1 3/4	2	2 1/4	2 1/2	2 3/4	3	3 1/4	3 1/2	3 3/4	4	4 1/4	4 1/2	4 3/4	5	5 1/4	5 1/2	5 3/4	6	Degrees of Curve
0.750	71	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	0.750	
1.000	74	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	1.000	
1.250	77	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	1.250	
1.500	80	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	1.500	
1.750	83	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	1.750	
2.000	86	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	2.000	
2.250	89	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	2.250	
2.500	92	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	2.500	
2.750	95	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	2.750	
3.000	98	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	3.000	
3.250	101	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	3.250	
3.500	104	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	3.500	
3.750	107	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	3.750	
4.000	110	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	4.000	
4.250	113	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	4.250	
4.500	116	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	4.500	
4.750	119	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	4.750	
5.000	122	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	5.000	
5.250	125	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	5.250	
5.500	128	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	5.500	
5.750	131	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	5.750	
6.000	134	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	6.000	
6.250	137	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	6.250	
6.500	140	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	6.500	
6.750	143	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	6.750	
7.000	146	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	7.000	
7.250	149	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	7.250	
7.500	152	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	7.500	
7.750	155	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	7.750	
8.000	158	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	8.000	
8.250	161	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	8.250	
8.500	164	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	8.500	
8.750	167	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	8.750	
9.000	170	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	9.000	
9.250	173	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	9.250	
9.500	176	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	9.500	
9.750	179	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	9.750	
10.000	182	67	61	55	48	41	35	29	24	20	17	14	12	10	8	7	6	5	4	3	2	1	0	10.000	

TABLE 3—EQUILIBRIUM SPEED SUPERELEVATION, OF OUTER RAIL ON CURVES, REQUIRED FOR VARIOUS SPEEDS (Super-elevation in inches)

Degrees of Curve	1/4	1/2	3/4	1	1 1/4	1 1/2	1 3/4	2	2 1/4	2 1/2	2 3/4	3	3 1/4	3 1/2	3 3/4	4	4 1/4	4 1/2	4 3/4	5	5 1/4	5 1/2	5 3/4	6	Degrees of Curve
0.750	39	47	55	61	67	72	77	81	84	87	89	91	92	93	94	94	94	93	92	91	90	89	88	87	0.750
1.000	40	47	55	61	67	72	77	81	84	87	89	91	92	93	94	94	94	93	92	91	90	89	88	87	1.000
1.250	41	47	55	61	67	72	77	81	84	87	89	91	92	93	94	94	94	93	92	91	90	89	88	87	1.250
1.500	42	47	55	61	67	72	77	81	84	87	89	91	92	93	94	94	94	93	92	91	90	89	88	87	1.500
1.750	43	47	55	61	67	72	77	81	84	87	89	91	92	93	94	94	94	93	92	91	90	89	88	87	1.750
2.000	44	47	55	61	67	72	77	81	84	87	89	91	92	93	94	94	94	93	92	91	90	89	88	87	2.000
2.250	45	47	55	61	67	72	77	81	84	87	89	91	92	93	94	94	94	93	92	91	90	89	88	87	2.250
2.500	46	47	55	61	67	72	77	81	84	87	89	91	92	93	94	94	94	93	92	91	90	89	88	87	2.500
2.750	47	47	55	61	67	72	77	81	84	87	89	91	92	93	94	94	94	93	92	91	90	89	88	87	2.750
3.000	48	47	55	61	67	72	77	81	84	87	89	91	92	93	94	94	94	93	92	91	90	89	88	87	3.000
3.250	49	47	55	61	67	72	77	81	84	87	89	91	92	93	94	94	94	93	92	91	90	89	88	87	3.250
3.500	50	47	55	61	67	72	77	81	84	87	89	91	92	93	94	94	94	93	92	91	90	89	88	87	3.500
3.750	51	47	55	61	67	72	77	81	84	87	89	91	92	93	94	94	94	93	92	91	90	89	88	87	3.750
4.000	52	47	55	61																					

Patricia Snow
2563 Abaca Way
Fremont, CA 94539

My phone No. - 415-651-8370

RECEIVED

August 19, 1991

AUG 22 1991

BART
EXTENSION PLANNING

Re: 2878 Prune Ave., Fremont
Industrial Building

Ms. Joan A. Kugler
Warm Springs Extension Project
Bay Area Rapid Transit District
P.O. Box 12688
Oakland, CA 94604-2688

Dear Ms. Kugler:

I am a one-fourth owner of the above named property, an industrial building with 12 tenants and one vacancy. In regard to this property, I am against all proposed routes except alternate #8 which travels along Osgood Rd. and Warm Springs Blvd., thus avoiding our property. Since there is very little chance of the Bart Board approving alternate #8, then I ask that the engineers design a route that does not take any of our property. Your present drawings show that the route takes a slice of our property. This will adversely affect the land use and economic activity of our property. More specifically, it would take away the parking lot used by the tenants on that side of the building. It would also adversely affect the tenants' access into their units via the overhead door openings. The net result would be our inability to rent the units.

I am a retired person. The majority of my income is derived from the rental of this building. BART's compensation for a piece of our land would never be enough to cover the income that the owners expect to receive over the next twenty or more years.

Therefore, I recommend that BART move the location of the Warm Springs station further south on their property and re-align the rail access to the station so that it does not need to take any of our property. It will save BART money and allow us to continue the rental of our property.

I also request that a BART engineer meet with the property owners at the Prune Ave. location before any further plans are drawn. BART could ask the railroad company to re-align their tracks in that area so there would be more room for the BART tracks to pass over into the Warm Springs station. In that manner, the usefulness of our property would be preserved. I want to emphasize that the interests of big business such as a railroad should not override the interests of small property owners.

In a separate matter, I believe that the cost of building three more stations in Fremont is a luxury we cannot afford. Furthermore, the taxpayers of the present BART district should not be expected to carry the burden of extending the line to the Alameda County border just for the convenience of Santa Clara County residents. Alternate #9 (5.4 miles) is my preference with only one

OA-11

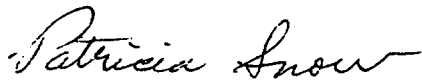
P-17

P-17

new station at Warm Springs. The proposed Irvington station is too close to the present Fremont station. An Irvington BART station would create further traffic congestion in an area that is already overused. The money saved by adopting alternate #9 could be applied to undergrounding the track from the present Fremont station to a point just beyond Washington Blvd. and Osgood road. That way you would preserve the beauty and usefulness of Central Park.

Thank you for considering this matter.

Very truly yours,



Patricia Snow

P.S. These comments are to be included in the Final EIR.

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT

MICHAEL L. WHITCOMB
General Solicitor
JEFF S. ASAY
Assistant General Solicitor
JAMES C. E. BARCLAY
PRISCILLA CONTRERAS
ALVIN M. HALL
General Attorneys

5500 Ferguson Drive, Suite J
East Los Angeles, CA 90022
(213) 725-2400



August 20, 1991

Ms. Joan A. Kugler, ALCP
Warm Springs Extension Project
Bay Area Rapid Transit District
P. O. Box 12688
Oakland, CA 94604-2688

Re: Comments on Draft Environmental Impact Report

Dear Ms. Kugler:

This letter constitutes Union Pacific Railroad Company's written comments on the BART Warm Springs Extension Draft Environmental Impact Report dated July 19, 1991. These comments affirm and supplement the comments I made at the public hearing in Fremont on August 12, 1991.

Union Pacific Railroad Company opposes project alternatives which include a BART station at Irvington (Washington Boulevard). One of the Irvington station alternatives calls for Union Pacific Railroad and Southern Pacific Railroad to be placed side-by-side in a long subway under the proposed station area. Union Pacific Railroad opposes this alternative for a number of environmental reasons.

P-18

First, without adequate ventilation there will be smoke build up in the subway, especially when two trains are operating at the same time. Second, in the event of a derailment, cleanup will be very difficult. If hazardous materials are involved, the problem will be multiplied. Third, safety and security will be a problem as the railroad experiences instances of trespassers on the tracks in this location. Lastly, excessive vibration may occur if two trains are operating in the tunnel at the same time.

AQ-2

HM-10

SS-7

N-7

Union Pacific Railroad also opposes the Irvington station alternative which places Union Pacific Railroad (and Southern Pacific as well) in a depressed trench running beneath the station. Although a long subway is not utilized, the railroad must pass under vehicle and pedestrian access bridges. The problems of security and derailment remain. Exhaust smoke may be a problem for pedestrians and motorists as the trains build up power to pull out of the depressed area.

PD-24

PD-24

In both alternatives, trains entering the depressed area experience a build up of dynamic forces which could cause a derailment. As the front part of the train is applying power to pull out of the depressed zone, the back end of the train is still running downhill. These opposing forces sometimes lead to derailments. It is better to avoid them all together if possible.

P-19

Therefore, due to problems anticipated with train handling, derailments, exhaust smoke buildup, vibration, safety and security, and derailment cleanup, Union Pacific Railroad opposes the Irvington station alternatives. Union Pacific Railroad supports Project Alternatives 6, 7, 9 and 10 which do not include a station at Irvington.

Thank you for the opportunity to comment. Please take these comments into consideration when issuing the final environmental impact report.

Very truly yours,



Jeff S. Asay

JSA:rsr

RECEIVED

AUG 20 1991

BART
EXTENSION PLANNING

Sammy Lum
1265 Valdez Way
Fremont, CA. 94539

August 14, 1991

Ms. Joan Kugler
Manager, South and West Bay Extensions
BART, Extension Planning - MSQ3
P.O. Box 12688
Oakland, CA. 94604-2688

Dear Ms. Kugler:

After reviewing the Draft Environmental Impact Report I wish to make the following comments. We live in the noise sensitive residential area next to the UPRR track therefore we are especially concerned with the alignments proposed for Central Park. In the report the noise introduced by Option #3 with mitigation is not considered significant. The criteria used is L_{dn} that is the average noise over a twenty four hour period. I do not think this is realistic because the peak noise averaged over time will result in a smaller value than the peak. Also L_{dn} weighs the noise at night more greatly than the noise during the day. Since BART does not run at night the noise during the day is deemphasized. What is the expected peak noise with the sound barriers? Granted the trains on the UPRR track will make more noise as they go by then a BART train but the UP trains only come by six or seven times a day. BART trains will come by much more often (10-20min.) but at a lower noise level. This I feel will be much more of an annoyance. The other issue that was not addressed is the fact that the value of our home will be severely affected and will be very difficult if not possible to sell during the construction phase and after that. How will BART compensate for this?

N-8

LU-19

To reiterate on comments that I have made with previous letters, Options #2 and #3 for Central Park are totally unacceptable from a noise and visual standpoint. The subway option through the lake is the only choice that will preserve the beauty of the park.

Sincerely,



Sammy Lum

RECEIVED

AUG 20 1991

BART
EXTENSION PLANNING

DALE L. PETTERSON
P. O. Box 1462
Palo Alto, CA 94302

August 16, 1991

Ms. Joan A. Kuglar
BART Extension Planning Department
BAY AREA RAPID TRANSIT DISTRICT
P.O. Box 12688
Oakland, CA 94604-2688

RE: BART WARM SPRINGS EXTENSION

Dear Ms. Kuglar:

P-20 | The purpose of my letter is to go on record against Alternative 8:A 7.8-mile BART extension along Osgood Road and Warm Springs Boulevard with two stations.

I am the owner of The Skyway Freight Cross-Dock/Warehouse facility located at 44051 Osgood Road, southwest corner of Osgood Road and Skyway Court, city of Fremont, Alameda County, California, Alameda County Assessor's Parcel Number 519-1351-14-3. This property consists of approximately 6.079 acres with 70,000 square feet of building space, of which 7,000 square feet is office space. There are a total of 39 dock-high overhead loading doors and 3 truck-wells. This building is two and a half years old and is leased to Skyway Freight Systems on a long-term lease.

The city of Fremont has gone out of its way to put very strict zoning requirements on development along Osgood Road. Examples of these controls are underground utilities, no parking on the street, heavy landscaping, sign control, etc.

In talking to my real estate brokers and appraisers, they feel a aerial structure down the center of Osgood Road would dramatically decrease the value of my property.

Skyway Freight moves hundreds of piggy-back or tandem trailer trucks in and out of this facility weekly. The pillars that will hold up the aerial structure would be a problem to these wide turning trucks and trailers.

In all your drawings of Osgood Road there is a cul-de-sac street missing called Skyway Court around my building. This cul-de-sac is a very important street to Skyway Freight for entering and leaving this docking facility.

Ms. Joan A. Kuglar
BAY AREA RAPID TRANSIT DISTRICT
August 16, 1991
Page 2

I am in favor of the BART Warm Springs extension one hundred percent along the Union Pacific railroad tracks.

Please keep me informed on all ongoing issues concerning Osgood Road. I am willing to meet with any BART personnel or consultants concerning a aerial structure down Osgood Road.

Sincerely,

A handwritten signature in cursive script that reads "Dale L. Petterson". The signature is written in dark ink and is positioned above the typed name.

Dale L. Petterson

DLP/lbl
cc: Mike West, Station Manager
Skyway Freight Systems, Inc.

+3426 Newport Drive
Fremont, CA 94538
August 18, 1991

Joan Kugler, Manager S/W Bay Ext.
BART, Extension Planning - MSQ3
P.O. Box 12688
Oakland, CA 94604-2688

BART Warm Springs Draft EIR Comments

We would like the following comments/signatures written into the public record:

The attached 5 pages are signatures of homeowners in the Irvington District and parents of students at Grimmer Elementary School.

We do NOT want Alternatives 4, 5, 6, 7, 9, 10, or the Proposed Project.

We support Alternatives 1, 2, 3, and 8 that keep the BART tracks away from our homes and neighborhood school.

Why are there no other alternatives besides BART or highway?

Sincerely,



Karen Aihara

Attachments

cc: Bill Ball, Mayor
Don Edwards, Congressman
Bill Lockyer, Senator
Kurle Odumade, Public Works

We support the alignment of BART tracks through the commercial area of Osgood Road and away from Grimmer Elementary School and surrounding neighborhood areas.

Mary Perez 3742 Savannah Rd, Fre 94538
 Name Address Zip

John R. Bolisio 43143 Newport Dr. FRE. 94538
 Name Address Zip

Debra Walker 42379 Blacow 94538
 Name Address Zip

Dorlene Rine 43450 Newport Dr 94538
 Name Address Zip

D. Coteau 43434 Mintwood 94538
 Name Address Zip

Donna Sandrum 42600 Newport Dr 94538
 Name Address Zip

Michael Sharbony 3560 monmouth PL FRMT 94538
 Name Address Zip

Albous Fonseca 4422 Darwin Dr. Front 94538
 Name Address Zip

Patricia L. Allen 42873 Newport dr Fremont 94538
 Name Address Zip

Polly Petso 43348 Newport 94538
 Name Address Zip

William R. Petso 43348 Newport 94538
 Name Address Zip

Lida Mansouri 3939 Bidwell Dr. # 496 Front 94538
 Name Address Zip

A. Adamo 3939 BIDWELL DR #496 FREMONT 94538
 Name Address Zip

Even Chung 150 Racoon Ct. Fremont 94538
 Name Address Zip

Samuel G. Roberson 3460 Newport Common 94538
 Name Address Zip

John Mann 3736 Savannah Rd 94538
 Name Address Zip

Paul Wayne 37652 Jewell Pl 94538
 Name Address Zip

We support the alignment of BART tracks through the commercial area of Osgood Road and away from Grimmer Elementary School and surrounding neighborhood areas.

Priscilla G. Munsie	4510 Crestwood	94538
Name	Address	Zip
James Strand	42641 Roberts	94538
Name	Address	Zip
James E. Jensen	43649 Salem Way	94538
Name	Address	Zip
James Green	4790 SENECA PARK AVE	94538
Name	Address	Zip
Kathy Honella	4142 Colby St	94538
Name	Address	Zip
Joe Jimas	193 MOLLAUE CON	94539
Name	Address	Zip
Wendie K. Tesse	3785 LAMAR TOWN RD	94538
Name	Address	Zip
Sommy J. Walker	42379 BROAD RD	94538
Name	Address	Zip
Sonson Suen	4952 Creekwood Dr	94535
Name	Address	Zip
Zedek Suen	4952 Creekwood Dr	94535
Name	Address	Zip
Jaswinder K.	4116 Sandstone Dr.	File 94536
Name	Address	Zip
Rubon Cedeno	2822 PAVAN CT S.W.	95148
Name	Address	Zip
Mary J. Higgins	43438 Newport Dr	94538
Name	Address	Zip
Clayre Patten	3551 Franklin	94538
Name	Address	Zip
Jim Rink	43450 NEWPORT DR	94538
Name	Address	Zip
Rasim Rasulova	4140 Irvington ave #64	94538
Name	Address	Zip
Sandy Jones	42633 Newport Dr.	94538
Name	Address	Zip

We support the alignment of BART tracks through the commercial area of Osgood Road and away from Grimmer Elementary School and surrounding neighborhood areas.

Ramon GRANDOS WASHINGTON BLVD 302 APT 3 (94539)
 Name Address Zip

Joe Landy MISSION BLVD 94538
 Name Address Zip

Debra Welch Delaware 94538
 Name Address Zip

Mike Welch 1 1 94538
 Name Address Zip

Pat Coleman 43155 Newport Dr 94538
 Name Address Zip

Ann 47128 LUCIFIAN DR 94539
 Name Address Zip

Seldie Tucker 43603 Hamilton Way 94538
 Name Address Zip

Lina Lopez 42603 Hamilton 94538
 Name Address Zip

Yanina Y... 405 RANCHO ARROYO PKWY 94536
 Name Address Zip

Sahin 38850, Farnell Dr CA 94531
 Name Address Zip

Mr. Buggay 43155 Newport Dr Fremont CA 94538
 Name Address Zip

Charles Ho 38034 Village Comm 213 Fremont 94536
 Name Address Zip

Susan Zachar 4736 GRIFFITH 94538
 Name Address Zip

Mahli Atan 3688 Norfolk Rd 94538
 Name Address Zip

Wayne 3688 Norfolk Rd Fremont 94538
 Name Address Zip

43062 Washington Way 94538
 Name Address Zip

Helen Aihara 43426 Newport 94538
 Name Address Zip

We support the alignment of BART tracks through the commercial area of Osgood Road and away from Grimmer Elementary School and surrounding neighborhood areas.

DAVID L HIGGASON 43438 Newport Dr 94538
 Name Address Zip

Brenda Rife 42715 Jefferson St. Fremont 94538
 Name Address Zip

Milinda Maddox 4882 Balboa Way Fr 94536
 Name Address Zip

Manuel Cruz 42367 BLAeow RD Fremont 94538
 Name Address Zip

Blanca Longoria 3773 Jamestown Rd Fremont 94538
 Name Address Zip

Paul Bergesen 42616 Hamilton Way 94538
 Name Address Zip

Stanley Smith 348 Prairie Dog Ln Fremont 94539
 Name Address Zip

Daniel Smith 362 Prairie Dog Lane Fremont 94539
 Name Address Zip

Jim H. Smith 41246 ROBERTS #29 94538
 Name Address Zip

Sam M. Fong 42758 Charles Taney 94538
 Name Address Zip

Patricia Solhott 3579 Independence 94538
 Name Address Zip

Mike Sobers " " "
 Name Address Zip

Tara Fregoi 3755 Franklin Ave 94538
 Name Address Zip

Paula [unclear] 3654 Franklin ave 94538
 Name Address Zip

Arthur Dub 3654 Franklin ave 94538
 Name Address Zip

Delbie Silva 43221 Newport Dr. 94538
 Name Address Zip

Jan Amador 43651 Salem Way 94538
 Name Address Zip

We support the alignment of BART tracks through the commercial area of Osgood Road and away from Grimmer Elementary School and surrounding neighborhood areas.

Hector Rodriguez 43053 Newport Dr. 94538

Name Address Zip

Michael Parker 43269 Newport Dr 94538

Name Address Zip

Taron Parker 43269 Newport Dr 94538

Name Address Zip

Daniel Butu 3811 Wilmington Rd 94538

Name Address Zip

MIKE ARNAZ 3566 YORKTOWN Rd 94538

Name Address Zip

Robert Grenier 43464 Colma 94538

Name Address Zip

Anna Banuelos 43464 Columbia Ave 94538

Name Address Zip

MOSTAFA JAFARNA 109 RABBIT LT 94538

Name Address Zip

Antoinette Phillips 3710 Independence Ln 94538

Name Address Zip

Manuel Garcia 42877 Jefferson St. 94538

Name Address Zip

Denise Phillips 3760 Independence Rd 94538

Name Address Zip

Manuel N. Sagara 43224 Columbia AVE 94538

Name Address Zip

MANUEL A Rodriguez 43224 Columbia AVE 94538

Name Address Zip

Swiny Watts 3748 Savannah Rd 94538

Name Address Zip

VINOD RAO 4720 LA BAY Ct Front 94555

Name Address Zip

TRACI C Roberson 3460 Newport + Common FR. 94538

Name Address Zip

Kathy Greckley 3784 Independence Rd 94538

Name Address Zip

We support the alignment of BART tracks through the commercial area of Osgood Road and away from Grimmer Elementary School and surrounding neighborhood areas.

Edward L. Heera 43414 Newport Dr. 94538
 Name Address Zip

Pam Cox 3608 Norfolk Rd. 94538
 Name Address Zip

Julia Martinez 36878 Mulberry St Newark Ca 94560
 Name Address Zip

Dorothy Hahn 42812 Charleston Way Smit. 94538
 Name Address Zip

Mary Ann 5424 St. Mark #25 New 94520
 Name Address Zip

Walter 46954 Zapotec Dr Fremont 94539
 Name Address Zip

John Spencer 3682 Kay Ct. Alhambra Ca 94538
 Name Address Zip

Angela Huppel 42669 Newport Dr. Front 94538
 Name Address Zip

Pat Elpple 42669 Newport Dr Fremont 94538
 Name Address Zip

Chris Sakae 42731 Roberts Ave Fur 94538
 Name Address Zip

Buenafe Hilbert 3617 Norfolk Rd 94538
 Name Address Zip

Timothy Ross 42638 Jefferson St. 94538
 Name Address Zip

Joyanne M. Smith 3637 Monmouth Pl. 94538
 Name Address Zip

Richard 34324 Platinum Terrace 94555
 Name Address Zip

Norman Carl 42074 Miranda St Fremont 94539
 Name Address Zip

Ki Ani 42725 Manfork Ave. Front 94538
 Name Address Zip

Denise Weathered 3771 Savannah Rd 94538
 Name Address Zip

Neal Johnson
556 La Copita Court
San Ramon, CA 94583
August 13, 1991

Dear Sir,

I read with interest much of the BART Warm Springs Extension DEIR. I also researched the route by walking in the affected part of Fremont Central Park on a Saturday around noon, and drove along the route to form an opinion on the best alignment and options.

First I would like to say that I support a BART extension and realize the importance of keeping capital costs low. For that reason, I do not support any subway alignment through Fremont Central Park unless the needed incremental funds are provided locally. I do, however, believe that Design Option 3 would be a reasonable expenditure to reduce the impact on the park and lake.

Beginning at the Fremont BART Station and working south, I would like to make the following observations and recommendations. BART should be aerial from the station to south of the tule pond, on embankment to Stevenson Blvd. with soundwall on the southwest side as needed, on aerial using roughly the Design Option 3 alignment across Stevenson Blvd., Fremont Central Park, SPTC, a realigned UPRR, and Mission Creek.

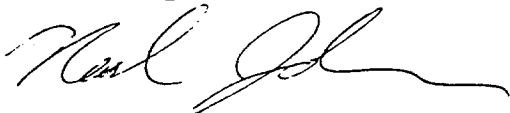
The UPRR should cross over to the SPTC southeast of the driving range, and be relocated adjacent to the SPTC from near Mission Creek to Carol Ave. This will allow BART to use the vacated UPRR ROW with a lower vertical profile and less impact on residents in the Valdez/Vaca/Valero neighborhoods. It should also make an overcrossing at the Paseo Padre Parkway less expensive and less visible as well as provide easier access to the pumping station.

BART would transition from embankment to at-grade to open cut between Mission Creek and Washington Blvd. with soundwall on the east side as needed. BART should cross below Washington Blvd., but whether the railroads should be depressed or cross at-grade ought to be reconsidered. If a SPTC/UPRR subway section be deemed necessary, its length should be minimized. Extending this subway for station parking doesn't make economic sense.

The Irvington station site is a good one, it serves a large residential area and has good access from I-680, which can be greatly improved by building an interchange with Blacow Road. This interchange would use the ramps initially intended for the SR 238 Foothill Freeway and intersect new ramps from I-680 north and a Blacow Road extension from Osgood Road. This, along with a Blacow Road railroad underpass, would greatly improve traffic patterns and BART access. Optionally, a road parallel to Osgood Road could be built from the new freeway interchange to BART parking.

The Warm Springs station site is also a good one, although the residential area served is not large, the access to the south on I-880 is good. Traffic using Fremont Blvd. and Grimmer Blvd. to enter the station and Warm Springs Blvd. and Mission Blvd. to return will find easy access to the station. This pattern should be encouraged and a 4-way stop at Grimmer Blvd. and Old Warm Springs Blvd./Lopes Court should be corrected. The South Warm Springs station should probably be built when BART is extended into Santa Clara County. Thank you for your attention, and good luck.

Sincerely,



Neal Johnson

RECEIVED

AUG 15 1991

BART
EXTENSION PLANNING

A-107

OA-13

T-32

PD-25

HETCH HETCHY WATER AND POWER

1155 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103
554-0725



August 13, 1991

RECEIVED

Ms. Joan A. Kugler, AICP
Planning Project Manager
South and West Bay Projects
Extension Planning Department
BAY AREA RAPID TRANSIT DISTRICT
Post Office Box 12688
Oakland, CA 94604

BART
EXTENSION PLANNING

Subject: WARM SPRINGS EXTENSION PROJECT

Dear Ms. Kugler:

We have reviewed the draft EIR for the subject project and wish to express our concerns relative to a small portion of Alternates Seven and Eight.

Your proposals would impact our 115KV transmission lines at the Durham Road Crossing. Alternatives Seven and Eight would encroach upon the safety margins inherent in the clearances between the overhead lines and vehicles passing underneath. If you should choose to elevate the grade and/or in other ways reduce the clearance, as in Alternates Seven and Eight, suitable mitigation will be required. However, we do not believe this is an insurmountable problem.

U-3

If you have any questions, please advise.

Sincerely,

A handwritten signature in cursive script, appearing to read "L. T. Klein".

Lawrence T. Klein
Deputy General Manager

LTK:mf

cc: H007285
A. Moran
L. Snaider
A. Walter
K. Cooper

BART Warm Springs Draft EIR Comment Card (please print)

Name Pat Lane Date August 13, 1991
Address 5256 Eggers Drive
City/Zip Code Fremont, Ca. 94536
Telephone No. () 415-793-5026
Representing (if applicable) _____
(Business, Organization, Association, etc.)

I would like to have the following comment/question written into the public record:

We have lived in this area over thirty years and used to be very supportive and enthusiastic of BART. We are very much in favor of mass transit. However, the Warm Springs Extension project is very troubling. It doesn't seem to us that the "wing around the bay" concept is ever going to happen. Santa Clara and San Mateo do not seem to be willing to help pay for it. They have other transit alternatives. It seems better then to spend the money to Alternative 2 or Alternative 3 and strengthen other transportation than to pay this much to bring BART closer to Santa Clara.

We are very concerned about the impact on Central Park in Fremont. There are also very concerned about the impact on the birds and other wildlife in the area.

Comments must be received by August 26, 1991 by 5:00 p.m. to be considered. You may fax comments to BART at (415) 287-4834.

BART Warm Springs Draft EIR Comment Card

(please print)

Name DAVID A WAGNER Date 8/12/91
Address 29886 WYATT LN.
City/Zip Code FERMONT CALIF 94538
Telephone No. (415) 651-6670
Representing (if applicable) NOVA

(Business, Organization, Association, etc.)

I would like to have the following comment/question written into the public record:

I think that that the tunnel should be built but like it was planned with the modification that the train be tunnelled thru Lake Elizabeth.

Comments must be received by August 26, 1991 by 5:00 p.m. to be considered. You may fax comments to BART at (415) 287-4834.

WRITTEN COMMENT

Please Fill Out This Card If You Wish To Speak

Speaker Card

(Please print clearly)



Date: 8-12-91

Meeting: Formal Hearing DEIR

Name: Patricia Snow

Address: 2563 Abaca Way
Fremont, CA 94539

Phone Number: 415-651-8370

Organization or Affiliation: land owner with 3 others

Please Check One: at 2878 Prune Ave,
Fremont

I would like to speak on:

↗ We own a small industrial building with 13 tenants. Your plan shows the BART tracks taking a slice of our property as the

I would like to make the following written comment:
(this will not be read aloud)

Tracks approach alignment for the Warm Springs/Grimmer station. If you position station a little further south you can cross over later & thus eliminate having to take any of

OA-14

OA-14

our property. In other words,
please draw your plans so
that you don't take any of
our property. If the parking
lot next to present R.R. tracks
is used for BART tracks then
we wouldn't be able to rent units
on that side of building. My income
depends on this building being fully
rented. I don't want to be poor.

additions to Table 3.5-1 of 7/91 DEIR.
 These are birds seen by Alice Hoch in the area
 of the proposed Port Extension (from the present Fremont
 Port Station to South Fremont). Birds which are not
 already listed on 3.5-1, & have not included rare birds
 which I have seen here.
 "x" in front of name denotes addition.

† Northern Shrike, is an error. It should be Loggerhead Shrike.

Magpie, Black-billed	Kinglet, Ruby-cr'd
Magpie, Yellow-billed	Accentor, Mountain
Raven, Common	Wagtail, White
Raven, White-necked	Wagtail, Yellow
Crow, Common	Pipit, Water
Crow, Northwestern	Pipit, Red-throated
Jay, Pilon	Pipit, Pechora
Nuthatch, Clark's	Pipit, Sparrow's
Chickadee, Bl-cpd	Waxwing, Bohemian
Chickadee, Mexican	Waxwing, Cedar
Chickadee, Mountain	Phainopepla
Chickadee, Gray-hd	Shrike, Northern
Chickadee, Boreal	Shrike, Lutescent
Chickadee, Ch-beck	Starling, Lutescent
Titmouee, Pk-n	Myra, Creted
Titmouee, Bridled	Vireo, Hutton's
Yerdin	Vireo, Bell's
Bushit, Common	Vireo, Gray
Bushit, Black-eared	Vireo, Yellow-thr'd
Nuthatch, Wh-brad	Vireo, Solitary
Nuthatch, Red-brd	Vireo, Red-eyed
Nuthatch, Pygmy	Vireo, Warbling
Creeper, Brown	Warbler, Brand-W
Wren, House	Warbler, Fr-thruy
Wren, Brown-thrd	Warbler, Tennessee
Wren, Winter	Warbler, Orange-cr'd
Wren, Bewick's	Warbler, Nashville
Wren, Cactus	Warbler, Virginia's
Wren, Long-bld Msh	Warbler, Collins
Wren, Cason	Warbler, Lucy's
Wren, Rock	Warbler, Parula
Mockingbird	Warbler, Olive
Catbird	Warbler, Yellow
Thrasher, Brown	Warbler, Magnolia
Thrasher, Bendire's	Warbler, Cape M
Thrasher, Curve-bid	Warbler, Bl-thrd Blue
Thrasher, California	Warbler, Myrtle
Thrasher, Le Conte's	Warbler, Audubon
Thrasher, Crissal	Warbler, Bl-thrd Gray
Robin	Warbler, Townsend's
Thrush, Varied	Warbler, Bl-thrd Grn
Thrush, Hermit	Warbler, Hermit
Thrush, Arctic	Warbler, Carulean
Thrush, Swainson's	Warbler, Blackburn
Thrush, Gray-chkd	Warbler, Grace's
Bluebird, Eastern	Warbler, Ch-sided
Bluebird, Western	Warbler, Blackpoll
Bluebird, Mountain	Ovenbird
Wheatear	Water-Thrush, Nthn
Bluethroat	Water-Thrush, Lena
Rubythroat	Warbler, MacOlivry's
Solitaire, Townsend's	Yellowthroat
Warbler, Arctic	Chk, Yellow-brd
Warbler, Aldendorff's	Warbler, Red-faced
Warbler, Wilson's	Warbler, Wilson's
Ontactcher, Bl-gray	Redstart, Canada
Ontactcher, Blk-td	Redstart, American
Kinglet, Gray-cr'd	Redstart, Painted

Bobolink	Crossbill, Red
Meadowlark, Eastern	Crossbill, Wh-wngd
Meadowlark, Western	Towhee, Green-tailed
Blackbird, Yellow	Towhee, Rufous-sided
Blackbird, Red-winged	Towhee, Brown
Blackbird, Tricolored	Towhee, Xbert's
Oriole, Orchard	Bunting, Lark
Oriole, Hooded	Sparrow, Savannah
Oriole, Scott's	Sparrow, Grasshopper
Oriole, Scarlet-headed	Sparrow, Baird's
Oriole, Baltimore	Sparrow, Le Conte's
Oriole, Black, MacGillivray's	Sparrow, Sharp-tailed
Blackbird, Rusty	Sparrow, Vesper
Grackle, Brewer's	Sparrow, Lark
Grackle, Purple	Sparrow, Rufous-td
Combird, Brown-hd	Sparrow, Rufous-cr'd
Combird, Bronzed	Sparrow, Cottari's
Tanager, Western	Sparrow, Cassin's
Tanager, Hepatic	Sparrow, Black-thrd
Tanager, Summer	Sparrow, Sage
Cardinal	Junco, White-winged
Pyrrhuloxia	Junco, Slate-colored
Grobeak, Rose-brad	Junco, Oregon
Grobeak, Black-hd	Junco, Gray-headed
Grobeak, Blue	Junco, Mexican
Bunting, Indigo	Sparrow, Tree
Bunting, Lesull	Sparrow, Chipping
Bunting, Varied	Sparrow, Clay-colored
Bunting, Painted	Sparrow, Brewer's
Brambling	Sparrow, Field
Dickcissel	Sparrow, Worthen's
Grobeak, Evening	Sparrow, Black-chnd
Finch, Purple	Sparrow, Harris
Finch, Cassin's	Sparrow, Wh-cr'd
Finch, House	Sparrow, Golden-brnt
Grobeak, Pine	Sparrow, Wh-thr'd
Finch, Gr-cr'd Rosy	Sparrow, Fox
Finch, Blk Rosy	Sparrow, Lincoln's
Finch, Brn-cpd Rosy	Sparrow, Swamp
Goldfinch, European	Sparrow, Song
Redpoll, Hoary	Longspur, McCown's
Slkln, Pine	Longspur, Lapland
Goldfinch, American	Longspur, Smith's
Goldfinch, Lesser	Longspur, Ch-cold
Goldfinch, Lawrence's	Bunting, Snow
	Bunting, Rustic

Black-billed, Red	Crossbill, Red
Wh-wngd	Crossbill, Wh-wngd
Rufous-sided	Towhee, Green-tailed
Brown	Towhee, Rufous-sided
Xbert's	Towhee, Brown
Lark	Bunting, Lark
Savannah	Sparrow, Savannah
Grasshopper	Sparrow, Grasshopper
Baird's	Sparrow, Baird's
Le Conte's	Sparrow, Le Conte's
Sharp-tailed	Sparrow, Sharp-tailed
Lark	Sparrow, Vesper
Rufous-td	Sparrow, Lark
Rufous-cr'd	Sparrow, Rufous-td
Cottari's	Sparrow, Rufous-cr'd
Cassin's	Sparrow, Cottari's
Black-thrd	Sparrow, Cassin's
Sage	Sparrow, Black-thrd
White-winged	Sparrow, Sage
Slate-colored	Junco, White-winged
Oregon	Junco, Slate-colored
Mexican	Junco, Oregon
Tree	Junco, Gray-headed
Chipping	Junco, Mexican
Clay-colored	Sparrow, Tree
Brewer's	Sparrow, Chipping
Field	Sparrow, Clay-colored
Worthen's	Sparrow, Brewer's
Black-chnd	Sparrow, Field
Harris	Sparrow, Worthen's
Wh-cr'd	Sparrow, Black-chnd
Golden-brnt	Sparrow, Harris
Fox	Sparrow, Wh-cr'd
Lincoln's	Sparrow, Golden-brnt
Swamp	Sparrow, Fox
Song	Sparrow, Lincoln's
McCown's	Sparrow, Swamp
Lapland	Longspur, Song
Smith's	Longspur, McCown's
Ch-cold	Longspur, Lapland
Snow	Longspur, Smith's
Rustic	Longspur, Ch-cold

ADDITIONAL SPECIES

No. 44, 50 cards, \$4.50, postpaid
 (also available: No. 33, Eastern list, 50 cards, \$3.50 p.p.)
 Providence Rd.,

Pocket Field Check List
 614 Birds of Western States

Date _____
 Total _____
 Weather _____
 Time _____
 Place _____
 Date _____
 File Key: _____

Territory covered _____

Observers Alice Hoch

Noles _____

X GREBE, CLARK'S

Loon, Common	Shearwater, Pink-ftd
Loon, Yellow-billed	Shearwater, Wdg-td
Loon, Arctic	Shearwater, N Zeal
Loon, Red-throated	Petrel, Cook's
Grebe, Red-necked	Petrel, Wh-winged
Grebe, Horned	Petrel, Bulwer's
Grebe, Eared	Fulmar
Grebe, Least	Grebe, Western
Grebe, Pied-billed	Grebe, Black-ftd
Albatross, Short-td	Albatross, Black-td
Albatross, Laysan	Albatross, Black-brd
Albatross, Black-brd	Albatross, Wh-cpd
Albatross, Yel-nosed	Albatross, Sl-bid
Shearwater, Sooty	Shearwater, Red-bid
Shearwater, Manx	Shearwater, White
Shearwater, Pale-ftd	Booby, Blue-faced

Already in 305-1

Booby, Blue-footed	Goldeneye, Common	Quail, Scated	Sandpiper, Western	Flicker, Gilded
Cormorant, Black	Goldeneye, Barrow's	Quail, Callinix	Sandpiper, Ruddy	Woodpecker, Pileated
Cormorant, Oliv	Gull, Merganser	Quail, Gambel's	Godwit, Marsh	Woodpecker, Gaird
Cormorant, Brandt's	Duck, Harlequin	Quail, Mountain	Godwit, Black-tailed	Woodpecker, Gila
Cormorant, Pelagic	Eider, Steller's	Quail, Harlequin	Ruff	Woodpecker, Red-bd
Anhinga	Eider, Common	Pheasant, King-neckd	Sanderling	Woodpecker, Ash
Frigate-bird, Magn	Eider, King	Crane, Whooping	Sandpiper, Spoon-bid	Sapsucker, Yellow
Heron, Great Blue	Eider, Spectacled	Crane, Sandhill	Avocet, American	Woodpecker, Wilson's
Heron, Common	Scoter, White-winged	Rall, Virginia	Sill, Black-necked	Woodpecker, Downy
Erret, Snowy	Scoter, Surf	Sora	Phalarope, Red	Woodpecker, L-bd
Erret, Cattle	Duck, Ruddy	Rall, Yellow	Phalarope, Wilson's	Woodpecker, Nuttall's
Egret, Reddish	Merganser, Hooded	Rall, Black	Phalarope, Northern	Woodpecker, White-bd
Heron, Louisiana	Merganser, Common	Quail, Gambel's	Jacksnipe, Northern	Woodpecker, White-bd
Heron, Little Blue	Merganser, Red-br	Quail, Mountain	Jacksnipe, Parasitic	Woodpecker, White-bd
Heron, Green	Vulture, Turkey	Quail, Harlequin	Jaeger, Long-tailed	Woodpecker, Black
Heron, Black-neckd	Vulture, Black	Quail, Scated	Skua, Glaucous	Woodpecker, Black
Heron, American	Condor, California	Quail, Callinix	Quail, Glaucous-wingd	Wryneck
Blitern, American	Kite, White-tailed	Quail, Gambel's	Quail, Slaty-backed	Redstart
Blitern, Least	Kite, Mississippi	Quail, Mountain	Quail, Slaty-backed	Kingbird, Eastern
Ibis, Wood	Goshawk	Quail, Gambel's	Quail, Western	Kingbird, Tropical
Ibis, White-faced	Hawk, Sharp-shinned	Quail, Mountain	Quail, Herring	Kingbird, Western
Ibis, White	Hawk, Cooper's	Dotterel	Quail, California	Kingbird, Cassin's
Spoonbill, Roseate	Hawk, Red-tailed	Plover, Mountain	Quail, Black-billed	Flycatcher, Fork-tld
Swan, Whooping	Hawk, Red-should	Plover, Am Golden	Quail, Ring-billed	Flycatcher, 80-tailed
Swan, Trumpeter	Hawk, Swainson's	Plover, Black-billed	Quail, May	Flycatcher, Subb-bd
Geese, Canada	Hawk, Zone-tailed	Turnstone, Ruddy	Quail, Black-billed	Flycatcher, Gray
Brant, Black	Hawk, Rough-legged	Turnstone, Black	Quail, Ring-billed	Flycatcher, Wood's
Goose, Emperor	Hawk, Gray	Whimbrel, Common	Quail, Ring-billed	Flycatcher, Ash-thr
Goose, White-fronted	Hawk, Harris'	Curlew, Long-billed	Quail, Ring-billed	Flycatcher, Olive
Goose, Bean	Hawk, Black	Curlew, Short-billed	Quail, Ring-billed	Phoebe, Eastern
Goose, Snow	Osprey	Curlew, Long-billed	Quail, Ring-billed	Phoebe, Black
Goose, Blue	Eagle, Golden	Curlew, Brittle-thighed	Quail, Ring-billed	Phoebe, Gray
Duck, Blue	Eagle, Bald	Curlew, Eskimo	Quail, Ring-billed	Flycatcher, Yellow
Duck, White-bid Tree	Eagle, Steller's	Plover, Upland	Quail, Ring-billed	Flycatcher, Traill's
Duck, Fulvous Tree	Hawk, Marsh	Sandpiper, Spotted	Quail, Ring-billed	Flycatcher, Least
Duck, Black	Osprey	Sandpiper, Solitary	Quail, Ring-billed	Flycatcher, Hanna
Duck, Mexican	Caracara	Tattler, Wandering	Quail, Ring-billed	Flycatcher, Downy
Godwall	Gyrfalcon	Willet	Quail, Ring-billed	Flycatcher, Gray
Flintail	Falcon, Prairie	Yellowlegs, Greater	Quail, Ring-billed	Flycatcher, Western
Teal, Falcated	Falcon, Peregrine	Yellowlegs, Lesser	Quail, Ring-billed	Flycatcher, Buff-bd
Teal, Common	Falcon, Aplomado	Knot	Quail, Ring-billed	Flycatcher, Common
Teal, Balkal	Hawk, Pigeon	Knot, Great	Quail, Ring-billed	Flycatcher, Western
Teal, Blue-winged	Hawk, Sparrow	Sandpiper, Rock	Quail, Ring-billed	Flycatcher, Western
Teal, Blue-winged	Grouse, Blue	Sandpiper, Shp-tld	Quail, Ring-billed	Flycatcher, Western
Wilson, European	Grouse, Ruffed	Sandpiper, Pectoral	Quail, Ring-billed	Flycatcher, Western
Shoveler	Pheasant, Ring-neckd	Sandpiper, Baird's	Quail, Ring-billed	Flycatcher, Western
Duck, Wood	Pheasant, Ring-neckd	Sandpiper, Baird's	Quail, Ring-billed	Flycatcher, Western
Redhead	Chicken, Or Frairie	Sandpiper, Baird's	Quail, Ring-billed	Flycatcher, Western
Duck, Ring-necked	Grouse, Sharp-tailed	Sandpiper, Baird's	Quail, Ring-billed	Flycatcher, Western
Duck, Tufted	Grouse, Sage	Sandpiper, Baird's	Quail, Ring-billed	Flycatcher, Western
Canaryback	Partridge	Sandpiper, Baird's	Quail, Ring-billed	Flycatcher, Western
Scup, Greater	Bobwhite	Sandpiper, Baird's	Quail, Ring-billed	Flycatcher, Western
Scup, Lesser		Sandpiper, Baird's	Quail, Ring-billed	Flycatcher, Western

Bay Area Rapid Transit District
Extension Planning, co Joan A. Kugler

Dear Ms Kugler

August, 12 1991

Do not expand the BART boondoggle into Warm Springs. In fact it would be better for the whole bay area if the overly expensive and mistaken technology of BART were not expanded anywhere. The \$540 million for Warm Springs is enough to electrify the existing railroad lines around the bay and up to Sacramento including 20 trainsets. This would help increase BART ridership more than all of the presently planned extensions combined. Since CalTrain, especially when electrified, is faster, cheaper and can be implemented sooner it is totally irresponsible to waste rail dollar during these times of recession and budget deficits. The congested highways and fading government budgets are directly attributable to the long delays and inflated costs of BART projects. This extension is aligned between 2 existing railroad lines. Either of which could be upgraded to provide superior service for less cost than BART by using modern conventional railroad technology. Please quit wasting our tax money and do the Bay Area a favor.

OA-15

Vaughn Wolffe
1541 Cottage Grove
San Mateo, Calif. 94401

day phone 408-954-1088 x2838
home 415 344-4474

Cordially

Vaughn R. Wolffe

BART Warm Springs Draft EIR Comment Card

(please print)

Name JOHN LANDERS Date 8/12/91
Address 4797 STRATFORD AVE
City/Zip Code FREMONT, CALIF., 94538
Telephone No. (415) 656 8877
Representing (if applicable) MYSELF

(Business, Organization, Association, etc.)

I would like to have the following comment/question written into the public record:

RE: EIR MEETING ON 8/12/91 I WOULD LIKE TO STRONGLY RECOMMEND THAT
FORNIA ROOM SPEAKERS BE REMANDED (IF NECESSARY, EACH
SPEAKER) THAT THE PURPOSE OF THE MEETING
WAS TO ADDRESS THE EIR - ITS ADEQUACY &

COMPLETENESS & CORRECTNESS AND NOT TO MAKE
COMMENTS THAT SHOULD HAVE BEEN MADE AT THE SCOPING

Comments must be received by August 26, 1991 by 5:00 p.m. to be considered. You may fax comments to BART at (415) 287-4834.

MEETINGS IN THE SPRING. THE MC LADY
DID THE BEST SHE COULD BUT SPEAKERS DID NOT
DISCIPLINE THEMSELVES.

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
P.O. BOX 942896
SACRAMENTO 94296-0001
(916) 445-8006
FAX: (916) 322-6377

JUL 30 1991

BART
EXTENSION PLANNING

25 July 1991

Ms. Joan A. Kugler, AICP
Planning Project Manager
South and West Bay Projects
Extension Planning Department
Bay Area Rapid Transit District
800 Madison Avenue
P.O. Box 12688
OAKLAND CA 94604-6000

Subject: Draft Environmental Impact Report for the Warm Springs
Extension Project

Dear Ms. Kugler:

Thank you for sending me a copy of the Draft EIR cited
above.

The Office of Historic Preservation assists federal
agencies with meeting legislated and regulatory historic
preservation responsibilities. Your cover letter, however,
gives no indication that a federal agency is involved in the
proposed extension project. What federal agency, if any, will
be required to permit or fund the project?

C-2

Thank you for considering historic properties during
project planning. If you have any questions, please call staff
archaeologist Nicholas Del Cioppo at (916) 322-4419.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathryn Gualtieri".

Kathryn Gualtieri
State Historic Preservation Officer

WILVU
JUL 30 1991

EXTENSION
BART
PLANNING

Jean Kuebler,
Bay Area Rapid Transit District.

Re: Alternative 8 Extension along
Disgood Road.

Thanks for sending the E.I.R.. We
have read a lot of it, and wish to
express our objections to Alternative 8.

Is this a seriously considered Altern-
ative? We think it is the least
desirable (39 residences disrupted 22
more than the proposed Project, Alt. 4,
5, and 11. 83 Businesses same as
Proposed Project - and Alt. 11, they all 7 has
more.) We think the proposed Project
would be the ideal extension.

We have lived on Disgood Road for
38 years, and had expected to ride the
Remainder of our lives here - Without

A train in our front yard.

I thank you for your time, and
consideration

Cherica Greene
Ernest Greal Homeowners

42255 Disgood Road
Fremont, Ca. 94539
415-656-0587.

Alameda County
TRANSPORTATION AUTHORITY

Dave Karp, Chairman
Mayor, San Leandro

Edward R. Campbell,
Vice-Chairman
Supervisor

Bill Aragon
Supervisor

Elihu M. Harris
Mayor, Oakland

Mary V. King
Supervisor

Kenneth R. Mercer
Mayor, Pleasanton

Don Perata
Supervisor

David W. Smith
Mayor, Newark

Warren Widener
Supervisor

A.J. Gallardo
Executive Director

July 23, 1991

Joan Kugler
Warm Springs Extension Project
Bay Area Rapid Transit District
P.O. Box 12688
Oakland, CA 94604-2688

Subject: **Warm Springs Extension
Draft Environmental Impact Report
File MB-610**

Dear Ms. Kugler:

This letter contains our comments on the Draft Environmental Impact Report (DEIR) for the proposed Warm Springs Extension (WSX).

Our principal comment concerns Alternative No. 3. This alternative is for widening and adding HOV lanes to I-880 in Alameda County. We question why widening and adding HOV lanes to I-880 is presented as an alternative when the Measure B funded portion of I-880 improvements is scheduled for completion in 1996. Measure B will fund widening of I-880 to eight lanes from the Santa Clara County line to the Alvarado/Niles Interchange in Union City, a distance of thirteen miles. This work includes provision for ramp metering and HOV lanes. It is our understanding that these features must be operational upon completion of this widening stage.

In addition to considering the planned I-880 work as an alternative, it is our view that certain described impacts are speculative. In particular, comments about localized flooding and erosion due to construction (section 3.4.3) are issues we will address during design development and active construction of the I-880 widening project.

Any questions on these comments may be referred to me. Thank you for the opportunity to review this Draft Environmental Impact Report.

Sincerely,



A.J. Gallardo
Executive Director

RECEIVED

JUL 25 1991

BART
EXTENSION PLANNING

PD-26

H-10



TA

1693 Valdez Way
Fremont, California 94539
June 20, 1991

RECEIVED

JUL 25 1991

BART
EXTENSION PLANNING

Ms. Theresa Dunn
Environmental Review Officer
Bay Area Rapid Transit District
800 Madison Street
Oakland, California 94607

Dear Ms. Dunn:

Please find attached our comments in the form of a letter written last year regarding the proposed BART extension south of Fremont into the Warm Springs Area. In short, our particular concern is BART's route through the Lake Elizabeth (Central Park) area to where it would cross Paseo Padre Avenue in Fremont.

The homeowners along the Union Pacific Railroad (on the east side) would be severely impacted in terms of noise, vibration (substantially higher level and certainly far more frequently than currently exists), view obstruction and deterioration and loss of property value for any optional route that approaches or straddles the UPRR.

P-24

Mr. Priestly, a consultant retained to photograph elevation and obstructions, photographed potential views from our backyard which should illustrate just one aspect of the problem posed by BART project alignments 2 and 3 through Central Park. We strongly request that BART retain the option 1 routing through Central Park.

Very truly yours,

Michael L. Olson
Kathleen M. Reilly

Enclosure
Letter of 17 June 1991 to Mr. Leo Rachal

1693 Valdez Way
Fremont, California 94539
June 17, 1990

Mr. Leo Rachal
Warm Springs Extension Project
Bay Area Rapid Transit District
P.O. Box 12688
Oakland, California 94604

Dear Mr. Rachal:

Contained herein are our comments on the Draft EIR and our impressions of the Public reaction at the Public Hearing held June 13th in the Fremont Main Library. The extension of the BART service to Warm Springs is viewed by ourselves from three perspectives: 1) that of citizens of the Bay Area, 2) Fremont residents concerned about the quality of life in our city, particularly the Central Park, and 3) that of single-family homeowners situated next to the Union Pacific Railroad tracks at 1693 Valdez, a location that is severely impacted by at least two of the aerial options for routes through Central Park.

As members of our greater community in the Bay Area with the intent to contribute to the ecological preservation of our planet, we recognize the value of encouraging alternative means of transportation that work effectively to reduce dependence upon fossil-fueled personal transportation. Although BART is only part of the solution, we encourage the extension of service to Warm Springs in recognition of the "Big" picture. Our impression of the Public Hearing in Fremont was that most if not all of the participants shared this view. The major concern was not *if* but *how*.

The two major issues that were voiced at the Public Hearing seemed to us to revolve around the 50 million dollars for a subsurface BART extension through Central Park and the sensibility of building the Irvington Station.

1) The Central Park impact of aerial or subsurface was viewed as a tradeoff of money and aesthetics. One recurring theme was that BART had made previous commitments to Fremont for the subsurface route and was balking at the cost of this plan citing the fact that Oakland paid for their underground BART facilities. Although one newspaper reporter assessed that about half the people sided with the proponents for underground and the other for the lower cost aerial route(s). Our perspective was that only

CP-23

CP-23

a portion of the general public's concerns about the subsurface route were directly related to money. In addition, some were related to safety of a subsurface tunnel. However it was pointed out by two people (Director Glenn and one of the citizens who was a structural engineer) that the tunnel was safer than an aerial BART track. The other issues were the noise and to a lesser extent the vibration. More than one individual expressed concern about the aerial solutions on the noise impact in the park. This is substantiated by the Draft EIR in which the range of impact is said to be within 300 to 1200 feet of the BART tracks depending upon the sound criteria selected. The impact on the wildlife such as the Burrowing Owl habitat, the wetlands and the baseball fields did not merit significant comment. We believe that most people recognize that relocation or rehabilitation of the owls and preservation of the wetlands are manageable activities as has been demonstrated elsewhere in the Bay Area. The affected playing fields can be moved and rebuilt where necessary. The issues are the cost to reduce noise and retain the aesthetics of Central Park.

2) The other theme related to the need for the Irvington Station. This station requires the displacement of both homes and businesses. If we recall correctly, it also involves the placement of both UP and SP tracks below grade with a 1% grade in and out. It affects historical property and increases the traffic in the Irvington area especially causing concern about the intersection Washington and Fremont streets. It also raises the question of the closeness of the Fremont and Irvington stations. At least two people suggested that the Irvington Station not be built.

One interpretation of these two themes is that if the Irvington Station were deleted from the plan, the resulting reduction in cost of the Warm Springs extension could be applied to offset the cost of a subsurface route through Central Park.

As mentioned in the beginning of this letter, we have a personal interest in how the BART extension traverses Central Park. Two of the options (B and C) place the aerial tracks along the UP railroad tracks which borders the backyards of many residences along Valdez way in Fremont. It is extremely insensitive on the part of the Draft EIR to state that;

"Because the proposed BART extension generally follows the existing Southern Pacific and Union Pacific Railroad corridor, many of the noise-sensitive receptors are already exposed to significant noise levels."

It should be noted that there is a significant difference in the impact of a UP train that uses the track only once every three to six hours and a BART train that would go by every seven and a half minutes and produce a sound level such that;

"Homes along Valdez Drive which back up against the UP railroad tracks would be exposed to maximum noise levels exceeding the absolute noise impact criterion for all three aerial options. Option C would be located close enough to these homes to also exceed UMTA's criterion for relative noise impact."

N-9

My experience is that the Union Pacific train noise is tolerable because it occurs relatively infrequently. An aerial route next to Valdez Way along the UP tracks would cause the frequency of these events that exceed the absolute noise limits to increase by 30 to 60 times given an average interval of 3 to 7.5 min between BART trains (two routes, each with a 15 minute departure schedule with both northbound and southbound trains). As such,

N-9

we urge that BART strive to use the route through Central Park that minimizes the impact on the noise and vibration levels affecting the residences adjoining the UP railroad tracks along Valdez Way.

In addition, we would like to point out that when we purchased our home on Valdez Way last August, we asked a BART representative what the route plan was for the extension through Central Park. Our plans to purchase were based upon assurances from the BART representative that the BART extension was to be underground through Central Park. We along with the City of Fremont take a dim view of any suggestion from BART that you no longer feel obligated to honor those commitments which have a significant impact on the value of our property and quality of life.

Very truly yours,



Michael L. Olson

Kathleen M. Reilly
1693 Valdez Way

cc. Fremont City Council