

C. ORGANIZATIONS AND COMPANIES

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Letter
C1a

From: Cautn1@aol.com
Sent: Saturday, August 12, 2017 5:11 PM
To: BART To Livermore Outreach
Cc: gcrunican@bart.gov; Kerry Hamill; Val Menotti; Andrew Tang
Subject: A response to the BART/Livermore EIR
Attachments: Ltr to BART re. Livermore EIR R1 Aug 1217.docx

The Bay Area Transportation Working Group's initial comments in response to the recently released EIR are attached.

| 1

Gerald Cauthen, Chair
BATWG



Bay Area Transportation Working Group

900 Paramount Road
Oakland Ca 94610
August 12, 2017

Dear Ms. Saltzman and other members of the BART Board:

Following is a recap of BATWG’s initial comments presented to the BART Board on August 10, 2017, plus by a few other items, unspoken because of a lack of time:

1.) As Mr. Tang acknowledged in his presentation, ridership is “very sensitive” to the amount of available parking. It is therefore not appropriate to provide 23 times as much parking for the “Conventional BART” alternative as for the Express Bus/BRT alternative (See Plate 16).

1 cont.

2.) The annual operating cost of the Conventional BART alternative would be seven times higher than the equivalent cost of the Express Bus/BRT alternative (See Plate 29). Given BART’s budgetary problems, a \$22.8 million a year operating cost would appear to constitute a “fatal flaw”.

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3.) It would cost over \$3 billion to extend BART far enough to create a connection between BART and ACE. An ACE/BART connection might cause some San Joaquin auto commuters to take ACE to Greenville Road and then transfer to BART. However this would not ease congestion on I-580 because the freed up highway space would soon be taken up by other drivers. (When it comes to freeway backups, unless and until roadway tolls and congestion pricing are imposed, congestion itself will continue to be the limiting factor).

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4.) A connection to ACE in east Livermore would do little for those who have been paying into BART for 36 years. Much more beneficial would be a speeded-up and upgraded ACE line between Stockton and Fremont, a service that currently carries a paltry 2,200 commuters a day.

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cont.

None of this is to say that Livermore doesn't need and deserve a good fast connection to BART; it does. Livermore's longer distance transportation needs can best and most efficiently be served by well-appointed buses that make full use of I-580 transit-only lanes between Isabel Avenue and the East Dublin BART Station. A significantly improved bus service, coupled with a large park and ride lot at Isabel, would serve Livermore better than a BART extension would.

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The rest of BART's riders and tax payers also deserve consideration. As everyone knows, BART's transbay section is dangerously close to running out of carrying capacity. Yet the much-heralded second transbay rail crossing complete with connecting subways on both side of the Bay is at least \$30 billion and a half a century away. For these and other reasons now is no time to be building new BART extensions. BART has many other capital needs of higher priority that need attention.

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And lastly, the population density of Livermore is very low. Northwest San Francisco, whose residents have also been paying into the BART for 36 years, has roughly 3 times the population of Livermore. Yet in order to get to either BART or downtown San Francisco these residents must travel actually farther by bus than the distance between Isabel and the East Dublin Station. Instead of an expensive rail line, the current plan is to create a BRT line along Geary Boulevard similar to the proposed Livermore Express Bus/BRT alternative. Billions of dollars spent on sending BART to the very low density east end of Alameda County would be very wasteful. It would also be immeasurably unfair to other BART riders and tax payers.

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Your consideration of these remarks would be appreciated.

Gerald Cauthen, Chair
Bay Area Transportation Working Group
510 208 5441



From: Robert Feinbaum <bobf@att.net>
Sent: Wednesday, September 13, 2017 9:35 AM
To: BART To Livermore Outreach
Subject: EIR comments

Comment: BART to Livermore Extension Project
Date: September 13, 2017

Prepared by: Bob Feinbaum,
Co-founder, Bay Area Transportation Working Group (BATWG)
Contact: bobf@att.net

Although Livermore needs and deserves better regional transportation connections, BART rail service does not provide the answer. Instead, the BRT option offers a better choice that can be in operation far sooner than any rail option and at a significantly lower cost.

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The EIR raises three issues that should be addressed in greater detail:

1. Ridership projections for the BART option seem to be unrealistically high. Livermore boardings exceed those of any existing end station in the BART system. We suspect that may be a result of counting existing passengers who now board at Dublin-Pleasanton as new passengers from Livermore.
2. The BART rail option contained a new parking structure at Isabel, whereas the BRT option does not provide for expanded parking. That certainly decreases the BRT ridership estimate and, as such, makes for an apples to oranges comparison.
3. BRT can largely be financed with existing funding sources while BART rail depends on nearly \$ 1 billion of unknown funding for completion. The EIR should identify a realistic time frame for completion of each of the options. Livermore deserves service at the earliest opportunity and the difference of a build out of a few years (for BRT) and a few decades (for BART) could be significant.

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Please incorporate these comments into those provided in BATWGs earlier submission.

Thank you
Bob Feinbaum

RESPONSE C1**Gerald Cauthen/Robert Feinbaum, Bay Area Transportation Working Group**

C1a-1 This comment refers to Slide 16 of the staff presentation to the BART Board of Directors (BART Board) on August 10, 2017. The slide identified the number of BART parking spaces available in the Tri-Valley at the two existing BART stations (West Dublin/Pleasanton Station and Dublin/Pleasanton Station), the proposed Isabel Station under the Proposed Project and DMU Alternative, and the proposed remote parking lot at Laughlin Avenue for the Express Bus/BRT Alternative. At Isabel Avenue, the slide identified 3,400 spaces for the Proposed Project and 150 spaces for the Express Bus/BRT Alternative. The 3,400 spaces for the Proposed Project would be new spaces at Isabel and constructed as part of the new BART station. The 150 Isabel spaces for the Express Bus/BRT Alternative are the existing park-and-ride spaces on the BART property at Isabel Avenue and Airway Boulevard. Please note that in addition to the 150 existing spaces at Airway Boulevard, BART would provide 230 new spaces at a remote parking lot at Laughlin Road as part of the Express Bus/BRT Alternative. While the number of parking spaces supplied with the Proposed Project is greater than that supplied with the Express Bus/BRT Alternative, the comment is not correct in claiming that the ratio of parking provided by the Proposed Project to that for Express Bus/BRT Alternative is 23 to 1. The correct ratio of parking with Proposed Project to that for Express Bus/BRT Alternative is approximately 9 to 1 ($3,400/380 = 8.9$).

In order to avoid constraining ridership by limiting parking, the amount of parking supplied for the Proposed Project and Build Alternatives was determined by the amount of parking demand generated by each. Page 299 of the Draft EIR describes the estimated parking demand identified by the BART to Livermore Travel Demand Model, which was based on projected park-and-ride passengers for each BART facility. In other words, the model assumed unconstrained parking supply for the Proposed Project and each of the Build Alternatives, allowing it to predict the parking demand without regard for supply constraints. For the Proposed Project, the parking facilities at Isabel Station were sized according to the demand forecasted by the model. Using a similar approach for the Express Bus/BRT Alternative, the analysis determined the appropriate size for a park-and-ride lot at Laughlin Road. As shown in Table 3.B-29 [Parking Demand at Existing and Proposed BART Parking Facilities (2025 and 2040)] on page 301 of the Draft EIR, the model predicts that the demand for parking at Laughlin Road under the Express Bus/BRT Alternative would be lower than demand at the Isabel Station parking garage under the Proposed Project.

- C1a-2 The operations and maintenance costs for the Proposed Project and Build Alternatives are described on pages 192 to 193 of the Draft EIR. The comment is correct that the Proposed Project has operating costs of \$22.8 million in 2040, compared to \$3 million for Express Bus/BRT Alternative. However, operating costs for the Proposed Project would be largely offset by new BART fares. Farebox recovery ratios indicate that BART would recover most (approximately 88 percent) of its operations and maintenance costs for the Proposed Project through fare revenue in 2040. Furthermore, under Cumulative Conditions in 2040, which includes the buildout of the Isabel Neighborhood Plan (INP), the farebox recovery ratio for the Proposed Project is estimated to be 101 percent. This may in part be explained by the relatively long trips and high fares that new riders from Tri-Valley BART stations would pay compared with the average BART trip. The Express Bus/BRT Alternative and Enhanced Bus Alternative are estimated to have even higher rail farebox recovery ratios. Please refer to the Proposed Project and Build Alternatives Evaluation Report (Evaluation Report) for additional information, provided as a link on the project website at: <http://www.bart.gov/about/projects/liv>.
- C1a-3 The Proposed Project and Alternatives do not include a connection between BART and the Altamont Corridor Express (ACE). Extending BART far enough to create a connection to ACE may be pursued in a future project, but it is not part of this project, which extends only to Isabel Avenue. Improvements to ACE service are outside the scope of this project and should be addressed to the San Joaquin Regional Rail Commission. Please see Master Response 1 regarding Livermore's contribution to project funding; Master Response 4 for information about extending rail farther east to Greenville; Master Response 10 for information regarding the Tri-Valley-San Joaquin Valley Regional Rail Authority's project concept connecting Northern San Joaquin County with the Tri-Valley; and Master Response 11 for information regarding ACE.
- C1a-4 The commenter's preference for improved bus service and a large park-and-ride lot at Isabel Avenue is noted. The Express Bus/BRT Alternative evaluated in the Draft EIR is designed to use the Express lanes on I-580 to provide high quality bus service from park and ride lots at Isabel Avenue and Laughlin Road to the Dublin/Pleasanton Station, similar to the suggestion made in the comment.
- C1a-5 BART has outlined several near-term and long-term major investments that would increase its ability to meet future demand for service. Together, these projects would allow BART to run up to 30 trains per hour through the Transbay Tube to increase capacity and alleviate the existing pinch point. The Draft EIR examined the impact of additional BART ridership from the BART to

Livermore Extension Project on BART operations in 2025 and 2040. The analysis indicates that the additional ridership is within the capacity of the Transbay Tube (see pages 286 through 287 in Section 3.B, Transportation, of the Draft EIR).

- C1a-6 The Express Bus/BRT Alternative is one of the alternatives evaluated in the Draft EIR. Ridership estimates for both the Proposed Project and the Express Bus/BRT Alternative, as well as the other alternatives, take into account population density in the service area. The BART Board will consider the relative merits and costs of the Proposed Project and the three Build Alternatives to determine whether the Proposed Project or an alternative should be approved.
- C1b-1 The commenter's preference for the Express Bus/BRT Alternative is noted. The BART Board will consider the comments provided on the Draft EIR and opinions expressed therein prior to adopting a project.
- C1b-2 BART ridership at the Isabel Station is estimated to be approximately 8,100 weekday boardings (16,200 entries and exits) under the Proposed Project in 2040, which would make it a medium-sized station within the BART District. See Table 3.B-22 of the Draft EIR (page 293). Table 3.B-22 also illustrates the ridership at the other Tri-Valley stations with and without the proposed Isabel Station.

The ridership analysis does not double-count existing riders now boarding at the Dublin/Pleasanton Station who switch to the new Isabel Station as new riders on the BART system. As noted in Table 3.B-22, there is an increase in total ridership from the Tri-Valley stations of 6,500 daily weekday boardings in 2040. Looking at the Tri-Valley as a whole avoids double counting existing passengers if they change stations. While the anticipated BART ridership projected for 2040 at the proposed Isabel Station is higher than ridership at some end stations today, the commenter is incorrect that 8,100 weekday boardings is higher than existing ridership at all other end-of-line stations. Some stations, including Fremont and Daly City, have seen higher ridership. Also, it is important to note that BART ridership overall is expected to increase dramatically by 2040, driven in part by continued development in the Bay Area. According to BART year 2040 forecasts, Isabel Station would have fewer weekday boardings than El Cerrito del Norte (10,200 weekday boardings) or

Pittsburg/Bay Point (9,100 weekday boardings), and have the same number of weekday boardings as Millbrae.¹

- C1 b-3 The Express Bus/BRT Alternative does not include a parking structure because it does not generate sufficient demand to require one in order to accommodate its anticipated riders, while the Proposed Project would generate sufficient demand to require a parking structure at the Isabel Station. Please see Response to Comment C1a-1, which describes the BART to Livermore Travel Demand Model. The model analyzed unconstrained parking supply for the Proposed Project and each of the Build Alternatives, allowing it to predict parking demand for each alternative without regard for supply constraints. As described therein, the amount of parking proposed for the Proposed Project and each Build Alternative is the amount of parking demand predicted by the model, in order to avoid constraining ridership by limiting parking.
- C1 b-4 The comment is correct that the Express Bus/BRT Alternative could be funded through existing sources, and that both the Proposed Project and DMU Alternative would need additional funding (as yet unidentified). However, the comment is not correct that construction of the Proposed Project would take “a few decades” compared to “a few years” for the Express Bus/BRT Alternative. As described on page 168 of the Draft EIR in Chapter 2, Project Description, construction of either the Proposed Project, DMU Alternative, or Express Bus/BRT Alternative is anticipated to begin in 2021 and last approximately 5 years through 2026. The Enhanced Bus Alternative is anticipated to take 2 months to construct. BART considers this a realistic schedule for design and construction of a project. This schedule is predicated on funds for the adopted alternative being secured by the start of construction in 2021.

¹ BART Fiscal Year 2018 Financial Model.



CALIFORNIA NATIVE PLANT SOCIETY

East Bay Chapter, www.ebcnps.org
PO Box 5597, Elmwood Station, Berkeley, CA 94705

October 16, 2017

Bay Area Rapid Transit
300 Lakeside Drive, 21st Floor
Oakland, CA 94612

Submitted by email to barttolivermore@bart.gov

Regarding: Draft Environmental Impact Report (EIR) for the proposed BART to Livermore Extension Project

The following are the comments of the California Native Plant Society, East Bay Chapter (EBCNPS) on the Draft Environmental Impact Report (EIR) for the proposed BART to Livermore Extension project.

The California Native Plant Society (CNPS) is a non-profit organization of more than 10,000 laypersons and professional botanists organized into 34 chapters throughout California. The Society’s mission is to increase the understanding and appreciation of California’s native plants and to preserve them in their natural habitat through scientific activities, education, and conservation. Pursuant to the mission of protecting California’s native flora and vegetation, EBCNPS submits the following comments.

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The Draft EIR for the BART to Livermore Extension Project is inadequate because it provides an incomplete picture of existing physical environmental conditions for the project area and, therefore, an inadequate analysis of potential impacts to special-status species in the project area, such as rare native plants. Our organization notes deficiencies in this document that range from a lack of comprehensive surveys, a missing wetland delineation, and a lack of any surveys performed over many acres in the project area that may contain sensitive natural resources (according to 2010 East Alameda County Conservation Strategy [EACCS], and other resources). The Draft EIR proposes to rely only on a “modeled habitat suitability in the EACCS to estimate potential impacts to plant and wildlife resources,” but surveys are needed in the potential habitat areas.

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cont.

Even from what information is available from this Draft EIR, it is apparent that significant impacts are likely to occur on hundreds of acres of special-status species, critical habitats, and sensitive natural communities as a result of this project. Potentially overlapping ranges of these resources (and overlapping impacts) are undescribed. Indirect impacts are also largely undescribed. More documentation is needed on the methods used for surveys completed to determine whether these surveys were adequately comprehensive. More information on the results from these surveys is also needed such as the extent (population size, number of acres) and exact locations of sensitive resources on the project site. Additional surveys are also necessary over the extensive amount of private land that was not surveyed.

The Draft EIR describes surveys that were “focused and reconnaissance level” (page 820) for sensitive species including rare plants and provides calendar dates of when botanical surveys were performed, concluding, “these botanical surveys are considered to provide a comprehensive assessment of rare plant resources within these areas” (Biological Resources, Chapter 3.I, Local Setting and Survey Methodology sections, page 820). However, comprehensive surveys as well as focused surveys are both necessary for resource assessment, and it appears only focused surveys were performed throughout most of the project area. Surveys to detect presence of special-status species that are reconnaissance- level, targeted, or focused surveys to confirm previous findings, by definition do not qualify as comprehensive surveys (*Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*, California Department of Fish and Wildlife [CDFW], 2009). Altogether, there is insufficient evidence to conclude that adequate, comprehensive surveys were performed at the appropriate times and places to detect presence (or absence) of special-status plant species.

The California Environmental Quality Act (CEQA) requires assessment of all CNPS Rank 1 and 2 plants (including 1A, 1B, 2A, and 2B), all of which are considered rare, threatened or endangered, or even presumed extirpated, within California. Impacts on these special-status plants are potentially significant [CEQA Guidelines 15125 (c) and 15380)]. In addition, unusual and significant plants may have local or regional significance, which is another potential impact requiring evaluation (CEQA Appendix G, Environmental Checklist). All special-status plants as well as locally rare plants, can additionally indicate presence of sensitive natural communities; all of these CDFW considers significant for conservation. We request that all botanical surveys are conducted by qualified botanists.

Without comprehensive surveys, this Draft EIR cannot and does not provide enough data and information to describe impacts of the project, or to determine whether the project may have a significant effect on the environment (CEQA Guideline 15084). CEQA Guideline 15125 describe that “an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published.” Description of current conditions as well as analysis of impacts are inadequate in this Draft EIR. We also recommend completing an official delineation of wetlands and waters of the US.

2 cont.

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Lack of access to private land is insufficient and inadequate reason to forego performing surveys in areas where there is a reasonably high probability for detection of sensitive resources. The Draft EIR lists portions of the project study area that are not yet surveyed, in **Table 3.I-1**. These areas include proposed “construction staging areas” and “collective footprint (permanent [impact] areas)” in spaces generally described as the Arnold Road Staging Area, grasslands north of Croak Road, North Canyons Parkway Staging Area, and in the Cayetano Creek Area (page 821). “Biological surveys were unable to be completed in [these] portions of the collective footprint due to lack of access to private property” (page 822). When were these private property areas last surveyed? It is possible many natural resources are currently undocumented and unknown in these areas. It is especially vital then that these areas are adequately surveyed.

As well, adequacy of mitigation measures cannot be determined without a sufficient impact analysis, because there is no way of understanding whether the proposed mitigation is appropriate or sufficient to offset potential impacts. **Mitigation Measure BIO-1.A** (page 886) proposes performing surveys as a mitigation measures, but this would not adequately meet the current need for surveys to provide basic information on existing resources on the project site, before the project is approved. We disagree that potential impacts to rare plant species would be reduced to a less-than-significant level with implementation of Mitigation Measures. We are unable to reasonably understand the value of the proposed mitigations while a complete picture of resources on site remains so incomplete. Although the Draft EIR states special-status species and natural communities were avoided by project design, it is unclear how this was achieved.

2 cont.

Any of the project alternatives may also result in significant and unmitigated impacts to resources because all project alternatives and their mitigation measures rely upon the inadequate current analysis in the Draft EIR. We do not support the proposed project or any of the project alternatives as currently written.

We support substantial revision at the level of a revised Draft EIR to incorporate necessary additional information before proceeding to a Final EIR. The public needs to understand a complete picture of what resources are at risk before the project planning documents are approved. Further analysis is needed before the responsible and lead agencies are no longer obligated to accept public input on this CEQA document.

Since we submitted comments on the program-level EIR for this project in 2010, more urban development and growth has occurred in this region. We have learned more about the natural resources in the region of this project. As a result, we have raised more and different points than in our last comment letter. Our organization has published three documents containing helpful resource information, and we recommend consulting with these resources:

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- *Guidebook to Botanical Priority Protection Areas of the East Bay* (Bartosh et al., 2010)
- *Database of Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties* (Lake, 2017)
- *Manual of California Vegetation*, 2nd ed. (Sawyer et al., 2009)

Probably because less project-specific information was available in 2010 for the program-level EIR, project-specific surveys were not performed at that time, either. More project-specific detail is known now, and so the opportunity for completing adequate surveys for this project's impact analysis is certainly also now.

We look forward to continued involvement as a local organization and interested stakeholder for this project. We previously also submitted comments on City of Livermore's Isabel Neighborhood Plan. If you have any questions, please contact me at conservation@ebcnps.org or at 510-734-0335.

Sincerely,



Karen Whitestone
Conservation Analyst
East Bay California Native Plant Society

3 cont.

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RESPONSE C2**Karen Whitestone, California Native Plant Society**

- C2-1 Thank you for providing comments on the Draft EIR. This comment is informational in nature; no response is necessary.
- C2-2 The biological resources setting and impact analysis in the Draft EIR (Section 3.I, Biological Resources) is based on the best available scientific data as well as surveys of all accessible portions of the collective footprint, which have been fully surveyed for biological resources using California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service standards. The plant species considered during surveys included all California Rare Plant Rank 1 and 2 species as well as locally rare, unusual, or significant species. The full list of plant species considered during surveys is provided in the survey reports completed for BART to Livermore Extension Project. These surveys were completed by qualified botanists.

The Draft EIR summarizes the biological surveys completed for the BART to Livermore Extension Project starting on page 820. Comprehensive (i.e., focused) botanical plant surveys were performed in all accessible portions of the collective footprint—the combined footprints of the Proposed Project, DMU Alternative/EMU Option, and Express Bus/ BRT Alternative—and were appropriately timed following CDFW survey guidance to identify the full complement of special-status plants that occur in the regional project vicinity.^{2, 3, 4, 5, 6} In other words, most plant species reach their peak flowering condition, or are otherwise identifiable in a vegetative state, during the period that the botanical surveys were completed for the project in 2013 and 2014. The botanical survey methods that were used conform to the current CDFW

² Environmental Science Associates, 2013a. BART to Livermore Extension (BLVX) Project Consolidated Biological Resources Report, Site 7 [I-580 Corridor Area], Alameda County, California. Prepared for the San Francisco Bay Area Rapid Transit District. October.

³ Environmental Science Associates, 2013b. BART to Livermore Extension (BLVX), Consolidated Biological Resources Report, Site 2 [Isabel North], Alameda County, California, Prepared for the San Francisco Bay Area Rapid Transit District, October.

⁴ Environmental Science Associates, 2013c. BART to Livermore Extension (BLVX), Consolidated Biological Resources Report, Site 1 [Isabel South], Alameda County, California, Prepared for the San Francisco Bay Area Rapid Transit District. November.

⁵ Environmental Science Associates, 2013d. BART to Livermore Extension (BLVX), Consolidated Biological Resources Report, Site 3 [Laughlin Road Area], Alameda County, California, Prepared for the San Francisco Bay Area Rapid Transit District, October.

⁶ Environmental Science Associates (ESA), 2014. BART to Livermore Extension Project, Rare Plant Survey Report, Prepared for the San Francisco Bay Area Rapid Transit District. June.

survey guidance (2009), which was also the current guidance at the time that surveys were performed.

Information on the methods and results from biological surveys is provided in the biological reports that were prepared for the project and included in the administrative record.^{7, 8, 9, 10, 11} The survey reports present available information on the locations and extent (population size and number of acres) of sensitive resources on the project site. Aside from the Cayetano Creek Area, much of the collective footprint has been subject to historical and current disturbances that have reduced habitat values for native plants and wildlife. Hence, rare plant and wildlife populations have been diminished in much of the project footprints and no rare plant populations are known from areas that have been surveyed for the project.

Additionally, several of the project sites that were analyzed in the 2010 BART to Livermore Extension Program EIR were screened out of the current project footprint, partly to avoid known sensitive resources. For example, several rare plant populations were identified during focused surveys of BART's Laughlin east property. Thus, this property was specifically excluded from the current project and instead the developed portion of BART's property west of Laughlin Road is utilized for remote parking in the Express Bus/BRT Alternative.

As described on page 820 of the Draft EIR, several grassland areas, including the roughly 110-acre Cayetano Creek Area, remain to be surveyed due to access limitations to private property, and the Draft EIR acknowledges that the distribution of rare plants in the Cayetano Creek Area is unknown. As identified by the commenter, the status of biological surveys in the collective footprint is presented in Table 3.1-1 (Completed and Pending Surveys for the Proposed Project and Build Alternatives). Comprehensive botanical surveys have been

⁷ Environmental Science Associates, 2013a. BART to Livermore Extension (BLVX) Project Consolidated Biological Resources Report, Site 7 [I-580 Corridor Area], Alameda County, California. Prepared for the San Francisco Bay Area Rapid Transit District. October.

⁸ Environmental Science Associates, 2013b. BART to Livermore Extension (BLVX), Consolidated Biological Resources Report, Site 2 [Isabel North], Alameda County, California, Prepared for the San Francisco Bay Area Rapid Transit District, October.

⁹ Environmental Science Associates, 2013c. BART to Livermore Extension (BLVX), Consolidated Biological Resources Report, Site 1 [Isabel South], Alameda County, California, Prepared for the San Francisco Bay Area Rapid Transit District. November.

¹⁰ Environmental Science Associates, 2013d. BART to Livermore Extension (BLVX), Consolidated Biological Resources Report, Site 3 [Laughlin Road Area], Alameda County, California, Prepared for the San Francisco Bay Area Rapid Transit District, October.

¹¹ Environmental Science Associates (ESA), 2014. BART to Livermore Extension Project, Rare Plant Survey Report, Prepared for the San Francisco Bay Area Rapid Transit District. June.

completed on more than 78 acres of undeveloped accessible lands within the collective footprint, which includes the Isabel North Area, Isabel South Area, the Interstate Highway (I-)580 corridor area, and the Laughlin Road area. The specific areas that remain to be surveyed for rare plants are listed in Table 3.I-1. BART is unaware of any focused plant or wildlife surveys on the inaccessible parcels identified in Table 3.I-1.

However, even when surveys are completed, it is common to have data gaps, particularly in the presence, absence, and distribution of rare plants, which have a long survey window; such gaps are typically remedied through the application of appropriate mitigation measures.

The project design is intended to avoid the most botanically sensitive portions of the Cayetano Creek Area that support alkali habitat, as described in the Draft EIR on pages 832 and 884 and illustrated in Figure 3.I-2b. The identification of sensitive areas was based on information provided in the East Alameda County Conservation Strategy documents, the CDFW California Natural Diversity Database, the California Native Plant Society (CNPS) Electronic Inventory, and an independent analysis of aerial photos by plant, wildlife, and wetland specialists.¹² The project also avoids most of Arroyo las Positas and associated riparian habitat in the Isabel South area. This finding is also supported by the habitat-based analysis provided in the Guidebook to Botanical Priority Protection Areas of the East Bay.¹³ As a first step in avoiding and minimizing impacts to alkali habitat and sensitive natural communities in the Cayetano Creek Area, the project team identified the distribution of sensitive habitat during the project design stages. Then, the collective footprint for the rail alignment and project facilities was designed to specifically avoid sensitive habitat.

Specifically, the project footprint in the Cayetano Creek Area was located toward the hillside to the west of alkali habitat to avoid direct impacts to sensitive wetland, plants, wildlife, and sensitive natural communities that are expected in low-lying areas. Through this approach, the Proposed Project would avoid most, if not all potential direct impacts to rare plants in the Cayetano Creek Area. As designed, the collective footprint in the Cayetano

¹² ICF International, 2010. East Alameda County Conservation Strategy. Final Draft. October. (ICF 00906.08.) San Jose, CA. Prepared for East Alameda County Conservation Strategy Steering Committee, Livermore, CA.

¹³ Bartosh, H., L. Naumovich, and L. Baker 2010. A Guidebook to Botanical Priority Protection Areas of the East Bay. East Bay Chapter of the California Native Plant Society. <http://ebcnps.org/wp-content/uploads/2016/06/GuidebookBPPA-EBCNPS-download-web.pdf>

Creek Area traverses relatively non-sensitive annual grassland habitat where, based on the specific habitat requirements for most rare plant occurrences that are described starting on page 837 of the Draft EIR, alkali-associated rare plants are unlikely to occur. Nine of the 12 special-status plants that have potential to occur in the collective footprint, as described in Table 3.I-4, are associated with alkali habitats, including all federal or State of California-listed plant species. Hence, avoiding the alkali habitats by design would avoid most, if not all impacts to special-status plants in the Cayetano Creek Area. Similarly, this approach avoids wildlife species such as vernal pool fairy shrimp and California tiger salamander breeding habitat that is also sometimes associated with alkali habitat.

The mitigation measures identified in the Draft EIR will adequately mitigate impacts to rare plant species and wildlife species. If rare plant or wildlife species are encountered during focused surveys, BART has committed to provide compensatory habitat at agency-approved ratios for any populations that are identified. Specifically, Mitigation Measure BIO-1.A (Botanical Surveys for Areas Not Previously Surveyed and Refinement of Project Design) requires that protocol-level botanical surveys be completed according to CDFW special-status plant survey guidelines prior to project implementation. Botanical surveys will document the location and size of rare plant populations, if present, and shall be used to inform the planned avoidance of rare plant populations whenever possible. In the event that special-status plants are identified during surveys, Mitigation Measure BIO-1.B (Salvage and Relocation of Rare Plants that Cannot be Avoided) would relocate rare plants that cannot be avoided. Mitigation Measures BIO-1.A and BIO-1.B provide an approach that is common practice to avoid, minimize, and mitigate impacts to the identified population. Therefore, no modifications are required to the Draft EIR to identify potential impacts to rare plant species, or to avoid and minimize project impacts to identified plant populations.

The comment mentions indirect impacts, but does not cite any specific deficiencies in the Draft EIR analysis or identify any impacts that the commenter believes should have been analyzed. Generally, the biological analysis addresses indirect impacts to special-status species and sensitive natural communities by avoiding such areas and maintaining existing conditions in areas that are avoided. As described on page 884 of the Draft EIR, the project design would maintain the hydrologic connectivity of seasonal wetlands within Cayetano Creek Area, to minimize and/or avoid potential indirect impacts to seasonal wetland and alkali habitat. The Proposed Project also avoids stream and riparian habitat in Arroyo Las Positas, which flows through the Isabel South Area.

Regarding wetland delineation, the biological surveys completed provide a field-based assessment of jurisdictional aquatic features within the collective footprint areas at a level of detail that is sufficient to support the CEQA analysis and to provide an estimate of jurisdictional areas within the collective footprint. The extent of aquatic features in inaccessible areas was mapped and calculated using current and historic aerial photographs of drainage corridors. Based on this reasonable methodology, the Draft EIR conservatively estimates that Proposed Project would impact approximately 0.711 acres of wetland, creek and pond habitat (page 923). The DMU Alternative would impact approximately 0.693 acre and the Express Bus/BRT Alternative would impact approximately 0.540 acre. These estimates—none of which exceeds 1 acre—are sufficient for purposes of disclosing the magnitude of wetland impacts to decision-makers and the public. In addition, adequate mitigation will be assured by completing a verified wetland delineation prior to construction as described in Mitigation Measure BIO-12.A (Identify and Avoid Sensitive Natural Communities), which requires a qualified biologist to conduct a formal wetland delineation survey and identify the distribution of sensitive natural communities within and adjacent to the footprint of the adopted project. Furthermore, Mitigation Measure BIO-12.B (Compensate for Impacts to CDFW regulated Sensitive Upland Plant Communities) provides for the restoration of temporarily disturbed sensitive natural communities, and compensation for sensitive natural community losses through restoration, enhancement, creation, and preservation. Mitigation Measures BIO-11.A (Avoid and Minimize Impacts to Wetlands, Waters of the U.S. and/or Waters of the State) and BIO-11.B (Compensatory Mitigation for Wetlands, Waters of the U.S. and/or Waters of the State) would avoid and minimize impacts to wetlands and other waters to the greatest extent practicable and provide compensation for impacts through wetland restoration and/or creation.

The Draft EIR provides an adequate account of wetland distribution and sufficient mitigation to reduce potential impacts; no modifications are required to the Draft EIR to identify potential impacts to wetlands, or to avoid and minimize protect impacts to these features.

The commenter asserts that the Draft EIR is deficient for omitting biological surveys on private property to which BART was denied access by the property owners. Under California law, a public agency must obtain a court order to enter private property without the owner's permission to perform environmental surveys (Cal. Civ. Code § 1245.030, *Property Reserve, Inc. v. Superior Court* (2016) 1 Cal.5th 151, 175). In the *Property Reserve* case, the California Supreme Court stated that a property owner is entitled to notice and can be afforded a hearing and an opportunity to present evidence relevant to

the factors the court is required to consider before an order for entry may be issued. The procedure required to obtain a court order to enter private property is a costly and time-consuming process. Nothing in CEQA requires BART to undertake such proceedings in order to force entry into private property for purposes of preparing an adequate EIR. Instead, BART made conservative assumptions that special-status plant species may be present in areas that BART was unable to access directly for biological surveys (see Table 3.1-4 on pages 837 to 846). Given this conservative approach, it is unlikely that additional surveys would reveal impacts not currently addressed in the Draft EIR. Moreover, in the unlikely event that any species were missed by this conservative approach, they would be identified by surveys required prior to construction and subject to mitigation measures as provided in the Draft EIR. A lead agency is required only to use its best efforts to discover and disclose all that it reasonably can when preparing an EIR. CEQA Guidelines § 15144; see *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 431. CEQA Guidelines § 15204(a) specifically provides that: “CEQA does not require a lead agency to conduct every recommended test and perform all recommended research, study, and experimentation recommended or demanded by commenters.” See also *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1396 (lead agency was not required to conduct a protocol level biological study merely because commenter requested it; the “fact that additional studies might be helpful does not mean that they are required”).

The commenter’s statement that it does not support the Proposed Project or any of the alternatives as currently written is noted.

- C2-3 The analysis of impacts to biological resources in the Draft EIR incorporates available information that is more recent than that reviewed for the 2010 BART to Livermore Extension Program EIR. BART appreciates the resources noted by the commenter and has reviewed the references. These references do not provide new information pertaining to the project baseline or identify any new potential sensitive botanical resources. The Draft EIR analysis included a similar habitat-based analysis to that performed by CNPS in the Guidebook to Botanical Priority Protection Areas of the East Bay.¹⁴ The Springtown Botanical Protection Area that is discussed in this publication identified areas in the Cayetano Creek Area that support alkaline soils. As described in Response to

¹⁴ Bartosh, H., L. Naumovich, and L. Baker 2010. A Guidebook to Botanical Priority Protection Areas of the East Bay. East Bay Chapter of the California Native Plant Society. <http://ebcnps.org/wp-content/uploads/2016/06/GuidebookBPPA-EBCNPS-download-web.pdf>

Comment C2-2 above, BART selected a project footprint in the Cayetano Creek Area that avoids all the identified low-lying alkali areas where alkaline-associated rare plant species are expected. During early site planning, BART used the East Alameda County Conservation Strategy habitat models to fully avoid the alkali wetland complex in the Cayetano Creek Area. By avoiding the modeled alkali habitat, which is shown in Figure 3.1-2b on page 831 of the Draft EIR, the project will also avoid any rare plants that occur specifically within this habitat type.

The Database of Rare, Unusual, and Significant Plants of Alameda and Contra Costa Counties is a password-protected database managed by CNPS. The commenter did not cite any specific deficiencies in the Draft EIR analysis related to rare plant sightings from the database. The Manual of California Vegetation is a general reference that does not provide a site-specific assessment that would assist in the identification or protection of rare plant resources in the alignment.¹⁵ As such, no modifications have been made to the Draft EIR to identify potential impacts to rare plant species, or the mitigation measures to avoid and minimize protect impacts to identified plant populations.

¹⁵ Sawyer, John O., Todd Keeler-Wolf, and Julie M. Evens, 2009. Manual of California Vegetation, 2nd ed.

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Letter
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Cox, Castle & Nicholson LLP
50 California Street, Suite 3200
San Francisco, California 94111-4710
P: 415.262.5100 F: 415.262-5199

Linda C. Klein
415.262.5130
lklein@coxcastle.com

October 13, 2017

VIA E-MAIL barttolivermore@bart.gov

BART Board Members
Mr. Andrew Tang, Project Manager
BART to Livermore Extension Project
300 Lakeside Drive, 21st Floor
Oakland, CA 94612

Re: BART to Livermore Extension Project: Comments on Draft Environmental Impact Report (SCH# 2012082104)

Dear BART Board Members and Mr. Tang:

We write on behalf of Chamberlin Associates (“Chamberlin”), the owner of an approximately eleven-acre vacant parcel in the City of Livermore (“City”) that is bounded by North Canyons Parkway to the north, Airway Boulevard to the east, Interstate 580 (“I-580”) to the south, and existing commercial development to the west (APN 905 000901303) (the “Chamberlin Property” or the “Property”). The Chamberlin Property also is within the City’s proposed Isabel Neighborhood Plan (“INP”) area, BART’s proposed I-580 Relocation Area, and BART’s proposed I-580 Airway On Ramp improvement area of the proposed BART to Livermore Extension Project (the “BART Project”).

1

Chamberlin supports the extension of BART to Livermore, but has a few concerns about certain incorrect and misleading information in the draft environmental impact report (“DEIR”) for the BART Project. These concerns are detailed below.

1. The Chamberlin Property

The Chamberlin Property is an infill site that is surrounded by commercial development, including hotels and a motorcycle dealership. The Property currently is zoned PD-I-181 (approximately 7.2 acres) and Highway Service Commercial (CHS) (approximately 4.1 acres). The General Plan designation for the site is Business and Commercial Park (BCP). The Property is located in a City of Livermore Priority Development Area, and is within the boundary of the proposed Isabel Neighborhood Plan area. The draft Isabel Neighborhood Plan (the “Plan”) designates the Chamberlin Property as General Commercial. This designation provides for “a range of commercial uses with an emphasis on regional-serving uses such as gas stations, car sales, lodging, and retail. The designation allows limited office, professional

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Letter
C3
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October 13, 2017
Page 2

services, light industrial, entertainment, and community uses.” The designation allows for a floor area ratio of 0.5. (Plan, p. 13.)

Consistent with the City’s vision for regional-serving commercial uses, Chamberlin submitted an application to the City in March 2016 for a rezoning of the Property to a single PD zone; General Plan amendments regarding views and scenic corridors; and a conditional use permit and development code/zoning code amendments for a freestanding sign (the “Chamberlin Project”). As part of the application, Chamberlin assessed the impacts under the City’s scenic corridor regulations based on the conceptual development of a hotel, commercial center, and gas station. Chamberlin’s development application is on file with the City and, because it is in the area covered by the INP, is proposed to be processed in a manner consistent with the ongoing INP effort.

2 cont.

2. Comments On The DEIR

a. The Chamberlin Property Is Incorrectly Described In The DEIR

The DEIR does not accurately describe the Chamberlin Property. For example, Page 3 of Appendix C to the DEIR shows the Chamberlin Property (APN 905 000901303) as having a “Collier Canyon” address. This is incorrect. The correct address for the Property is either Airway Boulevard or North Canyons Parkway.

3

The table on page 3 of the DEIR also shows the Chamberlin Property land use as “Vacant Industrial land.” As described above, however, the appropriate general land use designation for the Property is commercial. The DEIR should be revised to correctly identify the Chamberlin Property.

Figure 3.E-6.b of the DEIR designates the Chamberlin Property as “ornamental freeway.” But the Chamberlin Property does not meet the DEIR’s definition of ornamental freeway. (DEIR, p. 571.) The DEIR should be revised to show that the Chamberlin Property is not ornamental freeway.

4

Also, Appendix E, Table 1, “Cumulative Projects and Plans,” incorrectly assumes up to 100,000 square feet of commercial and office space of development on the Chamberlin Property. Under the proposed development standards set forth in the Plan, the Property could be developed with up to approximately 245,500 square feet of commercial uses.

5

Regarding “Concurrent Construction with [the] Proposed Project or Build Alternatives,” which is the section addressing construction anticipated to occur from 2021 through 2026, the table states that no current developer or project is known for the Chamberlin Property. As described above, this is incorrect. The DEIR should be revised to accurately reflect the fact that the Property likely will be developed in the near term.

October 13, 2017
Page 3

b. The DEIR Must Include Alternative Construction Staging Sites

The DEIR identifies the Chamberlin Property as a construction staging site. (DEIR, pp. 178–179.) As described above, however, Chamberlin currently has an application on file with the City. According to the DEIR, construction of the BART Project is anticipated to take place between 2021 and 2026. (DEIR, p. 168.) Although construction activity near the Chamberlin Property is planned to take place in the earlier construction phases for the BART Project (see DEIR, p. 170), construction of the Chamberlin Project may be well underway by the time construction of the BART Project commences. Chamberlin does not intend to postpone development of its Property and is not interested in making it available for construction staging. Thus, use of the Chamberlin Property for construction staging is not likely to be feasible and the DEIR should be revised to include feasible alternative sites for BART Project construction staging.

6

c. The Biological Resources Analysis Incorrectly Assumes the Chamberlin Property Provides Western Burrowing Owl Habitat And Is Grassland

Based on the incorrect conclusion that there is no development application currently pending for the Chamberlin Property, the DEIR assumes that no biological resources assessment has been conducted for the Chamberlin Property. As a result of this error, the DEIR provides that the Chamberlin Property will be subject to Mitigation Measure BIO-1.A. (DEIR, p. 886.) As part of the Chamberlin Project, a biologist completed a biological resources assessment for the Property, which concludes, “[n]o special status plant or wildlife species have a moderate or high potential to occur on the Chamberlin Property.” (WRA, *Biological Constraints Analysis* (June 13, 2016) at p. ii (the “Analysis”) (attached).) Therefore, the DEIR should be revised to remove reference to the Chamberlin Property with respect to Mitigation Measure BIO-1.A.

7

The biological resources analysis in the DEIR also incorrectly identifies the Chamberlin Property as potential Western Burrowing owl (“Owl”) habitat. (DEIR, p. 854.) As disclosed in the attached Analysis, Owls are unlikely to forage or nest on the Chamberlin Property. (Analysis, p. 16.) The Property is disked twice annually for weed and fire control, and the Property is surrounded by commercial development and is relatively small. Therefore, it is unlikely to support an abundance of prey for Owls. Finally, a June 13, 2016, site visit confirmed that there are no Owls present on the Chamberlin Property and no signs of Owls were detected. Thus, Chamberlin requests that the DEIR be revised to indicate that the Chamberlin Property does not provide potential habitat for Owls.

Finally, the DEIR incorrectly identifies the Chamberlin Property as “grassland,” meaning annual grassland habitat dominated by grasses and forbs. (DEIR, Figure 3.1-1b & p. 825.) The Analysis found that the Chamberlin Property is “comprised of *ruderal* grassland, landscaped, and developed areas, which are not sensitive biological communities. No additional studies are warranted for biological communities.” (Analysis, p. 20 [emphasis added].) Based on

Letter
C3
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October 13, 2017
Page 4

the Analysis, Figure 3.1-1b of the DEIR should be revised to show that the Chamberlin Property is “ruderal” rather than “grassland.”

d. Potential Noise Impacts To A Hotel On The Chamberlin Property Must Be Analyzed

The Chamberlin Project could be completed and operational during the BART Project construction period. As noted in the DEIR, hotels are in sensitive receptor land use category 2. (DEIR, p. 969.) A hotel is a likely land use on the Chamberlin Property and there are a few hotels already located directly across from the Chamberlin Property on Airway Boulevard. The Chamberlin Property is located adjacent to, and within 500 feet of the I-580 freeway, including the proposed BART Project and the I-580 Interchange Reconfiguration at Airway Boulevard. However, noise measurement analysis was not conducted at or near the Chamberlin Property. (See DEIR, p. 968.)

7 cont.

The noise analysis should be revised to include the Chamberlin Property as a potential sensitive receptor (see DEIR, p. 970, Table 3J-2; p. 990, Table 3J-12; p. 993, Table 3J-13) the noise impacts on the future Chamberlin Project uses (e.g., hotel) from the BART Project’s construction and operation must be considered. For example, the analysis for Noise Impact NOI-5 should be revised to evaluate whether a substantial permanent increase in noise levels will occur at the Chamberlin Property as a result of the BART Project under the 2025 and 2040 Project and Cumulative conditions. (DEIR, pp. 1024–25, 1050–70.) If potentially significant impacts would occur at this location, the DEIR should be revised to consider feasible mitigation measures for such impacts.

e. Potential Electromagnetic Field Interference With Medical Equipment In Medical Office Buildings Must Be Considered

The DEIR identifies that the BART Project may produce electromagnetic fields (“EMFs”) that interfere with medical equipment that also relies on magnetic fields such as a magnetic resonance imaging machine (“MRI”) or electron microscopes. The DEIR states that such equipment can be found at hospitals and research universities (DEIR, p. 1335) and thus analyzes the potential impacts of EMFs on those uses. In addition to hospitals and universities, such equipment can be located in medical office buildings. (See, e.g., Building Design + Construction, *The New Medical Office Building: 7 Things to Know About Today’s Outpatient Clinic* (Sept. 10, 2013), available at <https://www.bdcnetwork.com/new-medical-office-building-7-things-know-about-today%E2%80%99s-outpatient-clinic> [identifying a trend for more sophisticated medical services in medical office buildings]; Richard E. Juge, CCIM, *Rx for Success: Medical Office Buildings*, available at <http://www.ccim.com/cire-magazine/articles/rx-success-medical-office-buildings/> [noting the trend for some sophisticated imaging procedures to be done in medical office buildings rather than hospitals].) Accordingly, the DEIR should also analyze whether medical office buildings allowed to be constructed under the INP’s commercial zoning and the proposed zoning for the Chamberlin Property could be adversely impacted by EMFs produced by the BART Project.

8

October 13, 2017
Page 5

f. The Cumulative Analysis Must Consider The Chamberlin Project

The cumulative analysis anticipates buildout of some of the Isabel Neighborhood Plan Area (see DEIR, pp. 227–229), but fails to include the Chamberlin Project in its projections. Because the Chamberlin Project may be under construction or operational at the same time as BART Project construction, the cumulative analyses throughout the DEIR should be revised to account for that fact. Specifically, the DEIR should consider cumulative air quality and traffic impacts that could result if construction of the BART Project overlaps with construction of the Chamberlin Project, and the DEIR should include the Chamberlin Project in its cumulative analysis of operations-related impacts from the BART Project.

9

g. Since BART Has Elected To Consider The City’s Scenic Corridor Policies, It Must Do So Correctly

i. *BART Should Consider The City’s Scenic Corridor Policies*

As provided in the DEIR, Government Code sections 53090 and 53091 exempt BART from complying with local land use regulations, such as the City of Livermore’s General Plan. Although not required, BART has “elected to consider City of Livermore’s scenic vistas and corridors as scenic resources for purposes of impact analysis” in the DEIR. (DEIR, p. 553.) Because it has elected to consider the City’s scenic vistas and corridors, BART should revise the DEIR to conduct the analysis in the manner described in the City’s General Plan, Community Character Element, in which the scenic vistas and corridors are designated.

10

As described in the Community Character Element of the City’s General Plan, the I-580 Scenic Corridor is divided into six subareas. “Policies and development standards are identified for each subarea that reflect the unique visual resources in each area The policies and development standards (such as identified view angles) are intended to preserve views to ridgelines and hillsides as seen from I-580.” (General Plan, p. 4-41.) The City has prescribed exactly how the visual analysis must be undertaken to comply with its General Plan policies. (General Plan, pp. 4-38–4-69.) Based on the DEIR’s analysis and photosimulations, BART did not follow the City’s analysis methodology. (Compare analysis methodology in the City’s General Plan with DEIR, pp. 618–622 [no discussion of how I-580 and interchange modifications will effect motorists’ views from I-580].) The DEIR is thus misleading because it purports to do something that it does not in fact do. When revising the DEIR, BART should also consider how the proposed widening of I-580 and interchange modifications, particularly those requiring new or realigned retaining walls, impact the scenic views protected by the City’s policies.

October 13, 2017
Page 6

- ii. *BART Should Work With The City To Ensure The Scenic Corridor Policies In The INP Area Do Not Unduly Limit Growth And The BART Project's Success*

The funding from the Metropolitan Transportation Commission (“MTC”) for the BART Project depends on the ability of the INP to accommodate 3,850 housing units within a half-mile radius of the proposed BART station. The BART Project also must compete against other major transportation projects in the region for MTC funding. Therefore, the more successful the INP is at encouraging development, the more likely the BART Project is to receive MTC funding.

BART should be aware that the City’s preferred INP proposal retains scenic corridor regulations that do not accomplish the City’s purported goal, which is to protect scenic views from I-580, and instead serve only to limit growth near the BART Project. For example, the City has done studies showing that the majority of the Chamberlin Property is not visible to westbound drivers on I-580 (City Website, Scenic View Analysis, Diagram 1, available at http://www.cityoflivermore.net/citygov/cdd/bart/scenic_view_analysis.htm). Nevertheless, the City is not proposing to change the scenic corridor policies in the portion of the INP area that includes the Chamberlin Property, which will make that area more difficult to develop. Since the BART Project’s success is contingent on the success of the INP, BART staff and Board Members should work with the City to ensure the scenic corridor regulations in the INP area protect only realistic views of the hills from I-580. By doing so, BART will ensure that the INP permits the growth needed to make the BART Project successful.

3. Conclusion

Chamberlin appreciates the opportunity to provide BART with information regarding its plans for the Chamberlin Property and encourages BART to revise the DEIR for the above-stated reasons. In addition, Chamberlin suggests that BART staff and the BART Board work more closely with the City to ensure that the DEIR accurately accounts for the regulatory changes proposed by the INP and that the INP provides the policies necessary for BART to compete successfully for MTC funding and operate successfully for years to come.

Please feel free to contact me with any questions regarding this matter.

Sincerely,



Linda C. Klein

Attachment: WRA, *Biological Constraints Analysis and Wetland Assessment, Airway Blvd.* (June 2016).

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RESPONSE C3

Linda C. Klein, Cox Castle Nicholson on behalf of Chamberlin Associates

- C3-1 Thank you for providing comments on the Draft EIR. This comment introduces issues that are covered in more detail in the remainder of the comment letter. Please see Responses to Comments C3-2 through C3-13 for individual responses to these issues.
- C3-2 This comment is informational in nature and does not specifically address the adequacy of the EIR; no response is necessary.
- C3-3 The information in Appendix C (Right-of-Way Information) of the Draft EIR, pertaining to the parcel addresses and land uses was derived directly from the Alameda County Assessor website. Based on the information provided by the commenter, the property address and land use for this property has been revised.

Pages 3 of 5 of Appendix C.1 and C.2 (for the Proposed Project and DMU Alternative, respectively) have been revised as follows:

Conventional BART Project – Potential Land Acquisition

| APN | Parcel City | Approximate Percent of Parcel Needed for Permanent Project Footprint | Parcel Address | Land Use |
|---------------|-------------|--|--|---|
| 905 000901303 | LIVERMORE | 5.1% to 10.0% | COLLIER CANYON <u>NORTH</u> CANYONS PARKWAY | Vacant industrial land (may include misc: <u>imps</u>) <u>Vacant commercial land</u> |

DMU Alternative – Potential Land Acquisition

| APN | Parcel City | Approximate Percent of Parcel Needed for Permanent Project Footprint | Parcel Address | Land Use |
|---------------|-------------|--|--------------------------------------|--|
| 905 000901303 | LIVERMORE | 5.1% to 10.0% | COLLIER CANYON NORTH CANYONS PARKWAY | Vacant industrial land (may include misc. imps) Vacant commercial land |

C3-4 Caltrans designates portions of its freeway system as landscaped freeways; post miles from 14.97 to 15.63 along I-580 are classified as landscaped freeways. The areas outlined in red, shown in Figure 3.E-6b (see page 573 of the Draft EIR), identify the approximate location of the landscaped freeway segments and are not intended to indicate that the landscaped freeway segment encroaches onto any particular property. No revisions to the Draft EIR are required.

C3-5 The comment is acknowledged. The information in Appendix E (Cumulative Project List) of the Draft EIR pertaining to the Chamberlin Property was provided to BART by the City of Livermore. At that time, the City of Livermore noted that the Chamberlin property had submitted a proposal for General Plan and zoning changes to allow more intense development and a wider range of uses, but no specific project had been proposed.

The March 2016 application submitted to the City by Chamberlin Associates does not demonstrate that development should be considered “likely” in the near term. While the application requests General Plan and zoning amendments which would allow a greater development intensity and wider range of land uses than currently permitted on the property, and includes an application for a sign permit, it is not an application for approval or permitting of a specific development project. An application for a specific project must be approved before a development could be constructed on the property.

Please note that the level of development assumed in the Draft EIR for the cumulative scenarios was based on either the INP (for the Proposed Project and DMU Alternative) or Plan Bay Area (for the Express Bus/BRT Alternative and

Enhanced Bus Alternative). Therefore, the requested change by the commenter to the amount of development and uses that may be allowable on the site would not affect the environmental analysis. Please see Section 3.A, Environmental Analysis, of the Draft EIR for a description of the methodology for cumulative impacts.

Page 6 of Appendix E has been revised as follows:

TABLE 1 CUMULATIVE PROJECTS AND PLANS

| | | | | |
|-----------------|------------|---|--|--|
| L6 ^a | Chamberlin | Approximately 11 acres with an assumption for development of up to 100,000 <u>245,000</u> square feet of commercial and office space | Southwest corner of Airway Boulevard and North Canyons Parkway | No current developer. Unknown. <u>Potential for development in near term.</u> |
|-----------------|------------|---|--|--|

C3-6 As described on page 178 in Chapter 2, Project Description, of the Draft EIR, several potential temporary staging areas have been identified for the Proposed Project and Build Alternatives. These temporary staging areas are on undeveloped land close to the project corridor, and they would be used in addition to staging areas within the permanent project footprint. The construction contractor would determine the staging areas before construction activities begin. The EIR evaluated a number of potential staging areas to demonstrate the feasibility of off-site construction staging in the project area. If one or more of the locations identified as potential staging areas is unavailable, other feasible locations described in the Draft EIR may be utilized and/or the construction contractor may be required to identify other locations. The Chamberlin property, referred to as the North Canyons Parkway Staging Area in the Draft EIR, has been identified as a potential temporary staging area.

Chamberlin’s comment that it is not interested in making its property available to BART for one of those potential staging areas is noted. The loss of this one site from the candidate set of potential staging locations does not affect the environmental evaluation or feasibility of the project. However, if the contractor chooses a staging area that has not been evaluated in this EIR, additional environmental analysis may be required. Moreover, as the comment also notes, BART’s construction activity near the Chamberlin property would occur during one of the earlier phases of the Proposed Project’s construction schedule. Because Chamberlin has applied only for General Plan and zoning

amendments, not permits or approvals for a specific proposed development project, it is not clear that construction of a Chamberlin project would be underway when the BART project begins construction.

C3-7 BART appreciates receiving a copy of the WRA Environmental Consultants biological resources report (June 2016) from the commenter. The WRA report has been included in Appendix B of this Response to Comments document. The commenter is correct that the Draft EIR analysis of biological resources did not reflect information provided in the WRA biological report, which had not been previously provided to BART.

The commenter states the following: (1) the WRA report found that no special-status plant or wildlife species have a moderate or high potential to occur on the Chamberlin property; (2) the Draft EIR incorrectly assumes the Chamberlin property provides western burrowing owl habitat and is grassland; and (3) therefore, the Draft EIR should be revised to remove reference to the Chamberlin property with respect to Mitigation Measure BIO-1A.

Mitigation Measure BIO-1A would apply to the Chamberlin property only if BART's project were to use that property as a construction staging area. If, as Chamberlin indicates, its property will not be available to BART for use as a construction staging area, BART's project would not affect any potential biological resources on the property and no mitigation by BART would be necessary.

Page 17 of the WRA report states that the Chamberlin property is disked twice annually for weed and fire control. However, the WRA report also indicates that, on the June 13, 2016 visit, several ground squirrel burrows were observed along the perimeter of the property. The observation of ground squirrel burrows (i.e., potential burrowing owl host burrows) combined with photographs in Appendix B of the WRA report confirm that portions of the Chamberlin property that are not regularly disked have the potential to provide burrowing owl habitat. Moreover, the non-detection of burrowing owls during the single, non-protocol survey on June 13, 2016 does not conclusively demonstrate whether the site may support burrowing owls at the time the BART to Livermore Extension Project will be constructed. The implementation of mitigation measures included in the Draft EIR, including pre-construction biological surveys, will ensure that the Proposed Project and Build Alternatives would not impact burrowing owls on any potentially suitable habitat for this species, which could include the Chamberlin property (if it were to be used as a construction staging area).

Although the commenter states that the Chamberlin property does not contain “grasslands,” the WRA report states on page 12 that, “(t)he Study Area is composed of one biological community, non-native annual grassland.” The WRA biological report is consistent with the findings of the Draft EIR that the Chamberlin property supports grasslands. The comment suggests that the Draft EIR should specifically characterize the grasslands on the Chamberlin property as ruderal because WRA found non-native annual grassland and ruderal vegetation consists of non-native species. The Draft EIR states that ruderal vegetation consists of non-native species of plants that occur in disturbed areas such as construction materials staging areas, roadsides, and other regularly disturbed sites (see page 825 of the Draft EIR). However, ruderal vegetation does support sensitive species such as burrowing owls, California tiger salamanders, and California red-legged frogs (see pages 852 and 904 of the Draft EIR).

In summary, the Draft EIR adequately identifies potential biological resources in the project study area and no revisions to the Draft EIR are necessary.

C3-7 The comment asserts that the Draft EIR should have analyzed noise impacts on a “likely” future hotel that may be constructed on the Chamberlin property. The March 2016 application submitted by Chamberlin Associates to the City does not demonstrate that a hotel is likely. As described in Response to Comment C3-5, no specific development project on the Chamberlin property has been submitted to the City of Livermore for approval or permitting. Chamberlin’s March 2016 application for General Plan and zoning changes refers to a possible hotel in the “conceptual project” for purposes of visual analysis, but does not include any land use changes or other components specifically to facilitate a hotel.

No hotel currently exists on the Chamberlin property. CEQA requires analysis of impacts to existing land uses and receptors, but does not require analysis of impacts to, or those associated with, speculative future developments.¹⁶ See also Response to Comment C3-9 below regarding the absence of a reasonably foreseeable future project for the Chamberlin property.

¹⁶ See, e.g., *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 739 (“CEQA does not require discussion in an EIR of future developments which are unspecified and uncertain.”); *Christward Ministry v. Superior Court* (1986) 184 Cal.App.3d 180, 193 (“where future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences”).

Nevertheless, though not required by CEQA, BART acknowledges the commenter's concern and provides the following response for informational purposes.

It is not possible to quantify potential noise impacts from the Proposed Project or Build Alternatives in the manner analyzed in the Draft EIR, because Chamberlin has not yet proposed a site plan that identifies a specific location for a hotel. However, it is possible to use information in the Draft EIR to demonstrate that, if a hotel did exist on the property, construction-related and operational noise impacts would be less than significant.

The southern extent of the Chamberlin property is approximately 250 feet from the edge of I-580, while the northern extent is approximately 900 feet from I-580. Based on other measurements collected along the project alignment, it is estimated that the existing noise levels on the Chamberlin property could range from 70 A-weighting decibels (dBA), day-night average noise level (L_{dn}) at the southern extent to 62 dBA L_{dn} at the northern extent. Any hotel or other noise-sensitive use constructed on the Chamberlin property would need to address the freeway noise exposure at the site, likely by constructing a sound wall. Assuming a sound wall were to be constructed, the incremental noise contribution from operation of the BART or DMU/EMU trains would likely be similar to that predicted at long-term noise receptor location LT-3—i.e., 56 dBA L_{dn} for BART train noise in 2025 and 2040 (Table 3.J-19 on page 1010 of the Draft EIR) and 58 dBA L_{dn} for the DMU/EMU train noise in 2025 and 2040 (Table 3.J-21 on page 1015). These contributions would be less than significant, even at the lower end of the estimated noise level exposure for the Chamberlin property.

Regarding construction noise impacts, if a hotel were present on the Chamberlin property at the time BART constructs the Proposed Project or Build Alternatives, there would be no pile driving activity within 3,000 feet of the property and the closest construction noise exposure from standard non-impact construction equipment would be approximately 250 feet away from freeway widening and realignment activities. Given this distance, construction noise impacts at the Chamberlin property would be less than that estimated for noise receptor location LT-2 (170 feet away)—i.e., 81.4 dBA L_{eq} (Table 3.J-12 on page 990 of the Draft EIR). This conservatively estimated noise level would be below the FTA's construction impact criteria of 100 dBA L_{eq} for commercial land uses (Table 3.J-4 on page 975). Therefore, construction-related noise impacts would be less than significant at the Chamberlin property if a hotel were constructed prior to the Proposed Project or Build Alternatives.

C3-8 The comment asserts that the Draft EIR should have analyzed electromagnetic field (EMF) impacts on equipment that may be present in medical office buildings permitted to be constructed under the INP and the proposed zoning in the March 2016 application submitted by Chamberlin to the City. The INP's commercial zoning does allow medical office buildings, and Chamberlin's March 2016 application proposes medical office use as a permitted use. However, no medical office use currently exists on the Chamberlin property. As discussed above, CEQA requires analysis of impacts to existing land uses and receptors, but does not require analysis of impacts to or associated with speculative future developments. Nevertheless, though not required by CEQA, BART acknowledges the commenter's concern and provides the following response for informational purposes.

As described in Impact PHS-13 (Result in EMF that Causes Interference with other Electromagnetic Systems), starting on page 1387 of the Draft EIR (Section 3.N, Public Health and Safety), a screening distance of 226 feet was used to study the potential for electromagnetic field interference with other electromagnetic systems. This screening distance comes from a recent study of the California High-Speed Rail (CaHSR), which shows that the magnetic field from an electrified track decreases to 2 milliGauss (mG), the significance threshold at approximately 226 feet from the centerline of the rail right-of-way (ROW).¹⁷

There is a small area along I-580—approximately less than 10 percent of the Chamberlin property—that is within 226 feet from the ROW of the proposed BART tracks. As discussed in the Draft EIR, this screening distance is very conservative when used for the BART to Livermore Extension Project, for the following three reasons: (1) the CaHSR would operate at a much higher voltage (25 kilovolts) compared to BART (1 kilovolt); (2) CaHSR cars are heavier than BART cars and would travel at higher speeds, thus requiring more electrical power compared to BART and resulting in higher magnetic fields; and (3) the CaHSR would use a catenary system, which would have higher magnetic fields compared to the third rail system used by BART. Therefore, the actual distance from the BART ROW at which the magnetic field would decrease to 2 mG is less than the 226 feet, and it is anticipated that no area of the Chamberlin property would experience a magnetic field change greater than 2 mG. Furthermore, if a

¹⁷ California High-Speed Rail Authority, 2014. California High-Speed Train Project Environmental Impact Report/Environmental Impact Statement, Fresno to Bakersfield Section. Chapter 3.5 Electromagnetic Fields and Electromagnetic Interference. April. Available at: http://www.hsr.ca.gov/docs/programs/fresno-baker-eir/final_ERIS_FresBaker_Vol_I_CH3_5_EMI_and_EMF.pdf, accessed May 2017.

medical facility were to be developed on the site, the facility would likely ensure that its equipment is adequately screened from electromagnetic field interference from all potential sources, per standard industry practice.

- C3-9 Section 15355 of the CEQA Guidelines requires a lead agency to consider the cumulative impacts of the proposed project together with past, present, and reasonably foreseeable probable future projects. As the commenter notes at the outset, the Chamberlin property is included in the list of “Cumulative Projects and Plans” in Appendix E of the Draft EIR. Moreover, the cumulative analysis included in the Draft EIR collectively addresses construction and operational activities under the INP, as described starting on page 226 of the Draft EIR (Section 3.A, Introduction to Environmental Analysis). As the Chamberlin property is both part of the INP and is included in Appendix E, it is already included in the cumulative analysis.

Regarding the commenter’s request to analyze a particular project on the Chamberlin property, Chamberlin has not applied for any specific proposed development project that would qualify a “reasonably foreseeable probable future project” for cumulative impact purposes. Even if the City had already adopted the General Plan and zoning changes requested in the March 2016 application, a lead agency is not required to consider full buildout of hypothetical specific projects that may be permissible under the General Plan and zoning as reasonably foreseeable future projects for purposes of cumulative impact analysis. Moreover, even if the March 2016 application did describe such a project, a lead agency may reasonably restrict its cumulative analysis to projects for which the developer submitted an application prior to the date of EIR Notice of Preparation (NOP).¹⁸ Chamberlin’s March 2016 application for General Plan and zoning changes was submitted to the City subsequent to the NOP for the BART to Livermore Extension Project EIR, which was issued on August 30, 2012.

Regarding air quality impacts, see Impact AQ-7(CU) (Generate TAC and PM_{2.5} Emissions that Result in Health Risks Above the BAAQMD Significance Thresholds during Construction under Cumulative Conditions), starting on page 1148 of the Draft EIR. The cumulative conditions assessed for this impact include the INP. While health risk impacts from project construction emissions, after mitigation, would not exceed the project-specific CEQA threshold of significance, the cumulative impact of construction of the Proposed Project,

¹⁸ *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1127-1128; *San Franciscans for Reasonable Growth* (1984) 151 Cal.App.3d 61, 74.

together with construction of one or more development projects under the INP, may exceed the cumulative CEQA threshold at the locations of the maximally exposed individual sensitive receptors for those development projects. Therefore, cumulative health impacts are considered potentially significant. The Draft EIR conservatively considered this cumulative impact significant and unavoidable. Additionally, the operational air quality cumulative analysis already includes traffic associated with the INP, as described in Impact AQ-18(CU) (Result in Emissions of TACs and PM_{2.5} Causing Increased Health Risk above BAAQMD Significance Thresholds under 2025 Cumulative Conditions) on page 1182 of the Draft EIR. The Draft EIR analyzes cumulative transportation impacts from construction and operations starting on pages 315 and 391, respectively, of Section 3.B, Transportation.

- C3-10 The commenter correctly notes that the Community Character Element of the City of Livermore General Plan, Section IV.C, I-580 Scenic Corridor Implementation, establishes view angles to prohibit structures from extending above the applicable view surface established by the view angle. This is described on page 578 of the Draft EIR (Section 3.E, Visual Quality), and is explicitly specified to be part of the methodology for the analysis of impacts on scenic vistas. As described under Impact VQ-4 (Have a Substantial Adverse Effect on a Scenic Vista) on page 618 of the Draft EIR, the Livermore General Plan designates 3,500 feet on each side of the I-580 freeway centerline as a scenic corridor, and establishes view angle envelopes along the corridor, past which development is not permitted to extend. However, development may take place outside of the view angle envelope where it is located within a 1,000-foot radius of the Isabel Avenue/I-580 interchange, north of I-580.

This comment does not indicate the specific aspect of the City's visual impact methodology the commenter believes was not addressed by BART in the Draft EIR. Nevertheless, although BART elected to consider the City's scenic corridors as scenic resources for purposes of visual analysis in the EIR, BART as lead agency has the discretion to utilize its own visual analysis methodology and is not required to follow the City's methodology. Furthermore, the relocation of I-580 and interchange modifications would be replaced in-kind. No change in the height of the retaining walls or the interchanges is proposed; therefore, no height increase that could conflict with the view angle policies in the City of Livermore General Plan. Visual impacts are adequately assessed in the Draft EIR and no revisions are required.

- C3-11 As described on pages 55 through 57 of the Draft EIR in Chapter 1, Introduction, the City of Livermore's INP functions as the Ridership Development Plan (RDP) for the Isabel Station per BART's System Expansion

Policy. Nevertheless, the City of Livermore is the author of the INP and lead agency for the INP EIR; thus, the commenter's concerns should be addressed to the City.

Regarding the Metropolitan Transportation Commission (MTC) funding mentioned in the comment, the Draft EIR provides an analysis of the BART to Livermore Extension Project's consistency with MTC Resolution #3434 transit-oriented development (TOD) policy on pages 1502 and 1503 in Chapter 5, Project Merits. As described therein, the average number of housing units within a 0.5-mile radius of the Dublin/Pleasanton Station and Isabel Station is projected to be 4,831, well above the MTC threshold. These housing thresholds do not actually apply to the BART to Livermore Extension Project and the analysis is provided for informational purposes only.

- C3-12 This comment is informational in nature and summarizes previous comments. Please see Responses to Comments C3-10 and C3-11 regarding the INP.



Citizens for Balanced Growth
661 South “N” St. • Livermore, CA 94550
CitizensForBalancedGrowth.org

September 3, 2017

BART to Livermore Extension Project
300 Lakeside Dr.
Oakland CA 94612

Dear BART:

We appreciate the exhaustive effort that has gone into the preparation of the Draft EIR for BART to Livermore. Please accept the following suggestions of additional content and changes to improve the accessibility, clarity, and usefulness of the Report.

1. Reorganize the entire report to be more brief and user friendly. 4,000 pages is far too lengthy for an engaged populace to manage, many of whom won't normally read 50 pages. One way to accomplish this would be to issue several, smaller reports or sections such as: No Project/Conventional BART, No Project/DMU, etc. Providing a report with just the components of the Build/No Build alternatives might be easiest to parse. Just because you're legally required to study alternatives may not mean that they all have to be within the same bound report.

2. Freeway traffic congestion may be the primary concern of most people. Pages 317, 320, 326, 329, 393, 396, 398, 401 would be far more useful if the density of relevant information were isolated from the noise generated by the “filler material” of the non-BART alternatives. An improvement of p. 317 might instead consist of the following columns:
 - Current LOS
 - No Project 2025
 - Conventional 2025
 - No Project 2040
 - Conventional 2040

1

2

This arrangement could apply similarly to many other charts so that readers could easily determine where we are today and where we'll be at the two studied future dates. It would also dramatically reduce the length of the Conventional Build section of the report and make it far more readable.

3. Page 298 has data on peak hour train loads. This is a good start, but not nearly complete enough to give the public a true understanding of how future BART will compare with present BART. Again, conventional build is what we believe is most useful at this point.
- a. Here are some ideas to improve the current charts:
 - i. Chart of peak loads AM, all stations
 1. Current
 2. 2025
 3. 2040
 - ii. Chart of peak loads PM, all stations
 1. Current
 2. 2025
 3. 2040
 - b. Pleasanton and Dublin residents need to be able to compare their actual experience of train load today, contrasted with the future. The number of milestones might need to be expanded based on your current estimate of increased train capacity and frequency of trains. 2025 and 2040 might provide insufficient granularity.

3

For example, if there would be a year of greater crowding in between years of lesser crowding, include any number of milestones necessary to describe the experience over the years in full. The frustration factor of rider congestion may ebb and flow when taking all variables into account and the dates upon which major changes take place.

- i. Date of replacement of older 9 car trains with 9 newer high capacity models
 - ii. Date of increasing Valley throughput by populating the fleet with 10 car commute hour trains
 - iii. Dates the frequency of trains increases from 4/hr to 5/hr to 6/h or however the planned frequency increases take place
 - iv. Number of empty seats available in trains at existing stations before/after the extension. The object of this is to give existing station riders a clear idea of the ease/difficulty by which an existing rider may expect to find a seat going forward at key milestones, when they board peak trains. e.g. Will there be any empty seats in the morning at the Dublin/Pleasanton station?
4. New parking capacity is listed in the report. What is not addressed is the existing parking in Pleasanton and how that may change in the future. Does this extension come with a commitment to keep all existing parking at all stations in perpetuity? The point is, people are being told that a lot of parking is being added, but is there any guarantee that some spaces will not be removed elsewhere? The EIR should mention any possibility of parking reductions in other lots.

4

Letter
C4
cont.

- 5. For data relevant to “project conditions”, emphasize in much stronger terms that they apply to the environment WITHOUT the Isabel Neighborhood Plan. It is currently not easy to see a direct comparison of freeway conditions for the Conventional Build with and without the Isabel Neighborhood. Basically, we want to see a clear illustration traffic flow on the freeway if 1) BART is built but Isabel Neighborhood is not, or 2) Bart is built as well as Isabel Neighborhood. You may have a better way to chart this. 5

- 6. Remove all studies of the Hartman Road Maintenance Yard. It was not included in the 2012 BART to Livermore Extension Project EIR Notice of Preparation. We believe it is a lost cause and a waste of time to study. Another suitable area near the freeway needs to be considered, such as the BART land on Herman Avenue and should be included in the EIR. Enabling static brakes or blocks on your fancy new trains so they can be parked on a grade (such as the median of 580 east of Isabel) makes that a possibility too. 6

- 7. P. 512, we find troubling your assessment “The facility would not indirectly lead to the conversion of adjacent agricultural lands, because it would not put pressure on adjacent uses to remove agriculture, unlike residential and commercial uses, which can have this effect.” Please back this up with relevant facts, as we expect spirited debate on this subject to ensue if this location is not dismissed. Also on the same page, for accuracy please change “is near the proposed storage and maintenance facility” to “runs directly through the proposed...” 7

- 8. There are many places in the PDF report that reference other areas. Again for the goal of accessibility, we would like to see the document utilize hyperlinks to allow users to easily navigate to relevant content in a more modern way. Likewise, the Table of Contents should be thoroughly populated with hyperlinks. 8

- 9. Page 191, do these costs include all the infrastructure necessary to increase the conventional BART train frequency to 6/hr at 10 cars each? Please indicate train frequency in 2024. This also speaks to the need to detail the frequency upgrade schedules in general. 9

- 10. Page 195 totals \$533 million of confirmed funding sources. We think this number might be out of date, so confirmation would be good to have. Please provide a dollar specific number for the conventional build “The remaining funding **(of \$xxx)** required for the conventional build has yet to be determined.” This detail is crucial for the Executive Summary and not placed solely deep in the report. 10

Letter
C4
cont.

11. We don't have a clear understanding of the several references to "cost is escalated to the estimated mid-point of construction (2024)." Does this mean that there will be more costs in order to complete the project? Please explain clearly, or advise us as to where this explanation exists within the current document. In any case, the EIR should estimate the full cost of the project and all its parts and pieces for which funding would in any way need to be obtained.

11

12. 2024 is defined as the project mid-point of construction. Mid-point? How long will it take to build? We do not find a reference to the conventional commencement of operation. This date belongs in the Executive Summary. Should we infer that completion would be 2030? Does this mean that the 2025 traffic data applies to a condition where BART is under construction but not running?

12

Thank you for considering these requests. We look forward to your response and the next Draft version of the EIR.

Regards,



Doug Mann
Secretary

RESPONSE C4**Citizens for Balanced Growth**

- C4-1 Thank you for providing comments on the Draft EIR. CEQA requires an EIR to contain discussion of alternatives as well as the Proposed Project. Although CEQA allows an EIR to discuss significant impacts of alternatives in less detail than those of the proposed project (CEQA Guidelines 15126.6), the Draft EIR evaluated alternatives at greater length than is usual, in response to direction by the BART Board for a thorough evaluation of all the alternatives. This resulted in a document that may have been larger than a typical EIR. BART recognizes that this could be perceived as a disadvantage for some readers. However, analyzing the Proposed Project and all the alternatives in each chapter by topic, and in one document rather than in separate reports, enables the reader to easily compare the alternatives, which was one of the objectives of the environmental review.
- C4-2 The commenter is incorrect in stating that the information on alternatives to the Proposed Project is filler material. Each of the alternatives was chosen after a screening analysis demonstrating that they have the potential to meet the project objectives, and each was analyzed in the Draft EIR on the assumption that they potentially could be implemented. Please see Response to Comment C4-1 above regarding BART's decision to analyze four Build Alternatives. The format of the Draft EIR is intended to allow comparisons across all alternatives, and the document's tables have been formatted toward that end. The analysis provided in the Draft EIR is adequate and no revisions are required.
- C4-3 Tables 4.C-1 and 4.C-2 summarize the 2025 and 2040 AM and PM peak-hour arriving loads in terms of passengers per car at the Blue Line stations under No Project Conditions and the Proposed Project (Conventional BART Project) under Cumulative Conditions, which include assumptions reflecting additional housing and employment growth around the proposed Isabel Station as envisioned by the INP.

TABLE 4.C-1 AM AND PM PEAK-HOUR, PEAK-DIRECTION ARRIVING TRAIN LOADS PER CAR, 2025

| Blue Line Station | AM Peak Hour | | PM Peak Hour | |
|-----------------------|-----------------------|---|-----------------------|---|
| | No Project Conditions | Proposed Project (Conventional BART Project), Cumulative Conditions | No Project Conditions | Proposed Project (Conventional BART Project), Cumulative Conditions |
| Isabel (proposed) | -- | -- | -- | 20 |
| Dublin/ Pleasanton | -- | 19 | 39 | 53 |
| West Dublin | 44 | 55 | 53 | 64 |
| Castro Valley | 55 | 65 | 67 | 76 |
| Bay Fair | 70 | 78 | 60 | 67 |
| San Leandro | 62 | 69 | 67 | 73 |
| Coliseum | 70 | 75 | 73 | 78 |
| Fruitvale | 74 | 78 | 81 | 84 |
| Lake Merritt | 82 | 85 | 83 | 86 |
| West Oakland | 85 | 86 | 88 | 90 |
| Embarcadero | 89 | 90 | 52 | 52 |
| Montgomery | 51 | 52 | 31 | 31 |
| Powell | 28 | 29 | 25 | 24 |
| Civic Center | 21 | 21 | 13 | 12 |
| 16th Street | 10 | 9 | 10 | 9 |
| 24th Street | 8 | 7 | 8 | 7 |
| Glen Park | 7 | 6 | 6 | 6 |
| Balboa Park | 6 | 5 | 2 | 2 |
| Daly City | 2 | 2 | -- | -- |

Note: In the AM peak hour, the peak-direction trains run from Isabel Station to Daly City Station, and in the PM peak hour, the peak-direction trains run the opposite direction.
 -- = Not applicable.

TABLE 4.C-2 PEAK-HOUR, PEAK-DIRECTION ARRIVING TRAIN LOADS PER CAR, 2040

| Blue Line Station | AM Peak Hour | | PM Peak Hour | |
|--------------------|-----------------------|---|-----------------------|---|
| | No Project Conditions | Proposed Project (Conventional BART Project), Cumulative Conditions | No Project Conditions | Proposed Project (Conventional BART Project), Cumulative Conditions |
| Isabel (proposed) | -- | -- | -- | 35 |
| Dublin/ Pleasanton | -- | 34 | 45 | 62 |
| West Dublin | 50 | 64 | 57 | 72 |
| Castro Valley | 60 | 73 | 88 | 98 |
| Bay Fair | 93 | 99 | 79 | 85 |
| San Leandro | 82 | 85 | 87 | 91 |
| Coliseum | 90 | 92 | 95 | 97 |
| Fruitvale | 95 | 95 | 105 | 105 |
| Lake Merritt | 104 | 103 | 109 | 107 |
| West Oakland | 107 | 104 | 115 | 112 |
| Embarcadero | 112 | 108 | 70 | 67 |
| Montgomery | 67 | 64 | 42 | 40 |
| Powell | 37 | 36 | 33 | 31 |
| Civic Center | 27 | 26 | 16 | 15 |
| 16th Street | 13 | 12 | 13 | 11 |
| 24th Street | 10 | 9 | 10 | 9 |
| Glen Park | 9 | 8 | 8 | 8 |
| Balboa Park | 8 | 7 | 3 | 3 |
| Daly City | 3 | 3 | -- | -- |

Note: In the AM peak hour, the peak-direction trains run from Isabel Station to Daly City Station, and in the PM peak hour, the peak-direction trains run the opposite direction.
-- = Not applicable.

The Draft EIR analysis assumed a BART rail operation plan that addressed increases in passenger demand by maximizing the number of cars in each Blue Line train, at 10 cars, and adding peak-hour, peak-direction trains as needed to reduce in-vehicle passenger crowding.

As seen in Table 4.C-1 above, peak hour loads in 2025 would increase somewhat at stations closest to the proposed Livermore extension, with smaller increases in crowding as trains travel farther from Isabel Station. At Fruitvale Station and points farther west, levels of crowding would remain similar to No Project Conditions. As seen in Table 4.C-2, peak hour loads in 2040 would follow a similar pattern, with increased levels of crowding closest to the proposed Isabel Station. At San Leandro Station and points farther west,

levels of crowding would remain similar to No Project Conditions. At the Dublin/Pleasanton Station, the analysis predicted passenger loads in 2025 and 2040 that would allow passengers to find a seat, under the Proposed Project Cumulative Conditions in the AM peak direction. The Draft EIR analysis focused on 2025 and 2040 conditions in accordance with applicable guidance. While it is true that the BART operation plan is expected to change multiple times within the Draft EIR's analysis time horizon of 2040, the EIR included analysis for 2025 and 2040 only, consistent with generally accepted industry standards for transportation analysis. A project's opening year is reasonable to analyze for impacts because some impacts could be expected to be apparent immediately. Other impacts may not be apparent until other land use and transportation changes occur; thus, a year farther out in time is also reasonable to analyze. Usually, projects have selected 20 or 25 years into the future as the horizon analysis year. It is unreasonable to analyze every future year in which the transportation network is expected to change, since the network changes constantly and this approach would, in the logical extreme, result in analysis of every single future year.

- C4-4 Neither the Proposed Project nor any of the Build Alternatives would reduce the number of existing BART parking spaces in Pleasanton. Existing station parking, including for the Dublin/Pleasanton Station, is described starting on page 299 in Table 3.B-28 (BART Parking Facilities, Existing) and Table 3.B-29 (Parking Demand at Existing and Proposed BART Parking Facilities) of the Draft EIR. Although no parking reductions are planned with any of the alternatives, BART does not guarantee that existing parking at any of its stations will remain in perpetuity. In some cases, BART has developed some of its station parking as transit-oriented development. BART's policies regarding its existing station parking are described in its Station Access Policy and TOD Guidelines. Dublin/Pleasanton BART Station is designated as an Auto Dependent station by BART's Station Access Policy, meaning it is predominantly an auto-only station with lower levels of transit, bicycle, and walk access. Consistent with its Auto Dependent classification, parking at this station is an area in which BART will invest funds and staff time.¹⁹ As described in the TOD Guidelines, the presumption is that Auto Dependent stations will continue to have at least some parking. Any proposed reductions in parking supply due to development of TOD on BART property should be accompanied by an analysis

¹⁹ BART, 2016. Station Access Policy. Adopted June 9.

demonstrating that such reduction will not adversely impact access and cause a decrease in ridership.²⁰

Notwithstanding the above, BART has no plans to reduce available parking at the Dublin/Pleasanton Station. On the contrary, BART plans to restripe existing Dublin/Pleasanton parking to provide an additional 55 spaces, while the County has applied for funding to construct its own 398-space parking garage. Please also see Master Response 9 for additional information about the Dublin/Pleasanton Station Parking Expansion Project.

C4-5 The Draft EIR format is designed to provide comparisons between the Proposed Project and Alternatives for each of the various scenarios. The information requested is provided in the Draft EIR, as follows. Freeway traffic conditions under the No Build Alternative, Proposed Project, and Build Alternatives (without the INP) are provided in Tables 3.B-32 through Table 3.B-47. Freeway traffic conditions under Cumulative Conditions (which include the INP for the Proposed Project and DMU Alternative) are provided in Table 3.B-47 through Table 3.B-67. In addition, changes in AM peak hour traffic patterns within the Tri-Valley, including on I-580, are illustrated in Figure 3.B-9.

C4-6 When the NOP was issued, the location of the storage and maintenance facility for the Proposed Project had not been determined. However, the NOP included a statement that the alternatives will include tail tracks and maintenance facilities as needed for effective operations. The comment does not explain the objection to the Hartman Road location for the storage and maintenance facility.

Please see Master Response 4 regarding an extension to Greenville and Master Response 6 about alternative sites for the storage and maintenance facility, including at Greenville or at Herman Avenue.

The comment suggests that using static (parking) brakes or chocks (blocks) would allow the trains to be parked on a grade. However, BART train storage yards are required to be level because BART cars do not use static brakes. It should be noted that static brakes require the train operator to set or release the brakes every time a car is moved, which must be done manually for each car since electronic brake controls are more susceptible to failure and would not be used. Manually setting and releasing the brakes, or placing and

²⁰ BART, 2017. Transit-Oriented Development Guidelines. May. Available at: https://www.bart.gov/sites/default/files/docs/BART_TODGuidelinesFinal2017_compressed_0.pdf

removing the chocks, on every car in a 10-car train would be a time-consuming and inefficient operation.

- C4-7 The Draft EIR's assessment that the storage and maintenance facility would not indirectly contribute to the conversion of adjacent agricultural land is discussed in Impact AG-4 (Indirectly Result in Conversion of Farmland or Williamson Act Lands) in Section 3.C, Land Use and Agricultural Resources. on pages 511-512, which states "indirect conversion of agricultural land generally occurs when incompatible uses, such as residential and commercial uses, encroach upon agriculture and generate pressure to develop the non-urban land in their proximity. This can occur when new residents or business owners complain about noise, odors, or other aspects of agricultural activities, or if the incompatible uses affect adjacent lands in ways that substantially reduce their utility for agriculture, such as by interfering with water supplies." An industrial use can coexist with agricultural practices because it is not as sensitive to those practices as residential or commercial uses. Therefore, industrial uses do not indirectly induce additional conversion of adjacent agricultural land beyond the land actually occupied by a facility. In addition, as stated on page 512 of the Draft EIR, agricultural land located outside of the East County Urban Growth Boundary would be protected from the possibility of urban development.

The commenter refers to the first sentence of the third paragraph on page 512 of the Draft EIR, which states, "an area of Williamson Act land, classified as Non-Prime Farmland, is near the proposed storage and maintenance facility in the Cayetano Creek Area." As shown in Figure 3.C-9 (Agricultural Resources) on page 483, this Williamson Act land is north and west of the proposed storage and maintenance facility. The Draft EIR correctly describes the agricultural lands and potential impacts; no revisions are necessary.

- C4-8 This comment is noted; however, there is no requirement under CEQA to provide hyperlinks for cross-references within an EIR. The Draft EIR has already been published and is consistent with the format of prior BART environmental review documents. The Draft EIR was provided on the BART website as individual chapters for ease of downloading, so that hyperlinks to the chapters would be unnecessary.
- C4-9 As noted on page 290 of the Draft EIR, future BART service will run more frequently systemwide. Currently, trains run on each line at 15-minute headways during the peak hours (i.e., one train every 15 minutes). This schedule is expected to continue through 2026. BART expects to transition to 12-minute headways (five trains per hour) sometime after 2026, and the Draft

EIR assumed 12-minute headways in 2040 in the peak direction during the peak period, along with additional rush hour trains along some routes. The cost attributed to the BART to Livermore Extension Project does not include train control and other systemwide improvements needed to operate these increased frequencies, but it does include additional vehicles and storage that will be needed for the Livermore extension.

- C4-10 As described on page 192 of the Draft EIR, \$533 million is funding committed to the design and construction of the BART to Livermore Extension Project. This number is correct. The Proposed Project is estimated to cost \$1,635 million at midpoint of construction (Table 2-18 on page 191); therefore, the funding yet to be secured is \$1,102 million (in 2016 dollars).

In response to this comment, the following text has been added to the end of page 17 in the Summary chapter:

c. Funding

Approximately \$533 million (2016 dollars) in funding has been committed to the design and construction of the BART to Livermore Extension Project. Committed project funding is provided by a combination of revenues from local impact fees, Alameda County use tax, and State and regional funds.

The source of the remaining funding for the Proposed Project, the DMU Alternative, and the EMU Option has yet to be determined. No additional funding is required for the Express Bus/BRT Alternative or Enhanced Bus Alternative.

- C4-11 The costs reported in the Draft EIR starting on page 190 indicate the full cost for the Proposed Project and each alternative. The statement that project cost was escalated to the mid-point of construction (2024) means that, to provide an accurate cost estimate, the estimate is increased by the amount of anticipated inflation between the time of the estimate (2016) and the mid-point of construction (2024). Choosing the mid-point of construction balances the lower costs in the earlier years of construction with the higher costs in the later years. This is a common estimating convention used for transportation and other major infrastructure projects.
- C4-12 The construction schedule is presented on pages 168 and 169 of the Draft EIR. Construction of the Proposed Project (Conventional BART Project) is anticipated to last approximately 5 years; it would start in 2021 and be completed in 2026. BART operations are expected to begin in 2026. To analyze conditions when BART opens, the Draft EIR performed analysis for the year 2025 because

it was a close approximation for 2026. Travel models and models for other analyses (air quality for example) typically are built to represent 5-year increments, which is the industry standard. In the case of BLVX, the analysis used a regional travel demand model from the Alameda County Transportation Commission (ACTC) which has been created to analyze 5-year increments, and used future regional land use growth and transportation network inputs as generated by the Metropolitan Transportation Commission (MTC), the designated agency responsible for regional transportation and land use planning in the San Francisco Bay Area. Modifying the ACTC model to reflect 2026 conditions would have been much more time-consuming, likely would not have resulted in large differences in assumptions, and would have been speculative in nature, lacking corroboration by ACTC and MTC.

In response to this comment, the following text has been added to the last paragraph on page 14 in the Summary chapter:

Construction of the Proposed Project, DMU Alternative, or Express Bus/BRT Alternative is anticipated to begin in 2021 and last approximately 5 years through 2026. Construction activities would occur in phases at various locations along the project corridor. Operations for the Proposed Project and these alternatives are expected to begin in 2026.

The Enhanced Bus Alternative, as well as the feeder bus improvements under the Proposed Project and other Build Alternatives would be constructed over approximately 2 months. Operations for the Enhanced Bus Alternative are expected to begin in 2021.



East Bay Housing Organizations

October 16, 2017

BART to Livermore Extension Project
300 Lakeside Drive, 21st Floor
Oakland, CA 94612

Dear BART to Livermore Extension Project

On behalf of East Bay Housing Organizations (EBHO) I would like to thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the BART to Livermore Project. It is our intent that this letter be part of the normal DEIR review and response.

EBHO is a nonprofit organization with over 500 organizational and individual members. We support the protection, preservation and creation of affordable housing opportunities in the East Bay through advocacy, organizing, education, and coalition building.

EBHO was an active participant in the development of Plan Bay Area 2040, which was adopted by the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) in July 2017. We were strong advocates of the inclusion of the Regional Action Plan, contained in the newly adopted Plan Bay Area that committed the regional agencies to a number of strategies to promote affordable housing production and preservation.

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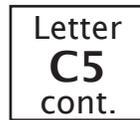
That Action Plan provides the policy agenda to:

1. Look for way to create new regional revenues for affordable housing development/preservation
2. Expand regional affordable housing programs as part of Transit-Oriented Development
3. Expand the use of new and existing transportation funding sources as incentives for cities to promote affordable housing and prevent displacement.

With respect to the Draft EIR, we have the following comments:

1. We are concerned that the EIR not be approved in advance of the preparation of the City of Livermore’s Isabel Neighborhood Plan (INP), which will define land

2



BART to Livermore Project
October 16, 2017
Page 2

use plans for the area around the station, including the facilitation of Transit Oriented Development. Without knowing how the INP will promote or retard development of affordable housing, it is not possible to determine whether TOD development on BART owned land at the station will be consistent with the City's own land use planning.

2 cont.

2. We are concerned that the EIR examines the impacts of the transit project itself, but does not consider possible TOD on BART-owned land adjacent to the station.

3

3. Approval of the EIR at this time may be inconsistent with BART's recently adopted TOD Policies. Those policies include the following goal:

A. **Complete Communities.** Partner to ensure BART contributes to neighborhood/district vitality, creating places offering a mix of uses and incomes.

In this context, partnering should mean ensuring that there is full consistency between the proposed project and the INP, which cannot be determined until the INP is completed. We are particularly concerned that until the INP is completed later this year, it is impossible to determine whether the INP facilitates BART's goals for social equity and promotion of affordable housing close to new BART development.

4

4. Approval of the BART extension and new station in isolation from consideration of broader TOD appears to be inconsistent with the goals of Plan Bay Area, which seeks to integrate transportation and land use planning to promote complete communities that place housing, including housing affordable to low and moderate income households, close to transit to reduce GHG emissions.

We strongly encourage BART to delay approval of the EIR at this time, and to postpone consideration until later this year when the INP is released. We also urge BART to work closely with the City of Livermore to ensure that the INP includes appropriate policies and incentives to include affordable housing in the plan and station area.

Sincerely,

Jeffrey P. Levin
Policy Director

RESPONSE C5**Jeffery Levin, East Bay Housing Organizations**

- C5-1 Thank you for providing comments on the Draft EIR. This comment is informational in nature; no response is necessary.
- C5-2 Please see Master Response 3 for information regarding the INP and INP process.
- C5-3 The Draft EIR analyzes the impacts of the BART to Livermore Extension Project, which is an extension of transit service only. BART is not currently proposing any TOD on its property. The City of Livermore is the lead agency for the INP EIR, which examines the environmental impacts of development in the INP area, including potential future TOD on the BART-owned parcels. Because the INP EIR is a program-level EIR, additional project-level CEQA review may be required if and when development projects are proposed on the BART-owned parcels.

In addition, as required by CEQA, the BART to Livermore Extension Project Draft EIR has considered and analyzed the cumulative impacts of surrounding development that could combine with the impacts of the BART to Livermore Extension Project. As described on page 227 of the Draft EIR, the INP is one of the cumulative projects considered. Therefore, the Draft EIR analyzes the cumulative impacts from implementation of the Proposed Project (or the DMU Alternative) together with the INP, which addresses potential future development of the BART-owned parcels. Please see Master Response 3 for additional information regarding implementation of the INP.

- C5-4 Please see Responses to Comment C5-3 and Master Response 3 regarding the adoption of the INP and its timeline compared to the timeline for the adoption of a BART to Livermore Extension Project. As noted in those responses, the City will adopt the INP before the BART Board takes action on project adoption. As provided by BART's System Expansion Policy and described on pages 55 to 56 of the Draft EIR in Chapter 1, Introduction, when deciding whether to adopt a project, the BART Board will consider how well the INP would facilitate TOD and provide a good station experience for patrons.

As noted by the commenter, BART adopted a TOD policy on June 9, 2016 which includes the "Complete Communities" goal for local jurisdictions to ensure that BART contributes to neighborhood/district vitality, supporting a

mix of uses and incomes.²¹ Consistent with that goal, the City of Livermore has prepared the INP which provides for a diversity of residential and non-residential uses, supporting a vibrant TOD environment and well-distributed land uses. In addition, the City of Livermore has incorporated policies and performance measures from BART’s TOD policy—as well as other relevant BART policies such as the Affordable Housing and Station Access policies—into the INP.^{22, 23}

The INP includes the following goals and policies pertaining to implementation of BART’s Affordable Housing policy:²⁴

- P-LU-34: Coordinate with BART to maximize affordable housing on BART-owned property north of the station and achieve their goal of at least 20 percent affordability.
- G-LU-5: Minimize the involuntary displacement of existing residents resulting from increased property values after the BART to Livermore extension.
- P-LU-39: Develop an anti-displacement strategy in the event of rapidly rising rents after the opening of the Isabel Station. This may include providing rental assistance for long-time residents of nearby neighborhoods (within 1 mile).
- P-LU-41: Increase the inclusionary requirement to 20 percent with a goal of 25 percent for the overall INP area to take advantage of the strong connection between transit use and affordable housing.

The INP will meet the current Plan Bay Area Priority Development Area (PDA) goals and BART’s TOD Performance Targets.

²¹ BART, 2016. Transit-Oriented Development Policy. Adopted June 9. Available at <http://www.bart.gov/about/business/tod>.

²² BART, 2016. Affordable Housing Policy. Adopted January 28. Available at https://www.bart.gov/sites/default/files/docs/C-%20Affordable%20Housing%20Policy%20Adopted%201-28-16_0.pdf.

²³ BART, 2016. Station Access Policy. Adopted June 9. Available at <https://www.bart.gov/about/planning/access>.

²⁴ City of Livermore, 2018. Isabel Neighborhood Plan, Public Review Draft. Prepared by Dyett & Bhatia. January.



ULTRA-LIGHT RAIL TRANSIT SYSTEMS · TRANSIT ORIENTED DEVELOPMENT
101 H Street, Waldie Plaza, Suite 3 · Antioch, CA · 94509 · 925.457.0414 Ph · 925.732.7601 Fax · www.eTranzUSA.com

October 16, 2017

TO: Bay Area Rapid Transit District
VIA: barttolivermore@bart.gov
RE: BART to Livermore Draft EIR comment

We encourage the BART Board to please consider using the ultra-light rail transit (ULRT) system being developed in the San Francisco Bay Area known as CyberTran as the alternative for the extension to the BART system from Pleasanton to Livermore.

Since this solar powered ULRT system is third-rail electric and steel wheel on steel rail, as is the BART system, it fits within the EIR for the proposed project.

At an estimated cost of \$25-\$40 million per mile according to a study by BART's own engineering staff, the CyberTran system can meet the needs for the extension to Livermore within the current \$500 million budget in Measure B1 allocated for the Livermore BART extension. Plus, with the offline stations as often as every mile, it can better serve the public, helping get them more direct to their destination.

To learn more about the CyberTran system, please see the following YouTube videos, [here](#) and [here](#) and a video about a similar system known as the [Morgantown PRT](#) that has been operating in West Virginia since 1972 and was federally funded. Finally, please see the recent [KTVU Channel 2 news segment](#) on the CyberTran system, which aired on Monday, October 2, 2017.

Thank you for your consideration.

Sincerely,

Allen D. Payton
CEO

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RESPONSE C6

Allen Payton, eTranz USA

- C6-1 An ultra-light rail system such as CyberTran was not considered as a project alternative for a number of reasons. CyberTran is an unproven technology without a long-term track record. A system like CyberTran is most effective in delivering passengers to multiple destinations, increasing the ROW needed for the system. Furthermore, it has yet to be determined whether an ultra-light rail system can accommodate the peak passenger loads anticipated by BART. Although there were some early discussions by BART with CyberTran before a technology was chosen for the Oakland Airport Connector Project, BART has no record of a study of the CyberTran technology.

Letter
C7

PRITCHARD AND KAY
A Professional Law Corporation

99 South Almaden Boulevard
Suite 600
San Jose, California 95113

T: 408.920.0500
F: 669.231.8701
pritchardandkay.com

Michael Kay*
Keith F. Pritchard (1926-2012)

*Also admitted to practice in Florida,
Illinois and the District of Columbia

October 16, 2017

Via e-Mail and Federal Express
San Francisco Bay Area Transit District
(BART)
Livermore Extension Project
300 Lakeside Drive
21st Floor
Oakland, CA 94612

and

barttolivermore@bart.gov

Re: Comments of Dublin Toyota, Dublin Hyundai, Dublin Volkswagen, Dublin Nissan and 4321 Toyota Drive, LLC on Draft Environmental Impact Report for Livermore Extension Project

Greetings:

We represent: Hamcor, Inc., which does business as Dublin Toyota (“DT”); 6450 Motors, LLC, which does business as Dublin Hyundai (“DH”); Cornelius Bros., LLC, which does business as Dublin Volkswagen (“DVW”); Nisdat, LLC, which does business as Dublin Nissan (“DN”); and, 4321 Toyota Drive, LLC (“4321”) which is a real property owner described in more detail hereinafter. This is a hard copy of Comments delivered by e-mail on October 16, 2017.

The San Francisco Bay Area Transit District (“BART”) is proposing the BART to Livermore Extension Project, which has been evaluated in a Draft Environmental Impact Report (hereinafter for convenience referred to as the “EIR”). As the Overview section of the EIR states, the Proposed Project, which is also referred to as the Conventional BART Project, would extend transit service 5.5 miles east into eastern Alameda County from the existing Dublin/Pleasanton BART Station within and adjacent to the Interstate 580 (“I-580”) right-of-way, through the cities of Dublin and Pleasanton, to a proposed new terminus station located at the Isabel Avenue/I-580 interchange in the city of Livermore.

There were three Build Alternatives identified in the initial screening as alternatives which potentially could meet most of the stated project objectives and were believed to be able to be completed within a reasonable timeframe; and, were therefore

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Letter
C7
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San Francisco Bay Area Transit District
(BART)
Livermore Extension Project
October 16, 2017
Page 2

deemed to merit full evaluation and, as such, were included within the EIR. In addition, the No Project Alternative (or No Build Alternative) was also evaluated.

For the reasons set forth hereinafter, DT, DH, DVW, DN and 4321 object to any of the three Build Alternatives to the extent that the implementation of any portion of the same would result in a taking of any of the real estate from which the businesses of DT, DH, DVW, DN operate and from which 4321 would operate. In light of the above, DT, DH, DVW, DN and 4321 support the No Project Alternative (or No Build Alternative).

DT is the owner of A.P.N. 986-0016-024, which consists of 15.79 acres (+/-) of improved real estate having a street address of 4321 Toyota Drive, Dublin CA. DT operates a Toyota dealership on these premises.

4321 is the owner of A.P.N. 986-16-23, which consists of 4 acres (+/-) of partly improved real estate having no existing street address but is located, for reference purposes, due west of DT's real property at 4321 Toyota Drive, Dublin CA.

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DH and DVW operate separate Hyundai and Volkswagen dealerships on adjoining properties. DH occupies approximately 4 (+/-) acres of real property having street addresses 6015 and 6055 Scarlett Court, Dublin, CA. The two addresses are composed of the following three A.P.N.'s: 941-550-30, A.P.N. 941-550-32-2 and A.P.N. 941-550-32-3. DVW occupies approximately 2 (+/-) acres of real property having a street address of 6085 Scarlett Court, Dublin, CA. The said common street address includes A.P.N. 941-0550-024 and A.P.N. 941-0550-025.

DN occupies 6450 Dublin Court (A.P.N. 941-1400-007; which is identified as Parcel A on Parcel Map 3558). The EIR does not directly effect the DN property. However, DN itself is directly impacted for the reasons described below.

Each of the three Build Alternatives would result in the taking of some portion of the real estate from which DT, DH and DVW currently operate their respective businesses.

4321 acquired the entirety of its property for construction of a new automobile dealership. Each of the three Build Alternatives would result in the taking of some portion of the real estate from which 4321 anticipates that it would operate its automobile dealership business.

While DN's real property is not directly effected, it utilizes property of DT, DH and DVW for storage of its inventory and customer vehicles, as necessary and from time-to-time.

San Francisco Bay Area Transit District
(BART)
Livermore Extension Project
October 16, 2017
Page 3

Letter
C7
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As noted, DT, DH, DVW and DN do (and 4321 would) operate automobile dealerships that sell and service vehicles of various manufacturers. The manufacturers of these vehicles each require that their authorized dealers operate from facilities that include buildings and real estate of an adequate size (as dictated by each manufacturer) to maintain their status as authorized dealers. As of the present time, both DH and DVW operate their businesses from the absolute minimum acreages allowed by their respective manufacturers. Any taking of any of their real property would severely and negatively impact their abilities to provide adequate customer service and could result in the manufacturers seeking to terminate the dealerships.

DT, DH, DVW and DN operate from facilities built to meet each manufacturer's requirements for facility size as dictated by each such manufacturer's Dealer Sales and Service Agreement. In addition, DT, DH, DVW and DN are well aware of the space requirements necessary to maintain customer satisfaction and to create a safe environment for their customers and employees in the operation of these businesses. The size of 4321's property is approximately 4 acres. That is an absolute minimum amount of acreage for any manufacturer to now approve representation in the vicinity of Dublin, California.

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The implementation of any of the three Build Alternatives would result in the taking of some portion of the real estate from each of DT, DH, DVW and 4321 causing each entity to then fail to comply with the requirements of their respective manufacturers. Such failure to comply would render the following results: (1) an attempt could be made to meet the space requirements by construction of multi-story dealership buildings, including adequate display, sales and service areas and customer parking for sales and service; or (2) the businesses could be forced to move out of Dublin (there simply is no site remaining in Dublin that is comparable); or (3) each could be forced to permanently close if a move to another location was not possible because such a new location could not be acquired or if a different location was not approved by the manufacturer or if any such relocation was successfully challenged by way of an objection by a competing dealer under relevant California law.

Also, note should be made of the same effect on DN of the above as it utilizes DT's real property/buildings for certain of DN's storage and "back end" business operations.

With respect to the foregoing, DT, DH, DVW, DN and 4321 have considered construction of multi-story buildings. First, the cost associated with construction of a multi-story structure is very high. In fact, the taller the structure the higher ("geometrically") the increased cost of construction. Next, the operation of a multi-story facility creates additional operational concerns (including multiple safety requirements) because of the "compaction of operations" in closer spaces. Furthermore, such vertical

Letter
C7
cont.

San Francisco Bay Area Transit District
(BART)
Livermore Extension Project
October 16, 2017
Page 4

operations do not enhance the customer experience that all dealerships and their respective manufacturers demand; and, as such it is an unknown as to what requirements the manufacturers may impose if (and we emphasize *if*) the manufacturers would approve any such building proposal.

It should be pointed out that the construction of multi-story structures in close proximity to each other involve numerous issues, including, but not limited to questions of: (a) the traffic impact (are traffic problems being resolved by the three Build Alternatives or being relocated?); (b) noise; (c) water issues (at one time the DN property was subject to flooding and the DH and DVW properties also deal with drainage matters); and (d) visual impacts associated with multiple multi-story buildings in close proximity to one other and whether the City of Dublin would permit such structures.

Neither DT, DH, DVW nor DN desire to move (or to close); and, 4321 should be entitled to obtain the value of its investment in its real estate. However, having said that, none of these businesses either can or will be permitted to operate from inadequately sized facilities and no reasonable alternative appears available. Each manufacturer has facility requirements and each does so because each has determined the configuration necessary to provide adequate sales and service support in order to maintain reasonable profitability and a minimum level of customer satisfaction that is demanded by each manufacturer with respect to the representation of its product.

Any taking described in any of the three Build Alternatives will negatively impact the current operations of DT, DH, DVW, DN and make it difficult for 4321 to gain the approval necessary for it to become authorized to conduct the dealership business that it contemplates operating on its property. The result of any of the three Build Alternatives is a diminution in value of the real estate and the loss of these businesses. For the reasons cited above, DT, DH, DVW, DN and 4321 object to the three Build Alternatives and support the No Project Alternative (or No Build Alternative) .

Very truly yours
PRITCHARD and KAY, PLC

Michael Kay

cc: City of Dublin
Harold E. (Ed) Cornelius (Via e-mail Only)
R. Lance Tenwolde (Via e-mail Only)
M. Gregg McKerroll (Via e-mail Only)

1 cont.

RESPONSE C7**Michael Kay, Pritchard and Kay on behalf of Hamcor, Inc (Dublin Toyota, Dublin Hyundai, Dublin Volkswagen, Dublin Nissan, and 4321 Toyota Drive, LLC)**

C7-1 BART acknowledges that construction of the Proposed Project, DMU Alternative (with EMU Option), or Express Bus/BRT Alternative would require the acquisition of property from the Dublin automobile dealers listed in the comment letter. As described in Response to Comment B3-4, impacts to businesses are analyzed on pages 542 through 544 of the Draft EIR (Section 3.D, Population and Housing) under Impact PH-3 (Displace Substantial Numbers of Existing Businesses during Construction). To mitigate this impact, the Draft EIR identifies Mitigation Measure PH-2 (Acquisition of Property and Relocation Assistance), which would require BART to implement an acquisition and relocation program, consistent with Title 25 of the California Code of Regulations, Chapter 6, Section 6000 et seq., referred to as the California Relocation Assistance and Real Property Acquisition Guidelines. These guidelines set forth mandatory minimum requirements for notice, appraisal, acquisition, and relocation payments and services to compensate for displacements resulting from the acquisition of real property by a public entity for public use.

Other than physical displacement impacts addressed by Impact PH-3, economic impacts to businesses are not considered to be significant environmental impacts under CEQA and are not required to be analyzed in an EIR. CEQA Guidelines Section 15131 states that economic and social changes resulting from a project shall not be treated as significant effects on the environment.

The commenter asserts that “an attempt could be made” to construct multi-story automobile dealership buildings if the Proposed Project proceeds, but also indicates that they may relocate instead, or individual automobile dealers may close if their relocation is challenged successfully by a competing dealership (suggesting that other dealers are expected to continue to provide automobile sales and services notwithstanding economic impacts to individual businesses). The construction of multi-story buildings to accommodate the dealership size and space requirements is speculative. The comment states several disadvantages of such buildings that make their construction less likely, including: cost, operational concerns, customer experience, the uncertainty of manufacturer approval, and traffic and other environmental impacts, and also states that “no reasonable alternative appears available” to their current sites. CEQA Guidelines Section 15064(d)(3) states that an indirect physical change is to be considered only if that change is a reasonably foreseeable impact that may be caused by the project. A change that is

speculative or unlikely to occur is not reasonably foreseeable. Therefore, the Draft EIR is not required to analyze the impacts of potential future construction of multi-story buildings. Furthermore, if such buildings were to be proposed, they would be required to undergo their own environmental review process by the City of Dublin, as the commenter notes.

In some cases, courts have found that urban decay or deterioration may be considered an indirect physical environmental effect of a proposed project. However, the commenter does not suggest any prospect of causing urban decay, but only direct economic consequences to individual automobile dealership businesses from the Proposed Project or Build Alternatives, which is the type of economic effect that is outside the scope of CEQA. See *Placerville Historic Preservation League v. Judicial Council of California* (2017) 16 Cal.App.5th 187, 199 (while comments on the EIR for a courthouse relocation project “provide credible ground for concern that relocation will constitute a hardship for some local businesses, this is an insufficient basis to support a conclusion that relocation threatens urban decay”).

Letter
C8

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
Three Embarcadero Center, 12th Floor | San Francisco, CA 94111-4074
Telephone: 415.837.1515 | Facsimile: 415.837.1516
www.allenmatkins.com

David H. Blackwell
E-mail: dblackwell@allenmatkins.com
Direct Dial: 415.273.7463 File Number: 375343-00001/SF1053957.01

Via Electronic Mail

(BartToLivermore@bart.gov)

October 12, 2017

San Francisco Bay Area Rapid Transit District
Attention: BART to Livermore Extension
Project
300 Lakeside Drive, 21st Floor
Oakland, CA 94612

Re: BART to Livermore Extension Project Draft EIR Comments

Dear Sir or Madam:

On behalf of IKEA Property, Inc., we submit the following comments regarding the BART to Livermore Extension Project's Environmental Impact Report ("EIR"). For the reasons set forth below, we support the Conventional BART Project ("Proposed Project") over the proposed project alternatives identified in the EIR: (i) the Diesel Multiple Unit Alternative, which includes an Electrical Multiple Unit (EMU) Option ("DMU Alternative"); (ii) the Express Bus/Bus Rapid Transit Alternative ("Bus/BRT Alternative"); and (iii) the "Enhanced Bus Alternative." Collectively, the DMU Alternative, the Bus/BRT Alternative, and the Enhanced Bus Alternative are referred to herein as the "Alternatives."

I. The Proposed Project Would Result in the Largest Increase in BART Ridership

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The Proposed Project would result in the greatest increase in BART systemwide ridership as compared to the Alternatives. The Proposed Project will increase BART systemwide ridership on the average weekday by 11,900 riders in 2040. The Proposed Project would generate 5,000 more riders than the DMU Alternative, over 8,000 more riders than the Bus/BRT Alternative, and over 11,000 more riders than the Enhanced Bus Alternative. (EIR, pp. 20, 1494-1495.)

Additionally, based on the 2040 BART ridership projections, the Proposed Project would result in an average of 16,200 daily entries and exists at the Isabel Station, attaining a Medium-High ridership rating, which is higher than the projected Low-Medium rating (9,600 daily entries and exits) under the DMU Alternative. (EIR, p. 1500.)

Letter
C8
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Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

San Francisco Bay Area Rapid Transit District
October 12, 2017
Page 2

By increasing BART ridership, the Proposed Project will support one of the major goals and objectives of the BART to Livermore Extension Project, which is to provide an effective commute alternative to traffic congestion on I-580. (EIR, p. 44.)

II. The Proposed Project Would Result in the Largest Reduction in Vehicle Miles Traveled

The Proposed Project would result in the greatest reduction of weekday Vehicle Miles Traveled ("VMT") as compared to the Alternatives. The Proposed Project will reduce VMT by 244,000 miles in 2040. This reduction equates to 100,000 less trips than the DMU Alternative, over 151,000 less trips than the Bus/BRT Alternative, and over 237,000 less trips than the Enhanced Bus Alternative. (EIR, pp. 20, 1494-1495.)

By substantially reducing VMT, the Proposed Project will help reduce traffic congestion while supporting two of the major goals and objectives of the BART to Livermore Extension Project, including providing an effective commute alternative to traffic congestion on I-580 and reducing GHG and other emissions associated with automobile use. (EIR, p. 44.)

III. The Proposed Project Would Result in the Greatest Reduction in Annual GHG Emissions

The Proposed Project would result in the greatest reduction in greenhouse gas ("GHG") emissions as compared to the Alternatives. The Proposed Project will reduce Annual GHG emissions by 11,200 metric tons of CO₂e/year in 2040, which are 7,700 metric tons more than the DMU Alternative, 5,200 metric tons more than the DMU Alternative with the EMU option, and 7,500 metric tons more than the Bus/BRT Alternative. Furthermore, the Enhanced Bus Alternative would not result in any reduction in GHG emissions and would actually increase GHG emissions by 600 metric tons of CO₂e/year. (EIR, pp. 20, 1495-1496.)

The Proposed Project's large reduction in GHG emissions supports the BART to Livermore Extension Project's goal and objective to improve air quality and reduce GHG and other emissions associated with automobile use. (EIR, p. 44.)

IV. The Proposed Project Would Result in the Largest Reduction in Regional Energy Consumption

The Proposed Project would result in the greatest reduction in energy consumption as compared to the Alternatives. The Proposed Project will reduce Regional Energy Consumption by 130,800 million British Thermal Units per year ("MMBTU/year") in 2040, which reduction is over 95,000 MMBTU/year more than the DMU Alternative, over 64,000 MMBTU/year more than the DMU Alternative with the EMU option, and 74,000 MMBTU/year more than the Bus/BRT Alternative. Moreover, the Enhance Bus Alternative would not result in a reduction in energy

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Letter
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Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

San Francisco Bay Area Rapid Transit District
October 12, 2017
Page 3

consumption and would actually increase energy consumption by 8,200 MMBTU/year. (EIR, pp. 20-22, 1471, 1495, 1497.)

The Proposed Project's reduction in energy consumption will benefit the environment by resulting in less energy related environmental impacts.

V. The Proposed Project Would Not Result in a Significant Impact to HOV/Express Lanes on I-580

Unlike the DMU Alternative, the Proposed Project will not create a significant impact under Transportation Impact TRAN-5: HOV/express lane freeway segments operating at unacceptable LOS, under 2025 project conditions. Furthermore, the DMU Alternative will have a significant and unavoidable TRAN-5 impact because there are no feasible mitigation measures. (EIR, pp. 27, 1484.)

VI. The Proposed Project Would Result in Benefits to Bicycle and Pedestrian Access, Circulation, and Safety

Unlike the Bus/BRT Alternative and Enhanced Bus Alternative, the Proposed Project will create beneficial effects for pedestrian and bicyclists. The Proposed Project will include pedestrian and bicycle access improvements near Isabel Station, including new sidewalks and a new I-580 pedestrian and bicycle overcrossing. (EIR, p. 1496.)

These improvements will benefit the community by facilitating improved pedestrian and bicycle access, circulation, and safety.

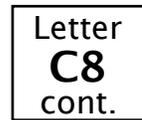
VII. The Proposed Project Does Not Preclude Future BART Extension Options

Unlike the DMU Alternative and the Bus/BRT Alternative, the Proposed Project would not preclude the use of any technologies evaluated in the EIR for a future extension farther east of the Isabel Station. (EIR, p. 1498.)

The DMU Alternative would preclude the extension of conventional BART service past Isabel Station. The transition from conventional BART service at the Dublin/Pleasanton Station to DMU service for one stop to the Isabel Station and then back to conventional BART service east of the Isabel Station would be "highly ineffective." (EIR, p. 1498.)

The Bus/BRT Alternative would preclude the extension of DMU east from the Dublin/Pleasanton Station because it would require reconstruction of the Express Bus/BRT infrastructure at the Dublin/Pleasanton Station to accommodate DMU technology, which "would be cost prohibitive." (EIR, p. 1498.)

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Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

San Francisco Bay Area Rapid Transit District
October 12, 2017
Page 4

Thank you for the opportunity to provide these comments.

| 1 cont.

Very truly yours,

A handwritten signature in blue ink that reads "David H. Blackwell".

David H. Blackwell

DHB:kem

RESPONSE C8

David Blackwell, Allen Matkins LLP on behalf of Ikea Property, Inc.

C8-1 Thank you for providing comments on the Draft EIR. The comments supporting the Proposed Project (Conventional BART Project) over the Build Alternatives are noted.

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Letter
C9

From: Chris Chandler <cchandler@lvwine.org>
Sent: Wednesday, September 06, 2017 11:58 AM
To: Donald Dean; Rachel Russell
Subject: BART Livermore Project Question

Team BART:

It is important to the Livermore Valley Winegrowers Association that the transit options in and around the Bay Area continue to improve and serve both employees as well as visitors. Making our wine region more accessible to employees in the wine and hospitality industries is vital to our continued economic success and growth. Bringing in international and Bay Area visitors via a frequent and reliable train system is equally important to the sustainability of the wineries, hoteliers, restaurants and businesses that provide other tourist amenities and attractions in the area.

The traffic and number of accidents along the 580 corridor continues to get exponentially worse each year. BART directors have had (and still have) an opportunity to connect BART and the Altamont Commuter Express (ACE) making a tremendous impact regionally.

If the excessive heat and poor air quality experienced over the 2017 Labor Day weekend are any indication of future trends, we encourage you to also consider how this connection will significantly reduce greenhouse gases and air pollutants.

The Livermore Valley Winegrowers Association asks BART to provide the long-overdue extension for visitors and regional employees which will in turn, decongest roadways, reduce travel times and clean up the air!

Chris Chandler, Executive Director
Livermore Valley Winegrowers Association
Live a little more
www.LVwine.org
925.447.9463

1

RESPONSE C9

Chris Chandler, Livermore Valley Winegrowers Association

C9-1 Thank you for providing comments on the Draft EIR. The commenter recommends a connection between BART and ACE. A direct connection to ACE is outside the scope of the Proposed Project and Build Alternatives, which extend service to Isabel Avenue.

While the Proposed Project and Build Alternatives do not include direct connections to ACE, they do include improved bus connections between BART Stations and ACE Stations. Please see Master Response 11 regarding the proposed bus connections to ACE.

■ Livermore Venture Partners, L.P. ■

6114 LaSalle Avenue, #348
Oakland CA 94661
510-339-6367
Fax 510-339-1951
E-mail: jacoby@aol.com

October 16, 2017

BART to Livermore Extension Project
300 Lakeside Drive 21st Fl
Oakland, CA 94612

Sent as an attachment via email to: bartolivermore@bart.gov

Dear BART to Livermore Extension Project

As noted in the DEIR, the BART to Livermore DEIR was prepared prior to the July 2017 adoption of Plan Bay Area 2040/Regional Action Plan. Therefore, the DEIR could not analyze the implication the new Plan Bay Area/Regional Action Plan policies on the BART to Livermore Extension Project.

Moreover, as explained in the DEIR (pages 57-58), MTC has yet to conduct a Project Performance Assessment of the Project to help qualify it for regional/State and federal transportation funds. However, the recently adopted Plan Bay Area 2040 did contain a Performance Assessment Report - Final Supplement Report that included specific Performance Targets and the "Evaluation Methodology" for analyzing a transportation project against such targets.

It is important that the Final EIR for the BART Extension, as well as the DEIR/FEIR prepared for the Isabel Neighborhood Plan, provide the Livermore community, the BART Board, City of Livermore, and ABAG/MTC with the implications of the Plan Bay Area, including the Performance Assessment targets and methods, on the Project. The FEIR should help provide, at minimum, some preliminary information/assessment on how the Project can be successful in competing for the transportation funds.

Specific Final EIR requests/suggestions

LVP requests the following topics to be considered as part of the Project FEIR

- 1) Adjust the timetable for the BART FEIR and project review/ approval program to coincide with the environmental and project review/approval of the Isabel Neighborhood Plan. The combination of the BART Extension Project and the City of Livermore land use/affordable housing project need to work in tandem in order to get

1

Letter
C10
cont.

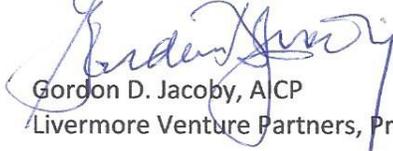
regional and State approval for the BART project. The MTC must demonstrate a conformance of the BART project with State law.

- 2) The BART Extension FEIR should include a preliminary Project Performance Assessment of the transportation/land use/affordable housing plan to determine how it might be evaluated against regional standards. It should use guidance provided in the Performance Assessment Report. Given current housing storage in the Bay Area, there is a critical need for both market rate and affordable housing that is near to major transit stations. The preliminary Project Performance Assessment should focus, among others, on Performance Target #5 – Equitable Access (Affordability) and Performance Target #6 (Equitable Access). The preliminary Performance Assessment can then guide BART and City of Livermore in making any adjustments needed to better qualify the BART project for regional/State/Federal funds.
- 3) The BART Extension FEIR should provide guidance to the Isabel Station Plan, if necessary/ appropriate, on steps the City might consider to conform to MTC/ABAG Guidance for PDAs and Plan Bay Area 2040.

1 cont.

Thank you for your consideration of the above comments.

Sincerely



Gordon D. Jacoby, A/CP
Livermore Venture Partners, Project Manager

Attachment: MTC/ABAG PDA Planning Elements, Descriptions & Guidance (focus on affordable housing)

Appendix 1 PDA Planning Elements Description & Guidance

The following pages document each of the PDA planning elements, including the goal the element should aim to achieve, a description, examples or suggestions about what to include in the development of the element and what the deliverable should include. This information provides PDA planning grantees with an expectation of the scope for each element and what MTC/ABAG will be looking for in submitted deliverables.

Priority Development Area (PDA) Profile

Goal: Brief initial report providing an overview of demographic and socio-economic characteristics of the planning area, transit/travel patterns and use, physical aspects of the planning area, as well as any known issues that will need to be considered or addressed in the planning process. Context for the relationship between the planning area and the jurisdiction's surrounding area should be provided.

Data sources should include the US Census, as well as other planning efforts.

Results from the PDA Profile should inform subsequent planning elements.

Measures to be included or described in the PDA Profile

- Population
- Age
- Ethnicity
- Language
- Place of birth and residence
- Disability
- Households
- Employment
- Income and poverty status
- Household tenure and costs
- Place of work
- Travel mode to work
- Vehicle availability
- Travel time to work
- Physical landscape (inventory of housing, jobs, parks, neighborhood amenities/retail, social services, schools/playgrounds, activity nodes, etc.)
- Known issues or concerns to be included in the planning process

Deliverable: Report containing the above-referenced measures describing the planning area. The information contained in this report should be referenced throughout the planning process in the development of subsequent planning elements.

1 cont.

Affordable Housing and Anti-Displacement Strategy

Goal: Develop a strategy to provide existing and future plan area residents with a range of housing options that are affordable to households at all income levels. The strategy should describe the existing demographic and housing profile of the area, quantify the need for affordable housing, identify specific affordable housing goals for the plan, assess the financial feasibility of meeting the need for affordable housing, and identify strategies needed to meet the affordable housing goals.

To limit or prevent displacement in the area, the strategy should identify how non-subsidized affordable housing units in or neighboring the plan area may be impacted by the plan build-out. The plan should describe existing preservation policies to maintain neighborhood affordability and additional zoning changes or policies needed. The anti-displacement strategy may also include the maintenance and enhancement of small businesses, services and community centers that serve lower-income residents.

Elements to include in Affordable Housing and Anti-Displacement Strategy:

Assessment of Existing Conditions

- Describe the demographic characteristics of the existing population in the plan area, including factors such as income levels, ethnic/racial composition, and presence of low-income renters (who are at greatest risk of displacement)
- Describe the housing characteristics in the plan area, including factors such as housing tenure, household size, and housing affordability for both deed-restricted and market-rate units
- Describe market conditions that affect the provision of affordable housing, such as land availability and value, obstacles to development in the plan area, and existing affordable housing policies (e.g., inclusionary zoning, rent control or stabilization policies, housing preservation programs, etc.)

1 cont.

Quantification of Affordable Housing Need

- Quantify the expected need for affordable housing, by income level, in the plan area based on the characteristics of the existing and expected future population
- The statement of need should not be limited by estimates of what seems feasible

Identification of Goals

- Consider goals such as:
 - No net loss of affordability in the plan area
 - Total number of affordable units, by income level, that will be accommodated in the plan area
 - Target for percentage of total units that are affordable
- Demonstrate consistency with the jurisdiction's Regional Housing Need Allocation and the sites and policies identified in the Housing Element

Feasibility Analysis

- Assess the amount of affordable housing, by income level, that is likely to be produced by the market
- Estimate the public financial burden and the private costs required to meet the identified housing need
- Identify potential funding sources available to develop affordable housing
- Identify the "gap" between the dollar amount needed for affordable housing and the potential sources available

Implementation Strategy

- Identify specific strategies to retain existing affordable units
- Specify the location and type of units (size, tenure, etc.) to be developed in the plan area
- Identify funding sources that will be used to preserve or add affordable housing
 - Local sources (bonds, impact fees, housing trust fund, etc.)
 - State and Federal sources (HOME, CDBG, tax credits, grants, etc.)
 - Other

Letter
C10
cont.

- Identify policies that will be used to preserve or add affordable housing
 - Inclusionary housing
 - Housing trust fund
 - Reduced parking standards
 - Rehabilitation programs
 - Land trusts
 - Foreclosure mitigation
 - Other

- Identify policies that will be used to avoid displacing existing residents
 - Engagement of communities likely to be displaced
 - Economic development (locally owned businesses, local hire, new area jobs that meet residents' skill levels)
 - Enhancement of community centers and facilities

Deliverable: A report that outlines the plan's approach to providing a range of affordable housing options to existing and future residents, based on the elements identified above.

1 cont.

RESPONSE C-10

Gordon Chandler, Livermore Venture Partners

C10-1 Plan Bay Area 2013 was the adopted Regional Transportation Plan and Sustainable Communities Strategy at the time of preparation of the Draft EIR. The Draft EIR acknowledges the draft update (Plan Bay Area 2040), which was published in March 2017, but had not yet been adopted by MTC; see page 57 in Chapter 1, Introduction. The Draft EIR discusses the consistency of the Proposed Project and Build Alternatives with Plan Bay Area 2013 targets, which is sufficient for purposes of evaluating consistency with plans and policies under CEQA. This discussion, starting on page 1503 of the Draft EIR in Chapter 5, Project Merits, focuses on performance targets 1, 3, 6, and 9, which are applicable to the BART to Livermore Extension Project. Many of the 7 goals and 13 performance targets listed in Plan Bay Area 2040 are similar or identical to the Plan Bay Area 2013 targets.

The BART to Livermore Extension Project is listed in both Plan Bay Area 2013 and in Plan Bay Area 2040. However, because BART has not yet adopted the Proposed Project or one of the Alternatives, the BART to Livermore Extension Project was not included in the Plan Bay Area 2040 project performance assessment or transportation conformity modeling.

The Draft EIR also discusses the relationship of the Proposed Project and Build Alternatives to Plan Bay Area's project performance assessment on pages 57 to 58 in Chapter 1, Introduction. This discussion is provided for informational purposes and is not required by CEQA. Should the BART Board adopt either the Proposed Project, the DMU Alternative/EMU Option, or the Express Bus/BRT Alternative and desire discretionary regional funding to design and construct it, MTC, not BART, would conduct the project performance assessment of the adopted project in accordance with its methodology. This process would (1) evaluate the extent to which the adopted project supports the region's ability to meet the performance targets in Plan Bay Area 2040; and (2) compare the benefits of the adopted project to its cost-effectiveness.

Please see Master Response 3 regarding the process and timeline for the review and approval of the INP and its EIR, as well its coordination with the timeline for the BART Board adoption of a BART to Livermore Extension Project.



Serving Alameda, Contra Costa, Marin and San Francisco counties

October 16, 2017

San Francisco Bay Area Rapid Transit District
Attention: BART to Livermore Extension Project
300 Lakeside Drive, 21st Floor
Oakland CA 94612

via email barttolivermore@bart.gov

RE: BART to Livermore Extension Project Draft Environmental Impact Report

To Whom It May Concern:

These comments are submitted by the Sierra Club regarding the Draft Environmental Impact Report (DEIR) dated July 2017 for the “BART to Livermore Extension Project” (Project). In general, we recommend that the final Report and any decision about a resulting Project need to better identify and take into account the impacts upon BART’s current passengers and service areas, and the serious ongoing need to achieve and maintain a realistic State of Good Repair for the rest of the system’s infrastructure.

1

Based on the Sierra Club’s policies, any alternative that results in additional freeway widening or that expands beyond Alameda County’s “Measure D” Urban Growth Boundary must be considered unacceptable. Additional concerns based on transportation and housing impacts are summarized below.

2

The location of the proposed terminal is within the Isabel Avenue/BART Station Planning Area Priority Development Area (PDA). Here is what the Association of Bay Area Governments [notes](#) about this PDA:

The vision for this area is a transit oriented, neighborhood scale community with a mix of housing types in close proximity to transit and multi-use trail connections, and existing and expanding employment center, including a major employer and a regional educational institution. Bus transit will provide local and regional transit connections for residents, commuters, college students and faculty. This area will serve commuters, new residential development, and the college while minimizing traffic, noise and other impacts on centrally located neighborhoods.

3

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cont.

2

There should be a discussion in the Draft Environmental Impact Report (DEIR) and its Final Report about how the terminal’s proposed 3,412 parking spaces will minimize traffic, noise and other impacts on centrally located neighborhoods within the Isabel Avenue/BART Station PDA, which is to have 3,444 additional households in 2040, compared with a much smaller figure for 2010. Traffic and emissions impacts on nearby roads and communities should also be better identified and addressed.

3 cont.

Further, there should be a discussion in the DEIR about the number of car trips in and out of the PDA that involve the terminal’s parking lot. The 3,412 spaces could easily produce 6,824 car trips within the PDA each weekday, and even more with rider turnover.

4

A review of the DEIR did not produce an annualized capital and operating cost per new passenger trip figure for the proposed project. This is a key shortfall for decision-makers and needs to be addressed in the Final EIR. Bus-based modes, including the possibility of a busway along Interstate 580, can be implemented much more quickly and with less disruption than a railroad extension and should be considered for both patronage testing and long-term usage, and can provide an option that serves adjoining transit systems.

5

In Appendix F.2 Transportation there is a discussion about the parking lot at the proposed project—

ACE ridership is expected to drop under the Proposed Project and DMU Alternative, as some ACE riders traveling to southern Alameda County and Santa Clara County who might have taken BART once it’s extended to Santa Clara County, but are unable to find parking at Dublin/Pleasanton BART station, would choose to park at the new Isabel station and take BART/DMU instead.

6

The DEIR should discuss the extent to which the extension with its parking lot would facilitate interregional commutes, which would violate a key principle of SB 375. Given Livermore’s location as a hotspot for regional air quality problems, emissions need to be reduced and controlled, especially if an alternative is selected that includes development of new vehicle storage and/or maintenance yard(s). Other toxic wastes, trash impacts, spillage and (where applicable) diesel outputs need to be better identified and minimized. The final Project needs to take into account pending changes in technology and propulsion, including autonomous and electric vehicles, which are likely to have much cleaner impacts than current methods.

Furthermore, a discussion should also be provided on what is expected in terms of capacity issues during morning commutes for BART district residents/taxpayers boarding trains at nearby existing stations and traveling towards BayFair. The existing lack of seating capacity should not be expanded farther to the outer reaches of the system. We recognize that adding an extra transfer from non-BART modes would have a likely negative impact on ridership increases, but those potential customers should not reduce quality of service or quality of life for customers and communities within BART’s three original counties.

7

Volume 2, Chapter 5 of the DEIR reports on how the proposed project would be supportive of Plan Bay Area, the Bay Area’s Regional Transportation Plan adopted in 2013. This citation overlooks a key to the future of BART, achieving a State of Good Repair:

This subsection briefly summarizes the consistency of the Proposed Project and Build Alternatives with the Plan Bay Area performance targets, which are shown in Table 5-3. Plan Bay Area identifies performance targets that are adopted by MTC and the Association of Bay Area Governments to outline preferred outcomes of the plan and measure the plan’s performance. Performance targets 1 and 2 are required by State law, and the other eight are voluntary. The following discussion focuses on performance targets 1, 3, 6, and 9, which are applicable to the BART to Livermore Extension Project; other targets are not applicable.

8

The DEIR should discuss to what extent this proposed extension project will help or hinder BART in achieving a state of good repair for the benefit of BART’s existing passengers. Performance Target #10 is correctly given as, “Maintain the transportation system in a state of good repair.”

Thank you for the opportunity to comment on the BART to Livermore Extension Project. If you have any questions, please contact me at mwillia@mac.com.

Sincerely,



Matt Williams
Chair, Transportation and Compact Growth Committee

cc: Chair, Chapter Executive Committee
Tri-Valley Group

RESPONSE C11

Matt Williams, Sierra Club

C11-1 This comment is introductory and summarizes comments that follow. No response is required.

C11-2 The commenter's opposition to additional freeway widening or expansion beyond Alameda County's Measure D Urban Growth Boundary are noted. This boundary is referred to as the East County Urban Growth Boundary in the Draft EIR and is discussed in Section 3.C, Land Use and Agriculture Resources. In the Livermore area, this boundary is also largely contiguous with the Livermore Urban Growth Boundary. As described in Section 3.C, Land Use and Agricultural Resources, the Proposed Project and DMU Alternative/EMU Option would require the construction of a new storage and maintenance facility that would be located beyond the Urban Growth Boundary, as shown on Figure 3.C-10 on page 483 of the Draft EIR.

Please see Master Response 5 regarding why a storage and maintenance facility is needed for the Livermore extension. Please see Master Response 6 regarding other locations considered but found to be infeasible and why the proposed location is the best available site.

C11-3 The commenter references text describing the Isabel Avenue/BART Station Planning Area PDA attributed to the Association of Bay Area Governments.

At the proposed Isabel Station, a total of 3,412 parking spaces would be constructed under the Proposed Project, whereas a total of 2,428 parking spaces would be constructed under the DMU Alternative/EMU Option. The impacts associated with these parking spaces have been analyzed throughout the EIR under each relevant impact topic. Specifically, for impacts related to parking at the proposed Isabel Station, please see the following analyses.

- Impact NOI-3: Expose persons to or generate noise levels from transit facilities in excess of standards established by the FTA under 2025 Project Conditions, starting on page 1007 of the Draft EIR.
- Impact NOI-4: Expose persons to or generate noise levels from transit facilities in excess of standards established by the FTA under 2040 Project Conditions, starting on page 1021.
- Impact NOI-5: Result in a substantial permanent increase in ambient noise levels from roadway relocation and traffic distribution in the project vicinity above levels existing without the Proposed Project or Alternative under 2025 Project Conditions, starting on page 1024.

- Impact NOI-6: Result in a substantial permanent increase in ambient noise levels in from roadway relocation and traffic distribution the project vicinity above levels existing without the Proposed Project or Alternative under 2040 Project Conditions, starting on page 1033.
- Impact AQ-9: Result in emissions of reactive organic gases (ROGs), nitrogen oxides (NOx), and particulate matter (PM) above Bay Area Air Quality Management District (BAAQMD) significance thresholds under 2025 Project Conditions, starting on page 1152.
- Impact AQ-10: Result in emissions of ROGs, NOx, and PM above BAAQMD significance thresholds under 2040 Project Conditions, starting on page 1156.
- Impact AQ-11: Result in emissions of toxic air contaminants (TACs) and PM with a diameter of less than 2.5 microns (PM_{2.5}) causing increased health risk above BAAQMD significance thresholds under 2025 Project Conditions, starting on page 1160.
- Impact AQ-12: Result in emissions of TACs and PM_{2.5} causing increased health risk above BAAQMD significance thresholds under 2040 Project Conditions, starting on page 1165.
- Impact TRAN-7: Intersections operating at an unacceptable level of service (LOS), under 2025 Project Conditions, starting on page 343. Of the intersections in the Isabel Station vicinity, only one intersection, Livermore Avenue and Portola Avenue (Intersection #39) would have significant and unavoidable impacts, starting on page 343.
- Impact TRAN-8: Intersections operating at an unacceptable LOS, under 2040 Project Conditions, starting on page 360.

Each of these impacts was identified as less-than-significant or less-than-significant with implementation of mitigation measures, with the exception of one transportation impact (Impact TRAN-7) as noted above. Each of these analyses addresses nearby receptors and/or locations as appropriate for the type of impact. The commenter does not explain what aspects of traffic and emissions impacts should be “better identified.” The traffic, noise, and air quality impacts associated with the proposed parking at Isabel Station have been adequately analyzed in the Draft EIR.

- C11-4 Each parking space is assumed to have a turnover rate of 1.1, and all park-and-ride trips arrive at the Isabel Station during the AM peak period and depart from the station during the PM peak period. Therefore, the 3,412 parking spaces correspond to 3,750 vehicle trips during each peak hour, or 7,500 daily

vehicle trips. This number includes vehicle trips with origins within and outside of the Isabel PDA.

Vehicle trips associated with park-and-ride activity were captured in the traffic analysis of the local intersections to ensure that the local road network would be able to accommodate these vehicle trips.

- C11-5 Please see Response to Comment B5-2 regarding the estimated cost per new rider. An estimated construction schedule for all the project alternatives is provided beginning on page 168 of the Draft EIR. The Enhanced Bus Alternative, which entails limited infrastructure improvements and does not include freeway reconstruction (such as the express bus ramps proposed for the Express Bus/BRT Alternative), could be implemented much more quickly than the Proposed Project or the other Build Alternatives. However, as illustrated in Table 2-11, the comment is incorrect to state that the Express Bus/BRT Alternative could be implemented more quickly, as construction of that alternative would take approximately as long as the Proposed Project or DMU Alternative. Although a shorter length of I-580 would be relocated for the Express Bus/BRT Alternative compared to the Proposed Project or DMU Alternative, construction for the relocation of both eastbound and westbound freeway lanes in the vicinity of the Dublin/Pleasanton Station would still be considerable and thus a similar duration for construction is required for this alternative.
- C11-6 As noted by the commenter, if the Proposed Project is implemented, some current ACE riders may choose to drive to the new Isabel Station and park-and-ride BART. But a larger number of new BART riders would be switching to BART from driving all the way to their destination, resulting in a reduction in overall driving. Therefore, the Proposed Project would result in reductions in vehicle miles traveled (VMT), thus reducing greenhouse gas (GHG) emissions. The Draft EIR discusses VMT reductions beginning on page 301. Regarding consistency with Senate Bill 375, as a major regional transit project, the Proposed Project and DMU Alternative/EMU Option both would increase BART system ridership. Even with the former ACE riders driving to the Isabel Station, these alternatives would reduce regional VMT, GHG, and energy consumption, as shown in Table S-4 (Summary of Quantitative Beneficial Effects in 2040). Hot spots and air quality are analyzed in Section 3.K, Air Quality. Impacts related to hazardous materials, including waste and accidental spills, are analyzed in Section 3.N, Public Health and Safety. Impacts related to solid waste and utilities is analyzed in Section 3.P, Utilities. The commenter does not identify any inadequacies in these analyses.

BART is aware of possible changes in technology and propulsion, such as autonomous vehicles and a greater use of electric vehicles. While changes may occur in the future, when those changes will occur and how they will affect commute patterns is speculative. Therefore, the Draft EIR analysis used regional assumptions in the Alameda County Transportation Commission's Travel Demand Model and the BAAQMD Highway Screening Analysis Tool, which are consistent with the generally accepted industry practice. The commenter assumes that future technologies are "likely to have much cleaner impacts" but this is also speculative, as it is not necessarily the case that autonomous vehicles will be electric.

- C11-7 Please see Master Response 8 for information regarding the impacts of a Livermore Extension on the BART system, including peak hour capacity.
- C11-8 The discussion in Chapter 5, Project Merits, of the Draft EIR is provided for informational purposes and is not required by CEQA. It appropriately focuses on performance targets 1, 3, 6, and 9, which are applicable to the BART to Livermore Extension Project. Regarding performance target 10, BART is engaged in an extensive process to bring the system to a state of good repair. For purposes of the Draft EIR, however, BART's efforts to maintain a State of Good Repair are not a component of the Proposed Project or any of the Alternatives. If approved, funding for the BART to Livermore Extension Project would be independent of funding for any other planned projects intended to help the system meet the state of good repair. Since funding would come from a different source for the extension than funding for system maintenance, construction of the extension is not expected to affect ongoing efforts to improve the existing system.

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Letter
C12

Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-331-1982

October 16, 2017
By E-Mail to
barttolivermore
@bart.gov

BART Livermore Extension Project
21st Floor, 300 Lakeside Drive
Oakland, CA 94612

Re: Livermore Extension DEIR

Dear Project Team:

TRANSDEF, the Transportation Solutions Defense and Education Fund, is an environmental non-profit focused on reducing the impacts of transportation on the climate. We have commented on many previous BART Extension EIRs.

1

Is BART Commuter Rail?

While expansion policies are beginning to shift at BART, the fact that this DEIR was even done indicates that confusion and/ or dissention still reigns in the agency's understanding of its mission and its technology. The following comments suggest clarifications.

The purpose of heavy rail is to provide mass transportation. Investments on the scale of billions of dollars are only justifiable when they transport very large numbers of passengers. BART has long acted as if it were a commuter rail agency in its willingness to extend outwards into low-density suburbs.

2

The problem is that the extraordinary cost of the BART technology means that there are not enough financial resources in the region--or the nation, for that matter--to satisfy the desires of residents choosing to live in low-density areas, who are unhappy about the traffic congestion caused by their own travel demands. The BART technology is simply far too expensive on a per-mile basis to be used as commuter rail. By contrast, the 70-mile SMART system was planned with an initial capital cost that was less than the cost of the preliminary engineering for the much-shorter BART extension to San Jose.

The BART Board needs to stop playing politics with transportation, and face reality: All of BART's scarce resources need to be directed towards renewing its aging capital plant. (TRANSDEF, for one, is not at all convinced that the capital renewal program, replacing the BART technology with newer versions of the same unique design, is an intelligent direction. As transit advocates that were never wowed by the BART

Letter
C12
cont.

TRANSDEF

October 16, 2017

technology and who are sceptical of its cost/benefit ratio, we had wanted to see an open-minded consideration of conversion to standardized components that don't require sole-source contracts.)

2 cont.

TRANSDEF had recommended that BART commit to its capital renewal and eschew extensions as a Board policy, prior to Measure R being placed on the ballot. That didn't happen, but the time is now right for the Board to get clear on its mission.

Service for Livermore

One or more minor bus lines can readily serve the travel demand for Livermore residents needing to connect to existing BART stations. Signal priority and direct access to fare gates are achievable at a far lower cost than a rail extension. Spending billions of dollars to serve that need would be a serious misallocation of scarce public resources, especially when other travel markets in the region are far more underserved.

3

Service for the San Joaquin Valley

In the 2010 Program FEIR, BART admitted that 30% of the projected riders for a Livermore extension would be driving over the Altamont Pass to reach BART, in response to TRANSDEF's comments:

BART patrons from San Joaquin County represent a significant segment of the ridership in the Tri-Valley area, and account for approximately 30 percent of projected BART ridership under the Tri-Valley area in all build alternatives, as shown in Table 3.2-20. This ranges from 16,800 riders per day under Alternative 4 to 22,600 riders per day under Alternative 1. Currently, to access the BART system, these patrons must drive, use a regional bus line, or connect via ACE by local bus. The BART extension alternatives would provide a closer connection to the BART system for San Joaquin County BART patrons by driving, bus, and in some cases as direct connection to ACE. (2010 BART Livermore FEIR, p. 3.2-55.)

4

The demographic projections that were such a significant part of AB 758 suggest that travel demand from the Valley will explode. Not only is it silly to spend billions of dollars to try to bring large numbers of Valley commuters onto an already overcrowded BART system, it is silly to assume that all those passengers need to travel through Oakland.

Alameda County, chief cheerleaders for a Livermore extension, wants BART to commit to a one-seat ride to Silicon Valley for these passengers. This was said to be beyond the capacity of the existing BART system. In any event, offering a one-seat ride would greatly complicate BART's operations, and is an unwarranted complexity for serving low-density suburbs.

5

TRANSDEF

October 16, 2017

It would also be silly to think that the majority of ACE passengers need to transfer to BART (anyone remember all those Caltrain passengers who were projected to transfer to BART?), especially if the trip to San Jose is slower because of a Bay Fair transfer. There is no environmental benefit gained by transferring passengers from ACE to BART in Livermore. A far less costly transfer can be accomplished where ACE passes under the BART tracks at Shinn Street in Fremont. A transfer station can be built there without auto access, enabling passengers to conveniently transfer from one system to the other. BART would be able to decide on the merits of such a station by weighing the increased ridership against the loss in ridership caused by a small increase in travel time. BART would not necessarily have to stop every train at the transfer station: depending on the volume of BART passengers wanting to transfer, only those trains making good connections could stop.

6

When one steps back from a BART-centric view of Bay Area transportation, it becomes clear that BART is not the only rail operator in the region. The time has come to recognize that the agency that already connects San Joaquin County, the Tri-Valley and Silicon Valley is far better suited to delivering cost-effective service. The Altamont Commuter Express, if it were made faster, would provide the one-seat ride desired by Tri-Valley and San Joaquin Valley residents. Because BART's environmental review has included only BART-operated rail alternatives, this alternative has not been studied in what effectively would be a Major Investment Study.

TRANSDEF's sister organization, the Train Riders Association of California (TRAC), has proposed a reconfiguration of the intercity San Joaquin service so that it would share tracks with ACE. (See attached.) With a new passenger-only right-of-way through most of Alameda County, ACE and the San Joaquins could provide all day service in this critically congested corridor. By reopening the Dumbarton Rail Bridge, ACE/San Joaquins could provide service not only to San Francisco, but also to areas not served by BART: northern Santa Clara County cities, including Palo Alto. This service would reduce the load on the BART Transbay Tube, extending its capacity.

7

Enough preliminary engineering for the Altamont Corridor Rail Project (ACRP) had been completed that a Preliminary Project Alternatives Analysis was released in 2011. TRANSDEF requests that the FEIR identify the ACRP as deserving consideration to evaluate whether it is superior to the Alternatives studied in the DEIR. That evaluation could conceivably be completed in another agency's EIR.

TRANSDEF appreciates this opportunity to provide our thoughts on the proposed extension to Livermore and on BART's system expansion policies.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,
President

Letter
C12
 cont.

TRAC'S INTEGRATION PLAN FOR SAN JOA

By Michael D. Setty

Editor, California Rail News

Part of the deal-making by Governor Jerry Brown and the State Legislature to gain passage of the SB-1 transportation funding measure included earmarking \$400 million to extend Altamont Commuter Express (ACE) commuter rail service to Modesto, Ceres, Turlock, Livingston/Atwater and Merced. ACE, currently running between Stockton and San Jose, had unfunded plans to extend to Merced, called ACEforward.

SB-1 raises gas taxes and registration fees to for improved highway and street maintenance, as well as more funding for transit capital and operations, intercity rail, pedestrian and bicycle projects.

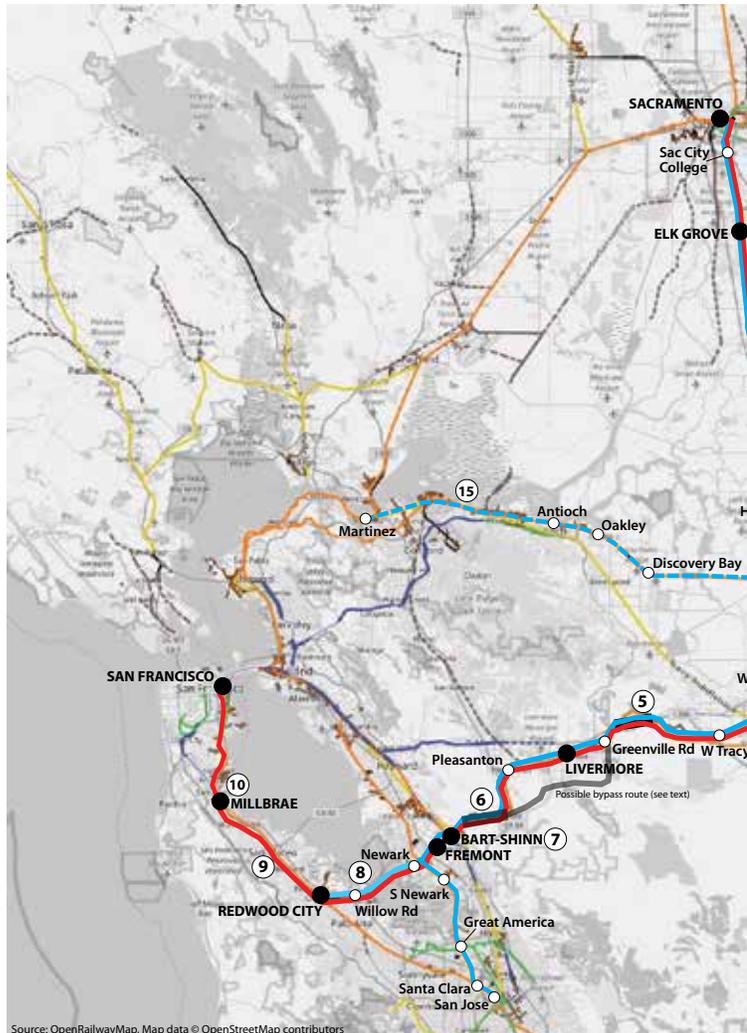
Now that a large portion of the ACEforward program is funded, TRAC sees tremendous potential for synergy between ACE and the San Joaquins. Combining their capital programs will allow the creation over time of an East-West Altamont route that is both much faster and much more reliable for both services, since much greater capacity would be available for both passenger trains and freight traffic.

The ACE route is far better matched to projected Bay Area travel demand than the San Joaquin's current route. Putting the trains from both services on the same tracks would substantially expand the availability of service. This would effectively convert ACE to an all-day transit provider, a long-time goal. The resulting convenient schedule would attract large numbers of passengers away from their cars, thereby aiding the State's climate program. Rerouting San Joaquins via the Altamont also opens up potential direct service between the Central Valley and San Francisco, the San Francisco Peninsula and Silicon Valley. Direct service to Sacramento would be offered as additional track capacity is developed.

These synergies could be achieved in the near-term, depending on negotiations for Altamont track capacity. San Joaquin trains from Bakersfield could pull into the Stockton ACE platform, then change directions to head west to the Tri-Valley and East Bay. A bus bridge (and perhaps future DEMU service) connecting Martinez and Stockton would support existing passengers as service is realigned.

Travel times will become faster than the current San Joaquin schedule as the improvements proposed below are brought into service. Connecting to the Capitol Corridor in Fremont (Centerville) opens the San Joaquin to the rich job market of the East Bay. The proposed new stops would substantially improve the cost-effectiveness of the new route between Lathrop and Merced.

By integrating ACE and San Joaquins service, other opportunities include dramatically expanded San Joaquins schedules serving Sacramento. Potentially large ridership gains can be achieved by rerouting service via Altamont Pass, the Dumbarton Corridor and via Caltrain tracks to San Mateo County and San Francisco. This reroute would also open up possibilities for direct intercity rail service from San Francisco and the South Bay to Stockton and Sacramento.



Source: OpenRailwayMap, Map data © OpenStreetMap contributors

The remainder of this article outlines the details of proposed services and needed capital improvements to support proposed operations, with attention on retaining existing rail freight capacity.

Summary of Proposed Upgrades

Please refer to the numbered items on the map above.

ACEforward Enhancements

1. ACEforward extension to Modesto and Merced. The second track constructed by ACEforward alongside the existing Union Pacific freight tracks paralleling Highway 99 from the Lathrop/Manteca areas to Stanislaus and Merced Counties would be designed to allow operation of passenger trains every 30 minutes all-day. This would require constructing two primarily passenger tracks at most stations, and three to five-mile long 3rd passing tracks at selected locations. New infrastructure should be designed to allow San Joaquins to operate hourly in each direction, along with at least hourly ACE trains during the morning and afternoon peaks,

and two-hourly midday, evenings and weekends.

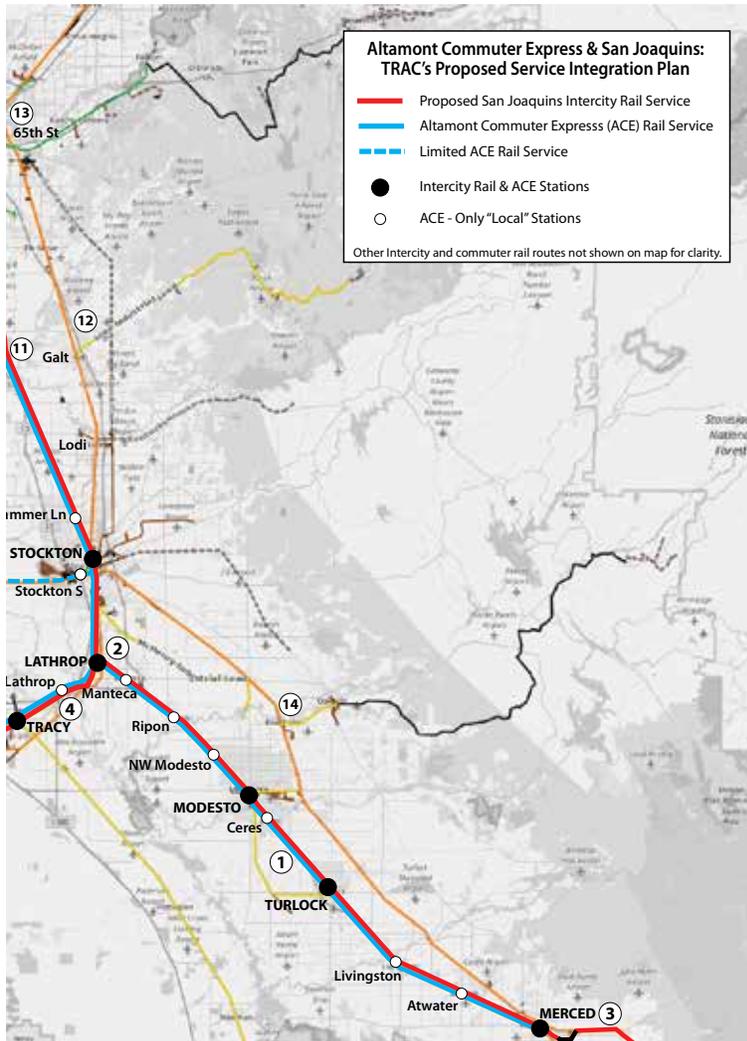
2. Lathrop Junction Transfer Station. Construct new transfer station at Lathrop Junction with platforms, passenger overcrossings of mainline track, and other facilities as needed to accommodate timed, cross-platform connections, allowing direct access from any direction to Sacramento, the ACE extension along Highway 99 to Modesto and Merced, the San Joaquin route to Bakersfield, and the Bay Area via Altamont.

3. Construct a new track connection in South Merced to transition San Joaquins off existing Burlington Northern Santa Fe trackage to new passenger tracks between Merced and Lathrop. This might be a new surface connection adjacent to University Parkway or a short tunnel paralleling Highway 140. A lower-cost connection could use the existing rail spur north of Central Merced to make the connection, and serve the existing Amtrak Merced station.

4. Reroute existing passenger service between Lathrop and West Tracy via

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QUINS & ALTAMONT COMMUTER EXPRESS



the prior Southern Pacific Altamont Pass route through downtown Tracy. This routing would provide much better, more central service to the 90,000 residents of Tracy, and would also allow rerouted San Joaquins to serve the community. Connect tracks to the existing Union Pacific alignment west of I-580. Double track this segment, as previously operated by SP.

5. Through the Altamont Pass area, construct a new double-track tunnel and/or new alignment(s) parallel to I-580 to reduce 5-10 minutes running time in each direction, and to facilitate future line upgrades to 110 and/or 125 standards. To expand capacity between Altamont Pass and the tunnel in Niles, consider the options studied in the 2011 Preliminary Alternatives Analysis for the Altamont Corridor Rail Project. This could be a major project for the Transit and Intercity Rail Capital Program, or for private capital. Select a route that avoids the Tri-Valley downtowns and does not share tracks with freight trains, if possible.

6. To expand capacity between Alta-

mont Pass and the entrance to Niles Canyon, consider the options studied in the 2011 Preliminary Alternatives Analysis for the Altamont Corridor Rail Project. This could be a major project for the Transit and Intercity Rail Capital Program, or for private capital. Select a new route that bypasses the Tri-Valley downtowns and the winding Niles Canyon line, and does not share track with freight trains if possible.

7. New San Joaquins/ACE/BART transfer station at Shinn Street in Fremont. The pedestrian-only connection to/from BART would offer no local access except for emergencies, similar to the new BART/eBART station in the median of Highway 4 a half-mile east of the existing Pittsburg/Bay Point BART station.

San Francisco Segment

8. Rebuild the Dumbarton Rail Bridge and rail corridor, with new stations in Newark and Willow Road (Facebook) in Menlo Park. This project would connect Fremont with the Caltrain Corridor, costing less than \$300 million if the

unneeded capital improvements proposed in recent government studies are dropped. A local service provider is to be determined on Dumbarton line.

9. Extend San Joaquins service from Fremont to San Francisco via the Dumbarton Bridge, Redwood City and the Caltrain Corridor, taking advantage of new passing tracks between the Redwood City station and San Mateo proposed by the California High-Speed Rail Authority. These trains would provide connections to the northern part of Silicon Valley, its employment center.

10. Stop at the Millbrae BART/Caltrain station, connecting to BART and SFO.

Sacramento Segment

11. From Stockton, extend San Joaquins and ACE service to Sacramento via Union Pacific's Sacramento Subdivision (the prior Western Pacific). Capital improvements include new stations and passing sidings or double-tracking as required.

12. Provide East-West Bus Connections between Lodi, Galt and 65th Street in East Sacramento (connecting to light rail and Sacramento State University), and the ACE/San Joaquin stations to the west.

13. New track connection from north-south UP line with loop track to east-west UP route on currently vacant property east and north to provide direct access into Sacramento Valley station. Add two tracks between this point and the station to avoid freight conflicts.

14. Provide East-West Bus Connections between Denair, East Modesto, Riverbank-Oakdale, and Escalon, and the respective ACE/San Joaquin stations to the west.

Martinez Segment

15. Provide DEMU shuttle service between Stockton and Martinez, replacing current San Joaquins service on this route. This will free up slots for expanded Capitol Corridor service west of Martinez.

Rolling Stock

Replace existing ACE locomotive-hauled trains with DEMUs. DEMUs offer great flexibility. Their lower operating costs allow them to be used in short trains off-peak. They can split and combine trains when a route has more than one potential destination. For example, trains originating on the Highway 99 extension to Stanislaus and Merced Counties could operate with two DEMU trainsets coupled together, splitting at Lathrop Junction, with one section traveling to Sacramento, and the other into the Bay Area. Similarly, trains originating in Stockton could operate with two DEMU sets, splitting at Centerville (Fremont), with one section traveling to San Francisco and the other to San Jose, in both directions.

Service Plan

ACE and the San Joaquins would be coordinated, to provide consistent day-long service. ACE would be an all-stops commuter service, while San Joaquins would be an intercity service, with many fewer stops and higher speeds. See the accompanying article describing the difference between these service types.

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RESPONSE C12

David Schonbrunn, Transportation Solutions Defense and Education Fund

C12-1 Thank you for providing comments on the Draft EIR. This comment is informational in nature; no response is necessary.

C12-2 The commenter's opinion of conventional BART technology is noted. BART is a heavy rail, inter-city system that operates in five counties and serves a variety of both high and lower density communities. BART's mission is to serve the residents within the District's boundary. The costs and benefits of the Proposed Project and each of the alternatives have been identified in the Draft EIR. Please refer to Chapter 1, Introduction, of this document, as well as the Evaluation Report for additional information pertaining to the costs and benefits of the Proposed Project and Build Alternatives. The Evaluation Report is provided as a link on the project website at <https://www.bart.gov/about/projects/liv>. The BART Board will review the various transit alternatives, including their costs and benefits, and will determine which, if any, will go forward.

Replacing conventional BART technology in the existing system by conversion to standardized components, as suggested by the commenter, would be a different project scope, involving much greater cost and disruption than that of the Proposed Project and Build Alternatives. Within the scope of the Livermore Extension Project addressed in this EIR, the Build Alternatives presented for consideration by the BART Board include DMU, EMU, as well as bus technology, which is less expensive than conventional BART.

C12-3 The commenter's preference for bus service is noted.

C12-4 The commenter's opinion is noted. The projected ridership for the Proposed Project has been revised and reduced since the Program EIR was certified in 2010. As illustrated in Table 3.B-21 of the Draft EIR, additional weekday BART systemwide ridership would be approximately 11,900 in 2040. Although San Joaquin County patrons on BART would still be approximately 24 percent of the additional BART ridership, a substantial part of the ridership reduction is due to the lowered growth projections for San Joaquin County compared to those at the time of the Program EIR. For a discussion of how the additional ridership will affect existing BART capacity, see page 296 of the Draft EIR and Master Response 8.

C12-5 Please see Response to Comment B2-11 for information about a one-seat ride to Silicon Valley, also referred to as the Bay Fair Connector Project.

- C12-6 See the responses to Letter B8 from the San Joaquin Regional Rail Commission on the relationship between BART, ACE, travel times, and ridership. A BART to ACE connection at Shinn Street in Fremont was not considered in the Draft EIR because it would not achieve three of the key objectives for the BART to Livermore Extension Project, which were focused on advancing transit in the Tri-Valley Area (see Draft EIR pages 2 to 3):
- Provide a cost effective intermodal link of the existing BART system to the inter-regional rail network and a series of PDAs identified by the City of Livermore, MTC, and the Association of Bay Area Governments. These PDAs include the Livermore Isabel Avenue BART Station PDA, the Livermore Downtown PDA, and the Livermore East Side PDA.
 - Support the regional goals of integrating transit and land use policies to create opportunities for TOD in PDAs in the Livermore area.
 - Provide an effective commute alternative to traffic congestion on I-580.

Also see Response to Comment D43-4 and Master Response 11 regarding ACE.

- C12-7 The comment supporting improvement of ACE service is noted. The comment is correct that the BART to Livermore Extension Draft EIR evaluated BART-only operated rail alternatives in the Tri-Valley. As stated in CEQA Guidelines, Section 15126.6 (a), the range of alternatives required in an EIR is governed by a rule of reason that requires the EIR to consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR need not consider every conceivable alternative to a project. Both the expansion of capacity between the Altamont Pass and the tunnel in Niles studied in the 2011 Preliminary Alternatives Analysis for the Altamont Corridor Rail Project (noted in the attachment to the comment letter) and the commenter's proposal to reconfigure intercity San Joaquin service are outside the scope of the analysis in the Draft EIR, as they involve different rail technology on a different alignment, under the jurisdiction of a different agency. The comments should be addressed to the San Joaquin Regional Rail Commission, which operates ACE.

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From: Barbara Steinfeld <barbara@visittrivalley.com>
Sent: Tuesday, August 22, 2017 11:04 AM
To: BART To Livermore Outreach
Subject: Tourism in the Tri-Valley

Visit Tri-Valley is the destination marketing organization representing Livermore, Pleasanton, Dublin and Danville. We represent a total of 37 hotels in four cities, and two counties. The board of directors is comprised not only of hotel general managers but also the Alameda County Fairgrounds, the Bankhead Theater, Black Tie Transportation, Palm Event Center as well as the Livermore Valley Winegrowers Association.

As a unified voice across many sectors we want to encourage the extension of BART to Livermore and BART to ACE.

One of the biggest hurdles for tourism in the Tri-Valley is the lack of transportation throughout the Tri-Valley exacerbated by traffic gridlock. As we work to entice groups to the region for weekend sports competitions and as we work with international visitors especially from China and the UK, we face daily frustration in explaining the traffic, our lack of accessibility and the unreliability of planning arrival and departure times.

Tourism contributes \$640M in taxes to the state and the region from the Tri-Valley alone. We employ 5900 in our industry here. Tourism is a big deal and could be bigger if we weren't hindered by the lack of transportation to the Tri-Valley compounded by the stopped traffic daily on 580/680 in our region.

We thank you for completing the draft EIR and encourage BART to continue the planning and analysis process for expanding BART to Livermore and ACE.

Cordially,

Barbara Steinfeld



BARBARA STEINFELD

PRESIDENT

5075 Hopyard Road | Suite 240 | Pleasanton, CA 94588

Direct & Fax: 925.417.6688

Email: barbara@visittrivalley.com

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From: Barbara Steinfeld <barbara@visittrivalley.com>
Sent: Wednesday, September 06, 2017 10:57 AM
To: Donald Dean; Rachel Russell
Subject: BART Livermore Project Question

We heard a presentation this morning at the Livermore Chamber meeting about the four options for BART to Livermore. Only one of the options is really BART to Livermore—that is the full BART option. I support that option.

It is the only one that will serve the expanding population for the Tri-Valley and all points east that will and do now utilize BART. It is the option that is projected to serve the most people, 11,900 daily, according to the report. I wonder if the true rate of growth for the communities east of Livermore was taken into account when projecting that number? By 2040 surely it will be even more.

The bus options aren't even a bandaid on the problem. The diesel and electric options cost as much as full BART so why make people change trains? That's a deterrent, not a solution.

Thank you for moving forward with this project. Please think of the future and choose full BART to Livermore.

Cordially,

Barbara Steinfeld



BARBARA STEINFELD

PRESIDENT

5075 Hopyard Road | Suite 240 | Pleasanton, CA 94588

Direct & Fax: 925.417.6688

Email: barbara@visittrivalley.com

RESPONSE C13**Barbara Steinfeld, Visit Tri-Valley**

C13a-1 Thank you for providing comments on the Draft EIR. The comments supporting the Proposed Project (Conventional BART Project) are noted. The Proposed Project and Alternatives do not include a connection between BART and ACE. Extending BART far enough to create a connection to ACE may be pursued in a future project, but it is not part of this project, which extends only to Isabel Avenue.

C13b-1 Thank you for providing comments on the Draft EIR. The comments supporting the Proposed Project (Conventional BART Project) are noted.

Please see Response to Comment B4-12, which describes the land use assumptions used in the BLVX Travel Demand Model. This approach uses land use assumptions provided in Plan Bay Area, which is this region's Regional Transportation Plan/Sustainable Communities Strategy, as well as projections from the San Joaquin Council of Governments for San Joaquin County land use.

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August 9, 2017

Bay Area Rapid Transit District
Rebecca Saltzman, President
Board of Directors
300 Lakeside Drive
23rd Floor
Oakland, CA 94612

Re: BART Board 08/10/17 Agenda Item #6B

Dear President Saltzman & Board Members:

On behalf of the Livermore Valley Chamber of Commerce, I am writing to express support of the BART organization’s efforts to extend its service into the city of Livermore. LVCC has been on record for decades in support of this project. LVCC is a membership organization representing more than 600 businesses and organizations and 30,000 jobs in the Livermore Valley.

The Livermore Valley is located within the I-580/Altamont Pass rail- and highway corridor connecting the SF Bay Area region with neighboring regions and is a major route for goods movement, workforce commute and visitors. Regardless of economic cycles, this corridor remains one of the most chronically congested in the entire 9-county region, and is keenly affected by the lack of effective connectivity with the Bay Area’s backbone for transit, the BART system. Bay Area businesses and residents, as well as workers that live in neighboring regions will benefit from closing this major gap in BART service to Livermore in eastern Alameda County.

We understand that what is before us today is the draft EIR for phase 1 BART service to the Isabel Avenue area in Livermore. We see this as a critical first step to improve BART connectivity in the region and LVCC supports all efforts to complete this process and get construction underway. We also understand and respect the process that other alternatives must be evaluated in the EIR process.

Livermore Valley Chamber of Commerce
2157 First Street Livermore CA 94550
925.447.1606
www.livermorechamber.org

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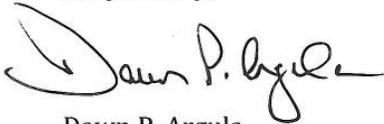
Time again, Alameda County and Tri-Valley taxpayers and businesses have approved millions of dollars in investments to improve mobility in this corridor including major funding towards delivery of this project.

A priority for LVCC is “sufficient and sound” infrastructure that supports a growing and dynamic economy. The delivery of this project absolutely meets that objective. The City of Livermore, its residents and businesses have been consistent in their support for this alternative for decades. To be candid, LVCC supports the full BART service alternative. Nonetheless, we support the process required for a draft EIR and will do our part to work with BART to educate and inform LVCC members on its details with the expectation that this costly and necessary step will result in delivery of a project in the near-term (within 5 years) that will effectively connect significant numbers of businesses in the Livermore Valley and workers and visitors traveling through the I-580 corridor to our region-wide BART system.

LVCC extends its sincere appreciation to past and present BART staff and leaders that have supported and worked tirelessly to advance this project. LVCC looks forward to partnering with the BART organization and others in this region to deliver a BART project that effectively connects to the BART system, results in improved mobility, improved air quality and a much better quality of life for those that must travel through this corridor.

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Respectfully,



Dawn P. Argula
CEO & President
Livermore Valley Chamber of Commerce

- C: LVCC Board of Directors
Mayor John Marchand, City of Livermore
Supervisor Scott Haggerty, Alameda County
Art Dao, Alameda County Transportation Commission
Steve Heminger, Metropolitan Transportation Commission

RESPONSE C14

Dawn P. Argula, Livermore Valley Chamber of Commerce

C14-1 The commenter expresses support for the Proposed Project. The comment is informational in nature: no response is necessary.

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