

# CHAPTER 1

## INTRODUCTION

### A. EIR OVERVIEW

BART is proposing the BART to Livermore Extension Project, which is being evaluated in this Draft EIR. 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 (Dublin/Pleasanton Station) within and adjacent to the Interstate (I-) 580 right-of-way (ROW), 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 (referred to herein as Isabel Station). In addition, a new parking facility would be constructed at the new Isabel Station and a new BART storage and maintenance facility would be constructed beyond the Isabel Station, north of I-580. The Proposed Project includes new and modified bus routes, connecting the new Isabel Station to downtown Livermore, Lawrence Livermore National Laboratory (LLNL), the Vasco Road Altamont Corridor Express (ACE) station, and other areas east of the BART system. The overall performance of these bus routes would be improved via the implementation of transit priority infrastructure enhancements.

In compliance with CEQA, this Draft EIR describes the potential environmental effects of the Proposed Project, as well as mitigation measures and alternatives that would avoid or reduce significant adverse environmental impacts. This Draft EIR evaluates the potential impacts of the Proposed Project and three Build Alternatives—the Diesel Multiple Unit (DMU) Alternative (which includes a variant referred to as the Electrical Multiple Unit [EMU] Option), the Express Bus/Bus Rapid Transit (BRT) Alternative, and the Enhanced Bus Alternative. The three Build Alternatives were identified in initial screening as alternatives which potentially could meet most of the project objectives and be completed within a reasonable timeframe, and therefore merited full evaluation in this EIR. In addition, the No Project Alternative (or No Build Alternative) is evaluated.

The Proposed Project and the three Build Alternatives are collectively referred to as either the BART to Livermore Extension Project or the Proposed Project and Build Alternatives. Furthermore, the Proposed Project, Build Alternatives, and the No Project Alternative are collectively referred to as the Proposed Project and Alternatives.

The major goals and objectives of the BART to Livermore Extension Project evaluated in this Draft EIR are as follows:

- Provide a cost-effective intermodal link of the existing BART system to the inter-regional rail network and a series of Priority Development Areas (PDAs) identified by the City of Livermore, the Metropolitan Transportation Commission (MTC), and the Association of Bay Area Governments (ABAG). 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 transit-oriented development (TOD) in PDAs in the Livermore area.
- Provide an effective commute alternative to traffic congestion on I-580.
- Improve air quality and reduce greenhouse gas (GHG) and other emissions associated with automobile use.

Each of the Build Alternatives would use a different transit technology to provide greater transit service east from the Dublin/Pleasanton Station. The DMU Alternative, like the Proposed Project, would extend rail service to a new station 5.5 miles to the east of the Dublin/Pleasanton Station, but would use a standard gauge track and rail vehicles known as diesel multiple units (DMUs). The EMU Option would be the same as the DMU Alternative but would use electric rail vehicles known as electric multiple units (EMUs). The Express Bus/BRT Alternative would use Express Bus and BRT technology only and would not include an extension of rail service or the development of a new station. The Enhanced Bus Alternative would provide lower-cost bus service improvements (such as bulb-outs, bus shelters, and transit signal priority) to improve access to the Dublin/Pleasanton Station and would not include any major capital improvements. As required by CEQA, this EIR also considers anticipated environmental consequences in the event that neither the Proposed Project nor any of the Build Alternatives are adopted, referred to as the No Project Alternative. The Proposed Project and Alternatives are described in detail in Chapter 2, Project Description.

## **B. PURPOSE OF THE EIR**

In accordance with CEQA, California Public Resources Code (PRC) Section 21002.1, BART has prepared this EIR for the following purposes:

- To identify the significant effects on the environment of the Proposed Project, to identify alternatives to the Proposed Project, and to identify the manner in which the significant effects can be mitigated or avoided
- To mitigate or avoid the significant effects of the Proposed Project and Build Alternatives on the environment whenever it is feasible to do so

- To consider the effects, both individual and collective, of all activities involved in the Proposed Project
- To provide meaningful public disclosure and focus on potentially significant effects on the environment of the Proposed Project

This Draft EIR has been prepared in accordance with CEQA (PRC Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.). For the purposes of this EIR, BART is the designated lead agency, which, according to Section 15367 of the CEQA Guidelines, is defined as the public agency with principal responsibility for carrying out or approving a project and conducting environmental review.

The lead agency is charged with the duty of substantially lessening or avoiding significant environmental effects of projects subject to CEQA where feasible (see PRC Section 21002, CEQA Guidelines Sections 15002(a)(3) and 15021(a)(2)). As defined in CEQA Guidelines Section 15382, a significant effect on the environment is:

... a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

The EIR informs public agency decision-makers and the public of the significant environmental effects of the Proposed Project and the ways in which those impacts can be reduced to less-than-significant levels, where feasible, either through mitigation measures or the implementation of alternatives to the project. Where feasible mitigation measures are insufficient to reduce an impact to less-than-significant, the effect is considered significant and unavoidable. This document is considered a Draft EIR under CEQA because it is subject to revision following review and comment by other agencies and members of the public.

As described below in the Project Background subsection, in 2010, BART completed a Program EIR (PEIR) for the BART to Livermore Extension Program that studied various alternative alignments. The BART Board of Directors certified the PEIR and selected a preferred alternative in July 2010. The PEIR is available online at <http://www.bart.gov/about/projects/liv/environment>.

This Draft EIR is a project-level EIR that evaluates the Proposed Project and Alternatives in a greater level of detail than was possible in the PEIR, and certification of this document is a required step before construction of the Proposed Project or one of the Build Alternatives can proceed. The BART Board of Directors must consider the information in this EIR and the public comments on significant effects identified in this EIR (included in

the Final EIR) before making a determination on the Proposed Project or Alternatives. The BART Board of Directors will use the Final EIR (which will consist of the Draft EIR, comments received during the public review period, responses to those comments, and any revisions to the Draft EIR as a result of public agency and public comments, together with any other revisions initiated by BART) in deciding whether to approve, modify, or disapprove the Proposed Project or one of the Build Alternatives, and to specify any applicable mitigation measures as part of project approval.

## **C. PROJECT BACKGROUND**

This section describes the existing and planned BART service in the San Francisco Bay Area (Bay Area) and the BART to Livermore Extension PEIR.

### **1. Existing and Planned BART Service**

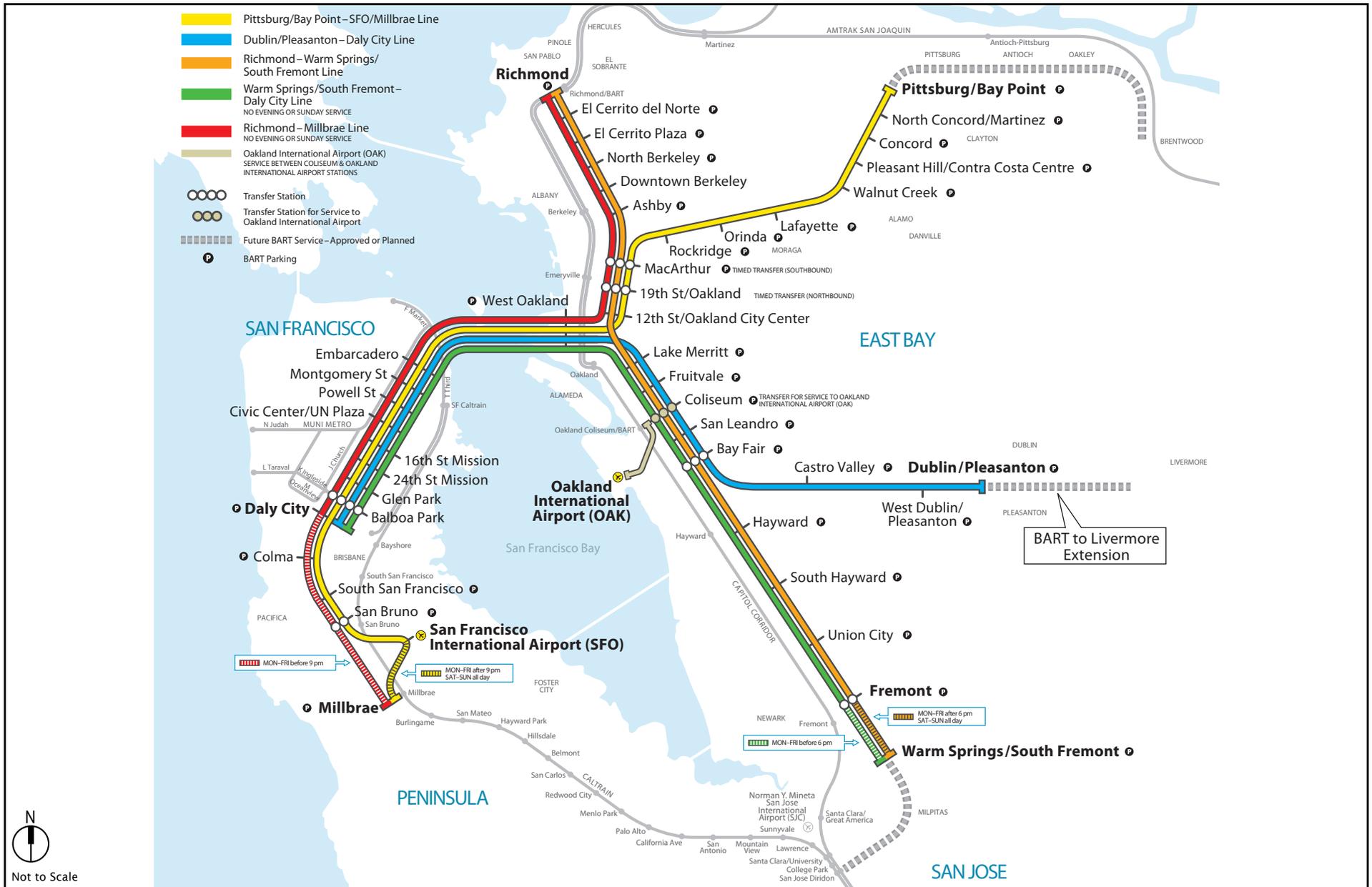
BART has been in operation since 1972 and currently operates in four Bay Area counties—San Francisco, Alameda, Contra Costa, and San Mateo—and will soon operate in a fifth county, Santa Clara. The BART systemwide map is shown in Figure 1-1. BART has 6 lines (Red, Yellow, Orange, Blue, Green, and the Oakland Airport Connector), 46 stations, and 112 route miles.

Expansion of the original BART system has included extensions to: (1) Dublin/Pleasanton in eastern Alameda County; (2) Pittsburg/Bay Point in eastern Contra Costa County; (3) San Francisco International Airport in San Mateo County, with a terminus in Millbrae; (4) Oakland International Airport in Alameda County via an automated guideway transit connection; and (5) extension of the Fremont line 5.4 miles south to the new Warm Springs/South Fremont Station, which began passenger service on March 25, 2017.

In eastern Alameda County, BART service extends as far east as the Dublin/Pleasanton Station, which opened in 1997 and is located in the median of I-580 just east of the Dougherty Road/I-580 interchange. The West Dublin/Pleasanton Station, an infill station west of I-680 and also located in the median of I-580, opened in 2011. These stations provide transit connections to the Tri-Valley Area, including to the cities of Dublin, Pleasanton, and Livermore. Since opening, the Dublin/Pleasanton line has been heavily used. In 2016, Dublin/Pleasanton Station had an average of 16,220 weekday entries and exits and the West Dublin/Pleasanton Station had an average of 7,268 weekday entries and exits.<sup>1</sup>

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<sup>1</sup> San Francisco Bay Area Rapid Transit District (BART), 2016. 2016 Monthly Ridership Reports. Available at: <http://www.bart.gov/about/reports/ridership/>, accessed February 22, 2017.



Source: BART, 2017.

Several additional extension projects are currently under construction or environmental review, including the East Contra Costa County extension (eBART) and the Silicon Valley extension. The eBART extension will introduce a new rail passenger service comprising approximately 10 miles of new track between the Pittsburg/Bay Point Station (existing end-of-the-line station) and a new terminus in the city of Antioch, with an intermediate Pittsburg Center Station.<sup>2</sup> The Silicon Valley extension is a proposed 16-mile extension with six new stations, extending south from the Warm Springs/South Fremont Station into Santa Clara County. The extension is being developed in two phases. Phase I is the northernmost 10-mile alignment referred to as the Silicon Valley Berryessa Extension, which currently is under construction. This extension will have two new BART stations: the Milpitas BART Station, located between Montague Expressway and Capitol Avenue in the city of Milpitas, and the Berryessa BART Station between Berryessa Road and Mabury Road in the city of San Jose. Phase II, which would extend an additional 6 miles with stations at Alum Rock, Downtown San Jose, Diridon, and Santa Clara near the Caltrain Station (new terminus), is currently undergoing environmental review.<sup>3</sup>

## 2. BART to Livermore Extension Program

In November 2009, BART released the Draft PEIR for the BART to Livermore Extension Program. The purpose of the PEIR was to evaluate possible alignments for BART expansion, and the Draft PEIR considered nine different alignment alternatives for extending the existing BART service eastward from the Dublin/Pleasanton Station to Livermore. For purposes of programmatic analysis, the PEIR assumed use of Conventional BART technology, that is, BART's existing heavy rail, electric-powered technology. The PEIR analysis was focused on alignment alternatives and was not intended to evaluate alternative technologies such as DMU or bus alternatives. The BART Board of Directors did not select a technology at the end of the PEIR process. Instead, the evaluation of alternative technologies was deferred to this project-level EIR.

Seven of the nine alternative alignments studied programmatically in the Draft PEIR would have extended farther east than the Isabel Avenue/I-580 interchange, which is the location proposed for the terminus station for the Proposed Project. Thus, the geographic scope of the PEIR, which extended east to Greenville Road, was larger than the geographic scope of the Proposed Project and Build Alternatives studied in this EIR.

The routes and station locations studied in the PEIR were based on prior BART studies and input from BART's local partners in Alameda County and the Tri-Valley Area. The PEIR

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<sup>2</sup> San Francisco Bay Area Rapid Transit District (BART), 2017. Projects. Available at: <http://www.bart.gov/about/projects>, accessed January 13, 2017.

<sup>3</sup> Santa Clara Valley Transportation Authority (VTA), 2017. BART Stations. Available at: <http://www.vta.org/bart/stations>, accessed January 16, 2017.

evaluated accessibility, ability to improve transit service, potential impacts to the environment, availability of vacant land, overall costs, compatibility with the local urban growth boundary, and more. Details of the challenges and benefits of specific alignment alternatives are described in the PEIR.

BART released a Final PEIR in June 2010. The Final PEIR included an additional alignment alternative to Downtown Livermore, referred to as Alternative 2B (Portola-Vasco), which combined features of several of the alternatives studied in the Draft PEIR. The Portola-Vasco alignment extended eastward from Dublin/Pleasanton Station in the median of I-580 before extending south along Portola Avenue to a new station in Downtown Livermore. From Downtown Livermore, it extended along the Union Pacific Railroad tracks to Vasco Road where a second station and a maintenance yard would be constructed. On July 1, 2010, the BART Board of Directors certified the PEIR and selected Alternative 2B (Portola-Vasco) as the preferred alternative.

Initially, the City of Livermore recommended the Portola-Vasco alignment; however, following further public discussion, the City determined that it preferred an alignment along I-580 from Dublin/Pleasanton Station to Greenville Road with stations at Isabel Avenue and Greenville Road. This alignment was then incorporated into the City of Livermore's General Plan.

As part of the continuing BART to Livermore planning process, BART has produced this second tier, project-level Draft EIR for a BART extension to a new station at Isabel Avenue. The Proposed Project in this Draft EIR corresponds to the alignment of Alternative 4 (Isabel Avenue/I-580 interchange) in the PEIR. In addition, both the City's preferred I-580 alignment and BART's Portola-Vasco alignment share the 5.5-mile segment from Dublin/Pleasanton Station to Isabel Avenue in the I-580 median.

The project-level evaluation in this Draft EIR is limited to the Proposed Project (and alternatives to the Proposed Project) extending in the I-580 median to the proposed station east of the Isabel Avenue/I-580 interchange, together with tail track, storage and maintenance facility, and other facilities such as wayside facilities and parking structure.

From Isabel Avenue, a future extension farther east of BART or other type of technology could extend to either Downtown Livermore or along I-580 to Greenville Road. Such an extension, as contemplated in the PEIR, would be the subject of a separate project-level evaluation in a future environmental document. The Proposed Project does not preclude extending transit service farther east in an alignment within, or extending out of, the I-580 median. Chapter 5, Project Merits, describes which technologies could be implemented for a future extension, based on whether the Proposed Project or one of the alternatives is adopted.

## D. REGIONAL CONTEXT

This section provides an overview of the regional context for the BART to Livermore Extension Project, discusses the existing transportation conditions in eastern Alameda County and existing transit services in the Tri-Valley Area, and outlines the key transit system expansion policies relevant to the Proposed Project and Alternatives.

The Tri-Valley Area is located east of the San Francisco Bay within the I-580 and I-680 corridors and consists of three valleys: the Amador, Livermore, and San Ramon valleys.<sup>4</sup> Livermore is in the Livermore Valley and Dublin and Pleasanton are in the Amador Valley; both valleys are in Alameda County. The combination of the Livermore and Amador Valleys is referred to as the Livermore-Amador Valley. The town of Danville and city of San Ramon are in the San Ramon Valley in Contra Costa County.

Within this area, eastern Alameda County is primarily defined by the cities of Dublin, Pleasanton, and Livermore, as well as unincorporated County lands to the north and south.<sup>5</sup> Figure 1-2 shows the regional context of the Proposed Livermore Extension Project, including city boundaries and geographic features.

Eastern Alameda County has been one of the fastest growing subregions of the Bay Area. As a result, travel demand has continued to increase despite frequent congestion on I-580. In addition, inter-regional commuting along I-580 from San Joaquin County to the Bay Area has exacerbated traffic issues throughout the project corridor. The regional trends of continued growth, a constrained road network, and limited transit options create the need for additional transit service to improve mobility throughout the area. Regional trends related to population and job growth, as well as the demand for transportation services and transit services, are described below.

### 1. Regional Growth Trends

By 2040, Alameda County is projected to experience an increase in population of approximately 27 percent (from 1,559,308 to 1,987,900 persons) and have an increase in households of approximately 28 percent (from 551,734 to 705,330 households).<sup>6, 7</sup>

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<sup>4</sup> Bay Area Council Economic Institute, 2016. Tri-Valley Rising. Available at: <http://www.bayareaeconomy.org/report/tri-valley-rising/>, accessed October 28, 2016.

<sup>5</sup> Association of Bay Area Governments (ABAG), 2013. Plan Bay Area Projections 2013.

<sup>6</sup> United States Census Bureau, 2014. 2010-2014 American Community Survey 5-Year Estimates. Available at: <https://factfinder.census.gov/>.

<sup>7</sup> Association of Bay Area Governments (ABAG), 2013. op. cit.



Source: NOAA, 2016.

Furthermore, by 2040, the county is projected to have an approximately 27 percent increase in jobs (from 746,688 to 947,650 jobs).<sup>8, 9</sup>

A large portion of Alameda County's growth is projected to occur in the eastern part of the county, primarily in the communities of Dublin, Pleasanton, and Livermore. As further described in Section 3.D, Population and Housing, Dublin is anticipated to experience the greatest growth of these three cities, with an increase in population of 49 percent and an increase in jobs of 65 percent. Pleasanton is projected to increase in population by 25 percent and in jobs by 9 percent, and Livermore is projected to increase in population by 24 percent and jobs by 18 percent.<sup>10, 11, 12</sup>

San Joaquin County, immediately east of Alameda County along the I-580 corridor, is projected to have an approximately 44 percent increase in population by 2040 (from 742,781 to 1,070,486 persons) and an approximately 38 percent increase in households (from 231,693 to 319,756 households). By 2040, San Joaquin County is projected to have an approximately 37 percent increase in jobs (from 219,330 to 299,717 jobs).<sup>13, 14</sup>

## 2. Regional Transportation Conditions

Throughout the Bay Area region, daily minutes of delay per worker due to commute congestion have continued to steadily increase, rising by over 40 percent over the past two decades. Further, between 2014 and 2015, freeway delays due to congestion increased by 22 percent in the region.<sup>15</sup>

Within Alameda County, the highways are key regional and interregional connectors. Overall, an estimated 66 percent of total miles traveled by vehicles in the county are on highways.<sup>16</sup> I-580 is the primary east-west transportation corridor in eastern Alameda

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<sup>8</sup> United States Census Bureau, 2012. 2012 Economic Census, 2012 Economic Census of Island Areas, and 2012 Nonemployer Statistics. Available at: <https://www.census.gov/programs-surveys/economic-census.html>.

<sup>9</sup> Association of Bay Area Governments (ABAG), 2013. op. cit.

<sup>10</sup> United States Census Bureau, 2014. op. cit.

<sup>11</sup> United States Census Bureau, 2012. op. cit.

<sup>12</sup> Association of Bay Area Governments (ABAG), 2013. op. cit.

<sup>13</sup> Increase is from existing conditions in 2015.

<sup>14</sup> San Joaquin Council of Governments, 2014. Regional Transportation Plan, Sustainable Communities Strategy. Available at: <http://www.sjcog.org/278/Adopted-2014-RTPSCS>

<sup>15</sup> Metropolitan Transportation Commission (MTC), 2017a. Vital Signs, Time Spent in Congestion. Available at: <http://www.vitalsigns.mtc.ca.gov/time-spent-congestion>, accessed June 30, 2017.

<sup>16</sup> Alameda County Transportation Commission (Alameda CTC), 2016. Highways in Alameda County - Facts, Challenges and Opportunities. Available at: [http://www.alamedactc.org/files/managed/Document/17989/Highways\\_FactSheet.pdf](http://www.alamedactc.org/files/managed/Document/17989/Highways_FactSheet.pdf), accessed September 15, 2016.

County, and the topography of the areas north and south of I-580 limits alternative east-west transportation routes.

As one of the region's highway network hubs, Alameda County experiences a disproportionately high share of the region's congestion. In 2015, the county accounted for over 33 percent of all regional freeway traffic congestion (measured by vehicle hours of delay).<sup>17</sup> Specifically, the westbound segment of I-580 running approximately from the San Joaquin County line to Hacienda Drive in Dublin and Pleasanton was the 17th most congested highway segment in the Bay Area in 2015, with the congestion primarily occurring during the morning commute.<sup>18</sup>

Rapid development within eastern Alameda County and in the Tri-Valley Area, as well as inter-regional commuting from San Joaquin County, has resulted in severe congestion along I-580. For example, between 2006 and 2010, approximately 26 percent of the workers in San Joaquin County (68,401 workers) commuted out of the county, and approximately 10 percent (26,121 workers) commuted to Alameda County specifically.<sup>19</sup> Based on the projected growth trends for Alameda and San Joaquin counties described above, commuting along I-580 is expected to continue increasing in the future, resulting in greater congestion.

### **3. Existing Transit Services in Eastern Alameda County**

Existing transit services in eastern Alameda County include BART, ACE, and the Livermore Amador Valley Transit Authority (LAVTA), as described below.

#### **a. San Francisco Bay Area Rapid Transit District**

As described above, BART operates a heavy rail, electrified, rapid transit system in Alameda, Contra Costa, San Francisco, and San Mateo counties, and will soon operate in Santa Clara County. BART's Daly City-Dublin/Pleasanton line provides regional rail access to the Tri-Valley Area. The line originates at the Daly City BART Station, extends through San Francisco, reaches Oakland via the Transbay Tube, then continues south through San Leandro and Castro Valley before proceeding east to its current terminus at the Dublin/Pleasanton Station. The Dublin/Pleasanton Station serves as a primary transfer point between BART and local, regional, and commuter bus services provided by LAVTA, (Contra Costa) County Connection, Tri Delta Transit, San Joaquin Regional Transit District, Modesto Area Express, Stanislaus Regional Transit, and Amtrak California.

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<sup>17</sup> Metropolitan Transportation Commission (MTC), 2017a. op. cit.

<sup>18</sup> Ibid.

<sup>19</sup> California Employment Development Department (EDD), 2015. San Joaquin County to County Commuting Estimates. March.

**b. Altamont Corridor Express**

The San Joaquin Regional Rail Commission (SJRRC) is the designated owner, operator, and policy-making body for the Altamont Corridor Express (ACE) service, which focuses on connecting northern San Joaquin County, the Tri-Valley and Silicon Valley by providing daily train service from Stockton to San Jose. The ACE service was initiated in October 1998, with two daily round-trip trains between Stockton and San Jose. Running primarily on tracks owned by the Union Pacific Railroad, ACE heavy commuter rail service is operated using diesel-powered locomotives. The 86-mile ACE corridor parallels I-5, I-205, I-580, I-680, and I-880. ACE currently operates four weekday peak period commuter rail trains between Stockton and San Jose, and serves the Tri-Valley Area at three stations: Pleasanton, Downtown Livermore, and Vasco Road in Livermore. Each of these stations provides commuter parking and transit connections. The Downtown Livermore ACE Station functions as a regional transit hub and connects to eight LAVTA bus routes as well as to Amtrak California intercity bus service. There are no direct connections between the ACE system and BART. LAVTA provides a bus route from the West Dublin/Pleasanton Station to the ACE Pleasanton Station, which is about 3.5 miles to the south near the Pleasanton Fairgrounds and Civic Center.

The proposed ACEforward Program, described further in the Rail Service Expansion subsection below, would provide service from Lathrop to Manteca, Modesto, Turlock, and Merced, and increase the number of daily round trips.<sup>20</sup>

**c. Livermore Amador Valley Transit Authority**

LAVTA provides local bus public transit service (Wheels) in the Tri-Valley Area. LAVTA provides fixed-route bus service, consisting of express, local, and school service routes, as well as a flexible dial-a-ride service. LAVTA structures its bus service around two primary transit hubs: the Dublin/Pleasanton Station and the downtown Livermore Transit Center/Livermore ACE Station. Fourteen bus routes provide service to the Dublin/Pleasanton Station and eight bus routes provide service to the Livermore Transit Center.<sup>21</sup> In June 2016, LAVTA approved the Wheels Forward program, which reconfigured existing bus routes and provided more frequent buses, including adding new routes in Livermore, Dublin, and Pleasanton and a new route with all-day 15-minute headways that will receive signal priority at intersections.<sup>22</sup>

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<sup>20</sup> San Joaquin Regional Rail Commission, 2016. Supplemental Notice of Preparation of an EIR. ACEforward – Notice of Additional Project Element – Niles Junction Connections.

<sup>21</sup> Livermore Amador Valley Transit Authority (LAVTA), 2016a. Wheels System Map. Available at: [http://www.wheelsbus.com/wp-content/uploads/2015/07/UPDATED16-LAVTA-0002\\_LAVTA-System-Map-Brochure\\_5-Fold\\_3-4x8-5-1.pdf](http://www.wheelsbus.com/wp-content/uploads/2015/07/UPDATED16-LAVTA-0002_LAVTA-System-Map-Brochure_5-Fold_3-4x8-5-1.pdf), accessed October 27, 2016.

<sup>22</sup> Livermore Amador Valley Transit Authority (LAVTA), 2016b. Tri-Valley Overhauls Bus System to Provide Better, More Frequent Service. June 22.

## 4. Transit Expansion Policies

While BART has specific objectives for extending transit services into Livermore, BART's System Expansion Policy (SEP), MTC's project performance assessment process, and MTC's Resolution #3434 TOD policy provide guidance for major BART investments. Each of these policies is discussed below. As described further below, MTC's Resolution #3434 TOD Policy is not applicable to the Proposed Project or any of the alternatives and is discussed for informational purposes only.

### a. BART System Expansion Policy

To guide BART in the extension and expansion of its system, its Board of Directors adopted a Policy Framework for System Expansion in 1999 and a System Expansion Project Advancement Criteria and Process in 2002 (together known as the SEP).

The SEP identifies criteria for project advancement to be applied when determining whether a new BART expansion project should be recommended for advancement. These criteria include:

- Transit Supportive Land Uses and Access – How well do existing residential and/or employment land uses, intermodal connections, and local land use plans and policies support transit use?
- Ridership Development Plan (RDP) – How well does the project support BART ridership goals, and have the local jurisdictions prepared plans to promote transit supportive land uses and improve access to proposed stations?
- Cost-Effectiveness – How much does it cost to increase ridership?
- Regional Network Connectivity – How well does the project close gaps in the regional transportation network?
- System and Financial Capacity – How does the project affect BART's existing system, and is there a viable capital financing plan and operating financing plan?
- Partnerships – How much community and stakeholder support exists for the project?

Among the chief elements of the SEP is the requirement that one or more RDPs be undertaken for proposed expansion projects of the existing BART system. The RDP(s) seek to increase ridership to support the proposed BART extension and to support development of that ridership through local measures such as transit-supportive land uses and investment in access programs and projects.

### **(1) Ridership Estimates**

Future ridership at the corridor level is estimated using a standard travel demand model that incorporates assumptions about land use, transportation policies, and projected growth. Under the SEP, projected average weekday daily entries and exits associated with new stations are categorized into five ratings, from low to high, as follows:

- Low – less than 5,000 average daily entries and exits
- Low Medium – 5,000 to 9,999 average daily entries and exits
- Medium – 10,000 to 13,999 average daily entries and exits
- Medium High – 14,000 to 20,000 average daily entries and exits
- High – more than 20,000 average daily entries and exits

Ridership projections are taken into consideration by BART and may determine the need for an RDP to include measures that provide a framework for transit supportive land uses and future investment at station areas along the proposed route. Section 3.B, Transportation, and Chapter 5, Project Merits, provide further detail on forecast ridership levels.

### **(2) Ridership Development Plans**

As provided by BART's SEP, in determining whether to advance a system expansion project, BART will consider whether RDPs developed for each station can collectively demonstrate that the project will support increased ridership along with meeting the goals of the SEP. Strategies for boosting ridership include planning and implementation of transit-supportive land uses, improvements in local transportation programs and infrastructure, improvements to multi-modal access including pedestrian and bicycle access, increases in transit feeder services, and development of additional automobile-serving parking facilities (including parking in the station area).

In accordance with the project advancement process in the SEP, the City of Livermore is preparing an RDP in coordination with BART's preparation of this EIR for the BART to Livermore Extension Project; the RDP, known as the Isabel Neighborhood Plan, is described below.

### **(3) Isabel Neighborhood Plan**

The Isabel Neighborhood Plan (INP) would create a TOD plan for the area around the potential future BART station at Isabel Avenue, allowing for denser development around the proposed station area than is currently permitted by the City of Livermore General Plan. The INP is a specific plan that covers approximately 1,138 acres both north and south of I-580 in northwest Livermore. The INP intends to set design standards, create safe and vibrant neighborhoods, create circulation improvements, and promote

compatibility with existing residential development and community character. Full buildout of the INP would entail the following net new uses:

- 4,095 residential housing units
- 1,655,850 square feet of office space
- 240,880 square feet of business park
- 324,310 square feet of neighborhood commercial space
- 296,320 square feet of general commercial space
- 9,148 jobs

The City of Livermore is the lead agency for the INP EIR, which is undergoing a separate environmental review and approval process from the BART to Livermore Extension Project, and the City anticipates that the Draft INP and its Draft EIR will be available for public review in the fall of 2017 and will be considered for approval in the winter of 2017/2018. The City of Livermore is preparing the INP to guide future development around a potential BART station. For the purpose of this EIR, it is assumed the INP would be implemented under the Proposed Project or DMU Alternative/EMU Option, but not under the Express Bus/BRT Alternative or Enhanced Bus Alternative. Please see Section 3.A, Introduction to Environmental Analysis, for further discussion of the INP.

**b. Metropolitan Transportation Commission's Project Performance Assessment Process**

Plan Bay Area 2013 (Plan Bay Area) is the San Francisco Bay Area's Regional Transportation Plan and Sustainable Communities Strategy.<sup>23</sup> A draft update of Plan Bay Area (Plan Bay Area 2040) was published in March 2017. Revisions to the draft Plan Bay Area 2040 and an accompanying Final EIR were published in July 2017; however, this update has not been adopted as of the preparation of this Draft EIR. The MTC used its project performance assessment process to assess transportation projects in Plan Bay Area 2040 which 1) sought discretionary regional funding; and 2) had total project costs greater than \$100 million.

The BART to Livermore Extension Project is listed in both Plan Bay Area 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. Should the BART Board of Directors 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, the adopted project would be subject to

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<sup>23</sup> Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC), 2013. Plan Bay Area 2013. Available at: [http://files.mtc.ca.gov/pdf/Plan\\_Bay\\_Area\\_FINAL/Plan\\_Bay\\_Area.pdf](http://files.mtc.ca.gov/pdf/Plan_Bay_Area_FINAL/Plan_Bay_Area.pdf).

MTC's project performance assessment process, assuming MTC continues to use this process to prioritize discretionary regional funding in future updates to Plan Bay Area. A brief description of this process as it was performed for Plan Bay Area 2040 is provided below. The Enhanced Bus Alternative would not be subject to project performance assessment as its total project costs would be below \$100 million.

The Plan Bay Area 2040 project performance assessment was conducted using quantitative and qualitative metrics. The targets assessment (qualitative) evaluated the extent to which a project supports the region's ability to meet the targets in Plan Bay Area 2040. The benefit-cost assessment (quantitative) evaluated the cost-effectiveness of each project as compared with benefits including travel time, travel time reliability, travel cost, air pollution, collisions, noise, and health. Relative to other projects seeking regional discretionary funding, high-performing projects had both a high targets score and a high benefit-cost ratio. In addition, MTC used a qualitative approach to identify the project's level of support for communities of concern and confirmed that the process provides access to residents of the affected community. Some low-performing projects were included in Plan Bay Area 2040 under the compelling case process, which required project sponsors to document that either: 1) the travel model did not adequately capture project benefits; 2) the project was a cost-effective means of reducing CO<sub>2</sub>, PM, ozone precursor emission; or 3) the project improved transportation mobility/reduces air toxics and PM emissions in communities of concern.<sup>24</sup>

**c. Metropolitan Transportation Commission's Resolution #3434 Transit-Oriented Development Policy**

MTC Resolution #3434 was adopted in 2001 to set forth the Regional Transit Expansion Program, together with a comprehensive funding strategy of local, regional, state and federal funding sources.<sup>25</sup> The resolution was amended in 2005 to include a TOD policy and amended again in 2007. The TOD policy is intended to assist Bay Area jurisdictions in addressing the following goals: (1) improving the cost-effectiveness of regional investments in new transit expansions; (2) easing the chronic housing shortage; (3) creating vibrant new communities; and (4) helping preserve regional open space by ensuring cooperation in creating development patterns that support transit services.<sup>26</sup> The

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<sup>24</sup> Metropolitan Transportation Commission (MTC), 2017b. Plan Bay Area 2040, Performance Assessment Report. March.

<sup>25</sup> Metropolitan Transportation Commission (MTC), 2001. MTC Resolution No. 3434. December 19. Amended September 24, 2008.

<sup>26</sup> Metropolitan Transportation Commission (MTC), 2005. MTC Resolution 3434 Transit Oriented Development (TOD) Policy for Regional Transit Expansion Projects. July 27. Available at: <https://todresources.org/app/uploads/sites/2/2016/06/2005MTCTODPolicy.pdf>, accessed September 14, 2016.

TOD policy applies only to those projects specified in the TOD policy, which are a subset of the total amount of projects funded by Resolution #3434.

The key elements of the regional TOD policy are as follows:

- Corridor-level housing thresholds to quantify appropriate minimum levels of residential development around transit stations along new corridors
- Local station area plans that address future land use changes, station access needs, circulation improvements, pedestrian friendly design, and other key features
- Corridor working groups that bring together congestion management agencies, city and county planning staff, transit agencies, and other key stakeholders to define expectations, timelines, roles, and responsibilities for key stages of the transit project development process

MTC's corridor-level housing thresholds require the overall corridor threshold be met or exceeded through a combination of existing and planned land uses within 0.5-mile of the current end-of-line station and proposed stations. The amount of housing required under these thresholds depends on the type of transit, with greater capital-intensive modes requiring a higher number of housing units.

While the BART to Livermore Extension Project is included in Resolution #3434, it is not listed as one of the transit extension projects subject to the TOD policy. Therefore, these thresholds do not apply to the Proposed Project or any of the alternatives. Nevertheless, for informational purposes, this EIR includes a discussion of the BART to Livermore Extension Project's consistency with these thresholds. Chapter 5, Project Merits, further describes Resolution #3434 in relation to the Proposed Project and Build Alternatives.

## **5. Rail Service Expansion**

This subsection discusses two of the major rail service expansion plans in the Bay Area, the Regional Rail Plan and ACEforward.

### **(1) Regional Rail Plan**

As required by the voters in the Regional Measure 2 Traffic Congestion Relief Program, MTC, Caltrain, BART, and the California High-Speed Rail Authority, in collaboration with a coalition of rail passenger and freight operators, regional partners, and rail stakeholders,

prepared a comprehensive Regional Rail Plan for the Bay Area. MTC adopted the Regional Rail Plan—Final Report on September 26, 2007.<sup>27</sup>

The Regional Rail Plan examined ways to incorporate passenger trains into existing rail systems, improve connections to other rail lines and transit, expand the regional rapid transit network, increase rail capacity, and coordinate rail investment around transit-friendly communities and businesses. Overall, the plan evaluated potential improvements and extensions of railroad, rapid transit, and high-speed rail services in the near-term (5 to 10 years), medium-term (10 to 25 years), and long-term (beyond 25 years).

The Regional Rail Plan for eastern Alameda County called for the preservation of the I-580 corridor for a possible BART extension to Livermore, intermodal connections between BART and ACE services, and increased ACE service.

## **(2) ACEforward**

SJRRC proposes to implement ACEforward, a phased rail infrastructure and service improvement plan to increase frequency, increase service reliability, and enhance passenger facilities along the existing ACE service corridor from San Jose to Stockton and to extend ACE service to Modesto and Merced. This improvement plan would provide the foundation for SJRRC's long-term vision of inter-city/commuter passenger rail services.

ACEforward includes near-term and longer-term improvements. Near-term improvements include plans to increase service to six trains per day and extend service to Modesto. Longer-term improvements include plans to expand service to 10 trains per day and extending service to Merced. Among the longer-term improvements are 11 alternatives to connect ACE to BART in the Tri-Valley Area:<sup>28</sup>

- Alternative P-TV-1a: ACE to BART Isabel Avenue at grade
- Alternative P-TV-1b: ACE to BART Isabel Avenue on elevated structure
- Alternative P-TV-1c: DMU/EMU to BART Isabel Avenue
- Alternative P-TV-1d: Bus shuttle from ACE Livermore to BART Isabel Avenue
- Alternative P-TV-2a: ACE to BART Dublin/Pleasanton at grade
- Alternative P-TV-2b: ACE to BART Dublin/Pleasanton on elevated structure

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<sup>27</sup> Metropolitan Transportation Commission (MTC), San Francisco Bay Area Rapid Transit District (BART), and Caltrain, 2007. Regional Rail Plan for the San Francisco Bay Area, Final Report. September.

<sup>28</sup> San Joaquin Regional Rail Commission, 2017. ACEforward Draft Environmental Impact Report, Description of Longer-Term Improvements, page 3-19. May.

- Alternative P-TV-2c: DMU/EMU to BART Dublin/Pleasanton
- Alternative P-TV-2d: Existing bus shuttle from ACE Pleasanton to BART West Dublin/Pleasanton
- Alternative P-BART-1: BART to Greenville and ACE Greenville Road
- Alternative P-BART-2: BART to ACE Livermore intermodal and ACE Vasco Road
- Alternative P-BART-3: BART to ACE Livermore and ACE Vasco Road intermodal

Most of these alternatives would connect directly to the BART system. For example, Alternatives P-TV-1a, b, and c would extend ACE to the proposed Isabel Station; and Alternatives P-TV-2a, b, and c would extend ACE to the Dublin/Pleasanton Station. Alternatives P-BART-1, 2, and 3 would extend BART to meet ACE at Greenville, the Livermore intermodal or the Vasco Road intermodal. The remaining two alternatives would use a bus shuttle to make the ACE to BART connection.

ACEforward is currently under environmental review and the Draft EIR was published in May 2017. The ACEforward Draft EIR evaluates the near-term improvements at the project level and evaluates the longer-term improvements at the program level. At this time, the 11 alternatives for connections to BART have not been developed sufficiently to allow a project-level evaluation in the Draft EIR and they are not anticipated to be fully developed until at least 2023.<sup>29</sup>

## **E. CEQA ENVIRONMENTAL REVIEW PROCESS**

The Proposed Project and Alternatives are being evaluated under CEQA. The environmental review process is described below. Topics include the scoping process and Notice of Preparation (NOP) for the Draft EIR, a summary of the areas of known controversy and issues to be resolved, the public review process for the Draft EIR, preparation of the Final EIR, and the project approvals process, including the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.

### **1. BART to Livermore Extension Project EIR Scoping**

#### **a. Notice of Preparation**

As a first step in complying with the procedural requirements of CEQA, BART filed an NOP with the California Office of Planning and Research (State Clearinghouse), to announce that a project-level EIR would be prepared, on August 30, 2012. The purpose of the public

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<sup>29</sup> San Joaquin Regional Rail Commission, 2017. op. cit. Introduction, page 1-14. May.

scoping period was to solicit comments on the scope and content of the environmental analysis performed in the Draft EIR. The public scoping period began on August 30, 2012 and ended on October 1, 2012. A copy of the NOP and related materials described below are included in Appendix A of this EIR. The NOP is also available on the BART website at: <http://www.bart.gov/about/projects/liv/environment>.

#### **b. Scoping Notification**

Copies of the NOP were sent to 49 public agencies and approximately 9,200 residents and businesses within 0.5-mile of the project alignment as described in the NOP.

BART created outreach materials to notify stakeholders and the larger Tri-Valley community about the Proposed Project and the scoping meeting. The outreach materials are described below.

- **Mailer.** A scoping meeting notification was mailed to addresses within 0.5-mile of the Proposed Project alignment (including the remote parking location at Laughlin Road). The meeting notification was sent to approximately 9,200 addresses.
- **Community Flyer.** A community flyer describing the NOP and scoping meeting was prepared and distributed at BART stations and other community locations. The flyer provided the scoping notice in four languages in addition to English: Spanish, Korean, simplified Chinese,<sup>30</sup> and Vietnamese.
- **Newspaper Notices.** Newspaper notices of the NOP and scoping meeting were published in the San Ramon Valley Times, Tri-Valley Times, Livermore Independent, and San Francisco Chronicle. Translations were also published in foreign language papers, including the Viet Nam, the Daily News, Kyocharo News—San Francisco (Korean), The Korea Times, Korean Daily News, World Journal (Chinese), Sing Tao Daily (Chinese), and El Mundo (Spanish).
- **BART Website.** The NOP and scoping meeting information was provided on the BART website (<http://www.bart.gov/about/projects/liv>), including translations of the notice information in Spanish, Korean, simplified Chinese, and Vietnamese.
- **Email.** The NOP and meeting notification were distributed by BART's project partner, the City of Livermore, via email to approximately 850 addressees, including the Livermore City Council, Livermore Planning Commission, and City staff. The City posted the NOP on its website; it was also posted in the Livermore Patch (a local news and events website).

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<sup>30</sup> Simplified Chinese characters are one of the two standardized Chinese character sets used in contemporary Chinese written language in mainland China. The other set is the traditional Chinese character set.

### c. Scoping Meeting

On September 19, 2012, an EIR scoping meeting was held at Robert Livermore Community Center (4444 East Avenue, Livermore) to provide information on the Proposed Project and receive comments on the scope of the EIR. The scoping meeting included an informal open house, a presentation by BART on the Proposed Project, and a public comment session. Approximately 85 members of the public and elected officials attended the meeting.

During the scoping meeting, 22 speakers made verbal comments and 18 people provided comments on comment cards. In addition, during the scoping period, 39 written comment letters/emails were received. The Areas of Known Controversy and Issues to be Resolved subsection below lists the topics identified as potentially significant concerns that require consideration in the EIR. Numerous suggestions concerning potential alternatives were also provided by the commenters; these suggestions have been incorporated in the EIR, where applicable and feasible.

## 2. Areas of Known Controversy and Issues to be Resolved

CEQA Guidelines Section 15123(b) requires that areas of controversy known to the lead agency be identified, including issues raised by other agencies and the public. Key issues of concern that were raised during the scoping period are listed below, organized alphabetically by the environmental topics addressed in this EIR. This list identifies the primary concerns that were raised and repeated in several letters and oral comments made. Other issues raised may not be included in this list; however, all comments received have been considered in developing the scope of this EIR. A full list of public comments received during the scoping period is available in the scoping report at <http://www.bart.gov/about/projects/liv/environment>.

### a. Air Quality

- Examine the air quality impacts to sensitive receptors and residents in the project area.

### b. Greenhouse Gases and Climate Change

- Would additional traffic and congestion cause a net increase in GHGs in spite of GHG reductions due to the BART extension?

### c. Land Use

- Examine impacts to agricultural land.
- How do Livermore's Priority Development Areas (PDAs) relate to the BART extension plan?

- What is the zoning and what are the existing land uses around the station site, and is there sufficient land to accommodate a fully integrated neighborhood?

**d. Noise and Vibration**

- Examine the impacts on sensitive receptors in the project area.
- What are the cumulative noise impacts of the automobile traffic and BART trains?

**e. Public Health and Safety**

- Would there be any change to the Airport Protection Area and air traffic patterns?

**f. Transportation**

▪ **Parking**

- Identify full parking need at Isabel Station.
- Address overflow parking that could affect surrounding areas.
- Address the issue of parking demand by commuters from San Joaquin County and other areas east of the Altamont Pass.

▪ **Station Design and Operation**

- What traffic improvements would be needed on local roadways providing access to the station?
- Where would the tail tracks be located, and would they preclude an extension beyond Isabel?
- Would the station be accessible to pedestrians from adjacent neighborhoods?
- What is the breakdown of BART riders arriving at the Dublin/Pleasanton station: pedestrian, automobile, bus, other?

▪ **Traffic Impacts**

- Identify the impacts of parking demand at the Isabel Station by westbound travelers, including traffic impacts on streets leading to the Dublin/Pleasanton Station.
- What traffic impacts would there be to local roads?

▪ **Buses**

- What type of buses with what characteristics (fuel, capacity, size, noise levels) would be used and how many miles per year would they be traveling?
- What are the proposed bus routes and details of operations?
- How would buses affect local traffic conditions and air quality?

- Who would be responsible for operating and maintaining the buses?
- **Construction Impacts**
  - Consider both daytime and nighttime construction impacts on the freeway.
- g. **Visual Resources**
  - Consider the cumulative impacts to scenic resources along I-580 due to the PDAs and developments in Dublin and Pleasanton.
- h. **Community Services**
  - Would BART service and housing surrounding BART stations bring additional crime to Livermore?
- i. **Other Topics**
  - **Recreation**
    - Examine impacts on Shadow Cliffs to Morgan Regional Trail, which travels along Isabel Avenue.
    - Evaluate impacts to Brushy Peak Regional Preserve.
  - **Public Services**
    - What new public services, such as schools and recreation, as well as personal services, would be required by intensified development, and where would they be located?
  - **Alternatives**
    - Provide abundant automobile parking at the proposed Isabel Station.
    - Study a bus rapid transit alternative running from several locations in Livermore, Dublin, and Pleasanton to the existing Dublin/Pleasanton Station. Include a direct connection from the high-occupancy vehicle lanes into the Dublin/Pleasanton Station.
    - Consider an express bus alternative with service to the existing Dublin/Pleasanton Station from transit centers at Greenville and Isabel Avenue.
  - **Issues to Be Resolved**
    - Adoption of a project.
    - Funding availability.

### 3. Draft EIR

This Draft EIR has been prepared following the requirements of CEQA. The focus of the analyses is on the physical impacts that would occur in the project corridor if the Proposed Project or an alternative were adopted and implemented. The Draft EIR describes the existing conditions in the project corridor and then assesses how those conditions would change with construction and operation of the Proposed Project and Alternatives. Where significant impacts are identified, the Draft EIR recommends mitigation measures to reduce or eliminate the potentially significant impacts. Where feasible mitigation measures or alternatives are insufficient to reduce an impact to less than significant, the effect is considered significant and unavoidable.

### 4. Public Review of the Draft EIR

#### a. Accessing the Draft EIR

Copies of the Draft EIR can be reviewed in a number of ways. The Draft EIR can be downloaded from BART's website at: <http://www.bart.gov/about/projects/liv>. To obtain a copy of the Draft EIR on CD-ROM, email [BartToLivermore@bart.gov](mailto:BartToLivermore@bart.gov) or call (888) 441-0434.

The Draft EIR can be reviewed at the following public libraries:

Livermore Library - Civic Center Branch  
1188 South Livermore Avenue  
Livermore, CA 94550

Pleasanton Library  
400 Old Bernal Avenue  
Pleasanton, CA 94566

Springtown Library  
998 Bluebell Drive  
Livermore, CA 94551

Dublin Public Library  
200 Civic Plaza  
Dublin, CA 94568

Rincon Library  
725 Rincon Avenue  
Livermore, CA 94551

The Draft EIR and related documents can also be reviewed at the following location:

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

Contact the BART to Livermore Extension Project to set up an appointment by using the email address or phone numbers above.

**b. Commenting on the Draft EIR**

This Draft EIR is being distributed for a 45-day public review and comment period, which extends from July 31, 2017 through September 14, 2017 at 5:00 p.m. During the public review period, two public meetings will be held to receive comments on the Draft EIR as noted below.

Readers are invited to submit comments on the adequacy of the document; that is, does this Draft EIR identify and analyze the possible environmental impacts of the Proposed Project and Alternatives, and recommend appropriate mitigation measures? Comments are most helpful when they are specific and focused on the environmental assessment—for example, by identifying specific impacts that need further evaluation and what additional information is desired, or by describing alternatives or mitigation measures that would better address significant environmental effects. Per CEQA Guidelines Section 15096(d), responsible agencies are requested to provide comments on the project activities within the agency’s area of expertise and to support those comments with either oral or written documentation.<sup>31</sup>

Written comments should be submitted to:

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

Comments may also be sent via the website (<http://www.bart.gov/about/projects/liv>), or via email at [BartToLivermore@bart.gov](mailto:BartToLivermore@bart.gov). For more information, please call (888) 441-0434. (Please note, however, that comments cannot be accepted by phone.)

Two public meetings will be held to accept comments on the Draft EIR. The purpose of these meetings is to provide an opportunity for public agencies and members of the public to comment on the Draft EIR; comments can be provided verbally or written comments can be submitted. Meetings will be held at the following times and locations:

Date: Tuesday, August 22, 2017

Time: 6:00-9:00pm

Location: Robert Livermore Community Center  
4448 Loyola Way  
Livermore, CA 94550

Date: Tuesday, August 29, 2017

Time: 6:00-9:00pm

Location: Shannon Community Center  
11600 Shannon Avenue  
Dublin, CA 94568

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<sup>31</sup> CEQA Section 21069 defines a responsible agency as a public agency, other than the lead agency, which has responsibility for carrying out or approving a project.

The Notice of the Availability of the Draft EIR, which explains how to submit written or verbal comments on the EIR and the dates and locations of the public meetings has been mailed to responsible agencies and noticed to the public in the following ways:

- Published in The Independent, Pleasanton Weekly, Pleasanton Express, Danville Express, East Bay Times, Tri Valley Times, and San Ramon Valley Times
- Mailed to addresses within 0.5-mile of the footprints of the Proposed Project, DMU Alternative, and Express Bus/BRT Alternative
- Emailed to addresses on BART's email notification list and to all individuals and organizations who have submitted a written request for notification concerning the Proposed Project

## **5. Final EIR**

Following the close of the public review and comment period, BART will prepare written responses to address all substantive written and oral comments received on the Draft EIR. The Final EIR will consist of the Draft EIR, comments received during the public review period, responses to those comments, and any revisions to the Draft EIR as a result of public agency and public comments, together with any other revisions initiated by BART.

## **6. Project Review and Approval**

The BART Board of Directors must certify that it has reviewed and considered the information in the Final EIR and that the Final EIR has been completed in conformity with the requirements of CEQA before any decision can be made regarding the project.

An EIR is an informational document; its purpose is to make the public and decision-makers aware of the environmental impacts of a project. As described previously, BART is the lead agency for this EIR, and the BART Board of Directors will review the Final EIR and weigh the potential project impacts against the benefits and any other economic, legal, social, technological, and other considerations to determine whether the Proposed Project or an alternative should be approved as proposed, approved with modifications, or not approved.

Pursuant to CEQA Guidelines Section 15091, no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant effects of the project, unless the public agency makes one or more of the following findings, which must be supported by substantial evidence in the record:

- Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the Final EIR.

## **7. Statement of Overriding Considerations**

If the BART Board of Directors decides to approve the Proposed Project or an alternative with significant effects that are identified in the Final EIR, but which are not avoided or substantially lessened, the BART Board of Directors must prepare a Statement of Overriding Considerations that makes findings that any unavoidable significant effects are acceptable due to overriding considerations as described in CEQA Guidelines Section 15093. In preparing this statement, CEQA requires the BART Board of Directors to balance the benefits of the proposed action against its unavoidable environmental impacts. If the benefits of the adopted project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable (CEQA Guidelines Section 15093). If an agency makes a Statement of Overriding Considerations, the statement must be included in the record of the proposed action approval.

## **8. Mitigation Monitoring and Reporting Program**

As part of the approval process, the BART Board of Directors must also consider and adopt a mitigation monitoring and reporting program (MMRP) for any required mitigation measures. The MMRP will include all mitigation measures that BART intends to implement to avoid or reduce significant effects identified in the Final EIR. For each measure, the MMRP will identify the following items: the responsible party for implementing the mitigation measure; the timeframe by which the measure shall be implemented; and whether there are criteria to determine the success or effectiveness of the mitigation measure. BART will use the MMRP as a mechanism to track implementation of all mitigation measures required for the adopted project.

## **F. NATIONAL ENVIRONMENTAL POLICY ACT**

This EIR evaluates the Proposed Project and Alternatives under CEQA. If a project goes forward, it may also require evaluation under National Environmental Policy Act (NEPA). Projects which make certain modifications to a federal highway or require federal

funding are subject to NEPA. Both the Proposed Project and the DMU Alternative would likely require federal funding. The Express Bus/BRT Alternative would affect access to I-580. Therefore, the Proposed Project and two of the three Build Alternatives would likely require an Environmental Impact Statement under NEPA. An Environmental Impact Statement, should one be necessary, would be prepared subsequent to completion of the CEQA process and BART Board of Directors adoption of the Proposed Project, DMU Alternative (or EMU Option), or Express Bus/BRT Alternative. It is anticipated that the Enhanced Bus Alternative would not be subject to NEPA.

Projects which modify a federal highway or require federal funding are also subject to requirements for evaluation of impacts on properties listed or eligible for listing on the National Register of Historic Places, under National Historic Preservation Act Section 106 (Section 106), and publicly owned parks, recreational areas, historic sites of national, state or local significance, and wildlife and waterfowl refuges under the federal Department of Transportation Act Section 4(f), codified at United States Code Title 49, Section 303 (Section 4(f)). Evaluations under Section 106 and Section 4(f) would be prepared in conjunction with NEPA review.

## G. ORGANIZATION OF THIS EIR

This Draft EIR is organized as described below by chapter.

- **Summary** – This section summarizes the Proposed Project and Alternatives and the impacts and mitigation measures identified in this Draft EIR.
- **Chapter 1, Introduction** – This chapter provides a historical overview of the Proposed Project and the reasons it is being considered, the purpose and scope of the EIR, a summary of the environmental and public review process, and a brief outline of this document's organization.
- **Chapter 2, Project Description** – This chapter provides a detailed description of the Proposed Project and Alternatives, system operations, projected ridership, capital and operating costs, and anticipated construction schedule and activities. In addition, this chapter describes the alternatives that were considered but withdrawn.
- **Chapter 3, Environmental Analysis** – The Proposed Project and Alternatives are analyzed in this chapter for each of the EIR's environmental topics. Each environmental topic section describes the environmental setting (or existing conditions); outlines the regulatory framework; and discusses the construction-related, operations-related, and cumulative impacts. Each impact discussion includes the standards used to determine the significance of environmental impacts, and provides mitigation measures that would avoid or minimize significant or potentially significant environmental impacts, where feasible.

- **Chapter 4, Other CEQA Considerations** – As required by Section 15126.2 of the CEQA Guidelines, this chapter summarizes significant and unavoidable environmental impacts, irreversible changes to the environment, and growth-inducing impacts of the Proposed Project and Alternatives. This chapter also describes the environmentally superior alternative.
- **Chapter 5, Project Merits** – This chapter evaluates how well the Proposed Project and Alternatives enhance or improve upon the existing conditions, meet BART SEP objectives, support MTC Resolution #3434, and support Plan Bay Area.
- **Chapter 6, List of Preparers and References** – This section identifies the individuals responsible for the preparation of this EIR and provides a list of references.

## H. INTENDED USES OF THIS EIR

As described previously, the BART Board of Directors will review this report and other considerations to determine whether the Proposed Project or an alternative should be approved as proposed, approved with modifications, or not approved. This Draft EIR will also be reviewed by other public agencies, including the local jurisdictions, and by the interested individuals and groups, to evaluate the potential impacts of the BART to Livermore Extension Project as well as the proposed mitigation measures and alternatives to reduce potential environmental impacts.

Other public agencies besides the lead agency have discretionary authority over permits or other approvals needed for a project. These agencies, known as responsible agencies, will review the Draft EIR and may comment during the public review period. In particular, the Proposed Project, the DMU Alternative, and to a lesser degree, the Express Bus/BRT Alternative, include widening the California Department of Transportation (Caltrans) ROW and relocating the I-580 lanes to accommodate rail or bus infrastructure in the highway median. Existing freeway interchanges, on- and off-ramps, freeway structures such as overcrossings, and surface frontage roads would be reconfigured to accommodate the increased ROW width. These alterations must be approved by Caltrans, which owns and has jurisdiction over the ROW. In addition, construction activities that could impede vehicle movement are subject to the authorized configurations and traffic safety requirements of Caltrans. Therefore, Caltrans will be one of the primary responsible agencies for the BART to Livermore Extension Project and will rely on this EIR for its approvals.

In addition, other agencies, known as trustee agencies, may review this document because the BART to Livermore Extension Project may affect resources over which they have jurisdiction. The responsible and trustee agencies from whom permits or approvals would likely be needed are listed in Table 1-1.

**TABLE 1-1 PUBLIC AGENCIES WITH POSSIBLE FUTURE PERMIT AND/OR APPROVAL AUTHORITY**

<b>Agency</b>	<b>Statutory Authority</b>	<b>Permit or Approval Jurisdiction, Actions Covered</b>	<b>Action/Approvals Required</b>
<b>Federal</b>			
U.S. Environmental Protection Agency	Section 404 permit (Clean Water Act Amendment of 1977); Clean Air Act of 1970 as amended	Section 404 oversight	Review of U.S. Army Corps of Engineers Permit application
U.S. Army Corps of Engineers	Section 404 permit (Clean Water Act)	Section 404 – permits for discharge of dredged or fill materials into waters of the United States, including jurisdictional wetlands according to Section 404(b)(1) guidelines. An Individual Permit and Section 404(b)(1) Alternatives Analysis may be required.	ENG form 4345 “Application for a Department of the Army permit” or Individual Permit
U.S. Fish and Wildlife Service	Section 7 (Federal Endangered Species Act of 1972); Migratory Bird Treaty Act of 1918	Section 7 – Taking (kill, harm, capture, harass, etc.) of endangered and other special-status plant or animal species	Section 7 Biological Opinion for the take of federally listed species
Federal Aviation Administration	Federal Aviation Administration Regulations Part 77 – Objects Affecting Navigable Airspace	Review of project for potential effects on aircraft safety	Project plans
Federal Transit Administration	NEPA, Moving Ahead for Progress in the 21st Century Act	Environmental Impact Statement; approval and funding decision	Review of Environmental Impact Statement
<b>State</b>			
California Department of Fish and Wildlife	California Endangered Species Act; Fish and Game Code Sections 1601–1603 review	Sections 1601–1603 – Lake and Streambed Alteration Agreement, review of project for potential to alter streamflows or the bed and bank of a stream, lake, or pond. California Endangered Species Act – Review of project for “take” of endangered and other special status plant or animal species.	Review of this EIR Form # FG2023 “Notification of Lake or Streambed Alteration.” Section 2081 Permit for the take of State listed species
California Department of Transportation (Caltrans)	California Streets and Highways Code	Modifications to the State Highway System or within State-owned ROW	Project reports and plans
California Public Utilities Commission	Operating/Safety Approvals	Operating/safety approvals	Project plans

**TABLE 1-1 PUBLIC AGENCIES WITH POSSIBLE FUTURE PERMIT AND/OR APPROVAL AUTHORITY**

<b>Agency</b>	<b>Statutory Authority</b>	<b>Permit or Approval Jurisdiction, Actions Covered</b>	<b>Action/Approvals Required</b>
California Department of Toxics Substances Control	Resource Conservation and Recovery Act of 1976; Hazardous Waste Control Law	Review and oversight of cleanup of sites where surface and/or subsurface contamination has occurred due to the potential release of hazardous materials or wastes	Project plans
California Department of Toxics Substances Control or U.S. Environmental Protection Agency	Resource Conservation and Recovery Act, Title 22 of the California Code of Regulations 66262	Hazardous waste identification number	Obtain registration number(s) for hazardous waste generation (e.g., maintenance-related operations) from U.S. Environmental Protection Agency or California Department of Toxics Substances Control dependent upon quantity and type of hazardous waste generated
State Water Resources Control Board	Section 401 of Clean Water Act Section 402(o) of Clean Water Act	Section 401 – Clean Water Act Section 401 Water Quality Certification Section 402 – National Pollutant Discharge Elimination System General Permits, which regulate discharges of stormwater from construction and industrial activities	Regional Water Quality Board certification. Permit Registration Documents for Notice of Intent and/or No Exposure Certification for stormwater general permit coverage
State Historic Preservation Office	Section 106 of the National Historic Preservation Act	Review of Section 106 determination	SHPO concurrence with Section 106 determination
Native American Heritage Commission	PRC Section 5097	Review of project for potential disturbance to Native American heritage/burial sites	Consultation letter; review of this EIR

**TABLE 1-1 PUBLIC AGENCIES WITH POSSIBLE FUTURE PERMIT AND/OR APPROVAL AUTHORITY**

<b>Agency</b>	<b>Statutory Authority</b>	<b>Permit or Approval Jurisdiction, Actions Covered</b>	<b>Action/Approvals Required</b>
<b>Regional</b>			
Regional Water Quality Control Board	Section 401 and 402 of Clean Water Act; Porter-Cologne Water Quality Control Act	Section 401 and Porter-Cologne Water Quality Control Act – Water Quality Certification, or waiver thereof, for construction in wetlands areas determined to be under U.S. Army Corps of Engineers jurisdiction (certification required before U.S. Army Corps of Engineers Section 404 permit may become effective) Section 402 – National Pollutant Discharge Elimination System permit, which regulates discharge into surface waters	Application for Section 401 Water Quality Certifications and/or Report of Waste Discharge Copy of application to federal agency for permit (e.g., for Section 404 permit), EIR, copy of Section 404 (b) (1) alternative analysis, proposed mitigation plan, if any; Stormwater Pollution Prevention Plan
Metropolitan Transportation Commission	Section 176 (c) of Clean Air Act of 1970 as amended; MTC Resolution #3075;	Review all applications for State or federal funding	Project plans and EIR
BART	CEQA	Lead agency for EIR; approval of project and expenditure of funds	Certification of EIR and approval of Findings and Statement of Overriding Considerations
Bay Area Air Quality Management District (BAAQMD)	Clean Air Act of 1970 as amended; BAAQMD Regulation 2 (Permits)	Agency with responsibility for permitting of stationary air pollutant sources; Issuing Permit to Operate	Issue permit for diesel-fueled emergency generator
<b>Local</b>			
Alameda County	Encroachment permit	Possible encroachment permit for construction within County-owned ROW	Project plans
City of Livermore	Encroachment permit; 44 Code of Federal Regulations (CFR) 60.3 (Flood plain management criteria)	Possible encroachment permit for construction within City-owned ROW; review project for consistency with 44 CFR 60.3	Project plans, including hydraulic design
City of Pleasanton	Encroachment permit	Possible encroachment permit for construction within City-owned ROW	Project plans
City of Dublin	Encroachment permit	Possible encroachment permit for construction within City-owned ROW	Project plans

**TABLE 1-1 PUBLIC AGENCIES WITH POSSIBLE FUTURE PERMIT AND/OR APPROVAL AUTHORITY**

<b>Agency</b>	<b>Statutory Authority</b>	<b>Permit or Approval Jurisdiction, Actions Covered</b>	<b>Action/Approvals Required</b>
Alameda County Transportation Commission	CEQA	Review project for conformance with Alameda County Transportation Commission’s transportation plans	Review of this EIR
Alameda County Airport Land Use Commission	Public Utilities Code Section 21670	Review project under the “Determination of Plan Consistency” process	Project plans
Zone 7 Water Agency	CEQA; 44 CFR 60.3 (Flood plain management criteria); encroachment permit	Review project for conformance with Zone 7 requirements; review project for consistency with 44 CFR 60.3 and obtain encroachment permit for Zone 7 facilities	Project plans, including hydraulic design
Livermore Amador Valley Transit Authority	CEQA	Review project for conformance with Livermore Amador Valley Transit Authority transit plans	Review of this EIR
Livermore-Pleasanton Fire Department	California Health and Safety Code Section 25404	Local Certified Unified Program Agency with responsibility for issuing Unified Permits in the cities of Livermore and Pleasanton.	Issue Unified Permit for hazardous materials use, hazardous waste generation, and/or aboveground petroleum tanks (e.g., maintenance-related operations, fuel storage areas)
Alameda County Department of Environmental Health	California Health and Safety Code Section 25404	Local Certified Unified Program Agency with responsibility for issuing Unified Permits in the city of Dublin and unincorporated areas of Livermore and Pleasanton	Issue Unified Permit for hazardous materials use, hazardous waste generation, and/or aboveground petroleum tanks (e.g., maintenance-related operations, fuel storage areas)

