

Letter 22

LAW OFFICE OF MARC CHYILO

ENVIRONMENTAL LAW

April 25, 2005

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BART Warm Springs Extension
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Re: Draft BART Warm Springs Extension DEIS

Dear Ms. Lerman and Ms. Adams:

Please accept these comments on behalf of my client, Transportation Solutions Defense and Education Fund (TRANSDEF), a non-governmental organization active in the Bay Area for the last ten years, advocating good regional planning and cost-effective transit.

Commenters believe that DOT's action will have grave adverse consequences for the Bay Area's transportation system from the inappropriate direction of a huge percentage of available discretionary transportation funding to a project that is relatively inefficient and will serve a small, elite portion of Bay Area residents. This project will deprive other more appropriate and more efficient transportation projects of funding, and thereby discriminate against transit dependant persons. In the abstract, and assuming unlimited governmental subsidies for BART, the system offers benefits to the region's connectivity and mobility. When considered in the reality of the day, where state and federal transportation funds are not growing to meet the multitude of needs present in the Bay Area, and where there are a number of other transportation needs that are not being met, this project should be carefully and closely analyzed. This is the requirement of federal law, however the DEIS fails in this purpose, and thus should be amended to more completely describe the project, fully disclose its impacts, including cumulative impacts, list and analyze the viable alternatives, and then recirculated in compliance with law. Any DOT action to approve this project in reliance upon the DEIS as circulated would be legally vulnerable and a disservice to the people of the Bay Area.

22-1

I. Purpose and Need

A stable, complete and adequate description of the project's purposes and objectives is essential for an adequate alternatives analysis. Although the generalized purpose of increasing transit

22-2

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BART Warm Springs Extension DEIS Comments
 April 25, 2005
 Page 2

ridership and reducing auto use and thus the need to expand roadways is stated, Chapter 2 impermissibly refines the project into a BART-only project, prejudicing any alternatives analysis and precluding adequate NEPA compliance.

Commenters believe the effect of the truncating of the project purpose and need so effectively "define[s] competing 'reasonable alternatives' out of consideration (and even out of existence)." *Simmons v. Army Corps of Engineers*, 120 F.3d 664 (7th Cir., 1997). Importantly, MTC has embraced a transportation/land use platform and ABAG has substantially revised its population projections within the region as urban core areas are revitalized and the benefit of robust public transit services makes these living circumstances more attractive, and the far flung area, such as Fremont, less so. The DEIS has narrowed the project purpose and description, and truncated its alternatives analysis based on land use and population projections that have since been revised. The ABAG 2003 projections are quite different from the 2002 projections relied on in the DEIS. Note that the 2003 projections are the basis for the MTC Regional Transportation Plan, each of which are hereby incorporated by reference in these comments. The DEIS fails to accurately and completely describe the project's scope and purpose, and thereby allow a fair consideration of alternatives. The purpose must be updated to reflect the most recent population projections, and incorporate the RTP which draws a greater focus on smart growth and increased density in urban core areas, and less our I the fringes, including Fremont.

22-2
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Further, the project purpose and objectives avoids any consideration of the needs of or impacts to the transit dependant community, for whom environmental justice issues are more important. The project purpose is itself prejudicial – providing transit access that meets the needs of "choice" riders by "attracting riders to transit who would otherwise use local or regional roadways." DEIS at 2-5. The only reference to equity in the project purpose refers to providing multi-modal access, and not ensuring that the project will not discriminate against the needs of the transit dependant community that is suffering diminishing service and increasing fares.

2. Alternatives Analysis - The EIS Fails to Consider A Reasonable Range of Alternatives

The current DEIS fails to consider a reasonable range of alternatives. This project history indicates that alignment and other project features have been modified to respond to local jurisdiction objections and other considerations. A number of alternative transportation systems have also been suggested that would have lesser impacts and higher efficiencies, including bus rapid transit and high speed commuter rail.

22-3

DOT's NEPA regulations establish the central role of an alternatives analysis in a NEPA environmental review document. 23 C.F.R. § 771.105(b). The alternatives analysis "is at the heart of the environmental impact statement." 40 C.F.R. § 1502.14(a); *Friends of Southeast's Future v. Morrison*, 153 F.3d 1059, 1065 (9th Cir. 1998). Rather than include consideration of alternatives, the DEIS defers instead to another document, which the DEIS purports to simply incorporate by reference.

BART Warm Springs Extension DEIS Comments
April 25, 2005
Page 3

Commenters and others have raised concerns that connecting BART to San Jose at this time will usurp virtually all discretionary transportation funds in the Bay Area for many years into the future. Commenter attaches and includes the "TRANSDEF RTP Alternative" as evidence that much greater public transportation benefits could be provided from directing these funds to other type of projects. The RTP EIR examined how changed land use assumptions and strategic transit investments provided a viable alternative to MTC's proposed RTP. Although the TRANSDEF alternative was not adopted in its entirety, and number of the concepts have been embraced by MTC, and offer a practical alternative to the connection of BART to San Jose, avoiding the extraordinary costs associated with this form of transit and offering means to address existing disproportionalities.

Specifically, the EIS must examine other projects that can achieve the project purposes with lesser environmental effect, and it is commenter's conclusion that there are many. MTC's RTP includes an intercity rail service between Oakland and San Jose that would parallel the project and BART's service to San Jose. MTC Resolution 3434; Draft RTP page 80. That service will increase to 16 trains per day. While it may not offer a stop at the proposed Warm Springs Station, it does possess the ability to provide regional commuter service from the Fremont area both north to Oakland, where transfer to BART is possible, and south to San Jose. Commenters contend that this represents a reasonable alternative that could meet the project's true purposes at considerably less cost. "The existence of reasonable but unexamined alternatives renders an EIS inadequate." *Friends of Southeast's Future, supra*, 153 F.3d at 1065, citing *Alaska Wilderness Recreation & Tourism Ass'n v. Morrison*, 67 F.3d 723, 729 (9th Cir. 1995).

22-3
cont.

Incorporating another environmental review document by reference fails to advise decisionmakers and the public of the facts, conclusions and rationale underlying the environmental review document and its conclusions. The public must go through a challenging process of obtaining another lengthy environmental review document, reviewing that document in total to identify the sections which DOT may be referencing and relying, consider that analysis, then correlate the two analyses to understand the DEIS. That is an unreasonable burden to place on the public, and creates enormous opportunities for error if the public relies upon different language than that which the DEIS drafters have relied upon. Language is subject to differing interpretations, and the public may make a different interpretation than the one the DEIS drafters made.

Commenters believe it is vastly preferable, and required by governing law, that DOT include the alternatives analysis language that they have relied upon in the DEIS. At a minimum, the DEIS should contain: 1) a readily available web site and physical address where the referenced document may be reviewed; 2) the specific page numbers and other citations to the precise language and analysis that the DEIS has relied upon; and 3) a summary in the DEIS of the critical facts, the analysis and the conclusions that the DEIS relies upon in its conclusions that there are no other feasible alternatives. The DEIS' mere summary of conclusions fails to apprise

BART Warm Springs Extension DEIS Comments
April 25, 2005
Page 4

the public of the analysis and allow a critical testing of the underlying facts, assumptions and conclusions.

Additionally, the EIS must identify and disclose potential adverse effects from BART's usurpation of a considerable portion of available transportation funds, and the effect that the direction of a large proportion of regional transportation funds to a single project will have on other projects that are responding to other transportation requirements but must compete with the immediate project for funds. This disclosure is important in indicating the need to more carefully examine alternatives, including alternatives that might be able to provide the basic project purposes, perhaps not in the same style, but at a fare reduced cost, liberating funds to meet the needs of the transit dependant.

22-3
cont.

3. Cumulative Impact Analysis

A. San Jose BART Service

The DEIS is devoid of analysis of the cumulative effects, both direct and indirect, of the planned extension of BART to San Jose and beyond. While the DEIS attempts to address some of the impacts from the WSX project, it must also examine the same sorts of direct and indirect impacts that will occur from the extension of BART to San Jose and beyond. These impacts result from reasonably foreseeable future actions and thus must be identified. 40 C.F.R. § 1508.7.

B. Development in the Warm Springs station region

The DEIS fails to adequately analyze a lynch-pin of this project's environmental review – its growth inducing impacts. Currently, the Warm Springs area is largely suburban. The Bay Area's Metropolitan Transportation Commission (MTC) has recognized, as have thousands of other communities and as is documented in a myriad of academic and research reports, the benefits of using "smart growth" principles in land use design. One such smart growth land use tool is "transit-oriented development." DOT has discovered this, and it is even addressed on the FTA website http://www.fta.dot.gov/grant_programs/transportation_planning/statewide_metropolitan/planning_resources/8129_8184_ENG_HTML.htm. While the DEIS makes vague references to the use of transit-oriented development, there is no mechanism to assure it will take place or be effective. In the absence of these mechanisms, history has shown these to be false promises that are rarely brought to fruition.

22-4

Significantly, the project includes a parking garage for over 2000 cars. This element of the project will be a major indirect source of traffic and air pollution. It is apparent from the DEIS that smart growth and transit-oriented development is not being required or imposed in the WSX station region, and thus the surrounding land uses will largely remain low density suburban sprawl. Sprawling suburban land use patterns are highly inefficient – requiring greater municipal

BART Warm Springs Extension DEIS Comments
April 25, 2005
Page 5

resources to service and a higher increment of natural resources. Energy and water consumption is higher, sewage and trash generation rates are higher, auto trip generation is higher, and public infrastructure is more expensive and inefficient. See <http://www.sierraclub.org/sprawl/> generally, and <http://www.sierraclub.org/sprawl/report00/sprawl.pdf> specifically for evidence how uncontrolled sprawl imposes environmental and economic costs on communities. The DEIS must describe the likely adverse environmental consequences of its decision on the WSX station – substantial amounts of inefficient land use development in the area surrounding the station. This sprawl necessitates auto-dependant transportation patterns, including such actions as driving short distances to the BART station, which actually can increase emissions due to cold-start/hot soak phenomenon. These features impact air quality and traffic congestion. The DEIS fails to consider as either mitigation or an alternative a mandate increasing the density of housing in the immediate area surrounding the station. Each should be included in the EIS.

DOT should note that MTC's RTP "conditions Resolution 3434 discretionary funds allocations on local governments taking steps to implement the Smart Growth Vision through general plan amendments and zoning changes. This new approach both responds to the Bay Area's acute housing shortage and gets the most "bang for the buck" out of these costly rail transit extensions." Draft RTP, page 5. MTC could not so condition funds for the BART extension as they had been previously programmed, but DOT can and should employ the same strategy in conditioning its discretionary funds that are used for BART extensions. Otherwise, the weak and unenforceable recitations in the DEIS will have no mitigative effect.

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C. Usurpation of Funding and Displacement of Other Necessary and Beneficial Projects

The DEIS fails to address an important indirect effect of DOT action. The Bay Area currently experiences more unmet transit needs than it has financial resources to address. RTP at 33, attached as Exhibit 1. The vast majority of the unmet transit needs are experienced in communities that have high percentages and proportions of persons of low income and/or of color that rely more extensively on public transit than more affluent and Anglo populations. Disproportional impacts to these communities implicate environmental justice issues under state and federal law. The impact of this project upon these "target" populations must be articulated and mitigated.

Current levels of public transit funding is inadequate to need the needs of target populations, leading to lawsuits, public unrest and angst among these populations. See Exhibits 2-5, RTP DEIR pages 3.1-14, 3.1-16, and 3.1-20 and the RTP Equity analysis Report, page 5-31, respectively. The BART extension involves committing upwards of \$7 billion – well over half of all transit funds identified in the Regional Transportation Plan for the next 25 years. RTP, page 35.

BART Warm Springs Extension DEIS Comments
 April 25, 2005
 Page 6

As articulated in the TRANSDEF alternative to the RTP, the allocated of a greater proportion of available transportation dollars to the needs of these target populations can, in fact, address may disproportionalities and provide more overall public transit to the Bay Area. See Exhibit 6-7, RTP DEIR Appendix D.1 and FEIR pages 2-17 & 2-18. In essence, BART is a very inefficient use of limited transit funds, and the commitment of funds to BART excludes the potential to fund other more efficient projects. The DEIS must address this significant adverse consequence.

22-4
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Additionally, NEPA requires disclosure that this project will require the irretrievable commitment of considerable financial resources that will foreclose other transportation options and benefits. This issue must be addressed explicitly in the EIS.

These issues must also be addressed in the project's financial element, which otherwise omits critical information concerning the project's impacts.

4. Segmentation

It is folly to label the WSX alternative, and the Warm Springs termini, as possessing independent utility. The region surrounding the proposed Warm Springs termini is largely undeveloped, as reflected by the fact that much of the external infrastructure will be built at a future time. There is no independent utility from building a highly growth-inducing infrastructure in an undeveloped area. Recitation to statements of legislative intent do not create a purpose for a project, but, in this case, reflect the intense political nature of a multi-billion dollar public transit project. The only "independent utility" of WSX is to serve as a stepping stone to the San Jose BART connection – a \$6 billion plus project. The entire Fremont to San Jose BART connection is the project, and DOT has omitted a complete evaluation of this project's impacts by addressing this interconnected project in pieces.

DOT has committed a fatal error in segmenting the Fremont-WSX segment of BART extension from the WSX-San Jose segment, which coincidentally has been proceeding along a nearly perfectly parallel track, with the CEQA environmental impact report certified in December 2004, a mere 5 months prior to the date of the instant document.

22-5

DOT's environmental review regulations mandate that "[t]o the fullest extent possible, all environmental investigations, reviews and consultations be coordinated as a single process, and compliance with all applicable environmental requirements be reflected in the environmental document required by this regulation." 23 C.F.R. § 771.105(a).

The DEIS asserts that "[t]he courts have recognized that linked regional transportation improvements are commonly carried out incrementally in a series of projects or phases, implemented in some cases by different agencies, rather than all at once. An individual transportation project may be separately reviewed under NEPA if it has "independent utility (i.e., the project does not depend upon connection to another project for its justification and need) and

BART Warm Springs Extension DEIS Comments
 April 25, 2005
 Page 7

in "logical termini" (i.e., termini at locations where there is access to the project, not isolated locations that only make sense when connected to the other project.)" DEIS at 5-2 to 5-4.

The DEIS fails to cite the cases that support their assertion, and none have been found based on Commenter's research. The WSX is far from possessing independent utility, and the projects are inextricably linked, as observed by EPA in their May 2004 comment letter. DOT is well aware that BART's extension to San Jose has been the desire of San Jose officials for decades, and BART has worked very hard to achieve this result, in spite of extraordinary costs and very limited projected ridership. Projected ridership at WSX is very limited, particularly in comparison to San Jose. What would be the BART ridership to San Jose absent WSX? Zero. This assertion of independent utility is simply not supportable. The DEIS has a duty to disclose all relevant information, including a meaningful cumulative impacts analysis. This has been avoided in the instant document, and cannot be condoned.

22-5
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5. Best Public Interest Analysis Issues

The DEIS must include a "best overall public interest" provision in its analysis. This analysis philosophically underlies all DOT transportation decisionmaking, and is codified at 23 U.S.C. § 109(h) pertaining to highway projects, however the same language and purpose is recited in DOT's generic NEPA regulations that control here, at 23 C.F.R. § 771.105. "It is the policy of the [DOT] administration that: (a) [all environmental reviews and issues] be coordinated as a single process, and compliance with all applicable environmental requirements be reflected in the environmental document required by this regulation [and] (b) alternative courses of action be evaluated and decisions be made in the best overall public interest based on a balanced consideration of the need for safe and efficient transportation; of the social, economic, and environmental impacts of the proposed transportation improvement; and of national, State, and local environmental protection goals." 23 C.F.R. § 771.105(a) & (b).

22-6

Thus, in addition to NEPA compliance, the DEIS must contain a public interest evaluation which considers, *inter alia*, social and economic impacts. Commenters believe that the WSX project, and its correlative extension to San Jose, will have substantial and adverse social and economic effects. Specifically, the lower income communities, that are experiencing growth at the same or higher rates as the region, will experience continuing reductions in the levels of transit service over time. The financial resources necessary to remedy those social effects – increasing the number and quality of bus service – will be unavailable due to the WSX and San Jose extensions' consumption of all available discretionary transportation dollars.

The degradation of transit service for transit dependant communities will worsen their economic vitality, increasing unemployment and under-employment as the lack of adequate transportation will reduce the size of the area that a transit dependant applicant may reasonably seek work.

BART Warm Springs Extension DEIS Comments
 April 25, 2005
 Page 8

Representatives of the environmental justice community have consistently asserted that MTC has improperly advanced funding for expensive choice transit systems to the detriment of transit dependant community needs. MTC's response has been to offer token grants under its Transportation for Liveable Communities program. MTC awarded grants of about \$60 million to this, while the extension of BART to San Jose will cost more than \$6 billion. As transportation funds have become less available and more competitive, it takes a higher and higher diversion of discretionary funds to keep the BART extension alive, and once the WSX leg is approved, the extension to San Jose may be viewed as a forgone conclusion. The DEIS must review and analyze this issue before allowing the irretrievable commitment of nearly \$700 million to the WSX extension.

22-6
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6. Failure to Describe Federal Portions and Linked Mitigation

DOT regulation allow the use of federal funds for mitigation of those project impacts associated with the federal portion of the project. 23 C.F.R. § 771.105(d). The DEIS fails to articulate with any precision what the DOT or BART consider to be the federal elements of the project (see project description and purpose comment, above) and thus the federal mitigation requirements, and compliance, remain a mystery. Federal funding for mitigation is only available when the Administration makes an affirmative determination that: "The impacts for which the mitigation is proposed actually result from the Administration action." 23 771.105(d)(1). Significantly, the EIS for the other leg of this project, WSX to San Jose, fails to similarly articulate DOT must revisit this analysis in the instant DEIS.

22-7

For all the reasons stated above, TRANSDEF respectfully requests that FTA revise and recirculate the DEIS.

Sincerely,

/s/
 Marc Chytilo

Appendix

- Exhibit 1: Transportation 2030 Draft RTP, p. 3
- Exhibit 2: Transportation 2030 DEIR, p. 3.1-14
- Exhibit 3: Transportation 2030 DEIR, p. 3.1-16
- Exhibit 4: Transportation 2030 DEIR, p. 3.1-20
- Exhibit 5: Transportation 2030 Equity Analysis Report, p. 5-31
- Exhibit 6: Transportation 2030 DEIR, Appendix D.1
- Exhibit 7: Transportation 2030 FEIR, p. 2-17 & 2-18

Appendix to Warm Springs DEIS Comment Letter by
TRANSDEF Counsel Marc Chytilo, Esq.

Exhibit 1: Transportation 2030 Draft RTP, p. 33

Exhibit 2: Transportation 2030 DEIR, p. 3.1-14

Exhibit 3: Transportation 2030 DEIR, p. 3.1-16

Exhibit 4: Transportation 2030 DEIR, p. 3.1-20

Exhibit 5: Transportation 2030 Equity Analysis Report, p. 5-31

Exhibit 6: Transportation 2030 DEIR, Appendix D.1

Exhibit 7: Transportation 2030 FEIR, p. 2-17 & 2-18

Sent By: TRANSDEF/David Schonbrunn;

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Apr-25-05 6:04PM;

Page 2

transportation 2030

financial foundation

This chapter documents the financial assumptions that go into the financially constrained element of the Draft Transportation 2030 Plan, and identifies how much money is available to address critical transportation needs. This financially constrained element, composed of federal, state, regional and local revenues, is what we think we can afford over the next 25 years with currently available revenues — our “down payment” on future mobility, so to speak. MTC has developed a series of “calls to action” that will be needed to address projected funding shortfalls and support our overall vision for the Transportation 2030 Plan.

The Draft Transportation 2030 Plan applies three broad approaches for improving our transportation system — adequate maintenance, system efficiency and strategic expansion. Each effort will call upon us to make tough decisions on what investments we make. The bottom line, however, is that the vision element of the Draft Transportation 2030 Plan will fall short of full implementation due to scarce resources. The Bay Area will need to find new revenue to meet the transportation challenges ahead.

Exhibit 1

The Down Payment

Financial Assumptions

In 1991, the Intermodal Surface Transportation Efficiency Act (ISTEA) instituted a requirement that long-range transportation plans be financially constrained. Successor legislation, the Transportation Efficiency Act for the 21st Century (TEA 21), passed in 1998, reaffirmed this federal planning mandate. TEA 21 expired on September 30, 2003. Congress has not yet passed new authorizing legislation, but it appears likely that the “financial constraint” feature of current law will continue.

The financial assumptions for the financially constrained element of the Draft Transportation 2030 Plan are as follows:

- Federal highway revenues for Surface Transportation Program (STP), Congestion Mitigation and Air Quality Improvement (CMAQ) Program and Transportation Enhancements are assumed to grow at a rate of 3 percent annually based on the average apportionment levels that the Bay Area received during TEA 21.
- Federal transit revenues for Federal Transit Administration (FTA) Sections 5307, 5309, 5310 and 5311 are assumed to grow at a rate of 3 percent annually based on the fiscal year (FY) 2004 appropriation levels.
- Senate Bill 45 currently lays out the program structure and distribution formula for state revenues. This law is assumed to continue over the next 25 years. State revenues for the State Highway Operations and Protection Program (SHOPP), the State Transportation Improvement Program (STIP), and State Technical Assistance (STA) are assumed to grow at rates consistent with Caltrans’ long-range travel and fuel forecasts.



Transportation 2010 Plan Draft Environmental Impact Report

Table 3.1-4: Projected Changes in Travel Behavior (2000 to 2010)

	2000		2010		Difference from 2000		2010		Difference from 2010		2010		Difference from 2010	
	Project	No Project	Project	No Project	Proposed Project	Forecasted Construction	Proposed Project	Forecasted Construction + HOT	Proposed Project	Forecasted Construction + Sales Tax	Proposed Project	Forecasted Construction + Sales Tax	THAAD/IDR Smart Growth	Proposed Project
Trips by Means of Transportation														
Auto	17,597,300	23,833,600	23,719,700	21,704,600	23,687,000	23,538,800	23,538,800	23,538,800	23,538,800	23,538,800	23,538,800	23,538,800	23,538,800	23,538,800
Transit	1,175,600	1,889,700	1,772,000	1,744,500	1,755,000	2,158,800	2,158,800	2,158,800	2,158,800	2,158,800	2,158,800	2,158,800	2,158,800	2,158,800
Bicycle	310,600	401,100	405,200	403,800	407,400	402,400	402,400	402,400	402,400	402,400	402,400	402,400	402,400	402,400
Walk	1,950,400	2,636,400	2,640,900	2,640,000	2,643,500	2,639,400	2,639,400	2,639,400	2,639,400	2,639,400	2,639,400	2,639,400	2,639,400	2,639,400
Total	21,033,800	28,492,900	28,492,900	28,492,900	28,492,900	28,492,900	28,492,900	28,492,900	28,492,900	28,492,900	28,492,900	28,492,900	28,492,900	28,492,900
Share of Trips by Means of Transportation														
Auto	83.7%	82.8%	83.2%	82.2%	83.2%	81.1%	81.1%	81.1%	81.1%	81.1%	81.1%	81.1%	81.1%	81.1%
Transit	5.6%	6.6%	6.1%	6.1%	6.2%	7.6%	7.6%	7.6%	7.6%	7.6%	7.6%	7.6%	7.6%	7.6%
Bicycle	1.5%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%
Walk	9.3%	9.3%	9.3%	9.3%	9.3%	9.3%	9.3%	9.3%	9.3%	9.3%	9.3%	9.3%	9.3%	9.3%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Daily Transit Boardings	1,714,300	2,815,500	2,594,400	2,538,800	2,539,000	2,539,000	2,539,000	2,539,000	2,539,000	2,539,000	2,539,000	2,539,000	2,539,000	2,539,000
Daily Vehicle Trips	17,098,100	23,468,400	23,544,600	23,548,700	23,538,800	23,538,800	23,538,800	23,538,800	23,538,800	23,538,800	23,538,800	23,538,800	23,538,800	23,538,800
Daily Vehicle Miles of Travel (VMT)	143,495,300	200,878,200	203,072,600	202,823,500	202,480,900	202,480,900	202,480,900	202,480,900	202,480,900	202,480,900	202,480,900	202,480,900	202,480,900	202,480,900
Daily Vehicle Hours of Delay (VHD)	355,600	721,200	1,073,900	913,000	779,100	779,100	779,100	779,100	779,100	779,100	779,100	779,100	779,100	779,100
Average Delay per Vehicle (Minutes)	1.2	1.8	2.7	2.3	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0

Source: Metropolitan Transportation Commission, 2004

3.1-14

Exhibit 2

Transportation 2030 Plan Draft EIS

Table 3.1-6: Average Travel Time per Trip (2000 to 2030)

	2000		2030		2030		2030		2030		2030	
	Project	No Project	Difference from Proposed Project	Financially Constrained	Difference from Proposed Project	Financially Constrained + HOT Lanes	Difference from Proposed Project	Financially Constrained + Sales Tax	Difference from Proposed Project	TRANSDEF Smart Growth	Difference from Proposed Project	
Work Trips, Total	28.4	31.1	31.8	31.1	31.6	31.3	31.8	31.8	31.8	31.8	31.8	
Non-Work Trips, Total	15.8	16.0	16.1	16.0	16.1	16.0	16.2	16.2	16.2	16.2	16.2	
Personal Trips, Total	18.9	20.0	20.2	20.0	20.2	20.0	20.3	20.3	20.3	20.3	20.3	
Truck Trips, Total	11.4	11.4	11.5	11.4	11.5	11.4	11.3	11.3	11.3	11.3	11.3	

Source: Metropolitan Transportation Commission, 2004

Table 3.1-7: Accessibility to Jobs (2000 to 2030)

	2000		2030		2030		2030		2030		2030	
	Project	No Project	Difference from Proposed Project	Financially Constrained	Difference from Proposed Project	Financially Constrained + HOT	Difference from Proposed Project	Financially Constrained + Sales Tax	Difference from Proposed Project	TRANSDEF Smart Growth	Difference from Proposed Project	
Number of Total Jobs Accessible by Auto												
Within 15 minutes	109,200	133,300	131,400	133,700	122,800	133,400	149,600	133,400	149,600	149,600	149,600	
Within 30 minutes	476,800	549,800	553,500	567,300	553,100	570,800	609,000	570,800	609,000	609,000	609,000	
Within 45 minutes	960,300	1,114,300	1,076,000	1,104,400	1,081,300	1,110,200	1,171,400	1,110,200	1,171,400	1,171,400	1,171,400	
Number of Total Jobs Accessible by Transit												
Within 15 minutes	5,100	7,900	7,000	7,200	6,900	7,200	11,100	7,200	11,100	11,100	11,100	
Within 30 minutes	41,200	66,800	57,200	58,400	57,400	58,400	83,400	58,400	83,400	83,400	83,400	
Within 45 minutes	136,000	211,400	176,300	179,400	177,200	177,900	240,800	177,900	240,800	240,800	240,800	

Source: Metropolitan Transportation Commission, 2004

3.1-16

Exhibit 3

Transportation 2030 from Draft Environmental Impact Report

Table 3-1-10: Travel Data (2000 to 2030)

Vehicles in Use	2000		2030		Difference from 2000		2030		Difference from 2000		2030		Difference from 2000	
	Project	No Project	Project	No Project	Project	No Project	Project	No Project	Project	No Project	Project	No Project	Project	No Project
Average Daily VMT	4,781,500	7,143,300	200,878,200	203,072,600	7,216,200	7,203,400	7,203,400	7,225,900	7,001,200	196,465,700	44,278,000			
Engine Starts	32,053,000	45,167,000	202,823,500	202,480,900	45,634,000	45,547,000	45,547,000	45,700,000	44,278,000					

Source: Metropolitan Transportation Commission, 2004

Table 3-1-11: Emission Estimates for Criteria Pollutants Using EMFAC2002 Factors (2000 to 2030) (in tons per day)

Pollutant	2000		2030		Difference from 2000		2030		Difference from 2000		2030		Difference from 2000	
	Project	No Project	Project	No Project	Project	No Project	Project	No Project	Project	No Project	Project	No Project	Project	No Project
CO	214.65	37.44	38.06	55.53	37.91	55.11	37.78	55.46	37.98	53.74	36.79	53.74	36.79	53.74
NOx	363.41	54.64	55.53	795.56	37.91	793.18	37.78	793.18	37.98	286.73	286.73	286.73	286.73	286.73
PM ₁₀	2279.63	290.18	297.34	127.94	26.75	127.64	26.66	127.64	26.84	124.16	25.96	124.16	25.96	124.16
PM _{2.5}	93.92	126.52	128.22	26.87	26.75	26.66	26.66	26.84	26.84	25.96	25.96	25.96	25.96	25.96

Source: Metropolitan Transportation Commission, 2004

31-30

Exhibit 4

Out of pocket savings

Out-of-pocket user benefits shows both positive and negative effects. Given all out-of-pocket costs, both the Financially Constrained and Project Alternatives provide communities of concern with an annual per capita savings when compared with the No Project alternative (\$4.82 and \$1.77 respectively). However, the out of pocket costs associated with the TRANSDEF alternative show a *negative value* per capita per year (-\$19.68) compared to the No Project alternative. This means that although users incur travel time savings as indicated above, their out-of-pocket costs (transit fares, auto operating costs, parking costs and tolls) under this alternative increase based on the pricing strategies associated with this alternative (auto costs likely outweigh transit cost reductions - see Section 4.2 Transportation 2030 Alternatives, pg. 4-4).

Total User Benefits

Total user benefits is calculated by adding travel time benefits to out-of-pocket costs. Of the three alternatives, the TRANSDEF alternative yields the highest total benefit for communities of concern, while the remainder of the Bay Area benefits most from both the Project and TRANSDEF alternatives, which are roughly equal. This may be due to the assumptions associated with each alternative, such as the pricing concepts that reward transit use and discourage road use included in the TRANSDEF alternative, which tend to benefit densely populated areas.

Table 9

User Benefits	Transportation 2030 Alternative		
	Financially Constrained	Project	TRANSDEF
Communities of Concern			
Travel Time User Benefits	\$68.17	\$153.20	\$229.94
Out-of-Pocket Cost User Benefits	\$4.82	\$1.77	-\$19.68
Total User Benefits	\$72.99	\$154.97	\$210.26
Remainder of Bay Area Communities			
Travel Time User Benefits	\$82.80	\$135.84	\$214.68
Out-of-Pocket Cost User Benefits	\$2.45	-\$0.17	-\$81.36
Total User Benefits	\$85.25	\$135.67	\$133.32

* User benefits are relative to the Transportation 2030 No-Project Alternative.
 * User benefits are annual per capita benefits in 2004 constant dollars.

5.5 Vehicle Miles Traveled and Emissions

The purpose of these indicators is to summarize vehicle miles and mobile source (motor vehicle) emissions occurring within communities of concern, comparing the results to the remainder of the Bay Area.

The indicators used for the analysis are derived from the daily and AM peak period (6:30a.m. – 8:30 a.m.) MTC forecasts. Mobile source emissions are estimated using a California Air Resources Board emissions factor model.

Exhibit 5

Appendix D.1: TRANSDEF Smart Growth Alternative

This appendix presents detailed information about the alternative supplied by the Transportation Solutions Defense and Education Fund (TRANSDEF), a transportation advocacy organization, as provided for in the Settlement Agreement and Release entered into by TRANSDEF, Citizens for Better Environment (CBE), Bay Area Air Quality Management District, and MTC in March 2004. TRANSDEF has defined an alternative set of land use and transportation planning assumptions aimed at enhancing transit use, biking and walking as preferred transportation modes in the future. This is to be achieved by concentrating new residential development in existing urban areas, implementing pricing strategies to discourage auto use while increasing the attractiveness of transit, biking and walking, and expanding certain aspects of the regional bus and rail transit network in ways TRANSDEF believes would be more cost effective than current proposals.

LAND USE ASSUMPTIONS

TRANSDEF has developed its own set of land use assumptions for this alternative, which are different than those used in the Proposed Project and the other four EIR alternatives. These land use assumptions have not been reviewed by local governments or by the public and are not the current set of land use projections adopted by ABAG (*Projections 2003*).

The TRANSDEF alternative seeks to redistribute growth in the region within existing cities and within the footprint of existing development. In many existing neighborhoods no new development occurs, so they remain as they are in 2000. The TRANSDEF alternative land use scenario is patterned after the Network of Neighborhoods Alternative of the Regional Agencies Smart Growth Strategies/Regional Livability Footprint Project (called "Smart Growth Project" for short), one of three conceptually different land use alternatives that were initially considered. Development is clustered along transit corridors and at transit nodes. Over the next 25 years, this alternative assumes that the increasing value of land will lead to the densification of arterial corridors all around the region.

To enable the TRANSDEF alternative's demographic assumptions to be comparable with the Proposed Project and the other alternatives evaluated in this EIR, total jobs, employed residents, households and household population are the same as the ABAG *Projections 2003* regional totals. However, TRANSDEF reduces the total residential land use by 58,400 acres, from 651,800 acres in *Projections 2003* to 593,400 acres in the TRANSDEF alternative. TRANSDEF reduces the total acres of residential land uses in rural (less than 500 persons square mile), rural/suburban (500 to 1,000 persons per square mile), suburban (1,000 to 10,000 persons per square mile), and urban (10,000 to 20,000 persons per square mile) areas but increases it in the urban core (greater than 20,000 persons per square miles) where generally good transit service is available. In addition, TRANSDEF increased the net residential densities (households per residential land use in square miles) by 9.8 percent, from 3,129 households per square mile in *Projections 2003* to 3,437 households per square mile in the TRANSDEF alternative. A main strategy for accommodating new growth is the redevelopment of low-intensity uses along existing arterial streets served by

Exhibit 6

Transportation 2030 Plan Draft Environmental Impact Report

buses into mixed-use commercial and housing, particularly multi-family, condominiums, and townhomes. A byproduct of this higher density is a reduced need for households to own multiple autos, which is reflected in MTC's auto ownership forecasts for the TRANSDEF alternative.

To become regional policy, these changes would need to be adopted by ABAG as part of a future socio-economic and land use Projection series and would need to be implemented by local jurisdictions through General Plan and zoning revisions. There are no regulatory mechanisms in place to require local jurisdictions to make such changes. TRANSDEF believes that MTC has a role in accomplishing these land use changes by withholding certain federal and state discretionary funds from local jurisdictions that do not make the necessary revisions to their local plans.

FUNDING ASSUMPTIONS

Committed Funds

Historically, MTC has included all fully funded projects in the financially constrained element of the RTP. This includes projects that are fully funded as a result of legislation or voter action, or are included in MTC's funding priorities for the next three years (i.e., included as part of the 2005 Transportation Improvement Program).

In contrast to MTC's assumptions, TRANSDEF considered the list of committed projects to only include projects currently under construction or projects that are under contract for construction by 2006. Thus, TRANSDEF's set of committed projects is significantly smaller than for the other alternatives. TRANSDEF uses the money assigned to these projects for other projects it has defined.

New Transportation 2030 Commitments

The financially constrained element of the Transportation 2030 plan includes funding for new projects with revenues expected to be available in the future (these projects were known as "Track 1" in previous regional transportation plans but are now referred to as "New Commitments" in this EIR).

TRANSDEF's set of new committed projects is significantly smaller than those included in the Financially Constrained alternative, which will provide the basis for the Transportation 2030 Plan's conformity analysis.

County Transportation Sales Tax Expenditure Plans

TRANSDEF also examined the proposed set of projects in various county transportation sales tax expenditure plans in Contra Costa, Marin, Sonoma, Solano, and San Mateo counties that will be voted on in November 2004. TRANSDEF did not consider these projects to be committed, if approved by the voters. To implement the alternative set of projects proposed by TRANSDEF, a new measure would need to be placed on the ballot to revise the approved set of projects at a future date.

D-2

Appendix D: TRANSDEF Alternative

Projects Evaluated

The TRANSDEF alternative includes (1) 170 projects out of a total of 242 projects MTC considers committed; (2) 217 projects out of a total of 344 projects that are not fully funded and rely on future transportation revenues (called "Track 1" projects in past RTPs); and (3) 32 projects out of a total of 92 proposed sales tax projects. In summary, TRANSDEF deleted a total of 261 projects from the Proposed Project. A total of 199 projects were excluded from the financially constrained element, and a total of 62 proposed sales tax projects were excluded from the vision element of the Transportation 2030 Plan. Many of the excluded projects are projects approved by the voters as part of a county transportation sales tax measure and Regional Measures 1 and 2, which raised tolls to \$2 dollars and \$3 dollars, respectively, on Bay bridges to fund bridge improvements and related congestion relief improvements within the bridge corridors. See Table D-1.

Projects added by TRANSDEF include:

Road Projects:

- Construct a connector from westbound I-580 and I-238 to southbound onto Route 238, Foothill Boulevard
- Construct an underpass of Mission by Jackson and Foothill at the Route 238, Route 185 and Route 92 intersections just south of downtown Hayward.
- Widen Route 92 bridge to four lanes eastbound over I-880 to handle the afternoon peak weave of cloverleaf traffic

Transit Projects:

- New Bus Rapid Transit (BRT) for Contra Costa
- New Diesel Multiple Unit (DMU) for the East Contra Costa County (Delta corridor) and Vallejo-Napa
- New San Francisco Muni C-Line BRT
- New Bus Rapid Transit for: Vacaville, Fairfield, Benicia-Vallejo, Santa Rosa-Sebastopol, Cotati-Rohnert Park, Petaluma, Novato, Central Marin, Pacifica-South San Francisco, San Mateo-Foster City, Belmont-Redwood City, Menlo Park-Palo Alto, Livermore, Pleasanton, San Ramon, Oakland Airport, and Cal State Hayward
- New High Speed Rail line using Altamont Pass corridor for entry into the Bay Area

Funding Summary

The budget for the financial constrained element of the proposed Transportation 2030 Plan (Proposed Project) is \$113 billion. The proposed sales tax expenditure plans, which appear in the vision element, have a total value of \$5.7 billion. TRANSDEF excluded 199 Committed and "Track 1" from the financially constrained and 62 proposed sales tax projects from the vision element. This resulted in a surplus of about \$10.4 billion, which would be applied towards the

D-3

Transportation 2030 Plan Draft Environmental Impact Report

transit operating and capital costs associated with the new transit service proposed by TRANSDEF. MTC estimates the transit operating and capital costs to be about \$4.2 billion.

Transit Transfer Policies

TRANSDEF sought to eliminate cost as a barrier to riders transferring between transit routes and between transit systems. Instead of charging passengers to transfer using the new universal fare card Translink), TRANSDEF assumes riders do not have to pay to transfer.

PRICING PROGRAMS

TRANSDEF proposes several new transportation pricing policies will be implemented by the appropriate agency with the requisite authority to encourage a shift in travel from single occupant vehicles to transit, ridesharing, or bike/walking:

- \$2.00/day for parking at several high-demand BART stations (implemented by BART).
- Housing developments provide each resident with a monthly transit pass at a reduced rate similar to VTA's Eco Pass program. Residents pay for the eco pass as part of rent or homeowner association fees (implemented by cities as part of their development approval process).
- All employers offer a transit subsidy of \$5 per day in lieu of free parking, typically known as "parking cash out". (implemented by cities through a local ordinance or other regulation). (Note: this was modeled by MTC as a daily cost for employees to park, since the transfer of income from employers to employees cannot be modeled in MTC's travel demand modeling system).

TRANSPORTATION PROJECTS

The TRANSDEF alternative includes a different mix of regional transportation projects and programs than the Proposed Project or other alternatives. Differences in the TRANSDEF alternative, relative to the Proposed Project, are outlined in the following subsections.

HIGHWAY PROJECT SELECTION METHODOLOGY

In general, the TRANSDEF alternative does not invest in major roadway capacity increasing projects (meaning projects with a cost over \$5 million, unless they are already under contract for construction or are being paid for by developer mitigation funds). All safety projects included in the Proposed Project are funded. Ramp metering in the region was also assumed.

TRANSIT PROJECT SELECTION METHODOLOGY

A network of new "Rapid Bus" lines was defined for the region to serve higher density development in corridors along major arterials. Several new light rail services were added to connect various communities. Service on local bus routes is doubled on many lines, and improved passenger amenities, including real time arrival information, are made available for bus passengers throughout the region. These new lines will likely require new sources of operating

D-4

Appendix D: TRANSDEF Alternative

funds, which would not be available in under the financially constrained element of the Proposed Project. TRANSDEF assumes that certain funds which are currently available for construction of transit and highway projects, but not for transit operations, will in the future be available for operating new transit services proposed by TRANSDEF.

Rapid Bus

Rapid Bus service is intended to make transit use more attractive by upgrading bus service in heavily traveled arterial corridors. Transit Preferential Streets will speed buses by providing transit priority at traffic signals, queue jumps, optimized bus stops, improved pavement, and exclusive bus lanes where needed. Low floor buses and raised sidewalks may provide one-step or no-step entry and buses will have more doors make loading and unloading faster. Proof-of-payment will also speed up loading of passengers. The Rapid Bus lines would not have park and ride facilities, as they are designed to serve significant activity centers where people are already congregated. Because Rapid Bus is based on limited stop service, underlying local service in many communities would be retained and in some cases improved as well.

In Marin, Golden Gate service would be increased, including 15-minute headways along US 101 between Novato and San Francisco. Rapid Bus lines would run through the cities of Central Marin, and also in Novato. In Sonoma County, Rapid Bus lines would run in Petaluma, Cotati, and Rohnert Park, along with a trunk Rapid Bus service from East Santa Rosa to Sebastopol.

A new Rapid Bus line would connect Mare Island, Vallejo, Benicia, and the Capitol Corridor intercity trains. It would meet the Vallejo-Napa rail service at the relocated ferry terminal at the foot of Lemon Street in Vallejo. Rapid Bus service also would circulate from Capitol Corridor train stations in Fairfield and Vacaville along improved arterials, connecting new infill growth to city centers.

Central Contra Costa County cities would be served by a looping Rapid Bus system, connecting Walnut Creek, Concord, Pleasant Hill and Martinez. All BART stations would be served, along with a major new urban center assumed to be developed on and around the Sun Valley Mall. Smaller community centers are assumed to develop at existing strip malls and along underdeveloped arterials.

In the Tri-Valley area, three new Rapid Bus lines would serve Livermore, Pleasanton, Dublin, and San Ramon. Connections would be made to all BART stations and the new Altamont HSR stations on Isabel Avenue in Livermore and at Vasco Road. All major employment centers would be connected, including Bishop Ranch, Hacienda, and Lawrence Livermore National Labs.

Santa Clara County's existing bus system would be overlaid with a new Rapid Bus network serving the busiest lines. The Great Mall in Milpitas and Eastridge Mall in East San Jose would serve as bookends for a revitalized corridor of homes and businesses.

Like San Jose, San Francisco also would have a new Rapid Bus network overlaid upon its busiest lines. In many places, continuous 24-hour bus lanes would replace existing bus lanes. The Central Subway would be replaced with a new C-Line Rapid Bus, and would combine the three lines that

D-5

Transportation 2030 Plan Draft Environmental Impact Report

serve Chinatown and North Beach (30, 41, 45). The new C-Line would operate on exclusive lanes from Mission Bay and the Transbay area through SOMA, downtown, and Chinatown to North Beach. From North Beach, the line would loop over Russian Hill into Cow Hollow and back via the Marina and Fishermen's Wharf. Stockton Street in Chinatown.

In the East Bay, several AC Transit Rapid Bus lines would overlay several of the busiest local lines from Fremont north to Albany, including lines on Hesperian, MacArthur and International Boulevards. Headways would be reduced on a number of lines throughout AC Transit's two county service area. A new Rapid Bus line would link Hayward's BART station to California State University, Hayward, supporting development of a mixed-use corridor and boosting Cal State enrollment.

Rail

The TRANSDEF alternative would not fund any of the currently planned BART extensions to Warm Springs and San Jose/Santa Clara. Modern DMU (Diesel Multiple Unit) service using self propelled cars on conventional rail tracks were selected for certain corridors designated by TRANSDEF for significant growth.

Caltrain was electrified and frequency of service increased to BART levels throughout the day. Caltrain service between San Jose and the Transbay Terminal would include a mix of local trains running every 15 minutes and "Baby Bullets" express trains, running every 30 minutes. San Jose, Redwood City, Millbrae, and the Transbay Terminal in San Francisco also would serve proposed High Speed Rail (HSR) trains (funding for the initial segment would be voted on in a statewide election in 2006).

In the North Bay, the SMART train (which would also use DMU equipment) would link Sonoma and Marin Counties, running from a new ferry terminal at San Quentin to Cloverdale. SMART would replace all trunkline Golden Gate Transit service in Sonoma County.

The Route 29 rail corridor between Vallejo and North Napa would be improved with DMUs on the existing rail line. Trains would start at a relocated Vallejo ferry terminal and serve the communities between Vallejo and Napa. They would go to a terminal on the north side of Napa. The Vallejo-Napa DMUs would connect to the ferry to San Francisco, to deliver tourists to the Napa Valley, where private coaches would circulate between wineries, hotels, and DMU stops.

The Delta cities of Contra Costa County would be tied into the region with a new DMU rail system running between North Concord BART and Brentwood. Development in the eastern part of the county would be focused around this line.

Facilities for Pedestrians, Bicyclists and Persons with Disabilities

The TRANSDEF alternative funds projects that would provide accessible paths of travel for new transit lines and improve paths of travel to existing transit. Making fixed route transit service more accessible for persons with disabilities would limit cost increases associated with providing

D-4

Appendix D: TRANSDEF Alternative

complementary ADA paratransit service. Such public works improvements also would enhance the walkability of many neighborhood environs.

High Speed Rail

To move people long distances across the region, the TRANSDEF alternative relies on a few key projects and a redeployment of existing services. The TRANSDEF alternative assumes that a statewide High Speed Rail (HSR) system will be operational within the next 25 years and will enter the Bay Area using the I-580 Altamont Corridor between the San Joaquin Valley. It would replace the existing Altamont Commuter Express trains, tie into BART (via very short extensions) in west Livermore and Fremont, and connect Fremont and San Jose.

Ferries

The Water Transit Authority's proposed ferry routes, which are part of the Proposed Project, would not be included in this alternative, with the exception of new ferry service from San Quentin to the Ferry Building (this would operate on 30-minute headways). Other existing services would remain in place.

D-7

Growth-Inducing Effects, page 3.1-34:

"On the other hand, the TRANSDEF Smart Growth Alternative does show the greatest improvement in accessibility to jobs (see Table 3.1-7) which could mitigate local growth-inducing impacts at outlying locations as development at infill sites well-served by transit may be preferred by those who want to maximize access to the labor force. Further, as noted in the discussion of the growth-inducing effects of the proposed project on page 2.11-10, improved transit may be one of the factors that can facilitate infill development, acting in turn as a deterrent to urban space and bring more housing into the Bay Area that otherwise might be build outside the nine-county region. Because transit use in the TRANSDEF Smart Growth Alternative is substantially higher than other alternatives (see Table 3.1-4), it offers more support for transit-oriented employment opportunities."

ADD TO BIBLIOGRAPHY

TRANSDEF 2004. Website: Transdef.org

MODIFY APPENDIX D: TRANSDEF SMART GROWTH ALTERNATIVE AS FOLLOWS:

Introduction, page D-1, paragraph 1, sentence 1:

... Citizens Communities for a Better Environment (CBE)...

Land Use Assumptions, page D-1, paragraph 3, sentence 3:

However, TRANSDEF reduces the total land area developed for residential land use by...
...but increases it in the urban core (greater than 20,000 persons per square miles)...

Land Use Assumptions, page D-2, first full paragraph, last sentence:

TRANSDEF believes that MTC has a role in accomplishing these land use changes by withholding certain federal and state discretionary funds from local jurisdictions that do not make the necessary revisions to their local plans, and providing other discretionary funds as incentives to jurisdictions that revise their local plans to complement the region.

Funding Assumptions, page D-3:

Transit Projects:

New Diesel Multiple Unit (DMU) for the East Contra Costa County (Delta corridor), Sonoma-Marin (SMART), and Vallejo-Napa.

Pricing Programs, page D-4, paragraph 1, sentence 1:

TRANSDEF proposes several new transportation pricing policies will to be implemented...

Transportation 2030 Plan Final Environmental Impact Report

Transit Project Selection Methodology, pages D-5, paragraph 1, sentence 1:

Rapid Bus

Rapid buses run along revitalized transit arterials through most of the Peninsula cities.

Transit Project Selection Methodology, pages D-5, paragraph 1, sentence 3:

Rapid Bus

...and buses will have more doors to make loading and unloading faster.

Transit Project Selection Methodology, pages D-6, paragraph continued from previous page, last sentence:

Stockton Street in Chinatown is given over exclusively to delivery vehicles and transit service.

Figure D.2-3, page D-41:

Title is revised to read: Comparison of Employment Density Projections - 2030

MODIFY APPENDIX C: PROJECT LISTINGS FOR THE TRANSPORTATION 2030 PLAN AND ALTERNATIVES AS FOLLOWS:

Indicate the inclusion of SMART commuter rail project (project # 22001 and 22513) in the TRANSDEF Smart Growth alternative.

MODIFY APPENDIX F AS FOLLOWS:

State Agencies Responsible for Managing Biological Resources, page F-6:

San Francisco Bay Conservation and Development Commission (BCDC) was founded by the California Legislature in 1965. BCDC is the state coastal management agency for San Francisco Bay and has jurisdiction in the greater San Francisco Bay area to administer the State's McAteer-Petris Act, the San Francisco Bay Plan, and the Suisun Marsh Preservation Act. BCDC and its staff evaluate projects in light of these regulations and are principally charged with regulating fill and dredging in San Francisco Bay (which includes San Pablo and Suisun Bays, sloughs and certain creeks and tributaries that are part of the Bay system, salt ponds and certain other areas that have been diked-off from the Bay), protecting the Bay, maximizing public access to the Bay, and encouraging appropriate development along the Bay shoreline.

The McAteer-Petris Act directs BCDC to exercise its authority to issue or deny permit applications for placing fill, extracting materials, or changing the use of any land, water, or structure within the area of its jurisdiction, in conformity with the provisions and policies

Response to Comment Letter 22

22-1: Please see responses to comments 21-10 and 21-11.

22-2: The statement of purpose and need in Chapter 2 of the DEIS is not impermissibly narrow or tailored to ensure a BART-only project. The stated purpose and need for a proposed action will be upheld unless it is unreasonable. In this case, the purpose and need statement is comparable in scope to that of many transit projects. As pointed out by this commenter (see comment 22-3) and other commenters, alternative transit systems such as bus rapid transit also may be capable of satisfying the stated purpose and need. A bus rapid transit alternative was rejected from detailed consideration, not because it was inherently unable to meet the project purpose and need as framed in the DEIS, but because prior analysis demonstrated that it did not perform as well as the WSX Alternative in meeting that purpose and need (see DEIS pages 3-36 to 3-40).

As the commenter notes, the Association of Bay Area Governments (ABAG) has updated its projections. However, both previous and updated ABAG projections support the statement of purpose and need. The 2003 ABAG population projections for 2010 are slightly lower than the previous 2000 projections. For example, population estimates for Alameda County, Santa Clara County and the City of Fremont were reduced by 1.3 percent, 1.6 percent and 3.7 percent respectively. However the 2003 ABAG population projections for 2020 are 2.8 percent, 3.6 percent, and 0.7 percent higher than the previous 2000 projections. Job forecasts for Alameda County, Santa Clara County, and the City of Fremont also are generally higher in the 2003 ABAG projections than the previous 2000 projections for both 2010 and 2020. The increased population and job forecasts for 2020 demonstrate a greater long-term need for the project than indicated by the 2000 projections. As the commenter notes, ABAG's updated projections are incorporated in the most recent Regional Transportation Plan (RTP), *Transportation 2030*, issued by the Metropolitan Transportation Commission (MTC) on February 23, 2005. The DEIS relies on the updated RTP (see DEIS pages 2-2 to 2-3), and the WSX Alternative is included in the RTP (*Transportation 2030*, page 85).

The commenter claims that the project purpose of attracting riders from automobiles to transit is itself prejudicial, apparently based on the assumption that members of minority and low-income communities do not travel by car. That claim is unsupported and over-broad. If the commenter were correct, all transit projects intended to help relieve traffic congestion would be discriminatory. Regarding the diverse communities served by the WSX Alternative and the BART system generally, please see DEIS section 4.18, "Environmental Justice" and response to comment no. 21-10. Congestion relief would benefit minority and low-income drivers, and project benefits associated with reduced automobile use (in particular air quality improvements) also would benefit minority and low-income community members who do not drive. Moreover, as the commenter notes, the WSX Alternative is designed to provide multi-modal access including bus bays at the proposed Warm Springs Station and optional Irvington Station (see DEIS pages 3-9 to 3-10 and 3-13 to 3-14).

22-3: As explained on pages 3-34 to 3-39 of the DEIS, the prior analysis of reasonable alternatives in the Supplemental Environmental Impact Report (SEIR) remains applicable. In the scoping process for the DEIS, FTA and BART solicited comments on the scope of alternatives to be considered, including the Bus Alternative previously considered in the SEIR. (See Notice of Intent, 69 Federal Register 18150, April 6, 2004.) With the exception of an "interim

busway” proposal discussed in the DEIS (pages 3-39 to 3-40), none of the scoping comments or comments on the DEIS raised alternatives or issues regarding alternatives that were not addressed in the SEIR. Accordingly, the DEIS appropriately relies on and incorporates by reference the prior analysis in the SEIR. NEPA regulations and DOT policy encourage incorporation by reference in EISs. In particular, recent DOT policy encourages reliance on prior planning and analysis documents to select the alternatives to be evaluated in a NEPA document. This policy is intended to promote a better linkage between planning and environmental review efforts and to help reduce unnecessarily duplicative analysis. See *FHWA-FTA Program Guidance on Linking the Transportation Planning and NEPA Processes* (February 22, 2005).

MTC has included the WSX Alternative in the updated RTP, *Transportation 2030*. The TRANSDEF Alternative was proposed to MTC as an alternative for consideration in the environmental review process for the RTP. In an EIR prepared for the RTP, MTC rejected the commenter’s proposed alternative. To the extent that the commenter is now proposing components of the TRANSDEF Alternative from the RTP EIR as an alternative to the WSX Alternative, the TRANSDEF Alternative does not appear to satisfy the project purpose and need. According to material supplied by the commenter in Exhibit 6 of the comment letter, under the TRANSDEF Alternative, AC Transit would overlay the busiest bus lines with Rapid Bus lines from Fremont north to Albany. In Santa Clara County, a new Rapid Bus overlay network serving the busiest lines would be created, focusing on the area between the Great Mall in Milpitas and Eastmont Mall in East San Jose. The TRANSDEF Alternative material does not demonstrate how alternate transit service would be provided in the WSX project corridor, which is between southern Alameda County and Northern Santa Clara County.

In any case, MTC’s conclusions in the RTP EIR were correct and are relied on herein, consistent with DOT policy. On page 3.1-37 of its RTP DEIR, MTC concluded that:

...performance of the TRANSDEF Alternative is predicated on land use assumptions that can not be realized without substantial governmental intervention, through regulation or new incentives to create public funding for housing and infrastructure improvements and increased levels of public services and facilities.... Unresolved conflicts with local General Plans, community character and local economic development objectives also would affect implementation of the land use assumptions.

In addition, the RTP DEIR notes that the funding reallocations proposed by TRANSDEF would require voter approval or rejection of prior voter mandates; that some proposed pricing strategies, such as parking cash-out, are expressly limited in application by state law; and that the alternative assumes regional funding commitments to specific projects established through years of planning and public involvement can be overturned, and the public will accept a new set of transportation priorities (MTC RPT DEIS, page 3.1-38). A detailed breakdown of the four components of the MTC transportation rating shows that the TRANSDEF Alternative is the least beneficial alternative in terms of average travel time for work and non-work trips and vehicle hours of delay, key indicators of how the transportation system is performing for the typical traveler (MTC RTP DEIS, page 3.1-36).

The intercity rail service identified in MTC’s RTP, to which the comment refers, is the Capitol Corridor service. The project includes track capacity and frequency improvements designed to allow 16 daily round trips between Oakland and Sacramento/San Jose. Capitol

Corridor service was considered as an alternative in the DEIS (pages 3-34 to 3-35), but it was rejected because it would not provide service to Warm Springs (as the commenter notes) and because the Capitol Corridor is designed to provide inter-city service, not local service. Even running sixteen times daily, the Capitol Corridor would not deliver the benefits of more frequent BART service.

The DEIS does present the critical facts, analysis and conclusions relied on from a 1992 Environmental Impact Report (EIR) and the SEIR (see pages 3-34 to 3-39). The analysis need not be incorporated in full in its original language, which would defeat the purpose of incorporation by reference. The DEIS cites the section in the SEIR on which it relies; see DEIS page 3-36. Copies of the 1992 EIR and SEIR were sent to all members of the public who requested them. The commenter identifies himself as representing the Transportation Solutions Defense and Education Fund (TRANSDEF), which received a copy of the SEIR and commented on the SEIR extensively (see Final SEIR, pages 2-49 to 2-56).

- 22-4:** The commenter is incorrect in claiming that the DEIS fails to analyze cumulative impacts of the WSX Alternative together with the Silicon Valley Rapid Transit Corridor (SVRTC) project, or growth-inducing impacts. The entire discussion of the SVRTC project in the DEIS consists of cumulative impact analysis (see DEIS Section 5.2, “Cumulative Effects.”). Growth-inducing impacts are also analyzed in the DEIS (see pages 5-42 to 5-46).

Regarding the prospects for transit-oriented development (TOD) and smart growth, please see responses to comment nos. 21-1, 21-3, 21-7, and 21-8. Regarding the Warm Springs Station parking garage, please see response to comment no. 21-7. Regarding sprawl growth and mitigation, please see response to comment no. 21-8. As noted above, MTC has included the WSX Alternative in the updated RTP, *Transportation 2030*. The WSX Alternative was also included in the list of recommended projects in MTC Resolution 3434, the Regional Transit Expansion Program (RTEP). As discussed in the DEIS, the WSX Alternative is consistent with the criteria contained in MTC Resolution 3357, which were utilized to select the recommended projects in the RTEP (see pages 4.8-15 to 4.8-16). Please see response to comment no. 22-3 regarding MTC’s reasons for rejecting the TRANSDEF Alternative. Please see response to comment no. 21-7 regarding the steps the City of Fremont is taking to implement land use plan changes that are intended to promote TOD associated with the WSX Alternative.

Regarding environmental justice, please see responses to comments 21-9 through 21-11. The commenter cites the Equity Analysis Report prepared by MTC for its RTP. That report concluded that minority and lower-income communities “will share equitably in the benefits of the Transportation 2030 alternatives without bearing a disproportionate share of the burdens. . . . The results suggest that, across the Transportation 2030 alternatives, transit will serve [minority and lower-income communities] better than the remainder of the Bay Area.” *Transportation 2030 Equity Analysis Report* (November 2004, page. 6-2). As noted above, the TRANSDEF RTP Alternative was rejected by MTC.

The financial analysis in DEIS Section 7 appropriately focuses on the financial aspects of the proposed project. Were any reasonably foreseeable and non-speculative impacts to result from project funding, those would be appropriately discussed in the impact analysis, not as part of the description of the financial plan for this project. Please note that the WSX Alternative would cost \$678 million without the optional Irvington Station, or \$757 million

with the Irvington Station– not over \$7 billion. Commitment of fiscal resources was included in the list of resources that would be irretrievably committed by the WSX Alternative. Please refer to page 5-49 of the DEIS, which cites the irretrievable and substantial expenditure of local, state and federal funds.

- 22-5:** Please see responses to comments 21-2 through 21-5. Citations to court decisions are not commonly included in EISs. Numerous cases on the issue of transportation project segmentation under NEPA discuss the need for “independent utility” and “logical termini.” Please consult the leading NEPA treatise by Daniel Mandelker, *NEPA Law and Litigation* (second edition, 1992), for a survey of the relevant case law.²⁰ One noteworthy case is *Taxpayers Watchdog, Inc. v. Stanley*, 819 F.2d 294 (D.C. Cir. 1987), in which the court rejected a segmentation claim regarding the Los Angeles metro rail system.

EPA’s May 2004 letter noted that the WSX and SVRTC projects appeared to be “connected actions” to an extent that required further evaluation of the criteria considered in the segmentation cases; i.e., independent utility and logical termini. EPA concluded that the issue warranted further discussion, but did not make a determination that it would be improper to consider the two projects in separate NEPA documents. EPA has given the WSX DEIS its most favorable rating (“Lack of Objections”). (Please see comment letter no. 1.)

Projected ridership on the WSX Alternative without the SVRTC project would be 7,200 new riders per day in 2025 without the optional Irvington Station, or 9,100 with the Irvington Station. These ridership projections are not “very limited,” but are similar to those of several comparable projects in FTA’s New Starts program. (Please see response to comment no. 21-2.) A cumulative impact analysis of the WSX Alternative together with the SVRTC project, as well as other projects, is presented in the DEIS (pages 5-2 through 5-42).

- 22-6:** As the comment indicates, the specific requirements of 23 U.S.C. section 109(h) apply only to highway projects. The DEIS is intended to satisfy the requirements of NEPA and the CEQ and DOT regulations implementing NEPA, and provides sufficient basis for taking environmental considerations into account in decision-making as required by NEPA. The commenter suggests that something more is required, beyond NEPA compliance, but identifies no additional legal requirements affecting the DEIS or the decision-making process. 23 C.F.R. section 771.105(a) is a general statement regarding the scope of environmental documents, which is prescribed in more detail in 23 C.F.R. sections 771.123 and 771.125. There is no requirement that an EIS must contain a separate analysis under the heading “Best Public Interest Analysis.” 23 C.F.R. section 771.105(b) refers, not to the scope or content of environmental documents, but to the decision-making process. The DEIS does contain information and analysis concerning environmental impacts and public benefits in order to inform decision-makers and the public pursuant to NEPA. BART’s Board of Directors will take impacts, benefits and costs into account in deciding whether to proceed with the project, as will FTA and other funding authorities in deciding whether to provide funding.

Regarding environmental justice, please see responses to comment nos. 21-9 through 21-11. Regarding the SVRTC project, please see responses to comment nos. 21-2 through 21-5.

²⁰ Daniel Mandelker, *NEPA Law and Litigation* (second edition, 1992), sections 9:13 through 9:15.

Since the WSX Alternative has substantial benefits and independent utility without the SVRTC, funding of the SVRTC is not a foregone conclusion if the WSX Alternative is approved. The decision whether or not to approve the WSX Alternative does not constitute a commitment of resources to the SVRTC project.

- 22-7:** All mitigation measures of the WSX Alternative prescribed in the DEIS would constitute mitigation for environmental impacts resulting from the project and would be eligible for federal funding as appropriate. Certain additional mitigation commitments carried forward from the SEIR that exceed federal requirements may not be eligible for federal funding; for example, noise mitigation at locations where noise impacts exceed BART standards but not FTA standards (see DEIS page 4-13-15, footnote 1).

Letter 23

Lorraine Lerman
Office of Planning and Program Development
Federal Transit Administration, Region IX
201 Mission Street, Suite 2210
San Francisco, CA 94105

BART Warm Springs Extension
Attn: Shari Adams, Group Manager
P.O Box 12688 MS-LKS-21
Oakland, CA 94604-2688

Re: Draft Warm Springs Extension EIS

Dear Ms. Lehman and Ms. Adams:

23-1 | Urban Habitat has been active in the Bay Area for the last ten years, advocating for equity, environmental justice and cost-effective transit investment decisions. The proposed Bart Warm Springs (WSX) is the first step in funding the most expensive project on MTC's list, the San Jose extension. This reflects a disproportionate funding trend that favors white suburbanites with relatively high incomes while under-funding bus systems that are mainly used by low-income minority city dwellers. This is at heart of the pending lawsuit brought forth by *Public Advocates, Communities vs. MTC*. By stopping both the WSX and the San Jose Bart extension, funds will be made available to reprioritize MTC planning that reflects an equitable and efficient distribution of limited transit dollars.

23-2 | Urban Habitat is concerned that this is an extremely expensive project with disproportionate benefits to wealthier communities at expense of the health and well-being of low-income communities and communities of color. The "Environmental Consequences" section on page 4.18-5 is incomplete, it does not take into account the long term impact of allocating such a large share of transit expansion funds that only benefit some riders. As part of the pending lawsuit, plaintiffs assert that many low-income riders cannot afford BART. These riders will receive little or no benefit from WSX. Furthermore, the amount of regional funds needed for WSX will consume a lion's share of regional transit dollars that could be made available for bus expansion services for many low-income urban residents. We recommend that the FTA urge BART to do a complete environmental justice analysis of the

23-2 | inequitable effects of investing scarce transit dollars for WSX on low-income
cont. | communities and communities of color.

23-3 | We have already seen how the BART to Millbrae extension has failed to deliver
ridership results, while it has delivered a much higher cost than expected. If we want
to bring convenient, cost-effective public transit to the Bay Area we need to
prioritize more sensible investments such as BRT or High Speed Rail that produce
better results at a much lower per unit cost for all Bay Area residents.

23-4 | The alternative analysis is flawed since the EIS ridership data is based on
information from VTA's SVRTC, which the FTA has publicly criticized.
Additionally a real alternatives analysis should not only be based on ridership data,
but also on a side-by-side comparison of cost-effectiveness and the subsidy per
passenger for alternative modes.

23-5 | Finally, WSX plan does not propose a plan for transit oriented development or other
smart growth benefits. The WSX planning process has not included a public
outreach effort to develop a smart growth plan. The City of Fremont has approved
a Wal-Mart development within the station area, demonstrating a clear lack of smart
growth planning. Furthermore, a 2,000 car parking lot is inconsistent with the
commitment to a pedestrian/bicycle mixed-use development.

We strongly urge the FTA and BART to reconsider the approval of the project. The long-term negative impacts of WSX on future transit services for low-income communities are irreversible. If we are to create a world-class equitable transit system we need to look beyond BART and seriously consider cost-efficient alternatives.

Sincerely,

Juliet Ellis

Executive Director
Urban Habitat

Response to Comment Letter 23

23-1: The commenter's claim, that WSX Alternative is the first step in funding for VTA's SVRTC extension project, is incorrect. The DEIS's conclusions regarding the environmental benefits and impacts of the WSX Alternative do not rely on the construction of the SVRTC project. The two projects are independent, as explained on DEIS pages 5-2 to 5-3, and the WSX Alternative is analyzed as a stand-alone project throughout DEIS Chapter 4, "Environmental Analysis" and Chapter 7, "Financial Considerations."

In addition, it is not correct that funding the WSX Alternative would favor "white suburbanites." As the environmental justice analysis in the DEIS demonstrates, the majority of the population in the WSX service area consists of minority communities (see DEIS pages 4.18-6 to 4.18-10). The environmental benefits of the WSX Alternative would accrue to this population and there would be no disproportionate effects on the health and well being of minority and low-income communities. Please see response to comment no. 21-10.

23-2: Please see response to comment nos. 21-10 and 21-11.

23-3: Ridership on the BART extension to Millbrae has not achieved the projections forecasted in the mid-1990s, when unusually strong economic growth was anticipated, as a result of the subsequent downturn in the local economy. By contrast, the ridership projects for the WSX Alternative are based on more recent growth projections incorporated into transportation models. As discussed in the DEIS (page 5-43), based on ABAG's 2002 projections, although the recent economic downturn has limited short-term job growth, the long-term forecast for addition jobs and population increase is substantial. This growth is anticipated to generate continuing demand for transit improvements, which the WSX Alternative is intended to accommodate.

A Bus Rapid Transit (BRT) alternative was evaluated and rejected as summarized in the DEIS (pages 3-36 to 3-39). Regarding high-speed rail, please see response to comment no. 21-17.

23-4: Regarding the ridership model, please see response to comment no. 21-12.

NEPA does not require inclusion of cost effectiveness information on alternatives in an EIS. The 2003 SEIR contains cost information on the bus rapid transit alternative, which was eliminated from reconsideration in the DEIS based on the analysis in the SEIR (see pages 5-31 to 5-32 of the SEIR).

23-5: The comment appears to assume that having specific transit-oriented development (TOD) plans already in place is necessary in order to support the DEIS conclusions. That assumption is incorrect. The WSX Alternative is anticipated to promote future TOD, but TOD is not part of the WSX Alternative and the projected ridership and associated environmental benefits of the WSX Alternative would occur *without* additional transit-oriented development in the vicinity of the stations. Future TOD would be expected to substantially enhance ridership and associated environmental benefits beyond those discussed in the DEIS. Please see also responses to comment no. 21-17.

Future TOD projects are under the land use jurisdiction of the City of Fremont. As discussed in the DEIS, the City of Fremont is developing a Warm Springs BART Station Area Specific

Plan and is considering high-intensity residential and/or mixed-use developments near the station. In January 2005, the City approved the Irvington Concept Plan, which envisions the optional Irvington BART station as a neighborhood station and seeks to create an intensification of land uses, both mixed use and high-density residential, adjacent to the optional Irvington station. The City's planning processes demonstrate its commitment to smart growth and have included public outreach efforts. The proposed WalMart store, 0.5 miles from the Warm Springs station, is at the outskirts of the zone in which transit-oriented development would be expected to occur and will not preclude successful transit-oriented development on the many other undeveloped or underdeveloped parcels within walking distance of the proposed station. The Warm Springs station parking lot would not be a permanent barrier to the potential for future TOD projects. Construction of surface parking represents a limited investment which can easily be replaced with a parking structure to accommodate specific TOD projects. For example, at BART's Fruitvale Station, land utilized for a parking lot was converted to TOD uses with the construction of a parking structure. As characterized in a recent study by the Transportation and Land Use Coalition (TALC), *It Takes a Transit Village*, "The Fruitvale Village is now nationally recognized as a leading Smart Growth initiative" (TALC 2004, p. 13.). (According to the TALC website, the commenter is on the TALC Board of Directors.)

Letter 24

**Warm Prings Transit Village
1855 Park Avenue
San Jose, California 95126
408-984-4800**

April 25, 2005

Lorraine Lerman
Office of Planning and Program Development
U.S. Department of Transportation
Federal Transit Administration, Region IX
201 Mission Street, Suite 2210
San Francisco, CA 94105

Shari Adams
Warm Springs Extension Group Manager
San Francisco Bay Area Rapid Transit District
300 Lakeshore Drive, Floor 21
Oakland, CA 94612

RECEIVED
BART
APR 25 2005
TRANSIT SYSTEM
DEVELOPMENT

Dear Lorraine and Shari:

On behalf of **Warm Springs Transit Village** property owners, I want to thank you for the opportunity to comment on the DRAFT Environmental Impact Statement (DEIS) and DRAFT 4(f)/6(f) Evaluation BART Warm Springs Extension. As a property owner group representing nearly 75 acres within the City of Fremont's Warm Springs BART Specific Plan Area, we strongly support and encourage both the funding and development of the proposed BART extension. We also strongly support the development of mixed use transit oriented development at that location including residential uses.

24-1

24-2

By way of background, **Warm Springs Transit Village** property owners is a group of Fremont property owners and area developers including Warm Springs Station, LLC, Sobrato Development Companies, Animated, LLC, The Riding Group, LLC and Morley Bros., LLC. The group has developed a master planned community that integrates mixed use opportunities consistent with transit oriented, smart growth and new urbanism principles.

Lorraine Lerman and Shari Adams
April 25, 2005
Page 2

In conjunction with the four land use alternatives in the Warm Springs BART Area Specific Plan Existing Conditions Report published by the City of Fremont in June 2004, **Warm Springs Transit Village** is a proposal that has been submitted to the City of Fremont for consideration for the long term development of the group's combined 74.5 acre site in Fremont's 320 acre Warm Springs BART AREA Specific Plan. This mixed use neighborhood at the future Warm Springs BART Station would include residential, retail and employment uses close to transit and other community facilities. The plan includes approximately 2,000 new homes ranging from 60-30/dua (including 300 affordable homes); vertical mixed use including 100,000 square feet of neighborhood serving retail/commercial uses; open space and other community amenities. The plan would enable people to live close to where they work and provide affordable housing and retail opportunities to Fremont residents and BART riders.

The Warm Springs BART Station area is important because it presents one the last great remaining opportunities to plan a neighborhood from the ground-up for development around a new BART station within the inner-ring of the Bay Area. The types and mix of uses is critically important because there are plans to invest nearly \$750,000,000 for this extension. Past policy and environmental documents including the Final Supplemental Environmental Impact Report BART Warm Springs Extension prepared by BART in 2003 also discuss the advantages for transit oriented mixed use development, which include residential.

Increased ridership and fare box revenues related to smart growth, mixed use transit oriented development including residential are well documented. In addition, ridership related to residential uses is substantially higher than other uses. A recent report from the Oakland based Land Use and Transportation Coalition, titled "It takes a Transit Village" the organization used **Warm Springs Transit Village** as a case study. The report demonstrates that the plan, excluding all other uses in the area, would generate \$1.5 million per year in new revenue for BART and VTA, just from residents in the housing units alone. Offices in the plan and retail uses would generate additional riders and revenue.

In addition to this letter, please include the following attachments in the administrative record for the DEIS:

Lorraine Lerman and Shari Adams
April 25, 2005
Page 3

- Warm Springs Transit Village, December 2004
- It Takes A Transit Village, How Better Planning Can Save the Bay Area Billions of Dollars and Ease the Housing Shortage, Fall 2004

We commend you and BART for your efforts to ensure that appropriate transit oriented development occurs at this location. We recommend transit oriented mixed use development including residential uses. We appreciate the opportunity to work together on this important undertaking. Please contact me if you have questions or need additional information. I can be reached at 408-293-7680.

Best Regards,

Eric Morley


Morley Bros., LLC


Anthony C. Morici

Response to Comment Letter 24

24-1: BART appreciates the comment from Warm Springs Transit Village.

24-2: As requested by the commenter, the two documents mentioned, *Warm Springs Transit Village* (December, 2004) and *It Takes a Transit Village* (Transportation and Land Use Coalition, 2004) has been entered into BART's administrative record.

It Takes a Transit Village was produced by the Transportation and Land Use Coalition (TALC), which is a partnership of over 90 local environmental groups. The Board of Directors includes representatives of Sierra Club, Urban Ecology, BayRail Alliance, Urban Habitat, and Greenbelt Alliance. The document encourages transit-oriented development (TOD) as a means to provide both affordable housing and relieve a severely strained transportation system. One successful example of transit-oriented, smart-growth development is where a mixed-use development at Oakland's Fruitvale BART Station has converted an old parking lot into a new urban community.

The *Warm Springs Transit Village* document is a position paper by the Warm Springs Transit Village property owners outlining a proposal for a transit village to be developed on a combined 74.5-acre site located directly east of the proposed BART Warm Springs Station, with Warm Springs Boulevard on the west and I-680 on the east. The entire site is within the boundary of the Warm Springs BART Area Specific Plan, and except for the most southeastern tip, the site is within 0.5-mile of the BART station. The Warm Springs Transit Village group provides two mixed-use site plans. The first alternative would provide a total of 2,150 housing units, approximately 131,000 square feet of retail space, and 5.1 acres of parks and open space. The second alternative would provide 1,920 housing units, approximately 183,000 square feet of retail use, and 4.6 acres of parks and open space. The Warm Springs Transit Village property owners are active participants in the Warm Springs BART Area Specific Plan process.

RECEIVED

MAR 29 2005

From: fan@cs.wisc.edu
To: bartwarmsspringsextension@bart.gov
Date: Monday, March 28, 2005 12:44AM
Subject: comments on the bart extension to warm springs

Hello,

I am a resident living close to the Fremont bart station. I received a flyer from the bart office, regarding the plan to extend the bart service to Warm Spring, I would like to provide my comments on this issue.

Generally speaking, I do not think the expected high expense of the bart extension and its negative effects on community life can justify the benefit the extension will bring.

First of all, it is currently quite convenient to reach Warm spring area from the Fremont bart station, one can take the Freeway 680 or 880, and if one prefers, there are a few local routes that can take people to the Warm Spring area. I cannot be convinced that the extended bart service will benefit the commuters significantly.

25-1

Secondly, the extended service will have tremendously negative effects on the life of communities along the bart trail. The train will make noise and vibration, which will annoy people living close to the track. Further, the Fremont central park is a heaven for many people to relax and enjoy various kinds of sports and leisurely activities. Laying out trail right through the middle of the central park is unsightly and damage the quality of live people have been enjoying for many years. Needless to say, it will also destroy the ecological system around the area and the environment that wild life, like birds, ducks and geese can enjoy.

25-2

25-3

25-4

[http://notes-c01.adm.bart.gov/mail/web0006.nsf/\(\\$Inbox\)/8C7D506A5B90151988256FD2...](http://notes-c01.adm.bart.gov/mail/web0006.nsf/($Inbox)/8C7D506A5B90151988256FD2...) 3/29/2005

Page 2 of 2

Therefore, I believe other public transportation services to the Warm Spring area can be developed or enhanced, instead of extending the bart service.

Thanks for your time and consideration.

Fan

[http://notes-c01.adm.bart.gov/mail/web0006.nsf/\(\\$Inbox\)/8C7D506A5B90151988256FD2...](http://notes-c01.adm.bart.gov/mail/web0006.nsf/($Inbox)/8C7D506A5B90151988256FD2...) 3/29/2005

Response to Comment Letter 25

- 25-1:** As noted by the commenter, the Warm Springs area currently is accessible from the existing Fremont BART Station. However, the purpose of the WSX Alternative is not so much to improve access to Warm Springs from central Fremont, but to improve regional transit access in Warm Springs itself. By providing a BART station further south than the existing Fremont station and creating a new transit node supported by the local transit network (through AC Transit and SCVTA buses), the proposed WSX Alternative would increase transit access in the southern Alameda-northern Santa Clara County corridor.
- 25-2:** Noise and vibration impacts of the project are discussed in Section 4.13, “Noise and Vibration” of the DEIS, and the potential impacts and proposed mitigation measures are presented on pages 4.13-21 through 4.13-29. As noted in the DEIS, BART will provide mitigation for residents who would experience severe impacts associated with the proposed project, and for residents who would experience moderate impacts with an increase of 5 dBA. (For more information, please refer to the response to comment no. 1-2.)
- 25-3:** The commenter assumes that BART will pass through the middle of Fremont Central Park. As described in Section 3.2, “WSX Project Location” and Section 4.9, “Parks and Recreation,” BART has designed the Warm Springs Extension to pass beneath Fremont Central Park and Lake Elizabeth in a tunnel in an effort to reduce potential effects to the park and city residents. The use of an underground track will substantially reduce visual and noise impacts to park users. (Please refer to the response to comment nos. 3-3 and 3-5 for a discussion of noise impacts in Fremont Central Park.). In addition, BART will provide temporary park facilities during construction activities to avoid interruptions to recreational activities throughout the construction period.
- 25-4:** Please refer to the response to comment no. 17-5.

Letter 26



BART WARM SPRINGS EXTENSION
DRAFT ENVIRONMENTAL IMPACT STATEMENT
PUBLIC HEARING COMMENT CARD



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

RECEIVED

(Please print clearly.)

APR 10 2005

Name: CHARLIE CAMERON Date: 4/13/2005
Address: P.O. Box 55
HAYWARD, CA, 94543
City State ZIP-Code

Home Phone: E-mail:

Organization/Affiliation: NA

Comment: (1) ON ASSISTANT - pg. 402 for ADD INFO

BART HAS THE WRONG ZIP CODE FOR SAN AT STS 26-1
300 LAKE SHORE DR, OAKLAND, CA, 94612
SHOULD BE - LAKESIDE SHOULD BE 94604-2688

(2) ON PG 11 - 11. WHICH INFO FOR SAN

SEE (1) FOR CORRECTIONS. (NOTE TWO DIFFERENT 26-2
LOC. FOR TWO DIFFERENT THINGS AND COULD DO.

(3) ON PG 1-11 WHICH SAN ADDRESS INFO SEE 26-3

(4) ON PG 1-12 WHICH SAN ADDRESS INFO SEE 26-4

You may hand in your completed comment card to a project representative at the Public Hearing or you may mail or fax it to BART. Please fold this form in half, seal with tape, and add postage before mailing. Fax comment cards to (510) 287-4747. Feel free to send in additional sheets as needed. You may also e-mail your comments to the e-mail address below. All comments must be received by 5:00 p.m. on Monday, April 25, 2005.

BART Warm Springs Extension P.O. Box 12688 MS LKS-21 Oakland, CA 94604-2688
Information Line: (510) 476-3900 Fax: (510) 287-4747 Web: www.bart.gov/wax E-mail: bartwarm Springs Extension@bart.gov

ITEM 5
Additional Comments:

26-5 ON pg 3-36, LINEAR REF 13 WRONG BART ADDRESS - SEE ITEM 1

26-6 (6) ON pg 4.2-1 WRONG BART ADDRESS SEE ITEM 1.

26-7 (7) ON pg 4.2-18 A/C TRANSIT TOOK OFF & PROBABLY WOULD BE/BEING ELIMINATED. VIS AT 1,253 IN 2002/2003, YOURS YEAR CAN EXIST THE BART DATE WITH A/C TRANSIT - LOOK AT WHETHER WOULD YOU PUT OUT NOW!

26-8 (8) NO ON pg 8.2 WRONG ADDRESS VIS LAKE SIDE DA

26-9 (9) LINE 9 ON pg 9.1 VIS LAKE SIDE DA NOT LAKE SIDE DA

26-10 (10) WRONG ADDRESS FOR COPIES AVAILABLE MAKE OUT NOTICES FUTURE REC ON 3/25/05 OFFICERS

Return Address:

26-11 (1A) SEE HAND WRITTENALLY 5/1/05 FOR LAKE SIDE DA

26-12 (11) TRANSIT YOURS PEOPLE WILL HAVE SEPARATE AREA BART'S A BUI & SECURITY VAN & NOT BLOCK TIE UP TRUCK VAN BUS BAYS AT THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ATTN: SHARI ADAMS, GROUP MANAGER BART WARM SPRINGS EXTENSION P.O. BOX 12698 MS LRS-21 OAKLAND, CA 94604-2698

THANIE CAMPBELL
P.O. BOX 55
HAYWARD, CA, 94543

\$0.37 Stamp Required

Response to Comment Letter 26

26-1: The office address for Ms. Shari Adams that appears in the abstract is listed as 300 Lakeshore Drive, Oakland, CA 94612. The address referenced, 94602-2688 refers to BART's post office box address. While the street address should read 300 Lakeside Drive, the zip code is correct. The text in the abstract has been revised as follows:

Shari Adams
Warm Springs Extension Group Manager
San Francisco Bay Area Rapid Transit District
300 ~~Lakeshore~~ Lakeside Drive
21st Floor
Oakland, CA 94612
Phone (510) 874-7375

26-2: Page ES-11 provides two addresses for BART. The first address, which is provided for the submission of written comments reflects BART's mailing address accurately. The second address, which is provided for BART's office, has been revised to say 300 Lakeside Drive, rather than Lakeshore Drive.

26-3: Page 1-11 provides the address for BART's office as 300 Lakeshore Drive. Page 1-11 has been revised to say 300 Lakeside Drive. Interested parties reached BART during the public comment process to review supplemental documents upon request.

26-4: Page 1-12 provides two addresses for BART. The first address, which is provided for the submission of written comments reflects BART's mailing address accurately. The second address, which is provided for BART's office, has been revised to say 300 Lakeside Drive, rather than Lakeshore Drive.

26-5: Footnote 13 on page 3-36 of the DEIS has been revised to say 300 Lakeside Drive, rather than Lakeshore Drive.

26-6: The second address, which is provided for BART's office, has been revised to say 300 Lakeside Drive, rather than Lakeshore Drive.

26-7: The discussion on page 4.2-18 refers to the assumptions that BART used to model future transportation conditions in the Fremont area in 2010. The assumptions were based on transit services and existing transit plans at the time BART performed the analysis (2002-2003). BART recognizes that some of the services or schedules provided in the analysis would change as other transportation agencies adjusted their services, such as AC Transit.

BART acknowledges that AC Transit eliminated Route 253 after it performed its analysis, but it cannot delete it from its list of assumptions used to perform the analysis.

26-8: The address on page 8-2 of the DEIS, which is provided for BART's office, has been revised to say 300 Lakeside Drive, rather than Lakeshore Drive.

26-9: The address on page 9-1 of the DEIS, which is provided for BART's office, has been revised to say 300 Lakeside Drive, rather than Lakeshore Drive.

26-10: The Notice for Public Meeting, to which the commenter refers, includes the correct address information.

26-11: Comment noted.

26-12: The proposed Warm Springs Station includes seven bays for buses and transit vehicles. All of BART's operation and maintenance activities will be performed in dedicated areas that are separate from the bus bays.



BART WARM SPRINGS EXTENSION
DRAFT ENVIRONMENTAL IMPACT STATEMENT
PUBLIC HEARING COMMENT CARD



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

(Please print clearly.)

RECEIVED
BART

APR 22 2005

TRANSIT SYSTEM
DEVELOPMENT

Date: April 21, 2005

Name: Charlie Cameron

Address: P.O. Box 55

Hayward,

Ca.

94543

City

State

ZIP-Code

Home Phone: /

E-mail: /

Organization/Affiliation:

Comment: Item 1 In REF TO PG. 4.2-18 THE A/C TRANSIT RT 253 IN YOUR REPORT PLEASE SEE A/C TRANSIT GEN MEMO # 02-047 DTD Feb. 21, 2002 on pg. 6 Pgs. 2, IN REF TO RT 253 ISSUES (TWICE LISTINGS)

14, Rt 253 issues & listings of canx. & elimination

15, RT 253 issues & listing of canx & elimination

22, RT 253, issues & listing of canx & elimination

26, NO MENTION OF RT-253 IN THE WARM SPRINGS CORRIDOR HERE

27, RT 253 ISSUES & CANX & ELIMINATION ISSUES

P.S. & DO NOTE: YEARS BACK ABOUT 2000 IN THE FREMONT, CA. AREA A/C TRANSIT DID PUT IN RTS 252 & 253 BUT AFTER A PERIOD OF TIME THE RT 252 WAS CANX & ELIMINATED (IT DID SERVE PARTS OF THE WARM SPRING CORRIDOR THE RT 253 WAS RE ADJUSTED & RE STRUCTURED BUT IT DID NOT SERVE THE FORMER WARM SPRING AREA & WAS CANX & ELIMINATED IN THE YEARS 2003/2004,

AFTER IT WAS RESTRUCTURED & RELOCATED I AM TELLING YOU THIS INFO BECAUSE YOURS TYPES OF PEOPLE HAVE NOW MISS SQUED UP ALL OF THE THINKINGS OF THE NOW RT 253 TO DO THE/ITS WORKLOAD BUT NOW THAT & THE RT-253 DOES NOT EXIST, HOW STUPID OF THE BART ORG. TO OVER LOOK THIS HERE, & TO TRY TO FOOLL THE GEN PUBLIC & MED. & STATE & COUNTY & OTHER CITY-ELECTED OFFICIALS & OTHER THE GREATER WARM SPRINGS PROJECT OF THE BART ORG. YOTTERAS SAN FRANCISCO, CA.

You may hand in your completed comment card to a project representative at the Public Hearing or you may mail or fax it to BART. Please fold this form in half, seal with tape, and add postage before mailing. Fax comment cards to (510) 287-4747. Feel free to send in additional sheets as needed. You may also e-mail your comments to the e-mail address below. All comments must be received by 5:00 p.m. on Monday, April 25, 2005.

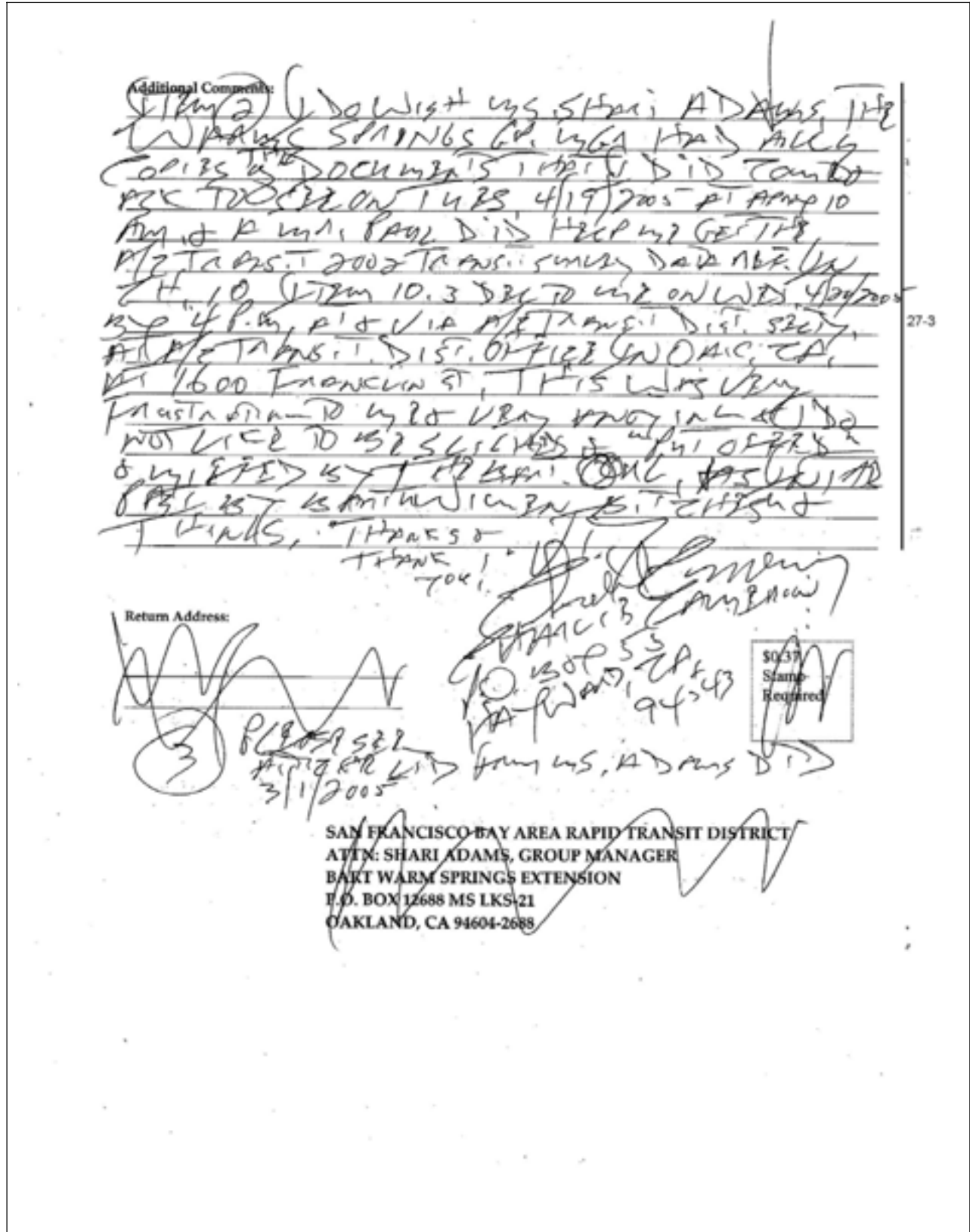
BART Warm Springs Extension P.O. Box 12688 MS LKS-21 Oakland, CA 94604-2688

Information Line: (510) 476-3900 Fax: (510) 287-4747 Web: www.bart.gov/wsx E-mail: bartwarm Springs Extension@bart.gov

ALSO - ORIGINAL
TYPE RT 253
PLEASE SEE GEN MEMO
02-047 DTD Feb. 21, 2002

pg 1072

OVER SEE OTHER
SIDE





SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688
Oakland, CA 94604-2688
(510) 484-6000

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March 1, 2005

Joel Keller
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Carole Ward Allen
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6TH DISTRICT

Lynette Sweet
7TH DISTRICT

James Peng
8TH DISTRICT

Tom Radulovich
9TH DISTRICT

Subject: Draft EIS and Public Hearing for the BART Warm Springs Extension (WSX) Project

Dear Sir/Madam,

The Draft Environmental Impact Statement (DEIS) for the proposed San Francisco Bay Area Rapid Transit District (BART) Warm Springs Extension of BART through Fremont to southern Alameda County is enclosed. The Warm Springs Extension Project would extend the BART system approximately 5.4 miles from the Fremont BART Station to a new Warm Springs Station with an optional station at Irvington.

An Environmental Impact Report and Supplemental Environmental Impact Report were previously prepared for this project in 1992 and 2003 respectively. Both documents were prepared by BART in accordance with the California Environmental Quality Act (CEQA). In order for the project to be eligible for federal funding, the Federal Transit Administration (FTA) and BART are preparing the EIS to satisfy the requirements of the National Environmental Policy Act of 1969 (NEPA). Environmental areas analyzed in the DEIS include, but are not limited to, the following issues: transportation and traffic impacts; the use of parkland, including Fremont Central Park; biological resources and sensitive species; land use, including consistency of proposed stations with local plans and policies; potential impacts to historic and cultural resources; and noise and vibration impacts on homes and other sensitive receptors near the alignment.

Copies of the 1992 EIR and 2003 SEIR are available by request on CD-ROM. Copies of all the documents referenced in the DEIS are available for public review at the BART offices at 300 Lakeside Drive, 21st Floor, Oakland, California 94612. Additional copies of the DEIS are available on CD-ROM and may be obtained by contacting WSX Group Manager Shari Adams at (510) 874-7375.

We anticipate the Notice of Availability for the DEIS will appear in the Federal Register on March 11, 2005. A 45-day public review period is being held to receive comments on the DEIS and will extend from March 11 through April 25, 2005. BART will hold a public hearing to gather comments on the DEIS at 6:30 p.m. on April 12, 2005. The public hearing will be held at the Washington Township Veterans Memorial, located at 37154 Second Street, Fremont, California, 94536. Comments may also be made in writing and sent to Shari Adams at the BART address above. Email comments may be sent to bartwarmsspringextension@bart.gov. All comments must be received by 5:00 p.m. on April 25, 2005.

Thank you for your participation in the environmental process.

Sincerely,

Shari Adams
Shari Adams
Warm Springs Group Manager

WSX DEIS Transmittal Letter.doc

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BART
APR 29 2005
TRANSIT SYSTEM
DEVELOPMENT

www.bart.gov

Response to Comment Letter 27

27-1 and 27-2: The comment notes that AC Transit's Bus Line 253, which is cited in a number of places in the DEIS transportation section (Section 4.2), no longer operates. The references to the AC Transit GM Memo No. 02-047 refer to a memo to the AC Transit District Board of Directors (February 21, 2002) that provided the results of an AC Transit ridership survey. The survey showed low ridership on the 253 bus line, and one of the recommendations in the report was to eliminate the 253 line.

Section 4.2 of the DEIS describes the transportation conditions at the time of BART's analysis and provides the assumptions that BART used to model future transportation scenarios in the Fremont area. Those assumptions were based on existing transit plans at the time BART performed the analysis (2002-2003). BART acknowledges that AC Transit eliminated Route 253 after it performed its analysis, but chose not to remove references to the 253 line in order to present a comprehensive picture of modeling assumptions. The elimination of the 253 line and changes to other bus lines are very minor factors in the transportation analysis and do not change the results of the analysis.

27-3: The commenter, Mr. Cameron, visited the BART District offices at 300 Lakeside Drive on April 19, 2005, to request data related an AC Transit ridership and schedule adherence that was referenced in the transportation section of the DEIS. BART regrets that the document was not immediately available, and BART representatives arranged for Mr. Cameron to pick up a copy of the AC Transit report directly from AC Transit, which he did the following day.

Letter 28

To: bartwarmspringsextension@bart.gov
From: Cautn1@aol.com
Date: 04/24/2005 04:19PM
Subject: Response to BART WSX Draft EIS

Subject: Reject BART WSX Draft EIS

Section 109(h) of the Federal-Aid Highway Act and the statute's implementing regulations require a four-step evaluation of impacts and mitigation measures to ensure that decisions are made in the best overall public interest.

28-1

The BART WSX Draft EIS violates Section 109 (h) in the following ways:

1.) False Funding Premise: Santa Clara County interests promote the BART Extension based upon the unstated false premise that when a local jurisdiction obligates itself by sales taxes to pay for a portion (in this case about a third) of the cost of a public project, that alone should obligate the California and federal governments to pick up the rest of the tab.

28-2

Having recognized the dangers of relying on local boosters way back in the 1970s, the Urban Mass Transportation Administration (precursor to the Federal Transportation Administration) established a set of professional evaluation guidelines to govern its participation in transportation capital financing. These guidelines have survived to this day and are stated in the Program Overview Section of the FTA's New Starts and Project Planning and Development Guidelines as follows:

- Mobility Improvements

Measured by travel time benefits per project passenger mile, low-income households served and employment near stations

28-3

- Environmental Benefits

Measured by change in regional pollutant emissions, change in regional energy consumption and EPA Air Quality Designation

- Cost Effectiveness

Measured as the cost per hour of travel time saved

- Operating Efficiencies

Measured by system operating cost per passenger mile

- Transit Supportive Land Use & Future Patterns

Measured by existing land use, transit supportive plans and policies and performance, and impacts of policies

The FTA guidelines are both reasonable and valid. Because the proposed BART extension doesn't come within a country mile of meeting these criteria, the EIS should be rejected.

2.) Effect on the Existing BART Operation: With the recent extensions to Brentwood, Pleasanton and the San Francisco International Airport the

28-4

patronage demands on the transbay section of the BART system have increased. It is anticipated that normal regional growth will begin to severely overtax the capacity of the critical transbay section sometime in the next 10 years. Yet BART and MTC have not as yet seen the need to deal with the central transbay issue.

Since a portion of the people who would use the San Jose extension would be either coming from, or traveling to, San Francisco it follows that the proposed BART extension to San Jose would do nothing but aggravate the transbay problem.

Extending BART to Warm Springs and then on into downtown San Jose would degrade the existing transbay BART service. Therefore, the EIS should be rejected.

Gerald Cauthen
15 Bowles Place
Oakland CA 94610

28-4
cont.

Response to Comment Letter 28

- 28-1:** Section 109 of the Federal-Aid Highway Act does not apply to non-highway projects; therefore, it does not apply to BART's proposed project. Please see response to comment no. 22-6.
- 28-2:** As documented in the DEIS, the WSX Alternative provides benefits in terms of ridership, reduced traffic congestion, air quality improvements, and energy savings. The WSX alternative has also been a longstanding part of MTC's Regional Transportation Plan. Although the funding plan includes revenue from local sales taxes, that does not guarantee either state or federal funding.
- 28-3:** BART's proposed project is not seeking FTA New Starts funding; therefore, the FTA New Starts and Project Planning and Development Guidelines cited in the comment do not apply to BART's proposed project. Nevertheless, the WSX Alternative is intended to achieve the same benefits as those addressed in the New Starts guidelines. Please see the DEIS sections on Transportation (4.2), Land Use (4.8), Air Quality (4.14) and Energy (4.15) and the financial analysis presented in Chapter 7, "Financial Considerations."
- 28-4:** BART and MTC have studied BART system capacity issues for the transbay portion of the BART system. Studies have shown that although the transbay capacity may become constrained in the future, it is not expected to occur until the years 2025 or 2030. MTC evaluated the possibility of additional transbay crossings in the *San Francisco Bay Crossing Study: Conceptual Alternatives* (2000), but rejected an additional transbay BART tube to provide additional capacity as too expensive. Other alternatives for relieving constraints on the transbay crossing are available.

Please note that the proposed project in this DEIS is the WSX Alternative, not an extension to San Jose. The commenter states that since a portion of the people who would use a future San Jose extension would be traveling to San Francisco, existing transbay service would be further degraded. It is important to note that although a portion of the new riders on a San Jose extension would go north to San Francisco, a much higher proportion of riders would be traveling southbound toward San Jose. These southbound riders would increase overall transit ridership, but would not impact the transbay crossing.

Letter 29

To: bartwarmsspringsextension@bart.gov
From: S2yachtman@aol.com
Date: 04/11/2005 07:39PM
Subject: Bart 2 warm springs

Mission Blvd "Destruction"

As a resident adjacent to Mission Blvd, in Niles, I have been wiggling my way through the construction area since the beginning of its construction. I am not looking forward to the continuous gridlock through August 2005, the completion date.

Argus article of 11/9 the cost of this project is \$42 million dollars. The tearing down of two railroad overpass, tunneling under the other railroad overpass and the widening of the Niles creek bridge accounts for most of the money. The 40 foot sound walls devalue the adjacent properties.

Question: Is this the best way to solve our traffic gridlock? Spending 42 million dollars on a road project of less than 1/2 mile long?

Once again I think our government priorities are in the wrong direction. Instead of trying to accommodate all this increased traffic, we should be working on removing traffic by mass transportation.

A few years ago we couldn't justify spending \$50 million on constructing a Bart tunnel under the lake. Today we spend \$42 million on road widening. This doesn't make sense. 50 years from now our state will be covered entirely with concrete. Highway 99 and hwy 5 will be called 995. They will merge together.

The government must change their way of thinking. We will never accommodate all the cars on our roads. Expanding mass transit is the only way to relieve the gridlock on our freeways. Extending Bart is the only way to solve the freeway gridlock problem. Any thing else is just a waste of money. So, lets stop all these useless road projects and concentrate on the one and only BART extension.

| 29-1

Think about it

Arnold Corbett
651-1273

Response to Comment Letter 29

29-1: BART thanks Mr. Corbett for his comment. No response required.

Letter 30

To: bartwarmsspringsextension@bart.gov
From: S2yachtman@aol.com
Date: 04/11/2005 07:41PM
Subject: bart 2 warm springs

Another shortfall

7 Oct.2004

The President travels in a Boeing 747 from city to city advertising that he is a candidate for the President of the USA. I see only one person coming out of the Presidential aircraft waving, that's our President. He should use smaller aircraft for non-essential trips to conserve fuel and help clean up the air as he asks the American people to do.

Now lets get to the jest of this article:

Deteriorating Ozone's, Contaminated Air, and Smog encasing the world. The cars we drive cause these conditions. By the year 2020 we are compelled to improve the efficiency of the cars by 25%. (Argus)

Lets get real. The only way to reduce smog is to reduce gridlock on our freeways. A 30-minute trip, yester-year, now takes more than an hour. The stop and go traffic belches out 10x the exhaust than a car that constantly moves at a steady rate of speed.

BART is the only answer. When are we going to expand Bart to the south bay? We are spending millions of dollars widening our freeways to accommodate the ever-increasing traffic. A \$50 million tab to widen Mission Blvd/Niles canyon road. Construction on the Freeway 880 & 237 to name a few. And Bart still dead-ends in Fremont.

Billions of our tax dollars are being spent on the rebuilding of the bay bridge on the assumption that an earthquake may shake it to pieces. Freeway Gridlock is no assumption. It is for real.

If we can remove 20% of the vehicles from our freeways, we will lesson the gridlock. Fremont needs smaller buses. 90% of the buses running, on our streets, have only 4 people on board and one of them is the bus driver. If more commuters would travel by Bart we would burn less fuel. This will reduce the smog and ozone's and anything else that is floating in our atmosphere.

It's all simple arithmetic. We all must change our commuting habits. The government must get serious about our problems and get the solutions on the drawing boards and into production, A.S.A.P.

Think about it

Arnold Corbett
651-1273

30-1

Response to Comment Letter 30

30-1: BART thanks Mr. Corbett for his comment. No response required.

Letter 31
Page 1 of 1

From: Grasslandladyvm@aol.com
To: bartwarmsspringsextension@bart.gov
Date: Monday, March 28, 2005 03:23PM
Subject: Warm Springs Extension

RECEIVED

MAR 28 2005

To whom it may concern,
I would appreciate the DEIS, Bart Warm Springs Extension Project Draft EIS. If you can e-mail it to me then, then thank you. If you need to mail: Susan R. Gearhart, P.O. Box 3442, Fremont, CA 94539. I am very concerned with the extension over Lake Elizabeth, we were led to believe that it would be next to the rail, nothing notes that it will be under the Lake Elizabeth.
Please respond,
Susan Gearhart
510.656.7703

31-1

[http://notes-c01.adm.bart.gov/mail/web0006.nsf\(\\$Inbox\)/94016B00BED2828288256FD2...](http://notes-c01.adm.bart.gov/mail/web0006.nsf($Inbox)/94016B00BED2828288256FD2...) - 3/29/2005

Response to Comment Letter 31

31-1: BART initiated a Supplemental EIR (SEIR) to address changes in the project area and project modifications to the Adopted Project. The principal modification from the 1992 Adopted Project and the alignment described in the 2003 SEIR and the Draft Environmental Impact Statement (EIS) is the change from an aerial structure to a subway alignment beneath Fremont Central Park and Lake Elizabeth, which would reduce environmental impacts on the park. (Please refer to Section 1.3.3, “2003 Modified Project” in the Draft EIS.)

Faxsimile Transmittal

Letter 32

To: Shari Adams

From:
Philip Ingber
2231 Via Maderos
Los Altos, CA 94024
Fax No. (650) 968-2260

Company: Warm Springs Extension
Group Mgr.

Fax Number: (510) 287-4747

Date: 4-1-05

Number of Pages: (1.)

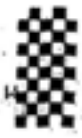
Comments: I am the owner of certain condem-
nation rights to property to be included
in the Warm Springs Extension of BART.
The property directly across from the
Fremont Station. Please put me on
any mailing list that provides
information from your office regarding
the Warm Springs Extension.
Thank You -

Philip Ingber
2231 Via Maderos
Los Altos, Calif 94024

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BART
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DEVELOPMENT

Apr. 01 2005 10:28AM Pd

FAX NO. :



Response to Comment Letter 32

32-1: The commenter's name has been added to the WSX project notification list.

Page 1 of 1
RECEIVED
Letter 33
APR 20 2005

From: "Christy Kennedy" <chyna2@surewest.net>
To: <bartwarmsspringsextension@bart.gov>
Date: Tuesday, April 19, 2005 10:00PM
Subject: Bart starting from fremont to sacramento should have been reach years ago.

I want to make a common on all citys , And our government who I think this should have been taking care of for our people long time ago. We need to get more cars off the road because there are moor traffic on theses highways every day. Bart should be the first thing we could look at.

33-1

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Response to Comment Letter 33

33-1: BART thanks Ms. Kennedy for her comment. (No response required.)

Page 1 of 1

Letter 34

From: W M <metroidzm@gmail.com>
To: bartwarmspringsextension@bart.gov
Date: Thursday, April 14, 2005 03:42PM
Subject: Customer Request

APR 13 2005

I was not able to attend your public meeting but am interested in hearing about some of the traffic concerns, housing impacts around the station, and other issues brought up at the meeting. I read you will be taking comments until April 25, 2005. I was unsure to send this email now or on April 25. Thanks.

34-1

Sincerely, Wilkin M.

[http://notes-c01.adm.bart.gov/mail/web0006.nsf/\(\\$Inbox\)/59633ADD890614E188256FE3...](http://notes-c01.adm.bart.gov/mail/web0006.nsf/($Inbox)/59633ADD890614E188256FE3...) 4/19/2005

Response to Comment Letter 34

34-1: Section 4.2, “Transportation”, of the Draft EIS describes roads and traffic issues within the project vicinity, and the effect of the proposed project on traffic and other transportation issues. Various other sections of the Draft EIS, such as Section 4.10, “Population, Economics, and Housing,” describes the existing population and housing characteristics along the proposed WSX alignment and the WSX Alternative’s potential impacts on housing and population.

Please refer to comment nos. 4.2.1 through 4.2.23 for BART’s response to comments raised during the public hearing.

Letter 35

To: bartwarmspringsextension@bart.gov
From: Elliot Martin <elliot@uclink.berkeley.edu>
Date: 04/18/2005 09:19PM
Subject: Public Comment on the Warm Springs Extension

From: Elliot Martin
Of: Berkeley, CA
April 18, 2005
Public Comment on the Warm Springs BART Extension

Dear BART,

I would like to express my support for the Warm Springs BART Extension. I often use BART as a substitution for a trip with a car. I can do this on a regular basis because BART permits the carriage of bicycles on the system. This important freedom has allowed me to take care of the "first mile-last mile" problem on many occasions. I would like to encourage BART, in their system expansion, to continue to foster and encourage bicycle use in conjunction with mass transit trips. This could include devising a way to permit bicycles to be taken on commuter trains by opening them to the last car on trains. I believe that BART is missing out on a great market of potential transit riders, by restricting bicycle access during commute hours.

35-1

35-2

I used my bicycle with BART to attend the most recent public comment meeting in Fremont. I heard a gentlemen vituperate against the extension rather aggressively. His primary point, as I recall, was that Warm Springs is an illogical terminal point for the system as well as the fact that there is no transit-oriented development (TOD) in the area. In addition, he pointed out that BART has a poor track record of fostering TOD. I heard later that this person represents an organization that wants to see the money put to high-speed rail projects. This is of course ridiculous because any real HSR project would require far more funds than the \$678 million expected to be put towards the extension. Furthermore, BART would serve as an excellent rail service along what currently is a very congested corridor.

35-3

I personally understand that the Warm Springs station is not an aspired terminal point, but rather an alignment of the system for an eventual charge down to San Jose along the recently secured tracks by the VTA. I would wholeheartedly encourage BART to pursue this further extension. I

35-4

would also like to address the issue of TOD with respect to additional BART extensions. It is on this matter that I believe that the critic mentioned earlier has a point. BART's recent success in developing the Fruitvale transit village is good beginning. But there are many stations within the system that represent the antithesis of TOD, including the proximate Fremont station. It is important that BART do everything possible to work with the city of Fremont to see that mid to high density residential development occur in the immediate area around the station. This is critical not only for the success of the Warm Springs station itself, but for the future advocacy of BART expansions. I understand that much of the area around the station is zoned commercial. I do not know whether such zoning discourages or even permits mid to high density residential development to occur in the area. In the event that it does discourage such development, I would like to urge BART to pressure the city of Fremont to develop the appropriate changes or systematic guarantees that TOD will be encouraged around the Warm Springs and Irvington stations.

35-5

The benefits of such development are clear along many criteria. Transit-oriented development encourages transit use by placing renting and home-owning residents close to a transit station in which they can access the entire system without the use of car. This improves ridership and hence improves the balance sheet of BART. The environmental benefits of transit use are indisputable in comparison to auto-based commuting. Finally, successful development, even a successful effort in securing future transit-oriented development will be a big boost for advocates of further extensions, be they to San Jose or elsewhere. I believe that once a commitment to the extension has been secured, that encouraging this type of development is BART's next greatest challenge in intergovernmental coordination. If possible, these goals should be pursued simultaneously.

35-6

In conclusion, I would like to express my support for this BART extension. In turn, I hope that BART can do what is right for itself and for all of us, and secure transit-oriented development around these new stations.

Sincerely,
Elliot Martin

Response to Comment Letter 35

- 35-1:** BART thanks Mr. Martin for his comment. (No response required.)
- 35-2:** BART encourages bicyclists to use BART. However, a patron with a bicycle occupies more space than a typical patron. In order to maximize available space during commute hours, current BART policy is to restrict bicycles on trains during certain hours of the morning and evening commute. BART is constantly re-evaluating its ridership policies, but no change regarding this aspect of bicycle use is anticipated in the near future.
- 35-3:** BART thanks Mr. Martin for his comment. (No response required.)
- 35-4:** As described in Chapter 5, VTA's proposed SVRTC project would provide for a 16.3-mile extension of BART service from the proposed Warm Springs Station through the cities of Milpitas, San Jose, and Santa Clara. This proposed project is currently undergoing a separate federal environmental review.
- 35-5:** The City of Fremont establishes the land uses on and around the station site through the city's general plan and zoning ordinance. The current general plan designations around the proposed Warm Springs Station site are predominately industrial. Current land use designations around the optional Irvington Station site are a mixture of commercial, industrial and residential designations. BART supports development of transit-oriented development around station sites, and has been cooperating with the City of Fremont on both the Irvington Concept Plan and the Warm Springs BART Area Specific Plan. The Warm Springs BART Area Specific Plan is assessing three different land use scenarios for the Warm Springs Station site, one of which is a high-density residential scenario, as suggested by the commenter. The Irvington Concept Plan was adopted by the city on January 25, 2005. Please see the response to comment no. 21-7 for further information on TOD.
- 35-6:** BART thanks Mr. Martin for his comment. (No response required.)

Letter 36
Page 1 of 1

From: "Michael J McGowan" <michael@xlode.com>
To: <bartwarmsspringsextension@bart.gov>
Date: Monday, March 28, 2005 07:50PM
Subject: Bart Extension

RECEIVED
MAR 29 7:35

BART Warm Springs Extension Project Representative,

I'm a Fremont resident and I have just one concern about this project. I'd like the entire extension from Fremont to Warm Springs to be underground. I won't mind additional property taxes to pay for the additional cost of having it underground.

36-1

Thanks for taking my input into consideration.

Regards,

Michael J McGowan

[http://notes-c01.adm.bart.gov/mail/web0006.nsf/\(\\$Inbox\)/51C3E6EF656C752688256FD3...](http://notes-c01.adm.bart.gov/mail/web0006.nsf/($Inbox)/51C3E6EF656C752688256FD3...) 3/29/2005

Response to Comment Letter 36

36-1: The construction of an underground route for BART's Warm Spring Extension would be cost prohibitive. In addition, the construction period associated with an underground route would be much longer and create a greater disturbance to residents and businesses along the project corridor, as well as greater environmental effects. As described in Chapter 3 of the EIS, BART determined that the use of the former UP railroad right-of-way is the most feasible route based on engineering and environmental considerations, as it provides an existing linear pathway in a previously disturbed area.