P1

-----Original Message-----
From: Jurgis [mailto:jurgis_sj@yahoo.com]
Sent: Thursday, March 25, 2004 1:23 PM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject: BART-VTA

My comments are:

- There needs to a proposal for breaking the construction into affordable segments. The stated first priority should be to get BART connected to VTAs light rail system at the Great Mall (this implies that the Warm Springs Extension gets done, combined with "segment 1" in Santa Clara County). All the proposed tunnelling in downtown San Jose will be extremely expensive. Getting BART into East San Jose will provide the biggest 'bang for the buck'.

P1.1

- The connection to the San Jose Airport is bad. BART needs to go DIRECTLY there. It's a big, multi-terminal airport, so shuttles/people-movers will be necessary, but the Caltrain corridor already has more transit options than every other place in the county. We don't need two train systems running side-by-side.

P1.2

Sincerely,

George Rasko

RESPONSE TO COMMENT LETTER P1

George Rasko (March 25, 2004)

P1.1 *Dividing the project into segments would substantially increase the total project costs with no real advantage. The current BART maintenance facilities cannot handle even a small extension into Santa Clara County. This project requires a maintenance facility preferably located at the end of the extension since midline maintenance facilities result in significant increases in annual operating costs associated with "deadheading" trains at the start and end of service. Terminating the project before Santa Clara results in the expenditure of funds for significant maintenance capacity that would be throw away costs once the extension is completed to Santa Clara. In addition, expanded parking and access improvements to the Montague/Capitol and Berryessa Stations would also be wasted improvements once the remainder of the extension is completed.*

P1.2 *The Automated People Mover (APM) would have a number of advantages over a direct BART connection to Norman Y. Mineta San Jose International Airport (SJIA):*

1. *The cost for the APM is much lower ($250 million) compared to BART ($650 million);*
2. *The weekday ridership is higher for the APM (7,400) compared to BART (4,700);*
3. *The APM would provide more frequent service (3 to 5 minute headways) compared to BART (6 to 12 minutes);*
4. *Funding has been identified for the APM through the 2000 Measure A Program, but not for a direct BART connection to the Airport;*
5. *Spatial constraints at the airport would make BART difficult and costly to accommodate;*
6. *Finally, a direct BART connection would make only one airport stop, so a passenger transfer is still required on the APM to other parts of the airport. Meanwhile, the APM would serve multiple stops along its route.*

In addition, the City of San Jose has adopted the APM as the recommended access alternative to the SJIA.

P2

-----Original Message-----
From: Zakhary Cribari [mailto:urbanplannerzc@yahoo.com]
Sent: Tuesday, March 30, 2004 9:32 AM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject: Commentary regarding BART EIS/EIR review

TO:
Mr. Tom Fitzwater and/or others whom it may concern:

FORM:
Zakhary Cribari

REGARDING:
BART to San Jose EIS/EIR

The BART to San Jose Project is currently going through a stage of receiving Environmental Impact Statement/Environmental Impact Report (EIS/EIR) comments. Throughout this session of commentary, alternatives to the BART to San Jose Proposal are being presented to the public for public input. My receiving of this information has occurred thorough reading the recently sent *Public Hearing Notice* packets, which have been sent to various residents in the BART to San Jose Corridor area. I, Zakhary Cribari, have in the past, sent to VTA an alternative BART to San Jose Proposal. The conclusion to the proposal that was sent was that the proposal was deemed to be a *preferred alternative*. This information was forwarded to me by phone from a VTA representative. It would be much appreciated if the proposal can be displayed for other public viewers at the Public Hearing Meetings, as it has been deemed a *preferred alternative*. P2.1

On a separate subject, my recommendation to VTA presently, is to put several projects, but this one especially, to a halt, or in other words, at a "BART "No Action"" alternative. This recommendation is being suggested because of VTA's inability to even keep up with current services (in-service bus and light rail lines), which should always come first over any other projects, such as that of BART to San Jose. P2.2

Enclosure[1]: Enclosed in this e-mail message is my commentary, being the BART to San Jose Proposal that I sent to VTA. The proposal comes with two documents:

- the introduction
- and the proposal itself.

The proposal, as may be assumed, can be found attached to this e-mail message. Please take the time to thoroughly read through the proposal. However, please first read the introduction, which I would appreciate to be read through thoroughly as well. P2.3

Enclosure[2]: If maps are necessary to view the routing off the proposal being given to you, please respond in question for them.

Sincerely,

Zakhary Cribari

C/O Office of the Board Secretary,
Santa Clara Valley Transportation Authority,
3331 North First Street, Building B-2,
San Jose, CA 95134-1927

Zakhary Cribari
PO Box 720713
San Jose, CA 95172-0713
E-mail at: urbanplannerzc@yahoo.com

May 6, 2003
Revised/added to: Thursday, September 18, 2003

Dear Tom Fitzwater and others whom it may concern,
Re: Silicon Valley Rapid Transit Corridor Policy Advisory Board. ALTERNATIVE ROUTE PROPOSAL.

I am writing to you with an alternative proposed route for the BART to San Jose project that is currently under review. I fully understand that the board has already selected a route. I further understand that the route selected is currently being evaluated by the Environmental Impact Study (EIS).
Given any concern by the Study as to the appropriateness of the already selected route, I would like to offer up an alternative route.

It is my belief that the attached proposal warrants consideration as it brings the following additional value

- **Feature:** Delivers service to areas of greater need (Higher work relation density)
- **Benefit**: Reduces workforce reliance on automobiles.

- **Feature**: Eliminates the need for the proposed People Mover to Norman Y. Mineta San Jose International Airport.
- **Benefit**: Consolidates 2-3 expensive projects into 1 project – **POTENTIAL OF SAVING MONEY**

- **Feature:** Increase the light rail connection from 2 to 5
- **Benefit**: Improves usability of overall transport system by providing more connections to services that reach out to broader, more local areas.

- **Feature**: Provides a better infrastructure for future growth, such as extensions of a new lines between Millbrae/SFO and San Jose, which would start from Norman Y. Mineta San Jose International Airport by traveling on 101 to make another Light Rail connection at Bayshore/Nasa and continuing via my proposed routing, and Pittsburg/Baypoint, Pleasanton, and San Jose, which would travel via I-680 Corridor.
- **Benefit**: Provides greater access to both East Bay and Peninsula residents to Norman Y. Mineta San Jose International Airport. Increases appeal to travel through San Jose rather than San Francisco. More revenue for San Jose, VTA, and BART through increased Airport usage taxes.

- **Feature**: Prepares for transportation to current and future Business Parks.
- **Benefit**: Gains finances for BART and VTA through being an easier commute alternative.

As you can see there are significant reasons to consider this alternative approach. It is always good to have a backup plan. I believe this is a great alternative, and only wish I had submitted it prior to the original deadline for reviews.

I strongly urge you to present this to your committee.
I am available to assist your team in a detailed review of this proposal and await your response.

With warmest regards,

Zakhary Cribari

Zakhary Cribari
PO Box 720713
San Jose, CA 95172-0713
E-mail at: urbanplannerzc@yahoo.com

Thursday, May 09, 2002
Revised: Thursday, May 01, 2003
Revised/added to: Thursday, September 18, 2003
Finalized: Wednesday, December 10, 2003

BART TO SAN JOSE

The commute between the East Bay and Silicon Valley is highly congested. BART coming to San Jose will help relieve much of the traffic congestion between the East Bay and South Bay, especially on the interstates. Because of the congestion on the in interstates, many commuters have chosen to utilize local streets, such as Warm Spring Boulevard in Fremont and Milpitas Boulevard in Milpitas. BART has in past years become the preferred transportation alternative project for the East Bay-South Bay commute. The Silicon Valley Rapid Transit Corridor Policy Advisory Board had viewed several options including BART, Express Bus Services, and other rail services. In the year of 2001, the board concluded by stating that BART being extended to Milpitas, San Jose, and Santa Clara is the preferred alternative for the East Bay-South Bay commute. Bringing BART to San Jose will also help VTA and BART gain passengers, thus, generating funds to assist in offsetting the current financial deficits. However, the current proposal the Silicon Valley Rapid Transit Corridor Advisory Board has proposed is observed as not being suitable for the general proposal of utilizing BART for the East Bay-South Bay commute alternative. This proposal being offered to you in this document costs less for VTA, BART, *and* tax payers in the long run, though it may cost more at the present time. The proposal being offered in this document will also receive more services and, in general be better. It will allow a much more direct line to highly congested work and community areas, rather than requiring transfers to get to those areas. Also, this routing allows extremely convenient access to the Norman Y. Mineta San Jose International Airport. However, while it is apparent that The Silicon Valley Rapid Transit Policy Advisory Board are trying to save time and finances via the *easy-way*, by taking BART on the already built Union Pacific Railroad, "customers (in this case, *the passengers*) are always right!" Finally, the proposal being offered more thoroughly prepares for future BART growth, lines and extensions. For a clearer presentation of this proposal, maps have been included. In conclusion, BART absolutely needs to come to San Jose and fulfill the need for a commute alternative between the East Bay and South Bay; however, it needs to occur in a better way than currently proposed by the Silicon Valley Rapid Transit Corridor Policy Advisory Board.

As the general public is vividly aware, both interstates 680 and 880 have been highly congested and are gaining more congestion throughout the years. This is because Silicon Valley is a large Industrial Park. However, expenses in the area also have grown tremendously. Because of this, many past South Bay residents have moved and become residents of other suburban areas and cities, even distant areas such as the Central Valley. Surprisingly, these people still come to the Silicon Valley to work. Additionally, they also enjoy coming to some of Silicon Valley's attractions, including Great America, our many malls, and much more. Extending BART to San Jose will eliminate most of the problems on the interstates, as well as provide a more rapid ride to and from Silicon Valley.

Included in this proposal is a route mapped out with stations that will be efficient for the BART to San Jose project. The routing being proposed will lessen, or even eliminate the need for a *People Mover* to and from Norman Y. Mineta San Jose International Airport. It will also allow BART to have *direct* access to two of three Bay Area International airports. Additionally, the line will be more convenient to the many North San Jose business people. The routing will also be more efficient for passengers and will create more revenue for BART, VTA, and South Bay cities. If BART is brought to Milpitas, San Jose, and Santa Clara, it should occur in a way that will accommodate the Bay Area and not just those cities. At this time, with the current proposal that the Silicon Valley Rapid Transit Corridor Policy Advisory Board has presented, the line will be used more for intra-county travel, such as from Alum Rock to the Great Mall, rather than inter-county travel, such as from the East Bay to the Silicon Valley Business areas. BART needs to come to San Jose in a way that will assist BART in living up to its name, ***Bay Area*** *Rapid Transit.*

BART is more utilized for business and other distant travels, such as commute travel, than any other kind of travel. BART, when brought to San Jose, should serve business areas such as North San Jose and Norman Y. Mineta San Jose International Airport. Bringing BART to Norman Y. Mineta International Airport will assist International, and other long distance and business travels. This proposed routing, which is being both offered and recommended to the public and the Silicon Valley Rapid Transit Corridor Policy Advisory Board, will simply be an alternative routing from the proposed "Montague/Great Mall" Station. The proposal will need BART to observe this station underground, while curving towards the west for preparation of traveling under Montague Expressway. The line will extend from the "Montague/Great Mall" Station; continue at the same westward angle until it veers onto Montague Expressway. Shortly thereafter, the line will come to Trimble Road, where it will veer left. The route proceeds to "North San Jose" Station. This station is to be located on Trimble Road between North 1st Street and Zanker Road, having two exits, one near Zanker Road and one near North 1st Street. Next, BART will *DIP* and travel beneath US/Federal Highway 101, ending up beneath Terminal Boulevard at Norman Y. Mineta San Jose International Airport. The line then enters Terminal A. At this point of origin, it will have a "San Jose International Airport (Terminal A)" Station. Continuing down Terminal Boulevard, the line will enter Norman Y. Mineta San Jose International Airport's Terminal C. The line in this area will also have a station, "San Jose International Airport (Terminal C)" Station. After the airport, the line will travel below at a Southeast angle and continue at that same angle until it merges below Guadalupe Parkway, California State Highway 87. Next, the line will have a "Santa Clara County Civic Center" Station located at Hedding Street. After this, the line will travel below Taylor Street and Coleman Avenue ending up below the Union Pacific Railroads, which are utilized by CalTrain, ACE, and Amtrak. The line ends up at the "San Jose Diridon" Station where there will be a three train story station (See Below). In future time, it is recommended that BART also be extended to Gilroy, and relieve CalTrain services to and from Gilroy, in addition to the proposed CalTrain extension to Salinas. If and when such time arises, BART would directly after the "San Jose Diridon" Station, come to ground level and travel on the current Union Pacific Railroad tracks right of way, to the "Tamien" Station, relieving CalTrain services to "Tamien" Station. If and when extended to Gilroy, due to BART being able to travel, accelerate, and stop faster than CalTrain, it will have the ability to access more stations. These stations will be located in current as well as future development areas. The stations include one at Bernal Road, and one at Bailey Avenue. These stations will be known as the "Bernal Road" Station, and the "Coyote Valley" Station. This routing will be very efficient for the BART to San Jose Proposal and will further facilitate in BART withholding to its name, ***Bay Area*** *Rapid Transit.*

Along with the proposed routing are proposed parking lots and station exit and entrance way designs. "North San Jose," "San Jose International Airport (Terminal A)," "San Jose International Airport (Terminal C)," and "Santa Clara County Civic Center" Stations will not have a parking lot. These stations will be built just as San Francisco's "Embarcadero," "Montgomery," "Powell," and "Civic Center" Stations are, in the sense that there will be entrances on the street level to go down to the stations themselves. The "North San Jose" Station will have two entrances, located on Trimble Road near North First Street and near Zanker Road. Norman Y. Mineta San Jose International Airport stations will be located directly in front of the San Jose International Airport terminals. The entrance to the "Santa Clara County Civic Center" Station will be located on Hedding Street near San Pedro Street. It will be located adjacent to the VTA Line 62 bus stop near San Pedro Street. Next is the "San Jose Diridon" Station, which will consist of three train stories when BART arrives. The ground level of the station will be for ACE, CalTrain, and Amtrak. The first subway level will be designed for the new VTA Vasona Light Rail Line when it arrives in 2005. Further underground, will be the second subway level for BART. And eventually, when CAHSR (California High-Speed Rail) comes our way, it too, will have an even further underground "San Jose Diridon" Station. The "San Jose Diridon" Station idea will be similar to the way that BART and MUNI Metro have their stations constructed in San Francisco between "Embarcadero" and "Civic Center" Stations. Next, is the "Tamien" Station. Both "San Jose Diridon" and "Tamien" Stations will relieve or have a shared parking lot, with CalTrain. Along the Union Pacific tracks to Gilroy, all current CalTrain stations will remain constructed as they are. However, "Bernal Road," and "Coyote Valley" Stations will be add-ons to the Gilroy service. The "Bernal Road" Station will be located directly below the Bernal Road overpass along Monterey Road. Parking will be available at this station, across the street, on the northbound side of Monterey Road, both at the south and north ends of the Bernal Road overpass. "Coyote Valley" Station will be located on the south-end side of Bailey Avenue, with no parking. This station will

be primarily used for business commuting to and from Coyote Valley Residential and Business areas. The attached maps show more details.

VTA and BART should consider the routing that has been offered in this proposal. The proposal is a financially more conservative plan. With BART serving Norman Y. Mineta San Jose International Airport, it will attract more and varied customers, as the San Francisco International Airport does. Furthermore, allowing BART to have direct access to Norman Y. Mineta San Jose International Airport will facilitate greater use of the airport than the current plan for a people mover from the Santa Clara Transit Center to Norman Y. Mineta San Jose International Airport, thus requiring passengers to transfer. Norman Y. Mineta San Jose International Airport will become a preferred Bay Area Airport for *both* in-coming and out-going passengers to utilize. This proposal reduces road congestion, because it serves more highly work congested areas than the current project. Additionally, offers more light-rail transfers than the current proposal allowing for a better transit transferring system. Commuters want the fewest possible transfers, as well as more transfer options for the broader areas, such as the North San Jose business area. This proposal offers those potential possibilities more so than the current proposal. This proposal will save VTA and BART more money in the long run than the current project. There are two key factors to long-term money savings. One is the capital and operating costs of the project. The second is the amount of revenue generated from the use of the service. The current project costs less to build, but costs more in the long run because of fewer passengers. On the other hand, this proposal costs *just a little* more to build because of more tunneling, but at the same time, eliminating the need for a people mover. In the long run however, it is presumed that it will gain a massive amount of ridership, higher receipts, and over time, produce a positive cash flow. This proposal yields a higher level of ridership. It will generate higher receipts, offsetting the capital costs at a faster rate, thereby creating a long-term, preferable, sustainable, and viable, public transportation system.

First however, we need to look at today's financial picture. Transit agencies need to be careful and use what is available, without asking passengers for more. If passengers are asked for more, we in reality end up with less because of the fact that the passengers will leave. And then, we go in a circle again and again. The Silicon Valley Rapid Transit Policy Advisory Board absolutely need to use only the finances that they have and if we need more, **wait**. On the other hand, whenever dealing with a big project like this, we end up needing financial assistance. We need to go about it in a courteous and proper way while at the same time looking at what costumers want and not the *easy-way*. What customers want is a ***Bay Area Rapid*** *Transit* system that gets them to most places they need to go, *around the Bay Area*, easily and quickly.

BART definitely needs to come to the South Bay. This routing, being proposed to the Silicon Valley Rapid Transit Policy Advisory Board will be very efficient. It will draw travelers to major attraction and traveling sites, such as the Great Mall of Milpitas as currently proposed. It will also allow BART to have *direct* access to Norman Y. Mineta San Jose International Airport, thus creating competition between San Francisco and Norman Y. Mineta San Jose International Airports. This proposed routing consists of five different Light Rail Connections, including at the "Montague/Great Mall" Station, "North San Jose" Station "Santa Clara County Civic Center" Station, "San Jose Diridon" Station, and futuristically, "Tamien" Station. It will also help link multiple business areas including places like North San Jose and the Santa Clara County offices near downtown San Jose. Last, this proposal lays ground work for future proposals, which are:

- Linking San Jose to Millbrae/SFO,
- Linking San Jose to Dublin/Pleasanton, and Pittsburg/Bay Point

The proposed San Jose to Millbrae/SFO alignment will travel from the airport northbound on 101 and will servicing the Great America area as well as another Light Rail Station, the "Bayshore/NASA" Station. It will also serve Downtown Mountain View, Stanford Industrial Park, and the I-280 corridor, including Serramonte Mall. The proposed San Jose to Dublin/Pleasanton, and Pittsburg/Bay Point alignment, travels from the "Warm Springs" Station via Interstate 680 to Sunol; Pleasanton; Dublin, where there will be an inter-model station with the Daly City-Dublin/Pleasanton Line; San Ramon; Danville; Alamo; and Walnut Creek, where it will meet with the Pittsburg/Bay Point line to Pittsburg/Bay Point. However, the Silicon

Valley Rapid Transit Policy Advisory Board needs to always look at finances and what passengers will appreciate more, first. This proposal will be in the interest of Commuters, travelers, and businesspersons like you. It is strongly recommended that BART be brought to San Jose and that the routing which has been presented thoroughly reviewed. The Silicon Valley Rapid Transit Policy Advisory Board should always look at what the public wants before making a final decision. If this means that The Silicon Valley Rapid Transit Policy Advisory Board needs to wait in order to build the extension to the desires of the customers, then so be it. Additionally, all extensions of BART or any rail need to be extended to an area where there are several means of local transportation so that all commuters can go to their final destinations with ease. This proposal is easier because BART will observe Norman Y. Mineta San Jose International Airport itself, therefore, lessening the need to build a *People Mover*. If The Silicon Valley Rapid Transit Policy Advisory Board wants to succeed in its goal(s), then it should listen to the public input more than they do. After all, "The customers are *always* right." Please take time to review this proposal thoroughly, and if possible, present it to the public and receive the public's input. Thank you for your time.

SINCERELY,

_____

ZAKHARY CRIBARI, INTERESTED CITIZEN
AND PUBLIC TRANSPORTATION ADVOCATE

RESPONSE TO COMMENT LETTER P2

Zakhary Cribari (March 30, 2004)

P2.1 *VTA believes the commentor is referring to his alternatives proposal dated May 9, 2002. This proposal focuses on an alignment that serves the Norman Y. Mineta San Jose International Airport, the County Civic Center at Hedding and the Diridon Station with a future routing to Gilroy. This alignment completely ignores the San Jose east side (the BART Alternative has stations at Berryessa and Alum Rock) and downtown civic center (the BART Alternative has stations at Civic Plaza/SJSU and Market Street). One of the purposes of the project is to "Improve mobility options to employment, education, medical, and retail centers for corridor residents, in particular low-income, youth, elderly, disabled, and ethnic minority populations". To achieve this purpose one or more stations are needed on the east side to serve those communities. Similarly, the downtown stations were selected to promote downtown business activities and support the project purpose to "support local economic and land use plans and goals." The City of San Jose has undertaken substantial planning efforts to encourage transit-oriented development at the proposed BART Alternative station locations.*

The comments proposal was included in the Summary of Community Input Received on the BART Alignment and Station Options: April 1 – May 20, 2002 and was provided to the Silicon Valley Rapid Transit Corridor Policy Advisory Board at the May 29, 2002 meeting. At the June 28, 2002 meeting, the Joint VTA/BART Board of Directors approved the project description for the locally preferred alternative that was not this proposal.

P2.2 *The recent economic decline presents challenges to the financing of this project. VTA staff continues to work with the VTA Board, MTC, the State of California, and the Federal Transit Administration to resolve the details of the funding plan for this project. As stated in Section 8.1, Introduction to the Financial Considerations Chapter, of the EIS/EIR "a feasible financial plan will need to be prepared to advance the project into Final Design." Chapter 8, Financial Considerations, of the EIS/EIR accurately represents the funding picture for the project in combination with the Final EIS/EIR Recommended Project description.*

Recent reductions in bus and light rail service are related to declining sales tax and fare revenues as a result of the recent nationwide economic decline and are unrelated to the proposed BART Alternative. As demonstrated in Table 3.4-1, 2025 Fleet Requirements for Baseline and BART Alternatives, the VTA bus fleet under the BART Alternative includes 642 vehicles, an increase over the No-action Alternative and a significant increase over current service levels. Bus service under the BART Alternative, utilizing that fleet, is described in Section 3.4.7, BART Alternative Operating Plan, and in the Travel Demand Forecasts Report, 2003 incorporated by reference in the EIS/EIR.

P2.3 *The Major Investment Study/Alternatives Analysis (MIS/AA) for the BART Alternative evaluated 11 alternatives for the corridor including the possible use of express bus, busway, commuter rail, diesel light rail, light rail, and BART. After an extensive public outreach process, the VTA Board of Directors determined that the benefits of the BART Alternative were far greater than those of any of the other alternatives and selected it as the Locally Preferred Alternative in 2001. Also, refer to response P2.1.*

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P3

-----Original Message-----
From: Todd Garrison [mailto:garrisontodd@hotmail.com]
Sent: Wednesday, April 07, 2004 6:47 PM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject: Proposed BART Extension to Milpitas, San Jose and Santa Clara

Mr. Tom Fitzwater
VTA Environmental Planning Department
3331 North First Street, Building B
San Jose, CA 95134-1927

I have only one comment regarding the project. I pay nearly $10 each ride to San Francisco and back in addition to my taxes. This is no small amount. But even more frustrating is to watch the dozens of teens and thugs hopping the turnstiles or running through the handicapped gates for free rides.

P3.1

Please do something about this. It's not enough to say you have security installed. When I've pointed out these free-loaders to station agents in the past, all I'm told is, "There's nothing I can do to stop them; we're not assigned enough police to monitor them."

Sincerely,

Todd Garrison
201 S 4th St Apt 629
San Jose, CA 95112

RESPONSE TO COMMENT LETTER P3

Todd Garrison (April 7, 2004)

P3.1 *While fare evasion does occur, the BART Police Department does not regularly experience large numbers of persons jumping gates en masse (Commander Gibson email of June 17, 2004). An exception could be a large event like concerts, football games, etc. In these cases, extra uniformed officers are assigned to keep the peace and handle crowd control. When the department becomes aware of a fare evasion problem, uniformed or plainclothes officers are assigned to handle the problem.*

P4

-----Original Message-----
From: Chang Jene-Howard [mailto:jenehoward@yahoo.com.tw]
Sent: Sunday, April 18, 2004 4:33 PM
To: svrtc.deis-eircomments@vta.org
Subject: Draft EIS/EIR

Dear sirs:
As a tenent of Berryessa Villa, I'd like to express my objection to this project. Currently we are already sometimes suffering from the train passing along the rail through our backyard in the midnight, which horns and make high volume noise to wake everybody up from sleep. P4.1
Now if the Bart were extended via the same rail, more traffic/noise would be carried over this area, thus degrading the quality of our living envioronment as well as lowering the market value of our houses. P4.2
On the other hand, the state government is already shy of budget due to the economic situation; so we really don't have to and should not spend huge tax money on this project that only benefits a very small group of people. Once this project is P4.3
done, I can foresee very low utilization and limited amount of passengers who would rely on this vehicle. People in the South Bay seldom need to go to SF; even if they do they'd still drive as usual. So it won't solve or save the traffic. Just my 2 cents. P4.4

Sincerely,
Jene-Howard Chang

RESPONSE TO COMMENT LETTER P4

Jene-Howard Chang (April 18, 2004)

P4.1 *As described in Section 4.13, Noise and Vibration, of the EIS/EIR, the noise impact assessment was conducted using both Federal Transit Administration (FTA) and BART noise criteria. The assessment procedures meet with both National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) guidelines for assessing noise impact from transit operations. The FTA noise criteria are based on the existing noise levels in determining impact, and take into account changes in noise level due to the introduction of the project. Where noise impact has been identified, mitigation measures have been identified to reduce the noise levels to within the appropriate criteria. Figures 4.13a through 4.13s identify the locations where sound walls are proposed to reduce noise impacts to FTA and BART criteria.*

P4.2 *Reduction in property value is not considered a significant effect on the environment for purposes of CEQA or NEPA*

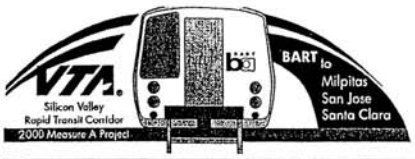
P4.3 *In November 2000, Santa Clara County voters overwhelmingly approved Measure A (70.6% in favor) that authorized a one-half of one percent sales tax. The tax would begin in April 2006 when the current sales tax expires and continue for 30 years. The number 1 project listed was "Extend BART from Fremont through Milpitas to Downtown San Jose and Santa Clara Caltrain Station."*

P4.4 *The BART Alternative is projected to carry approximately 83,600 riders on an average weekday (See Table 4.2-5, Average Weekday Transit Trips Served by BART Alternative in 2025). Approximately two-thirds of these trips would be between other counties and Santa Clara County (See Section 4.2.3.3, Transportation and Transit, Projected Rail and Bus Patronage in the Corridor).*

The year 2025 ridership forecasts for the BART Alternative estimated 32,445 new transit trips relative to the Baseline Alternative. New transit trips are trips that switched from using auto vehicle modes in the Baseline Alternative to taking transit in the BART Alternative. These results indicate that the project offers a viable transportation alternative to travelers using either automobiles or express/local bus modes of transportation in the corridor.

P5

PH 4/12/04



Environmental Planning

3331 North First Street, Building B, San Jose, CA 95134-1927

Phone (408) 321-5789 Fax (408) 321-5787
TDD (408) 321-2330 www.vtabart-vta.org

BART EXTENSION TO MILPITAS, SAN JOSE AND SANTA CLARA
COMMENT CARD

Thank you for your interest in the Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) for the BART Extension within the Silicon Valley Rapid Transit Corridor. Please provide your comments regarding the alternatives, impacts and proposed mitigation measures presented in the Draft EIS/EIR.

If you would like to submit comments on the Draft EIS/EIR, please include your name and address. (Please print clearly.)

Name: Connie Costa Date: 4-12-04

Address: 1167 Monroe ST
Santa Clara (City) CA. (State) 95050 (Zip)

Optional Information

Home Phone: 408 3902834 (Area Code / Number) Work Phone: 408 998-5207 (Area Code / Number)

E-mail: wyldazrose@yahoo.com Company: (Organization or Affiliation)

Comments on the Draft EIS/EIR for the BART Extension to Milpitas, San Jose and Santa Clara:

I WANT BART TO Santa Clara. I USE public transportation AND I have a car Still use public trans. P5.1

Thank you
Connie Costa

Comments must be received by Friday, May 14, 2004. Comments can also be emailed to SVRTC.DEIS-EIRcomments@vta.org or faxed to (408) 321-5787.

☐ **I would like to receive future project updates.**

Please fold this form in half and seal with tape before mailing. 03/04

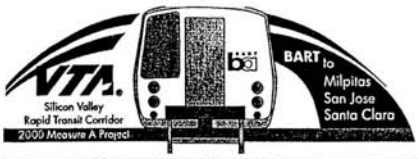
RESPONSE TO COMMENT LETTER P5

Connie Costa (April 12, 2004)

P5.1 *Support for the BART Alternative and its importance to the South Bay region is noted and included in the record for review and consideration by the decision-makers.*

P6

p/t 4/12/04



Environmental Planning

3331 North First Street, Building B, San Jose, CA 95134-1927

Phone (408) 321-5789 Fax (408) 321-5787
TDD (408) 321-2330 www.vtabart-vta.org

BART EXTENSION TO MILPITAS, SAN JOSE AND SANTA CLARA
COMMENT CARD

Thank you for your interest in the Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) for the BART Extension within the Silicon Valley Rapid Transit Corridor. Please provide your comments regarding the alternatives, impacts and proposed mitigation measures presented in the Draft EIS/EIR.

If you would like to submit comments on the Draft EIS/EIR, please include your name and address. (Please print clearly.)

Name: Saiyanna Charitou Date: 4-12-04

Address: 2413 Homewood Dr.

San Jose, CA 95128
City State Zip

Optional Information

Home Phone: _____ (Area Code / Number) Work Phone: 408-985-5270 (Area Code / Number)

E-mail: _____ Company: Dry Clean 4U (Organization or Affiliation)

Comments on the Draft EIS/EIR for the BART Extension to Milpitas, San Jose and Santa Clara:

Bring BART to SJ and Santa Clara!
We need it to get to work, to bring employment, to reduce Cars & highway maintenance, & reduce pollution, and provide an access route for the elderly, disabled or otherwise non-highway drivers.
This is a good thing! P6.1

Comments must be received by Friday, May 14, 2004. Comments can also be emailed to SVRTC.DEIS-EIRcomments@vta.org or faxed to (408) 321-5787.

☐ **I would like to receive future project updates.**

Please fold this form in half and seal with tape before mailing. 03/04

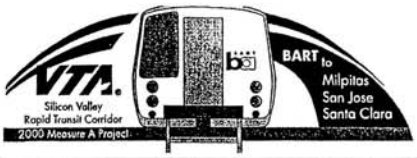
RESPONSE TO COMMENT LETTER P6

Saiyanna Charitou (April 12, 2004)

P6.1 *Support for the BART Alternative and its importance to the South Bay region is noted and included in the record for review and consideration by the decision-makers.*

P7

PH 4/14/04



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BART EXTENSION TO MILPITAS, SAN JOSE AND SANTA CLARA COMMENT CARD

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If you would like to submit comments on the Draft EIS/EIR, please include your name and address. (Please print clearly.)

Name: S KUAN Date: _____

Address: _____

_____
City State Zip

Optional Information

Home Phone: _____ Work Phone: _____
Area Code Number Area Code Number

E-mail: SKUAN @ juno.com Company: _____
Organization or Affiliation

Comments on the Draft EIS/EIR for the BART Extension to Milpitas, San Jose and Santa Clara:

In light of the VTA financial situation and the questionable state and federal funding, and the questionable projected ridership, P7.1
We need to ~~inquire~~ ~~inquire~~ have full, detailed financial analysis, not just capital cost, but also include the operation & maintenance cost.

Comments must be received by Friday, May 14, 2004. Comments can also be emailed to SVRTC.DEIS-EIRcomments@vta.org or faxed to (408) 321-5787.

☐ **I would like to receive future project updates.**

Please fold this form in half and seal with tape before mailing. 03/04

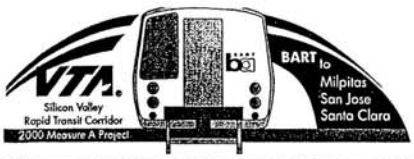
RESPONSE TO COMMENT LETTER P7

S. Kuan (April 14, 2004)

P7.1 *A discussion of operating and maintenance costs for the project are included in Section 8.3, Operating and Maintenance Costs and Fare Revenues. A discussion of ridership forecast methodology is included in Section 4.2, Transportation and Transit, and was accepted by the Federal Transit Administration.*

P8

pit 4/14/04



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BART EXTENSION TO MILPITAS, SAN JOSE AND SANTA CLARA
COMMENT CARD

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If you would like to submit comments on the Draft EIS/EIR, please include your name and address. (Please print clearly.)

Name: Susan Bradley Date: April 14th, 2004

Address: P.O. Box 1104, San Jose, CA 95108-1104

City State Zip

Optional Information

Home Phone: _____ (Area Code Number) Work Phone: _____ (Area Code Number)

E-mail: _____ Company: _____ (Organization or Affiliation)

Comments on the Draft EIS/EIR for the BART Extension to Milpitas, San Jose and Santa Clara:

I looked through the Silicon Valley Rapid Transit Corridor Project Citizens Guide to the Draft Environmental Document..., and it looks pretty good.

I am still concerned about the 46 to 101 businesses, and 1 to 5 residential units, that will have to be moved. You may pay for their moves, but it will still be lots of stress and upheaval for the people and businesses that will need to be moved. P8.1

Comments must be received by Friday, May 14, 2004. Comments can also be emailed to SVRTC.DEIS-EIRcomments@vta.org or faxed to (408) 321-5787.

☐ **I would like to receive future project updates.**

Please fold this form in half and seal with tape before mailing. 03/04

RESPONSE TO COMMENT LETTER P8

Susan Bradley (April 8, 2004)

P8.1 *Every owner or tenant who is displaced from their home or business as a result of this project is protected under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act), as well as corresponding State Legislation. Part of the purpose of the Uniform Act is to ensure that displaced parties are treated fairly and consistently. They may be eligible for relocation advisory services and monetary benefits. (Refer to Section 4.15.3.2, Design Requirements and Best Management Practices for the Baseline and BART alternatives for an explanation of relocation assistance). In addition, the VTA Relocation Program complies with federal relocation requirements that also provide assistance to residence and business owners.*

P9

VTA Silicon Valley Rapid Transit Corridor 2000 Measure A Project
BART to Milpitas San Jose Santa Clara

Environmental Planning

3331 North First Street, Building B, San Jose, CA 95134-1927
Phone (408) 321-5789 Fax (408) 321-5787
TDD (408) 321-2330 www.vtabart-vta.org

BART EXTENSION TO MILPITAS, SAN JOSE AND SANTA CLARA
COMMENT CARD

Thank you for your interest in the Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) for the BART Extension within the Silicon Valley Rapid Transit Corridor. Please provide your comments regarding the alternatives, impacts and proposed mitigation measures presented in the Draft EIS/EIR.

If you would like to submit comments on the Draft EIS/EIR, please include your name and address.
(Please print clearly.)

Name: Janet Bailey Date: 04-14-04

Address: 1852 Tradan Drive

San Jose (City) CA (State) 95132 (Zip)

Optional Information

Home Phone: (408) 935-8831 (Area Code / Number) Work Phone: ( ) ( ) (Area Code / Number)

E-mail: jb2rad@yahoo.com Company: Tradan Springs HOA (Organization or Affiliation)

Comments on the Draft EIS/EIR for the BART Extension to Milpitas, San Jose and Santa Clara:

1. I ama former (& hope to be again a) transit rider.
I Like the Safety & asthetic Aspects of the "South Bus transit Center" (!) P9.1

2. Be advised/or reminded that the property South of Tradan Drive has had an Impact Report FILED. P9.2

3. Map marked locations OF TRADAN DRIVE & Logoon Way are incorrect. (they should be Shifted South or Re-labled) P9.3

Comments must be received by Friday, May 14, 2004. Comments can also be emailed to SVRTC.DEIS-EIRcomments@vta.org or faxed to (408) 321-5787.

☐ **I would like to receive future project updates.**

Please fold this form in half and seal with tape before mailing. 03/04

RESPONSE TO COMMENT LETTER P9

Janet Bailey (April 14, 2004)

P9.1 *At their May 26, 2004 meeting, The Silicon Valley Rapid Transit Corridor Policy Advisory Board recommended the "South Bus Transit Center" as the preferred alternative for the Montague/Capitol Station.*

P9.2 *VTA acknowledges that an Initial Study/Mitigated Negative Declaration has been prepared for a Site Development Permit to construct up to 175,880 square feet of industrial uses on an 11.55 gross-acre site on the southeast corner of Qume Drive and Fortune Drive. This site is located west of Tradan Drive and the railroad tracks. Mitigation measures included in the project findings address impacts to air quality, cultural resources (archaeological resources), geology and soils (risk of liquefaction), and transportation and traffic. Implementation of the measures will reduce potentially significant effects to a less than significant level.*

According to the Initial Study/Mitigated Negative Declaration for the Site Development Permit, additional automobile trips will be created with implementation of the project, although mitigation is proposed to reduce these impacts to a less than significant level. During construction of the BART Alternative, or MOS scenarios, short-term full and partial street closures will be required where the tracks are grade-separated from a roadway crossing. Along Trade Zone Boulevard, which is in the vicinity of the industrial site, one lane of traffic will be closed in each direction during construction of the retained cut for the BART Alternative. One lane of traffic remaining in each direction would be inadequate to serve projected traffic volumes and operating levels would deteriorate from acceptable levels to LOS F in the peak directions (AM and PM). This is a temporary impact and once construction is completed in this area, there are no identified long-term traffic impacts to Trade Zone Boulevard due to the BART Alternative.

The Baseline or BART alternative will not result in any cumulative impacts to air quality. Section 4.3, Air Quality, evaluates the cumulative effects of the Baseline and BART alternatives on air quality in the Bay Area Air Basin. Both alternatives, as well as the MOS scenarios, were found to be in conformity with the current regional air quality plan. The alternatives also result in decreased vehicle miles of travel (VMT), which would reduce congestion and subsequently improve local and regional air quality. Criteria pollutant emissions are also anticipated to incrementally decrease with the alternatives. The BART Alternative would have the greatest benefit to air quality because it would lead to the greatest reduction in VMT. The MOS scenarios would produce similar reductions in VMT and associated traffic congestion when compared with the full-build BART Alternative.

The Archaeological Survey and Sensitivity Report for the SVRTC EIS/EIR Alternatives (December 2002) acknowledges that the site located west of the railroad corridor and Tradan Drive, in a light industrial area bisected by Lundy Boulevard (Site #C1414 in the report), may include archaeological resources. Construction of the BART Alternative, as well as the MOS scenarios, in this area may disturb potential archaeological materials and contribute to the gradual loss of cultural resources in Santa Clara County. The EIS/EIR includes design requirements and best management practices to be included in the project (see Section 4.6.5, Design Requirements and Best Management Practices) and mitigation measures to avoid, minimize, or mitigate any adverse effects to known or undiscovered cultural resources encountered during construction (see Section 4.6.6.1,

Archaeological Resource Mitigation).

Geotechnical studies will be conducted along the entire BART alignment during the Preliminary Engineering phase. The studies will include a detailed investigation to identify areas of possible liquefaction due to strong ground shaking. Site improvement measures to reduce the potential of liquefaction and engineering design criteria to resist movement due to liquefaction will be identified through the geotechnical investigation process.

P9.3 *The comment refers to a mural map that was used at the April 14, 2004 public hearing in San Jose. The map will be revised.*

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P10

VTA
PM ANALYSIS
MAR 17 P 2:13

35 SOUTH AUTUMN ST
SAN JOSE, CA 95110
MARCH 15, 2004

MR. TOM FITZWATER
VTA ENVIRONMENTAL
PLANNING DEPARTMENT
3331 NORTH FIRST STREET, BLDG. B
SAN JOSE, CA 95134-1927

DEAR MR. FITZWATER:

PLEASE SEND A COPY OF "THE DRAFT ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT (EIS/EIR)" FOR THE PURPOSED BART EXTENSION TO MILPITAS, SAN JOSE, AND SANTA CLARA.

ALSO HAS THE EXACT LOCATION OF THE PURPOSED DIRIDON/ARENA BEEN DETERMED. WILL THE PURPOSED STATION BE UNDE WEST SANTA CLARA STREET JUST WEST OF AUTUMN STREET OR UNDER THE ARENA PARKING LOT JUST SOUTH OF WEST SANTA CLARA STREET BETWEEN SOUTH AUTUMN AND SOUTH MONTGOMERY STREET

P10.1

PAGE 2
MARCH 15, 2004

P10.1 WHAT WILL BE THE CONSTRUCTION TIME IN NUMBER OF MONTHS FOR THE EXTOSION PROJECT?

SINCERELY,
DON TUSTIN
DON TUSTIN

RESPONSE TO COMMENT LETTER P10

Don Tustin (March 15, 2004)

P10.1 *The Silicon Valley Rapid Transit Corridor Policy Advisory Board, at their May 26, 2004 meeting, selected the South Diridon Station and Alignment option as shown in Figure B-37 in Appendix B. This option would be located beneath the arena parking lot and not under West Santa Clara Street.*

P10.2 *See Figure 4.19-30, Project Schedule for the BART Alternative, for a project schedule showing the proposed duration of various engineering, construction, and testing elements of the project. The construction period is approximately six years.*

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P11

-----Original Message-----
From: Kirit Patel [mailto:KPatel@ti.com]
Sent: Thursday, April 22, 2004 12:31 PM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject: Noise/Vibration issue

I live in the neighborhood near the Dixon Landing Rd and Milmont.

I am very concerned about the noise and the vibration issues BART will bring to the area. Also, alongwith this issues it would cause the property values of residential home down to the drain..... P11.1 P11.2

I completely object to the Bart Extension project. P11.3

Thanks,

Kirit Patel

RESPONSE TO COMMENT LETTER P11

Kirit Patel (April 22, 2004)

P11.1 *As described in Section 4.13, Noise and Vibration, of the EIS/EIR, the noise and vibration impact assessment was conducted using both the Federal Transit Administration (FTA) and BART noise and vibration criteria. The assessment procedures meet with both National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) guidelines for assessing noise and vibration impact from transit operations. The FTA noise criteria are based on the existing noise levels in determining impact, and take into account changes in noise level due to the introduction of the project. Where noise impact has been identified, mitigation measures have been identified to reduce the noise levels to within the appropriate criteria. Both the BART and FTA vibration criteria are based on human response and perception to vibration. The vibration impact criteria are well below the thresholds for even minor cosmetic damage to residences. Where vibration impact has been identified, mitigation measures have been identified. With mitigation, vibration impacts are less than the criteria in all cases except for the residences located north of Berryessa Road where vibration impacts will slightly exceed the criteria.*

P11.2 *Reduction in property value is not considered a significant effect on the environment for purposes of CEQA or NEPA.*

P11.3 *The comment is noted and included in the record for review and consideration by the decision-makers.*

NOTE: THE UNION PACIFIC RR TOOK OVER THE FORMER SOUTHERN PACIFIC RR OVER 10 YEARS AGO. - ADVICE.

April 23, 2004

P12

PLEASE GET IT TAKEN DOWN!

Mr. Tom Fitzwater
VTA ENVIORNMENTAL Planning Dept.
3331 North First St. Bldg. B
San Jose, Ca. 95134-1927

Dear Mr. Fitzwater:

PLEASE FIND MY COMENTS FOR VTA PROPOSED BART EXT. TO MILPITAS, SAN JOSE, & SANTA CLARA

BLUE

ITEM 1. PLEASE DO LOOK AT THE BART SIGN THAT IS POSTED AT THE FREMONT BART STATION ON THE WALNUT ST. ENT/EXIT TO ONE OF THE ENT. TO THE FREMONT BART STATION IN FREMONT, CA. THAT IT TELLS YOU TO " IF PARKING SPACES ARE FULL TO GO TO THE SOUTH HAYWARD BART STATION" I DO KNOW THE CITY OF HAYWARD, CA. HAS TRIED TO GET THE BART ORG. TO REMOVE THIS SIGN BUT TO NO AVAIL OVER THE LAST FIVE PLUS YEARS THAT I DO KNOW OF. MR. FITZWARTER I AM TELLING YOU THIS BECAUSE NOW THE CITY OF FREMONT, UNION CITY, & HAYWARD,CA. HAS TO HANDLE ALL THIS OVER FLOW OF TRAFFIC BEING DUMPTED MAILY ON TO MISSION BLVD. NORTH BOUND IN THE A.M. COMMUTE PERIODS. OF THE DAYS MON--FRI & IN THE P. M. COMMUTE PERIODS OF THE DAY. SO PLEASE DO GET THE PARKING RIGHT & CORRECT IN IN CH. 5 5.2-2 & 5.2-1 PARKING ANALYSIS P12.1

2. On pg. 12.1-6 the words SHOO-FLY TRAK IS MISSPELED WITH A C - MISSING OR IS THE WORD TRAK CORRECT??? P12.2

3. On pg. 2.4-3 Put a Cap. R in the word Railroad as in Alviso Branch Railroad. ?, ?, ? P12.3

4. Is. the old/or former Alviso Railroad Line a Seperate Railroad???
On pg. 2.4-3 ALVISO BRANCH RAILROAD P12.4

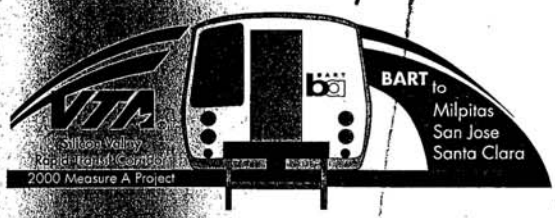
P.S. Please see&FIND CORRECTION TO YOUR/THE NOTICE OF AVAILABLITY NOTICE ON THE OTHER SIDE OF THIS LTR. NOW ISSUE P12.5

Very Truly Yours.

Charlie Cameron
P.O. Box 55
Hayward, Ca. 94543

ITEM 1A (ON MISSION BLVD - THIS INT. TRAFFIC AT I-238 IS VERY HEAVY AT DECOTO RD & MISSION BLVD UNION CITY INDUSTRIAL & MISSION BLVD IN HAY, TENNYSON RD & MISSION BLVD IN HAY & ALL OTHER LOCAL CROSS ST. IN FRE, U/CITY & HAY. CA. IT IS A SAFETY & CROSSING MISSION BLVD, QUALITY OF LIFE ISSUE, PLEASE ADDRESS P12.6

FORMER SOUTHERN PACIFIC RR



Notice of Availability

of the Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) for the Proposed BART Extension to Milpitas, San Jose and Santa Clara

Public Notice:

Notice is hereby given that Santa Clara Valley Transportation Authority (VTA) has prepared a Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the BART Extension to Milpitas, San Jose and Santa Clara. The Draft EIS/EIR is available for public review beginning **March 16, 2004**.

Project Description:

VTA proposes to construct a 16.3-mile extension of the BART rail system from just south of the future BART Warm Springs Station in Fremont to the cities of Milpitas, San Jose and Santa Clara. The alignment would include seven stations, plus one future station, and a maintenance and vehicle storage yard in San Jose/Santa Clara. The proposed project would operate along the existing railroad right-of-way (former Union Pacific Railroad) from south of the planned BART Warm Springs Station to approximately Santa Clara Street in San Jose. From there, BART would leave the railroad right-of-way, tunneling under downtown San Jose to the Diridon Station. The BART Extension would then turn north under the Caltrain line and terminate near the Santa Clara Station.

BART trains are expected to run every six minutes with the extension of the San Francisco and Richmond lines.

Environmental Impact Statement/ Environmental Impact Report:

VTA has prepared a Draft EIS/EIR that identifies short-term impacts related to project construction and long-term impacts of the completed project. The Draft EIS/EIR describes the project alternatives, existing environmental setting, potential impact of construction and operation of the alternative proposals and mitigation measures to reduce or eliminate impacts. The project alternatives include the BART, No-Action and "New Starts" Baseline Alternatives, along with two Minimum Operating Segment scenarios under the BART Alternative.

The Draft EIS/EIR also evaluates and discloses the environmental impacts of this proposed action including increases in localized traffic, increases in noise and vibration levels; relocation of businesses and residences; and impacts on wetlands, special status species, historic and cultural resources, and parklands. Design requirements, best management practices and mitigation measures are detailed in the document. Multiple alignment and station options are under consideration for the BART Alternative and are discussed in the Draft EIS/EIR. Decisions on these options will refine the Locally Preferred Alternative.

Public Comments on the Draft EIS/EIR:

You will have many opportunities to learn about the proposed BART Extension and to comment on the Draft EIS/EIR at public listed below. The deadline for receiving public comments is **May 14, 2004**.

Public Hearings:

During April 2004, three public hearings will take place in Milpitas, San Jose and Santa Clara to provide information about the project and to receive comments on the Draft EIS/EIR.

Santa Clara
Monday, April 12, 2004 – 6:00 p.m. to 8:00 p.m.
Santa Clara Senior Center
1303 Fremont Street, Santa Clara, CA
This location is served by VTA Bus Lines 22, 60, and 81.

San Jose
Wednesday, April 14, 2004 – 6:00 p.m. to 8:00 p.m.
First United Methodist Church
24 North Fifth Street, San Jose, CA
This location is served by VTA Bus Lines 22, 63, 64, 65, 72, 73, and 81.

Milpitas
Monday, April 19, 2004 – 6:00 p.m. to 8:00 p.m.
Joseph Weller Elementary School
345 Boulder Street, Milpitas, CA
This location is served by VTA Bus Line 66.

Please contact VTA Customer Service at (408) 321-2300, TDD for the hearing impaired (408) 321-2330 for specific route and schedule information.

ADA and language accommodations: To receive an accessible format version of this notice, or if you require an interpreter, including sign language services, or other accommodations at these public hearings, please contact VTA Customer Service five days prior to the hearing at (408) 321-2300 or TDD for the hearing impaired (408) 321-2330. Information is also available at *www.vta.org*.

To Review or Obtain a Copy of the Draft EIS/EIR:

The Draft EIS/EIR is available for review at:

- Select local libraries in Fremont, Milpitas, San Jose and Santa Clara
- *www.vtabart-vta.org*. The document on the Web allows the viewer to bookmark and search the document by key words
- VTA Environmental Planning Department. Call (408) 321-5789 to review the Draft EIS/EIR or to obtain a hard copy or a CD ROM copy for computer viewing.

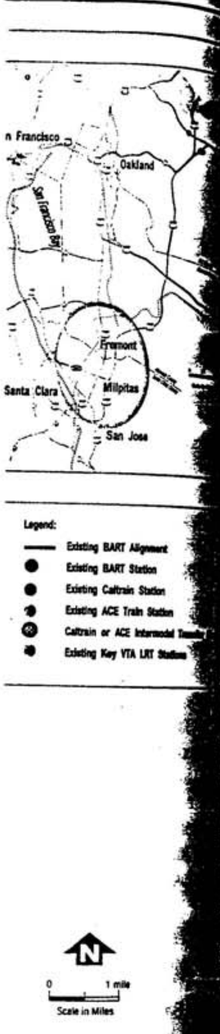
To Comment on the Draft EIS/EIR:

Submit comments to VTA Environmental Planning Department by May 14, 2004:

Fax: (408) 321-5787

Email: *SVRTC.DEIS-EIRcomments@vta.org*

Mail: Mr. Tom Fitzwater



archaeological and historical cultural resources and contains two major educational complexes: San Jose State University (SJSU) in downtown San Jose and Santa Clara University in Santa Clara. Detailed information on existing corridor land uses and the impacts of the SVRTC alternatives is presented in this document in Sections 4.12, *Land Use*, and 4.15, *Socioeconomics*.

2.3.2 EXISTING TRANSPORTATION AND TRANSIT SERVICES

Major roadway transportation features in the SVRTC include Interstate 880 (I-880), I-680, US 101 and State Route 237 (SR 237) and SR 87. Transit systems include Caltrain commuter rail, VTA light rail transit (LRT) and buses, ACE, Capitols, and Amtrak. The Norman Y. Mineta San Jose International Airport (SJIA) is also located within the SVRTC. In addition, the Union Pacific Railroad (UPRR) San Jose and Milpitas Branch railroad lines traverse the corridor. Detailed information on existing transportation system facilities and the impacts of the SVRTC alternatives is presented in Section 4.2, *Transportation and Transit*.

2.4 PURPOSE AND NEED FOR TRANSPORTATION IMPROVEMENTS

2.4.1 PURPOSE

The purposes of transportation improvements in the SVRTC are to:

- Improve public transit service in this severely congested corridor by providing increased transit capacity and faster, convenient access throughout the San Francisco Bay Area region, including southern Alameda County, central Contra Costa County, Tri-Valley, Central Valley, and Silicon Valley.
- Enhance regional connectivity through expanded, interconnected rapid transit services between BART in Fremont and light rail and Caltrain in Silicon Valley.
- Accommodate future travel demand in the corridor by expanding modal options.
- Alleviate severe and ever-increasing traffic congestion on I-880 and I-680 between Alameda County and Silicon Valley.
- Improve regional air quality by reducing auto emissions.
- Improve mobility options to employment, education, medical, and retail centers for corridor residents, in particular low-income, youth, elderly, disabled, and ethnic minority populations.
- Maximize transit usage and ridership.
- Support local economic and land use plans and goals.

Improved transit service (rail and bus) in the corridor would provide needed additional capacity to [illegible] an anticipated 30 percent growth in work travel and 26 percent growth in non-work travel between the years 2000 and 2025. The transit service improvements would better connect corridor [illegible] and residents with such rail transit systems as BART, VTA light rail and buses, Caltrain, ACE, [illegible] and Amtrak and would enhance direct public transit access to other regional activity centers.

Transportation improvements in this corridor would also complement and expand existing travel modes in the I-880 and I-680 corridors. As a competitive alternative to the private auto (in terms of both the cost and time for travel), improved transit is expected to divert auto trips from heavily traveled roadways and relieve traffic congestion, in particular on I-880 and I-680. More trips on transit would improve access to and from the Silicon Valley commercial and office core and reduce traffic circulation impacts. A secondary effect of reduced traffic and roadway congestion would be a decrease in auto emissions and improved air quality in the corridor.

RESPONSE TO COMMENT LETTER P12

Charlie Cameron (April 23, 2004)

P12.1 *The SVRTC alternatives will not influence BART signage in Hayward or Fremont. In Chapter 5, BART Core System Parking Analysis, Table 5.3-1, BART Alternative Parking Demand and Potential Expansion in the Core System, identifies the parking demand by county. The table also provides a low and high range of potential parking spaces. Therefore, there is some flexibility in the number of actual parking spaces that can be provided such that they meet the demand and avoid the existing shortage of parking that occurs at some stations. BART's System Expansion Policy is designed to increase alternatives to driving to stations through providing quality pedestrian, bicycle, and transit access.*

P12.2 *The incorrect spelling of "track" has been revised in the Final EIS/EIR.*

P12.3 *The capitalization of "Railroad" has been included in the Final EIS/EIR.*

P12.4 *As shown in Figure 2.3-1, the Alviso Line is owned by UPRR.*

P12.5 *VTA recently purchased the Union Pacific Railroad line from south of Warm Springs to approximately Williams Street. Therefore, the term "former Union Pacific Railroad" used in the Notice of Availability is accurate.*

P12.6 *Mission Boulevard (Route 238) will not be directly affected by any of the planned SVRTC BART stations. In addition, VTA initiated an I-680/I-880 Cross Connector Study in 2001 to address a number of congestion issues including traffic on Mission Boulevard. The final report is anticipated by the end of 2004.*

P13

-----Original Message-----
From: Jenq.C.Chang@seagate.com [mailto:Jenq.C.Chang@seagate.com]
Sent: Wednesday, April 28, 2004 8:21 PM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject: Vibration and Noise impact iin the region of Berryessa and Lundy Road for the proposed Bart Extension to Milpitas and San Jose

The vibration and noise impacts are too great if the Bart run on or above the ground in the region of Berryessa and Lundy Road. The cost of damage to human health and potential lawsuit will make this Bart extension a losing proposal. It won't make money. It will have a negative income. EPA started to draft on noise pollution control. The Bart should be underground in the region of Berryessa and Lundy Road. This would reduce the impact of human health damage. My wife and I propose the Bart extension should select an alternative route along business district instead of going through the residential area. Getting the rider to the place faster will encourage the people to ride Bart instead of driving. P13.1 P13.2 P13.3

Thank you for your attention.

Jenq Chang

RESPONSE TO COMMENT LETTER P13

Jenq Chang (April 28, 2004)

P13.1 *As described in Section 4.13, Noise and Vibration, of the EIS/EIR, the noise and vibration impact assessment was conducted using both Federal Transit Administration (FTA) and BART noise and vibration criteria. The assessment procedures meet with both National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) guidelines for assessing noise and vibration impact from transit operations. The FTA noise criteria are based on the existing noise levels in determining impact, and take into account changes in noise level due to the introduction of the project. Where noise impact has been identified, mitigation measures have been identified to reduce the noise levels to within the appropriate criteria. Both the BART and FTA vibration criteria are based on human response and perception to vibration. The vibration impact criteria are well below the thresholds for even minor cosmetic damage to residences. Where vibration impact has been identified, mitigation measures have been identified. With mitigation, vibration impacts are less than the criteria in all cases except for 12 residences located north of Berryessa Road where vibration impacts slightly exceed the criteria. Noise and Vibration, Section 4.13.5.3 Mitigation Measures identifies the location of these 12 residences, six on the east side and six on the west side of the BART Alternative alignment. Figures 4.13-4J and 4.13-4k also identify the locations and noise and vibration mitigation proposed between Lundy Avenue and Berryessa Road.*

P13.2 *Chapter 4, Environmental Analysis, addresses the environmental concerns associated with the project. Public transit is commonly subsidized. Chapter 8, Financial Considerations, and the Recommended Project description, contain discussions about the financial elements of the project.*

P13.3 *The BART Alignment is not proposed to be underground between Lundy Avenue and Berryessa Road. The plan and profile drawing depict the alignment as traveling under Lundy Avenue, transitioning to at-grade and then to an aerial structure over Berryessa Road. The Major Investment Study/Alternatives Analysis thoroughly evaluated 11 alternatives for the corridor including the possible use of express bus, busway, commuter rail, diesel light rail, light rail, and BART. After an extensive public outreach process, the VTA Board of Directors determined that the benefits of the BART Alternative and its proposed alignment were far greater than those of any of the other alternatives and selected it as the Locally Preferred Alternative in November 2001. One of the reasons this alignment was selected was because it is an existing railroad right-of-way and therefore would minimize displacements of businesses and residences.*

P14

-----Original Message-----
From: John Lin [mailto:john_z_lin@yahoo.com]
Sent: Wednesday, May 05, 2004 10:15 PM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject: Dixon Landing Alignment

To minimize the environment impacts in terms of noise and visual quality, option 2: (BART Retained Cut Option - alignment passes beneath Dixon Landing Road in a trench should be considered.

Dixon Landing Alignment: 1) BART Aerial Option - alignment crosses over Dixon Landing Road, 2) BART Retained Cut Option - alignment passes beneath Dixon Landing Road in a trench, and 3) BART At-grade Option - alignment remains at the surface, with Dixon Landing Road traversing beneath BART in an underpass. P14.1

RESPONSE TO COMMENT LETTER P14

John Lin(May 5, 2004)

P.14.1 *At its May 26, 2004 meeting, the Silicon Valley Rapid Transit Corridor Policy Advisory Board recommended the BART in Retained Cut Option for the crossing of Dixon Landing Road. This action was taken to address concerns expressed by the City of Milpitas and local residents regarding the aerial alignment option.*

P15

-----Original Message-----
From: Bryant Adleson [mailto:atown875@hotmail.com]
Sent: Thursday, May 06, 2004 10:15 AM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject: BART to San Jose

BART in my eyes and everyone I talk is the number 1 transit priority in Silicon Valley it would have a huge economic and psycographic impact on the region. I would delay all other projects until we can lock in BART. P15.1

BART would help all of Silicon Valley and is imperative despite what the representatives from Palo Alto think. What is the next step and the best thing that we can do to encourage or support BART? P15.2

Thank you for your time.

RESPONSE TO COMMENT LETTER P15

Bryant Adleson (May 6, 2004)

P15.1 *The commentor's support for the BART Alternative and its importance to the South Bay region is noted and included in the record for consideration by the decision-makers.*

P15.2 *The commentor's support for the BART Alternative and its importance to the South Bay region is noted and included in the record for consideration by the decision-makers. The next steps are to complete the environmental clearance process and Preliminary Engineering.*

P16

-----Original Message-----
From: Ashok Gopala [mailto:agopala@cisco.com]
Sent: Wednesday, May 05, 2004 9:47 AM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject: concern about BART extension

Greetings!!

I am a resident of Milpitas at parc metropolitan. Our complex is right by the great mall. The proposed BART extension seems to have BART rail tracks right by our houses (20 feet from the house). This would create a huge amount of noise and would break environmental noise levels allowed. Things are already bad with pacific union that is a little further away. P16.1

Please think of either an underground track at this location or keep the tracks further away. P16.2

Thanks for your help!

Ashok Gopala

RESPONSE TO COMMENT LETTER P16

Ashok Gopala (May 5, 2004)

P16.1 *As described in Section 4.13, Noise and Vibration, of the EIS/EIR, the noise impact assessment was conducted using both Federal Transit Administration (FTA) and BART noise criteria. The assessment procedures meet with both National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) guidelines for assessing noise impact from transit operations. The FTA noise criteria are based on the existing noise levels in determining impact, and take into account changes in noise level due to the introduction of the project. Where noise impact has been identified, mitigation measures have been identified to reduce the noise levels to within the appropriate criteria. A 10-foot high sound wall is identified at your location (see Table 4.13-12, BART Alternative Noise Barrier Mitigation Treatment for Residential Areas, and Figure 4.13-4f, Noise and Vibration Mitigation Locations), which would reduce noise levels to below FTA criteria.*

P16.2 *As shown in Figure A-19 of Appendix A, the BART alignment will be at-grade at the north end of the Great Mall and, heading south, will transition to go underground at approximately STA 336+75 (approximately Dave and Busters) to pass under Montague Expressway. The at-grade alignment was selected primarily because of cost. A tunnel alignment has a substantially greater cost than an at-grade alignment.*

P17

-----Original Message-----
From: Leah Valentino [mailto:LValentino@lnrproperty.com]
Sent: Tuesday, May 04, 2004 4:50 PM
To: 'svrtc.deis-eircomments@vta.org'
Subject: BART extension to Milpitas...

Hello. Lennar Partners owns the property at 1205 Coleman, otherwise known as the United Defense property. We would like to find out more information on how or if this BART extension will directly affect our property. I have reviewed the draft EIR on the internet, and have only found one area of potential effect that is immediately adjacent to our property (noted in figure e-23 of the appendices). I had planned to attend next week's public meeting but have since broken my leg and am hoping to avoid travelling from Southern California, if I could get some further information via email, fax or phone. If someone could please contact me and let me know if there are any areas that concern our project, and also provide any information that would be presented at the public meeting, I would greatly appreciate it.
Thank you for your time and help.

P17.1

P17.2

> Leah Valentino
> Junior Project Manager
> Lennar Partners
> (949) 885-8500
> (949) 885-8501 fax
> lvalentino@lnrproperty.com

RESPONSE TO COMMENT LETTER P17

Leah Valentino (May 4, 2004)

P17.1 *Figures A-43 and A-45 of Appendix A, and Figures B-40, and B-42 of Appendix B also depict the BART Alternative near Lennar Partners ownership.*

P17.2 *VTA staff has had subsequent conversations with a representative of the LNR Santa Clara to discuss the project. Once the environmental process is completed, staff involved in the Preliminary Engineering effort will be contacting properties to be acquired to coordinate activities.*

P18

-----Original Message-----
From: Ka Kwok [mailto:kakwok@yahoo.com]
Sent: Tuesday, May 04, 2004 5:36 PM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject: Comment on BART extension to Milpitas, San Jose and Santa Clara

Dear Mr. Tom Fitzwater,

I, resident of the Parc Metropolitan Townhomes, am extremely concerned the possibility of BART acquiring land in our community. According to the proposal, BART will be extended to Milpitas, San Jose and Santa Clara. VTA plans to bring the railroad tracks 20 feet closer to our homes in order to allow BART to pass through this area. This will greatly affect our way of life, as the noise level of the train (Union Pacific) is already unbearable in its current location. As the sound proof walls have done nothing to prevent the thundering sounds of the train from piercing our eardrums and shaking our walls, moving the train or BART 20 feet closer to us will be a worse nightmare to all residents in our community. Besides, the area of the little park will be also cut in size due to the possible BART track construction. Be advised that residents here bought this place because we treasure the park area. P18.1 P18.2 P18.3

The additional land that is needed is a 20 foot wide strip parallel and adjacent to the tracks is going to worsen our living environment and create a great amount of noise pollution. In fact, if VTA plans on building BART track anywhere close to residential area, please scrutinize for any possible negative effects in the community. P18.4

We bought this house because we thought Milpitas is a great city to live. Please consider our quality of life as top priority.

Sincerely,

Ka Kwok
365 Imagination Pl.
Milpitas, CA 95035

RESPONSE TO COMMENT LETTER P18

Ka Kwok (May 4, 2004)

P18.1 *As described in Section 4.13, Noise and Vibration, of the EIS/EIR, the noise impact assessment was conducted using both Federal Transit Administration (FTA) and BART noise criteria. The assessment procedures meet with both National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) guidelines for assessing noise impact from transit operations. The FTA noise criteria are based on the existing noise levels in determining impact, and take into account changes in noise level due to the introduction of the project. Where noise impact has been identified, mitigation measures have been identified to reduce the noise levels to within the appropriate criteria. A 10-foot high sound wall is identified at your location (see Table 4.13-12, BART Alternative Noise Barrier Mitigation Treatment for Residential Areas, and Figure 4.13-4f, Noise and Vibration Mitigation Locations), which would reduce noise levels to below FTA criteria.*

According to Table 4.13-7, BART Alternative Residential Noise Impact Without Mitigation Using FTA Criteria, the BART alignment south of Dixon Landing Road, with or without the South Calaveras Future Station, would impact 30 residences to the west of the tracks between Curtis Avenue and Great Mall Drive (STA 332+50 to STA 335+80) by increasing the noise level from an existing 62 dBA to 63 dBA. However, as shown on Figure 4.13-4f, a sound wall will be constructed between the residences and the BART tracks to reduce noise levels. According to Table 4.13-12, BART Alternative Noise Barrier Mitigation Treatment for Residential Areas, construction of the approximately 600-foot long and 10-foot high sound wall will reduce the noise levels resulting from the BART Alternative to below FTA and BART criteria for these 30 residences.

According to Tables 4.13-17, BART Alternative Residential Vibration Impacts Without Mitigation Using FTA Criteria, and 4.13-18, BART Alternative Residential Vibration Impact Without Mitigation Using BART Criteria, the vibration analysis determined that vibration impacts to residences would not result from the BART Alternative at this location.

P18.2 *See response to comment P18.1.*

P18.3 *As stated in Section 7.5.2, Impacts to Parc Metropolitan Development Parklands, the BART Alternative would need to acquire a 20-foot by 100-foot-long strip of land from Parc Metropolitan Development property that has been dedicated to the City of Milpitas for development as a public park. This strip of land is needed to accommodate the replacement UPRR industrial spur.*

As stated in Section 7.6.2.1, Alternative to Avoid Use of Parc Metropolitan Development Parkland, VTA evaluated an alignment variation for locating the replacement UPRR industrial spur. However, given the very high costs for acquisition of ROW and direct impacts to businesses on the east side of the ROW, it can be concluded that although the east side design is technically feasible, it is not a prudent alternative. There are no other feasible avoidance alignment options at this location – the ROW can be expanded only to the east or the west.

The acquisition of land from Parc Metropolitan Development property would affect only 2.5 percent of the total area of the park. Decreasing of the park area by 20 feet should not compromise the intended function of the park. VTA has met and will continue

discussions with the City of Milpitas to specify measures to mitigate the acquisition and reduce harm. Please see Chapter 7, Draft Section 4(f) Evaluation, Sections 7.4.1, 7.5.2, 7.6.2.1, and 7.6.3.1 for further information.

P18.4 *Refer to response P18.2 regarding park impacts and response P18.1 regarding noise. In addition, the EIS/EIR addressed 18 environmental topic impact areas ranging from air quality to water resources. No other substantial adverse impacts were identified at this location. For example, as stated in Section 4.17.3.1, Visual Qualities and Aesthetics, Impacts, Landscape Unit 3, 3rd bullet, a sound wall 10 feet in height would be constructed on the west side of the alignment near the Great Mall. Since the closest views of the sound wall would be from the backyards of residences in an urban area and no scenic viewsheds would be obstructed, there would be no adverse visual effect.*

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P19

-----Original Message-----
From: Jayaprasad Vejendla (jvejendl) [mailto:jvejendl@cisco.com]
Sent: Tuesday, May 04, 2004 6:01 PM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject: Comment on BART extension to Milpitas.

Dear Mr. Tom Fitzwater,

I, resident of the Parc Metropolitan Townhomes, am extremely concerned the possibility of BART acquiring land in our community. According to the proposal, BART will be extended to Milpitas, San Jose and Santa Clara. VTA plans to bring the railroad tracks 20 feet closer to our homes in order to allow BART to pass through this area. This will greatly affect our way of life, as the noise level of the train (Union Pacific) is already unbearable in its current location. As the sound proof walls have done nothing to prevent the thundering sounds of the train from piercing our eardrums and shaking our walls, moving the train or BART 20 feet closer to us will be a worse nightmare to all residents in our community. Besides, the area of the little park will be also cut in size due to the possible BART track construction. Be advised that residents here bought this place because we treasure the park area.
The additional land that is needed is a 20 foot wide strip parallel and adjacent to the tracks is going to worsen our living environment and create a great amount of noise pollution. In fact, if VTA plans on building BART track anywhere close to residential area, please scrutinize for any possible negative effects in the community.

P19.1
P19.2
P19.3
P19.4

We bought this house because we thought Milpitas is a great city to live.
Please consider our quality of life as top priority.

Please keep us in loop

Sincerely,

Jayaprasad Vejendla & Ajitha
383 Imagination Pl.
Milpitas, CA 95035

RESPONSE TO COMMENT LETTER P19

Jayaprasad Vejendla (May 4, 2004)

P19.1 *As described in Section 4.13, Noise and Vibration, of the EIS/EIR, the noise impact assessment was conducted using both Federal Transit Administration (FTA) and BART noise criteria. The assessment procedures meet with both National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) guidelines for assessing noise impact from transit operations. The FTA noise criteria are based on the existing noise levels in determining impact, and take into account changes in noise level due to the introduction of the project. Where noise impact has been identified, mitigation measures have been identified to reduce the noise levels to within the appropriate criteria. A 10-foot high sound wall is identified at your location (see Table 4.13-12, BART Alternative Noise Barrier Mitigation Treatment for Residential Areas, and Figure 4.13-4f, Noise and Vibration Mitigation Locations), which would reduce noise levels to below FTA criteria.*

According to Table 4.13-7, BART Alternative Residential Noise Impact Without Mitigation Using FTA Criteria, the BART alignment south of Dixon Landing Road, with or without the South Calaveras Future Station, would impact 30 residences to the west of the tracks between Curtis Avenue and Great Mall Drive (STA 332+50 to STA 335+80) by increasing the noise level from an existing 62 dBA to 63 dBA. However, as shown on Figure 4.13-4f, a sound wall will be constructed between the residences and the BART tracks to reduce noise levels. According to Table 4.13-12, BART Alternative Noise Barrier Mitigation Treatment for Residential Areas, construction of the approximately 600-foot long and 10-foot high sound wall will reduce the noise levels resulting from the BART Alternative to below FTA and BART criteria for these 30 residences.

According to Tables 4.13-17, BART Alternative Residential Vibration Impacts Without Mitigation Using FTA Criteria, and 4.13-18, BART Alternative Residential Vibration Impact Without Mitigation Using BART Criteria, the vibration analysis determined that vibration impacts to residences would not result from the BART Alternative at this location.

P19.2 *See response to comment P19.1.*

P19.3 *As stated in Section 7.5.2, Impacts to Parc Metropolitan Development Parklands, the BART Alternative would need to acquire a 20-foot by 100-foot-long strip of land from Parc Metropolitan Development property that has been dedicated to the City of Milpitas for development as a public park. This strip of land is needed to accommodate the replacement UPRR industrial spur.*

As stated in Section 7.6.2.1, Alternative to Avoid Use of Parc Metropolitan Development Parkland, VTA evaluated an alignment variation for locating the replacement UPRR industrial spur. However, given the very high costs for acquisition of ROW and direct impacts to businesses on the east side of the ROW, it can be concluded that although the east side design is technically feasible, it is not a prudent alternative. There are no other feasible avoidance alignment options at this location – the ROW can be expanded only to the east or the west.

The acquisition of land from Parc Metropolitan Development property would affect only 2.5 percent of the total area of the park. Decreasing of the park area by 20 feet should not compromise the intended function of the park. VTA has met and will continue

discussions with the City of Milpitas to specify measures to mitigate the acquisition and reduce harm. Please see Chapter 7, Draft Section 4(f) Evaluation, Sections 7.4.1, 7.5.2, 7.6.2.1, and 7.6.3.1 for further information.

P19.4 *Refer to response P19.2 regarding park impacts and response P19.1 regarding noise. In addition, the EIS/EIR addressed 18 environmental topic impact areas ranging from air quality to water resources. No other substantial adverse impacts were identified at this location. For example, as stated in Section 4.17.3.1, Visual Qualities and Aesthetics, Impacts, Landscape Unit 3, 3rd bullet, a sound wall 10 feet in height would be constructed on the west side of the alignment near the Great Mall. Since the closest views of the sound wall would be from the backyards of residences in an urban area and no scenic viewsheds would be obstructed, there would be no adverse visual effect.*

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P20

-----Original Message-----
From: Ajitha Vankayalapati [mailto:avankaya@cisco.com]
Sent: Tuesday, May 04, 2004 11:37 PM
To: SVRTC.DEIS-EIRcomments@vta.org; Troy Fujimoto; Mehdi Khaila; Tambri Heyden
Cc: jvejendl@cisco.com; kkandru@cisco.com; Richard Pascual; Ashish Savla; Ashok Gopala; Jenny Yin; Kishore Kandru; panman; Shu-Min Chang; Stephen Ung; Steve Wang; Vishi Anand; Ka Kwok
Subject: Re: Fwd: Comment on BART extension to Milpitas, San Jose and Santa Clara

Dear Mr. Tom Fitzwater,

I am also a resident of Parc Metro and greatly concerned on the land acquiring by VTA.

The 20 ft move towards the housing will lead us to more miserable noise pollution than what we have currently and will be more worsen. we may get promises there will be sound proof walls, but they are useless as we had now and the noise pollution that we are having from Union pacific is already crossing City standards. We have the video recordings to prove this. P20.1

We bought the homes paying extra premium for the park front view and leave a peace life , please don't shatter our living opportunity here. We are already dissatisfied on the Park delay and the union pacific terrible train shutting during odd hrs at the middle of the nights . P20.2

Hope the City Of Milpitas will respond to understand our needs and take an action.

I know this is very valuable project but indeed shouldn't effect the living environment . please take right decisions and do what can be done to the best.

If this was already a plan that was taken couple of years back then i think the builder shouldn't be given an approval to construct the houses in the area like this.We were not been informed by the seller when we got the homes about this acquisition . P20.3

Please free to contact us if you need to talk us. all our residents are copied here in this email

Thanks
Ajitha

RESPONSE TO COMMENT LETTER P20

Ajitha Vankayalapati (May 4, 2004)

P20.1 *As described in Section 4.13, Noise and Vibration, of the EIS/EIR, the noise impact assessment was conducted using both Federal Transit Administration (FTA) and BART noise criteria. The assessment procedures meet with both National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) guidelines for assessing noise impact from transit operations. The FTA noise criteria are based on the existing noise levels in determining impact, and take into account changes in noise level due to the introduction of the project. Where noise impact has been identified, mitigation measures have been identified to reduce the noise levels to within the appropriate criteria. Freight train activities are exempt from local city ordinances. Both FTA and BART have noise impact criteria designed to minimize impact to residences along the corridor. A 10-foot high sound wall is identified at your location (see Table 4.13-12, BART Alternative Noise Barrier Mitigation Treatment for Residential Areas, and Figure 4.13-4f, Noise and Vibration Mitigation Locations), which would reduce noise levels to below FTA criteria.*

P20.2 *Noise and vibration impacts are fully evaluated in the EIS/EIR and will be mitigated to meet FTA and BART criteria (Refer to Section 4.13, Noise and Vibration). VTA will continue to work with Union Pacific Railroad (UPRR) and the City of Milpitas to reduce the environmental impacts to the Parc Metropolitan Parkland. Specific concerns with UPRR operations, however, should be directed to their Customer Service department.*

P20.3 *A transit system was first considered for the corridor between Union City and San Jose in November 1996 with the passing of Measure A. This measure identified a commuter rail project, otherwise known as the Fremont-South Bay Commuter Rail, which would provide an interim link to BART. In November 2000, Santa Clara County voters overwhelmingly approved Measure A that authorized a one-half of one percent sales tax. The tax would begin in April 2006, when the current sales tax expires, and continue for 30 years. The number 1 project listed was "Extend BART from Fremont through Milpitas to Downtown San Jose and Santa Clara Caltrain Station." This project was included as an alternative in the Major Investment Study/Alternatives Analysis for the Silicon Valley Rapid Transit Corridor, November 2001.*

P21

Rec'd 4/28/04

South Bay Rail

The Allen Plan for

Low-Cost BART to San Jose with a Caltrain Connection

Robert S. Allen
BART Director, 1974-88
Retired, SP Engineering and Operations

Since BART opened to Fremont in 1972 and Trans-Bay in 1974, people have dreamed of BART to San Jose – now the largest city in Northern California – and around the Bay.

P21.1 Current plans for BART to San Jose and Santa Clara call for a costly subway under downtown San Jose and on to I-880. The Allen plan defers and shortens the subway, but brings BART to San Jose, with rail connections to Caltrain, the Silicon Valley, and the Peninsula. It could come years sooner and at a small fraction of the current plan's cost. The subway with BART trains would come later, as funding became available.

^ downtown

Robert S. Allen
Railroad Cost Analyst

223 Donner Avenue
Livermore, CA 94551-4240
(925) 449-1387

The Allen Plan

1. Connect the former WP San Jose Branch Main to the UP/Caltrain line south of the Tamien station.

2. Upgrade and double track the former WP Branch Main from Tamien to an Alum Rock Intermodal station near Julian Street, McKee Road, and US 101.

3. Serve rail freight customers in that area from Tamien instead of Milpitas.

4. Halt freight operations on as much as possible of the former WP San Jose Branch Main north of the Alum Rock Intermodal. Consider even buying out rail-served industries in that area. (See #5.)

5. Grade separate all roads crossing the former WP San Jose Branch Main north of the Alum Rock Intermodal. (Grade separations over BART need be only 13 ½' above top of rail; over freight tracks they must be 22 ½' . Hence the huge savings in stopping freight operations before grade separating.)

6. Extend BART at grade to the Alum Rock Intermodal, with tail tracks beyond (like at Dublin).

7. Run a spur from the proposed Santa Clara Street Light Rail into the Alum Rock Intermodal. Pulse BART and Light Rail operations at the Intermodal to provide nearly seamless BART-like service to SJSU, downtown, and the Arena/Diridon area.

8. Construct a major parking/bus/kiss-ride facility at the Alum Rock Intermodal, with prime US 101 access.

9. Run DMU or Caltrain service (pulsed with BART) from the Alum Rock Intermodal to all Silicon Valley Caltrain stations. They would connect with Caltrain to Millbrae BART and SF, and might run over the Dumbarton Bridge to Newark and Shinn (in Fremont).

10. Relocate the concrete bulk facilities now at College Park and close the dangerous, skewed 5-track Stockton Avenue Caltrain grade crossing.

11. Consider a College Park station with a Light Rail link along Hedding to the county offices.

12. Protect and acquire right of way to run BART (and future HSR?) at grade alongside Caltrain from near Diridon to Santa Clara and Mountain View after the downtown subway is built. BART would go underneath wye tracks of the DA line, but otherwise run at grade.

Robert S. Allen
Railroad Cost Analyst

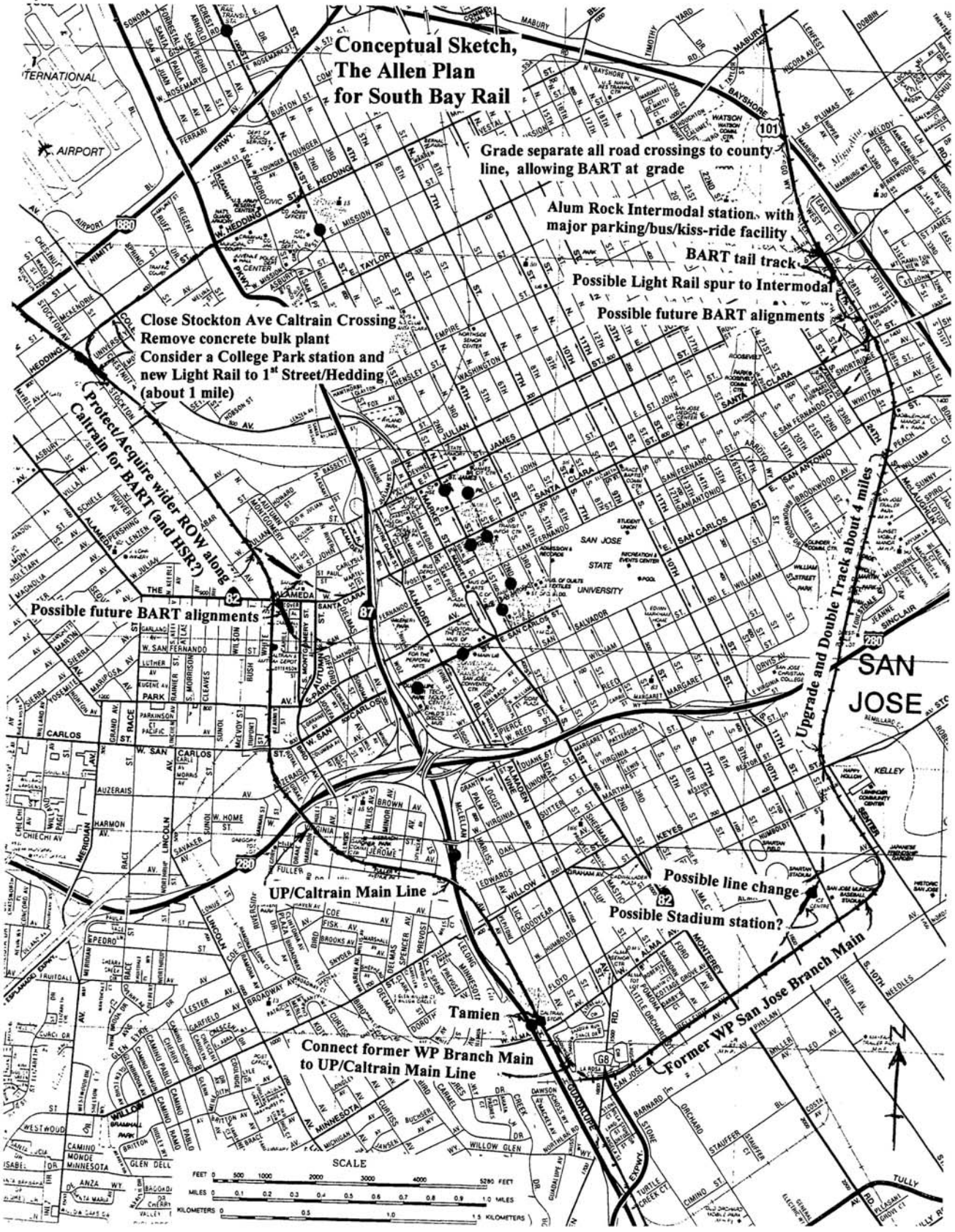
223 Donner Avenue
Livermore, CA 94551-4240

(925) 449-1387

SPT Co. (Now UPRR) Western Division (Retired)
(Engineering and Operations)

BART Director (1974-1988). President, 1983.

AREMA Life Member
(American Railway Engineering and Maintenance of Way Association)
AREMA Committee 12 (Rail Transit)
AREMA Committee 17 (High Speed Rail)
x-AREMA Committee 16 (then Economics of Railway Location and Operation)


Conceptual Sketch,
The Allen Plan
for South Bay Rail
Grade separate all road crossings to county line, allowing BART at grade
Alum Rock Intermodal station with major parking/bus/kiss-ride facility
BART tail track
Possible Light Rail spur to Intermodal
Possible future BART alignments
Close Stockton Ave Caltrain Crossing
Remove concrete bulk plant
Consider a College Park station and new Light Rail to 1st Street/Hedding (about 1 mile)
Protect/Acquire wider ROW along Caltrain for BART (and HSR?)
Possible future BART alignments
Upgrade and Double Track about 4 miles
SAN JOSE
UP/Caltrain Main Line
Possible line change
Possible Stadium station?
Former WP San Jose Branch Main
Tamien
Connect former WP Branch Main to UP/Caltrain Main Line
SCALE

RESPONSE TO COMMENT LETTER P21

Robert S. Allen (April 28, 2004)

P21.1 *Dividing the project into segments would substantially increase the total project costs with no real advantage. The current BART maintenance facilities cannot handle even a small extension into Santa Clara County. This project requires a maintenance facility preferably located at the end of the extension since midline maintenance facilities result in significant increases in annual operating costs associated with "deadheading" trains at the start and end of service. Terminating the project before Santa Clara results in the expenditure of funds for significant maintenance that would be throwaway costs once the extension is completed to Santa Clara. In addition, expanded parking and access improvements to the Montague/Capitol and Berryessa stations would also be wasted improvements once the remainder of the extension is completed.*

The Allen Plan is noted and included in the record for the consideration of the decision-makers. However, this alignment completely ignores the San Jose downtown civic center (the BART Alternative has stations at Civic Plaza/SJSU and Market Street). One of the purposes of the project is to "Improve mobility options to employment, education, medical, and retail centers for corridor residents, in particular low-income, youth, elderly, disabled, and ethnic minority populations". To achieve this purpose one or more stations are needed in the downtown area. Similarly, the downtown stations were selected to promote downtown business activities and support the project purpose to "support local economic and land use plans and goals." The City of San Jose has undertaken substantial planning efforts to encourage transit-oriented development at the proposed BART Alternative station locations. In addition, this alternative would require an additional transfer for riders using the Diridon and Santa Clara Caltrain Stations. This would discourage ridership and would not be consistent with the purpose to "maximize transit usage and ridership." For these reasons, this alternative was eliminated from further consideration.

P22

-----Original Message-----
From: ANDREW SMITH [mailto:a.asmith@earthlink.net]
Sent: Tuesday, May 11, 2004 4:29 PM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject: BART Extension to Santa Clara County

Tom,

Greetings. The initial analysis of bringing BART to Santa Clara County was made in 2001 when the economy was just in a downturn but still not too bad.

In 2004, after 2 brutal years of recession, things are getting better but tax revenues are not at a level to support very large expenditures like the BART extension to Santa Clara County. P22.1

In the San Jose Mercury News, recent forecasts of low ridership should cause the County to change courses on bringing BART to Santa Clara County. P22.2

The VTA cannot support the current bus and lightrail system and the VTA continues building the lightrail that had been planned. P22.3

My suggestion is to extend the lightrail system to the proposed Warm Springs/Fremont station after that station has been built or on the way to being built. This is less costly as BART is a very expensive system to build.

If passengers can go from one system to the other at the same platform, the goal of extending BART to Santa Clara County is essentially fullfilled and the taxpayers can save money. Make sure the lightrail to Warm Springs/Fremont can be connected to San Jose Airport and the existing lightrail system which is now being extended to Campbell.

So if I want to go to the Oakland Coliseum from Campbell, I could use Lightrail and BART rather than driving to Fremont to take BART. The convenience of using a public transportation in Santa Clara County would encourage others to use it to connect to BART. P22.4

People in Fremont could take BART and lightrail to San Jose Airport instead of driving.

So let's be fiscally responsible in today's economic climate and not burden County taxpayers for 20 years in the future. Federal dollars are not expected but the need is still there. Thanx.

Andrew Smith

RESPONSE TO COMMENT LETTER P22

Andrew Smith (May 11, 2004)

P22.1 *The recent economic decline presents challenges to the financing of this project. VTA staff continues to work with the VTA Board, MTC, the State of California and the Federal Transit Administration to resolve the details of the funding plan for this project. As stated in Section 8.1, Introduction to the Financial Considerations Chapter, of the EIS/EIR "a feasible financial plan will need to be prepared to advance the project into Final Design." Chapter 8, Financial Considerations, and the description of the Recommended Project description, accurately represents the funding picture for the project.*

BART Alternative ridership was based on year 2025 socioeconomic data forecasts, not year 2000 values. As such, the 2025 data forecasts are developed based on growth assumptions provided by the Association of Bay Area Governments (ABAG) Projections 2000 data series. The project sponsors are required by federal regulations to use the locally adopted socioeconomic data forecasts provided by ABAG when preparing forecast project ridership. These long-range forecasts would tend to even out short-term fluctuations in increases or decreases in population and jobs that Santa Clara County and the entire Bay Area has been experiencing over the past three years.

P22.2 *On May 13, 2004, VTA's General Manager responded to the San Jose Mercury News BART articles of May 9 and 10, 2004. VTA's response was not published by the Mercury News and challenged many of the statements. The response is attached. In addition, in November 2000, Santa Clara County voters overwhelmingly supported the tax measure that identified the BART Extension as the number one project.*

The year 2025 ridership forecasts for the BART Alternative estimated that 83,585 daily boardings would be made on the extension and result in 32,445 new transit trips relative to the Baseline Alternative. New transit trips are trips that switched from using auto vehicle modes in the Baseline Alternative to taking transit in the BART Alternative. These results indicate that the project can offer a viable transportation alternative to travelers using either automobiles or express/local bus modes of transportation in the corridor.

P22.3 *Recent reductions in bus and light rail service are related to declining sales tax and fare revenues as a result of the recent nationwide economic decline and are unrelated to the proposed BART Alternative. As demonstrated in Table 3.4-1, 2025 Fleet Requirements for Baseline and BART Alternatives, the VTA bus fleet under the BART Alternative includes 642 vehicles, an increase over the No-action Alternative and a significant increase over current service levels. Bus service under the BART Alternative, utilizing that fleet, is described in Section 3.4.7, BART Alternative Operating Plan, and in the Travel Demand Forecasts Report, 2003 incorporated by reference in the EIS/EIR.*

P22.4 *The Major Investment Study/Alternatives Analysis (MIS) thoroughly evaluated 11 alternatives for the corridor including the possible use of express bus, busway, commuter rail, diesel light rail, light rail, and BART. Alternative 8, Light Rail Transit on Former SPRR Alignment, and Alternative 9, Light Rail Transit on UPRR Alignment, were both considered in the MIS. Alternative 8 had a significant flaw in that continued freight operations would be required in a severely constrained right-of-way. Alternative 9 received a "medium-high" rating compared to the BART Alternative rating of "high". Two of the primary reasons Alternative 9 did not rate as high as the BART Alternative were*

that it had the slowest of the guideway speeds (55 miles per hour maximum) and the trains would be restricted to 2- to 3- car trains due to limitations on the Tasman and Downtown East Valley light rail lines. After an extensive public outreach process, the VTA Board of Directors determined that the benefits of the BART Alternative were far greater than those of any of the other alternatives and selected it as the Locally Preferred Alternative in November 2001. Also refer to the MIS for additional discussion on why this alternative was eliminated from further consideration.

Attachment for response P22.2

SANTA CLARA
Valley Transportation Authority

May 14, 2004

FACTS STRONGLY JUSTIFY BART EXTENSION

The same data recently used by the Mercury News (BART articles of May 9 and 10) actually provides strong justification for the BART extension to Milpitas, San Jose and Santa Clara. We continue to be disappointed to see "opinions" masquerade as news reporting by some reporters. Let's look at the facts.

The article correctly noted that the BART extension is projected to carry 83,600 riders on an average weekday, 39,300 new transit riders among them. That is 25,500 daily auto trips off our roadways. Other autos will come to fill in for the majority of those vehicles, but the total capacity of the corridor to deliver people to their destination will be enhanced. The purpose of the project is to provide additional travel mode choice and total transportation system capacity, not to simply fix congestion.

The writer neglected to note total travel time savings from the project, estimated at 66,000 hours per day. County residents and employees can better spend these hours in a more productive manner. Other beneficial effects include improved air quality, community services and facilities, energy, and additional travel choices for environmental justice communities.

In 2025 peak period passenger loads on this BART extension will fill two out of three seats -- two-thirds of the extension's capacity occupied after only 10 years. The remaining seats would be available for ridership growth after 2025. The transbay segment of the BART system took 35 years to achieve current passenger load levels. VTA has the responsibility to plan the project to meet travel needs more than 10 years into the future.

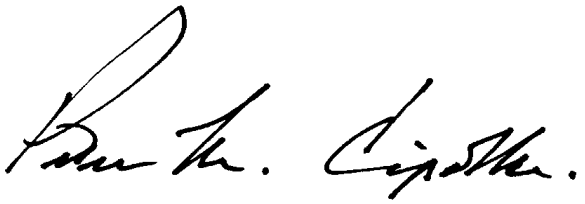
The Federal Transit Administration (FTA) and the Metropolitan Transportation Commission require VTA to use the Association of Bay Area Governments (ABAG) official land use projections for ridership forecasts. Contrary to the ABAG staff comments quoted in the article, ABAG recently completed a new set of official land use projections that include higher employment and population growth than is currently used in the BART extension ridership projections. If we used these newly updated ABAG projections, our ridership estimates for this project would be even better.

It is true that the BART extension currently has a "Not Recommended" rating from the FTA. The Mercury News erroneously attributed that to one numeric factor. The FTA uses six evaluation categories, and each includes multiple factors. Our current rating is due to the current financial conditions in Santa Clara County, not the project merits. VTA's BART project scores well in land use ("medium/high"). And, thanks to Santa Clara County voters, we're rated "high" in local funding that far outweighs federal funds sought.

Although there are those that say we should stop the project in Milpitas or Northeast San Jose, breaking the project into segments would substantially increase the total project costs with no real advantage. The current BART maintenance facilities cannot handle even a small extension into Santa Clara County. This project requires a new maintenance facility located at the end of

the extension. Terminating the project before Santa Clara results in the expenditure of funds for significant maintenance capacity improvements within the existing BART system that would be throw-away costs once the extension is completed to Santa Clara. In addition, expanded parking and access improvements to the Montague/Capitol and Berryessa Stations would also be wasted improvements once the remainder of the extension is completed.

VTA is determined to provide an excellent multi-modal transportation system to the public, and to get excellent value from every transportation dollar. Our community deserves a factual representation of this project.



Peter M. Cipolla is General Manager of the Santa Clara Valley Transportation Authority (VTA).

P23

-----Original Message-----
From: paula velsey [mailto:pkvelsey@yahoo.com]
Sent: Tuesday, May 11, 2004 5:47 PM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject: BART EIR-EIS

May 11, 2004

Re: BART EIR/EIS

Mr. Tom Fitzwater

VTA Environmental Planning Dept.

3331 N. First St, Bldg. B

San Jose, CA 95134-1927

To Whom It May Concern:

By law the EIR is supposed to list ALL reasonable alternatives. There is one extremely reasonable alternative that has been kept off the table, and which could well be difference between affording BART now, or putting it off far into the distant future. The money saved (estimates are up to $2.7 billion) could be used to provide better connective services such as more frequent bus and Light Rail.

I demand that you add the alternative of using standard width rails and cars.

They are used all over Europe, so you can't say they are not a reasonable alternative. They also have the extremely important advantage of being much cheaper. All the estimates I've seen for standard rail car systems are that they would cost ONE THIRD the price of our special order BART system.

P23.1

Standard rail cars are used with various systems of supplying power, including overhead lines. They travel through all kinds of terrain, including across mountains and through tunnels.

The South Bay should use standard gage tracks and cars, with a convenient transfer point, like across the track, and a convenient schedule.

Sincerely,

Paula Velsey

174 N. 24th St.

San Jose, CA 95116-1106

RESPONSE TO COMMENT LETTER P23

Paula Velsey (May 11, 2004)

P23.1 *The Major Investment Study/Alternatives Analysis (MIS/AA) thoroughly evaluated 11 alternatives for the corridor including the possible use of express bus, busway, commuter rail, diesel light rail, light rail, and BART. Alternative 3, Commuter Rail on the Alviso Alignment, Alternative 4, Commuter Rail on the Former Southern Pacific Railroad Alignment, and Alternative 5, Commuter Rail on the UPRR Alignment, all considered standard rail car systems. Alternative 4 was eliminated because it could not coexist at-grade with freight railroad service in the severely constrained SPRR right-of-way without being placed on aerial structures or underground. Alternatives 3 and 5 were carried forward for further consideration. Both of these alternatives were rated "low-medium" compared to the BART Alternative rating of "high". Alternative 3 was eliminated for a number of reasons including; conflicts with freight service, crosses approximately 4 miles of the San Francisco Bay National Wildlife Refuge with potential wetlands and federally protected species issues and moderate transit oriented development opportunities. Alternative 5 was eliminated from further consideration because of low ridership, lack of a connection to other commuter rail services, such as Caltrain, among other reasons. The MIS/AA provides additional discussions regarding the elimination of standard rail system Alternatives 3, 4, and 5. After an extensive public outreach process, the VTA Board of Directors determined that the benefits of the BART Alternative were far greater than those of any of the other alternatives and selected it as the Locally Preferred Alternative in November 2001. Also refer to Section 3.6.1, Alternatives Evaluated During Major Investment Study/Alternatives Analysis, for additional discussion of the alternatives considered.*

P24

-----Original Message-----
From: Richard Preston [mailto:rprestonscm@yahoo.com]
Sent: Wednesday, May 12, 2004 7:04 AM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject: BART Extension comments

Tom Fitzwater
VTA Environmental Planning Department
3331 North First Street, Building B
San Jose, CA 95134-1927

SVRTC.DEIS-EIRcomments@vta.org

Mr. Fitzwater:

I wish to comment on the Draft Environmental Impact Statement/Environmental Impact Report on the extension of BART to the south bay.

In particular, I wish to comment on the options as they pertain to the extension to the Santa Clara station.

Option 13 deals with the parking structure. In my opinion, the north structure is the only suitable choice. Both options, north and south require the taking of the Federal Express building, but the southern oprion takes much more than that. The northern option is better structured to take mass transit, but I do have some conderns. As I work in San Francisco, I use both BART and Cal Train either together or as part of my commute. I have parking passes for both systems. Both systems use parking pass systems that are completely dissimilar from the other.
Clearly, there is Cal Train parking on the Santa Clara side. Clearly, there will be BART parking on the San Jose side. Will the two agencies share resources?
Clearly, if a patron buys a Cal Train pass and parks on the Santa Clara side, he can ride BART for free, and the same can be said for a patron who buys a BART pass being able to ride Cal Train. I want to see sufficient parking on both sides of the track. I want a parking structure in Santa Clara. I am unimpressed by concerns that people may have about historiic preservation. A parking structure is simply that, a structure. It can be designed to look however we want it to look. For example, look at the Sunnyvale Cal Train structure. Look at the myriad of stations along the Cal Train tracks and see that we can build a structure to match the ambiance and decor of the land.
I want there to be sufficient parking in the north option and I want there to be sufficient parking on the Santa clara side. I don't want to have people coming back after it's built and saying the parking is insufficient.

P24.1

Option 14 deals with the walkway across the tracks.
Let us immediately rule out the north walkway. It takes people out of the way. Because of the length and size of it, it would be even more imposing than a more direct route, and therefore more ugly, so if aesthetics is why we're even considering it, then it should be ruled out on that reason alone. Finally, and most importantly, I believe it

P24.2

is unsafe because a person making that traversal would end up in a secluded place where muggers or other neer-do-wells might lurk.

The underground option is intriguing but in my opinion, is too expensive and does not avail ourselves of an opportunity that is being presented to us because I believe the more direct aeriel walkway is the better option. As I said when talking about the previous option, we can build something that is aesthetically pleasing to the eye. Again, I reference the myriad of buildings and structures along the Cal Train track. The fact that a walkway might separate the station from the water tower is irrelevant. First, I would suspect that most people don't even know what the water tower is. Second, I imagine many don't even realize that the two structures go together now. If my assumptions are correct, then separating them is irrelevant.

P24.2 (cont.)

But the southern aerial crossing can be so much more if build and designed right. It can start out modern on the bart side and end antique on the Santa Clara side. It can look like the Cal Train depot all the way across. It can have dark windows or clear windows or no windows at all. It can actually be made bigger.
Imagine if you will, a walkway that opens into an atrium kind of area about halfway across. Now imagine if you will that in that area, you have a Starbucks or a donut shot or a Jamba Juice. Now, by making it a little bigger, you can actually turn a little bit of a profit.

I think that by closing our minds to the possibilities of what the southern aerial crossing might be, we are giving in to the whims of historical nimbyism. Don't change anything anywhere around this spot because it might look to modern. Well, to those folks I say, we don't live in the nineteenth century. Instead of trying to hold things back, find a way to move forward and if you do it with intelligence, you can still preserve the history of the area.

I have a big problem with Option 15. On the grand scheme of things, this is a money waste. Are we saying that VTA will not supply shuttle service to the airport. Of course not. What we're just saying is wouldn't it be nice to have a people mover. Yes, it would, and if we were flush with money, then fine, but we're not, so let's not do this.

P24.3

All in all, I have been very impressed with what I have seen so far. As I said before, I commute to San Francisco. One of my favorite routes is to take Cal Train to Millbrae, then jump on BART all the way in.
No wear and tear on me or my car and it's simple, but what I really like is the Millbrae station. To my mind, this is a well designed station and this is what I hope that the Santa Clara station can be in the future.

P24.4

Richard Preston
3436 Lochinvar Avenue
Santa Clara, CA 95051

RESPONSE TO COMMENT LETTER P24

Richard Preston (May 12, 2004)

P24.1 *In May 26, 2004, the Silicon Valley Rapid Transit Corridor Policy Advisory Board (PAB) recommended the Santa Clara Station Parking Structure North as part of the Locally Preferred Alternative. Based on ridership forecasts for 2025, as shown in Table 4.2-14, 2025 Park-and-Ride Space Requirements, the parking demand for the Santa Clara Station is 1,067 spaces. There have been preliminary discussions concerning parking management for Caltrain and BART patrons on both sides of the tracks. However, a detailed parking management plan between VTA, Caltrain, and BART regarding sharing facilities and parking charges will be worked out at a date closer to initiating revenue service.*

P24.2 *In May 26, 2004, the PAB selected the Aerial Walkway South Option as part of the Locally Preferred Alternative. This option best meets the needs of the transferring passengers. VTA staff proposes moving the historic Tower to a location south of the aerial walkway, which would preserve the visual continuity between the historic Tower and Depot. VTA staff will work with the historic resource stakeholders to resolve the location concerns and the design for the aerial walkway. The design will comply with Americans with Disabilities Act (ADA) guidelines, accommodate bicyclists, and provide adequate protection from the elements.*

The Santa Clara Historic Landmarks Commission, South Bay Historical Railroad Society, and Caltrain have expressed support for the Underground Walkway Option. That option would require additional elevation changes for passengers moving from BART or the future Automated People Mover (APM) to the west side of the Caltrain tracks. It could also result in additional impacts of hidden utility and hazardous materials under the tracks and undiscovered archaeological sites. This option is also the most expensive of the three evaluated.

VTA will continue to coordinate with Caltrain to determine the appropriate design of the aerial walkway to ensure adequate signal sign distance for train operators and to accommodate the future overhead electrification lines. Additionally, the final design will include safety elements to prevent harm to pedestrians exiting the walkway.

P24.3 *The 2000 Measure A Program identified funding for an APM connection between Santa Clara Station and Norman Y. Mineta San Jose International Airport. However, the VTA Board has determined that the APM project is not a priority at this time. When VTA's financial situation improves, this project may be reprioritized.*

P24.4 *The Santa Clara Station is a key intermodal transit center. The station would be designed to provide convenient transfer and access between BART and the APM to Caltrain, ACE, Capitols, and VTA Bus.*

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P25

RAFT
Regional Alliance For Transit
Founded 1992

1000 Union Street, Suite 207
San Francisco, California 94133
raft@arch21.org
(415) 440-6895

Mr Tom Fitzwater
Environmental Planning Manager
VTA—Environmental Planning
Building B
3331 N. First Street
San Jose, CA 95134

via email svrtc.deis-eircomments@vta.org

Re: draft Environmental Impact Statement and
draft Environmental Impact Report,
Silicon Valley Rapid Transit Corridor

May 13, 2004

Dear Mr Fitzwater:

The Regional Alliance For Transit, RAFT, is a transit advocacy organization. We support the comments on the draft EIS/draft EIR that have been submitted by the Transportation Solutions Defense and Education Fund and by BayRail Alliance. RAFT also submits the following comments on the proposed Silicon Valley Rapid Transit Corridor (the Project). P25.1

1) The feasibility of the Project's capital financing plan is questionable.

This assertion is contained in the Federal Transit Administration's *New Starts Report,* released in February 2004. The Project must have a capital financing plan that is not of questionable feasibility. P25.2

VTA has not produced a financing report on the Project that reflects current economic conditions and which demonstrates VTA has the ability to pay for the Project's construction. The VTA board memorandum entitled *Sample Plan/Major* 2000 *Measure a Projects and Potential Revenues,* dated October 1, 2003, states "The second scenario was to complete BART preliminary engineering and then place the project on hold for 5 years until the funding was available to build the project more efficiently. The final design phase would commence in 2010 and the project would be completed in 2019. This scenario, which also maximized bonding utilization, resulted in a negative cash balance starting in FY 2014 and this did not take into account the DTEV...." In other words, VTA will run out of cash four or five years after construction begins and five years before construction is finished. Numerous other financing scenarios have been distributed to VTA's governing board over the past year, and not one of them indicates VTA can pay for the Project's construction costs.

P25.2 cont

All of the financing scenarios distributed to VTA's governing board over the past year indicate VTA is counting on a "New Starts" financial contribution from the Federal Transit Administration. The Project is rated "Not Recommended" by the FTA, and therefore should not be eligible to receive any New Starts funds. The feasibility of any financing plan that includes New Starts funds is questionable.

P25.3

The hoped–for New Starts contribution to the Project is over $830 million. The FTA states in the New Starts Report that "FTA notes that, historically, more than $500 million in New Starts funding has rarely been provided to any single major capital transit investment project." Even if the FTA changes the rating on the Project to "Recommended" the Project is unlikely to receive an amount of New Starts funds over $500 million, requiring an alternative source of funding for at least $300 million. No alternative source has been identified.

There is no discussion of whether another mega-New Starts project, BART to SFO, and which has an uncompleted Full Funding Grant Agreement, and yet another mega-project seeking New Starts funding, Muni Third Street Light–Rail Transit (LRT) Phase 2/New Central Subway, will reduce the annual amounts of New Starts funds the Project may receive. Both are located in an adjacent urbanized area and are under the jurisdiction of the Bay Area's Metropolitan Planning Organization. The Project's financing plan should assume a significant annual reduction in receipts of New Starts funds. This change makes the financing plan's feasibility even

P25.4

more questionable.

Further, the interest costs associated with funds that must be borrowed to build the Project are not accounted for in the financing plan. Our estimate is that total interest charges will be over one half billion dollars. The financing plan is inadequate in this regard, and interest costs and the amount of borrowed funds must be shown.

P25.4 cont

2) The feasibility of the Project's operating financing plan is questionable.

This assertion also is contained in the Federal Transit Administration's *New Starts Report,* released in February 2004. The Project must have an operating financing plan that is not of questionable feasibility.

P25.5

3) The Project's operating financing plan apparently ignores VTA's Environmental Justice responsibility to its low–income and minority bus riders.

VTA has pledged a minimum payment to BART each year the Project is in operation of $48 million, and the amount may increase each year. The funding source for the pledge is TDA funds, which are used for VTA bus and light rail operations today. VTA's *draft Short Range Transit Plan,* published in January 2001, states "...rider income levels also vary by mode, with light rail users reporting higher income levels than bus riders," and, "the ethnicity of VTA riders varies by mode...nearly half...of all light rail riders were White/ Causasian, whereas White/Caucasian accounted for only 30% of all VTA bus riders." RAFT is unable to determine if VTA intends on cutting light rail service, or bus service, or a combination. VTA must identify the level of existing bus services that will be eliminated to pay the funds to BART.

P25.6

4) The Project is not viable unless another project, generally known as "BART to Warm Springs," (Warm Springs) is also constructed.

The capital financing plan of Warm Springs is also of questionable feasibility. $145 million is expected to come from operating profits on the new BART to SFO extension. This extension does not have an operating profit, and in fact has a much larger than expected operating loss. This capital shortfall of the Warm Springs extension must be a part of the analysis of the Project.

P25.7

Warm Springs also is dependent upon receiving $68 million in Regional Measure 1 toll bridge revenues. There is a $400 million cost overrun on a state-owned bridge at Martinez, Contra Costa County that was disclosed in the press this week. The funding source to cover the overrun is Regional Measure 1 toll bridge revenues. There must be an analysis of whether this new priority commitment will impact Warm Springs, and thus, the Project itself.

P25.7 cont

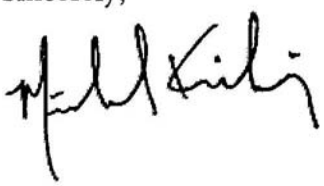
5) The Project is not the best alternative for the corridor.

VTA has opposed the study of the Altamont Pass alignment by the California High Speed Rail Authority. The draft EIS/EIR states "the overall purpose of transportation improvements in the SVRTC is to: Improve public transit service in this severely congested corridor by providing increased transit capacity and faster, convenient access throughout the San Francisco Bay Area Region, including southern Alameda County, central Contra Costa County, Tri-Valley, Central Valley, and Silicon Valley." RAFT believes the Altamont alignment of High Speed Rail satisfies the overall purpose of the Project, and that it does it better in terms of travel time. Further, the right of way for High Speed Rail would be on the west side of I-880, where the job centers of Silicon Valley are located. And, importantly for a transit operator that has an enormous financial problem, with the Altamont alignment VTA would be able to allocate the $2 billion in Measure A funds to other projects or to maintaining the operation of its existing bus and light rail service. The Altamont alignment of High Speed Rail is a better alternative than the Project and its study should be supported by VTA.

P25.8

Thank you for the opportunity to submit comments on the Project.

Sincerely,



M. Kiesling
for RAFT

RESPONSE TO COMMENT LETTER P25

Regional Alliance for Transit (May 13, 2004)

P25.1 *Refer to the responses to P41 submitted by the Transportation Defense and Education Fund and to P37 submitted by the BayRail Alliance.*

P25.2 *The recent economic decline presents challenges to the financing of this project. VTA staff continues to work with the VTA Board, Metropolitan Transportation Commission (MTC), the State of California, and the Federal Transit Administration (FTA) to resolve the details of the funding plan for this project. As stated in Section 8.1, Introduction to the Financial Considerations Chapter, of the Draft EIS/EIR, "a feasible financial plan will need to be prepared to advance the project into Final Design." Chapter 8, Financial Considerations, accurately represents the funding picture for the project in combination with the Final EIS/EIR Recommended Project description. Financing costs associated with expenditure of the Measure A funds are carried by the Measure A program, not the individual projects funded by the program.*

P25.3 *Project ratings for New Starts funds are determined by FTA on an annual basis; this is an on-going process. As such, VTA is submitting additional information as it becomes available to secure an improved rating. While VTA is requesting an amount in excess of $500 million from New Starts funding, these amounts have been granted on rare occasions as noted in the comment. This represents less than 20% of the total costs because of the large local share. The category 'Share of non-New Starts funding' is where VTA receives a high rating. Also refer to response to P25.2.*

P25.4 *VTA will be competing for New Starts funding along with a number of local and national projects. The New Starts evaluation criteria include a number of factors: project justification rating (mobility improvements, environmental benefits, operating efficiencies, cost effectiveness and land use) and financial rating (non-Section 5309 share, capital finances, and operating finances). Each project competing for New Starts funds is evaluated in each of these categories. Financing costs associated with expenditure of the Measure A funds will be carried by the Measure A program, not the individual projects funded by the program.*

P25.5 *Refer to response to P25.2.*

P25.6 *One of the goals of the BART Alternative is to enhance multi-modal access to BART systems, as stated in the BART System Expansion Policy and Criteria. Refer to Section 4.12.2.2, Regulatory Setting, for a discussion of the BART System Expansion Policy and Criteria. In order to achieve this, each proposed Bart station will have bus transit centers within the facilities or will be located near a bus connection to make BART easily accessible to bus patrons.*

The provision of bus service is currently being affected because of existing budget considerations. Dramatic reductions in bus service have been implemented in 2003 that have no relation to the proposed BART Alternative.

Decreases in local bus services are not proposed as a part of the implementation of the BART Alternative. As demonstrated in Table 3.4-1 2025, Fleet Requirements for Baseline and BART Alternatives, the VTA bus fleet under the BART Alternative includes 642 vehicles, an increase over the No-action Alternative and a significant increase over

current service levels. Bus service under the BART Alternative, utilizing that fleet, is described in Section 3.4.7, BART Alternative Operating Plan, and in the Travel Demand Forecasts Report, 2003.

The Montague/Capitol and Berryessa stations are located in communities that include over 70% minority populations; however, the median household income in those areas is $50,000 or more. It is the Alum Rock, Civic Plaza/SJSU, Market Street, and Diridon stations that serve significant (predominantly 70% or more minority, with some areas of 50% or more minority) minority populations with incomes of $50,000 or less. BART Alternative ridership reflects the communities it serves, the downtown San Jose station areas represent significant low income and minority populations who can significantly benefit from direct regional rail access that operates over a 21-hour service day.

P25.7 *According to BART, there is a funding challenge regarding the $145 million that is expected to come from the BART SFO Extension's operating profits. However, BART believes that this is a timing issue, as the SFO Extension is ultimately expected to generate a surplus. Furthermore, on March 2, 2004, the voters approved the Regional Measure 2 bridge toll, which will provide the WSX Project with an additional $95 million. Given this boost of voters' confidence, BART is working with its funding partners on cash flow options to move the project forward.*

BART does not expect any impact on the Warm Springs Extension Project's $68 million funding from the Regional Measure 2 bridge toll due to the cost overrun from the Contra Costa County bridge project.

P25.8 *The Major Investment Study/Alternatives Analysis for the BART Extension evaluated 11 alternatives for the corridor including the possible use of express bus, busway, commuter rail, diesel light rail, light rail, and BART. Extending BART was the number one project listed in the 2000 Measure A 30-year sales tax measure. The VTA Board of Directors determined that the benefits of the BART Alternative were far greater than those of any of the other alternatives and selected it as the Locally Preferred Alternative in 2001. Both local and regional polls continue to indicate significant support for the extension of BART to Milpitas, San Jose, and Santa Clara. The project continues to be a priority of the VTA Board.*

Section 2.4.2, Associated Needs, states that the SVRTC is one of the most congested corridors in Northern California. Over the last 10 years, it has experienced very high and increasing levels of traffic congestion due to the growth of jobs throughout the Silicon Valley area, including downtown San Jose and the cities of Fremont, Milpitas, and Santa Clara. Congestion is also spreading from the peak period into the off peak. Table 2.4-1, Estimated Daily Home Based Work Trips, 2000 to 2025, shows an increase of over 26,000 daily work trips from Alameda County to Silicon Valley, which would result in a 25 percent increase in travel demand between 2000 and 2025. Similarly, travel demand from within Santa Clara County to Alameda County would increase by almost 17,200 daily work trips or 45 percent during this same time frame. From 2000 to 2025, total work trips within the SVRTC are projected to grow by 30 percent. Given the current level of congestion in the corridor, this projected growth emphasizes the need for more transportation capacity in the future. The High Speed Rail project would not be able to provide the same frequency of service nor serve the number of station sites that is required in this corridor to meet the demand.

P26

-----Original Message-----
From: Lester Lee [mailto:leslee@recortec.com]
Sent: Monday, May 10, 2004 3:46 PM
To: webmaster@vta.org
Subject: Suggestion for cheaper BART

Letter - to- Editor
SJMN 408-271-3792 5/10/04

BART to Light Rail

Reference to yesterday's headline news regarding to BART, it is obvious that this $4.1 billion budget appears to be more aimed at securing the funding rather than being a worthwhile transit project for the Valley. P26.1

Unless South Bay acknowledges its failure in its Light Rail, it doesn't make sense to justify running BART into the Light Rail territory. Therefore, the most sensible proposal is to fund only the section of BART from Warm Springs to Montague / Capitol thus linking into the current Light Rail network. P26.2

This will dramatically cut down the cost of this BART extension project.

Lester H. Lee
San Jose, CA

RESPONSE TO COMMENT LETTER P26

Lester H. Lee (May 10, 2004)

P26.1 *The comment is noted and included in the record for review and consideration by the decision-makers.*

P26.2 *There are several reasons why BART to Montague/Capitol is not a feasible and reasonable alternative. First, the current BART maintenance facilities cannot handle even a small extension into Santa Clara County. This project requires a maintenance facility preferably located at the end of the extension since midline maintenance facilities result in significant increases in annual operating costs associated with "deadheading" trains at the start and end of service. Terminating the project before Santa Clara results in the expenditure of funds for significant maintenance capacity that would be throw-away costs once the extension is completed to Santa Clara. In addition, expanded parking and access improvements to the Montague/Capitol Station would also be wasted improvements once the remainder of the extension is completed. This alternative would also not achieve several of the project's purposes including; "improve mobility options to employment, education, medical, and retail centers for corridor residents, in particular low-income, youth, elderly, disabled, and ethnic minority populations", "maximize transit usage and ridership", and "support local economic and land use plans and goals".*

As a note, a minimum operating segment terminating at the proposed Montague/Capitol Station would reduce the advantages of the project to environmental justice communities. The Montague/Capitol and Berryessa Station are located in communities that include over 70% minority populations, however the median household incomes in those areas are $50,000 or more. It is the Alum Rock, Civic Plaza/SJSU, Market Street and Diridon Stations that serve significant (predominantly 70% or more minority, with some areas of 50% or more minority) minority populations with incomes of $50,000 or less. BART ridership reflects the communities it serves; the downtown San Jose station areas represent significant low income and minority populations who can significantly benefit from direct regional rail access that operates over a 21-hour service day.

The Major Investment Study/Alternatives Analysis thoroughly evaluated 11 alternatives for the corridor including the possible use of express bus, busway, commuter rail, diesel light rail, light rail, and BART. After an extensive public outreach process, the VTA Board of Directors determined that the benefits of the BART Alternative were far greater than those of any of the other alternatives and selected it as the Locally Preferred Alternative in November 2001. VTA remains committed to the full build BART Alternative as approved by the voters of Santa Clara County in November 2000 and adopted by the VTA Board of Directors as the Locally Preferred Alternative in November 2001.

P27

-----Original Message-----
From: Joey Adams [mailto:rageja@pacbell.net]
Sent: Monday, May 10, 2004 8:18 PM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject:

Dear VTA,

My name is Joseph T. Adams. I live at 1298 Elkwood Drive, Milpitas, CA. The BART extension will have a direct effect on my quality of life and I am concerned about the extension.

I have the following comments on the Draft EIS/EIR. I am particularly concerned about the Dixon Landing Road Alignment.

1) Vibration, sound, and aesthetics were not considered at the Dixon Landing Road alignment. I attended the Public Hearing at the Milpitas City Council and the BART representatives had a "vibrations expert" that had no idea about the vibration and the sound impacts in the Dixon Landing Road alignment. The "vibrations expert" openly admitted that he had not even looked at the Draft EIS/EIR. I find this unprofessional and unethical. Any engineer that is taking on a project must take full responsibility for his or her actions. This is clearly not being done on the vibration and sound considerations at the Dixon Landing alignment. P27.1

2) Long term vibration and sound studies must be done at the Dixon landing road alignment. P27.2

3) The effects of vibrations on second stories house must be completed also. As vibrations occur at the ground floor, they are amplified at the second floor. This phenomenon is similar to shaking a car antenna. The vibrations at the base may be low (small displacements), but the vibrations at the end of the car antenna have large displacements (large vibrations). P27.3

4) Is the state of California responsible for damage from long term vibration and sound to the houses affected by BART? If the structure of the house is damaged from long term cyclical vibrations, what recourse do home owners have? P27.4

5) At the Dixon landing road alignment, sound walls must be extended all the way up to the end of the Summerwind Way. P27.5

6) Speed restrictions must be placed to not let BART run faster than 5 to 10 miles per hour. This precedence was set by the current goods trains that pass through the area. Current goods trains run at only 5 to 10 miles per hour. P27.6

7) Ballast or shredded tire underlay must be extended all the way up to the end of Summerwind Way. If vibration is not adequately reduced, the houses in the area will be adversely affected. P27.7

8) The retained cut option at the Dixon landing road alignment must be chosen. It is the best for minimum noise impact at the Dixon landing road area. P27.8

9) Houses are not designed to take cyclic loading from vibrations. P27.9

After the BART extension is constructed, will the state of state of California provide funding to update the house's construction to handle the new cyclic loadings caused by the BART vibrations? P27.10

Overall, I believe that the BART extension is not a good solution for the traffic problems that it was proposed to fix. The article in the San Jose Mercury News on 5/9/04 has already pointed out the shortcomings of the BART extension. How can anybody justify spending 4.1 billion dollars to get 753 fewer cars off the road? P27.11

The entire BART extension solution was based on employment numbers of 2000. As everyone in the valley is aware, there has been the worst 3 year recession in the valley's history and it has lost 200,000 jobs. As a taxpayer, I feel that 4.1 billion dollars could be better spent somewhere else. P27.12

The BART organization should objectively re-evaluate the BART extension based on the current situation of the valley. Many companies in the valley have had to re-evaluate their projects and make appropriate cutbacks and redirect their efforts. Why is the BART organization not held to the same standards as other companies and organizations? As everyone knows, economics change and organization's plans must change with the times. Just building the BART extension for the sake of building the BART extension is someone's pride getting in the way. P27.13

Thank you,

Joseph Adams
1298 Elkwood Drive
Milpitas, CA 95035

RESPONSE TO COMMENT LETTER P27

Joseph Adams (May 10, 2004)

P27.1 *Refer to response 27.2 regarding vibration and sound impacts. Visual impacts of the Dixon Landing Alignment are discussed in Section 4.17.3.1, Impacts, BART Alternative, Landscape Unit 1 - Warm Springs to Dixon Landing Road. None of the three options were considered to have substantial visual impacts. The "vibration expert" who spoke at the Milpitas City Council meeting was representing the City of Milpitas and not VTA. VTA was not requested to make a presentation at this meeting. At its May 26, 2004 meeting, the Silicon Valley Rapid Transit Corridor Policy Advisory Board (PAB) selected the BART in Retained Cut Option for the crossing of Dixon Landing Road. This action was taken to address concerns expressed by the City of Milpitas and local residents regarding perceived noise, vibration and aesthetic effects of the aerial alignment option.*

P27.2 *As described in Section 4.13, Noise and Vibration, of the EIS/EIR, the noise and vibration impact assessment was conducted using both Federal Transit Administration (FTA) and BART noise and vibration criteria. The assessment procedures meet with both National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) guidelines for assessing noise and vibration impact from transit operations. The FTA noise criteria are based on the existing noise levels in determining impact, and take into account changes in noise level due to the introduction of the project. Where noise impact has been identified, mitigation measures have been identified to reduce the noise levels to within the appropriate criteria. Table 4.13-12, BART Alternative Noise Barrier Mitigation Treatment for Residential Areas, identifies the sound wall heights and locations for the three options at Dixon Landing Road. The sound wall location is also depicted on Figure 4.13-4b, Noise and Vibration Mitigation Locations.*

Both the BART and FTA vibration criteria are based on human response and perception to vibration. The vibration impact criteria are well below the thresholds for even minor cosmetic damage to residences. Where vibration impact has been identified, mitigation measures have been identified. Table 4.13-19, BART Alternative Vibration Impact Mitigation Locations, identifies the type and locations of vibration mitigation including those at Dixon Landing Road. The vibration mitigation locations are also depicted on Figure 4.13-4b, Noise and Vibration Mitigation Locations. Therefore, studies have been conducted at noise and vibration sensitive locations including Dixon Landing Road.

P27.3 *As described in Section 4.13, Noise and Vibration, of the EIS/EIR, the vibration impact assessment was conducted using both FTA and BART vibration criteria for impact. The assessment procedures meet with both NEPA and CEQA guidelines for assessing vibration impact from transit operations. Both the BART and FTA vibration criteria are based on human response and perception to vibration. The vibration impact criteria are well below the thresholds for even minor cosmetic damage to residences. Where vibration impacts have been identified, mitigation measures have been identified. The vibration projections for transit projects are for the ground at the foundation of the building. As the vibration enters the building structure, it is reduced due to the mass of the building. As the vibration travels up through the building, there is some amplification due to resonances in the building, but there is also a reduction due to the increased distance the vibration must travel. Because of all these factors, the vibration level on the 2nd floor of a typical single-family house will be similar to the vibration level for the ground at the foundation of the building.*

P27.4 *Both the BART and FTA vibration criteria are based on human response and perception to vibration. The analysis does not show any long-term vibration damage to residences resulting from the operation of the BART Alternative. The vibration impact criteria are well below the thresholds for even minor cosmetic damage to residences. Typical transit activities (such as BART) are below even the most stringent thresholds for damage (to fragile historic structures), even at very close distances (less than 100 feet). The state is not responsible for any damage caused by long-term vibration impacts. If damage were to occur, a homeowner could file a claim against VTA.*

P27.5 *The residences to the north of the proposed barrier on Summerwind Way are set further back from the alignment than those where the noise barrier has been located. The noise analysis shows that the residences to the north are below the noise impact criteria. Therefore, the sound wall is not required to extend to Summerwind Way. Also, refer to response P27.2.*

P27.6 *One of the overall purposes of transportation improvements in the SVRTC is to improve public transit service in this severely congested corridor by providing increased transit capacity and faster, convenient access throughout the San Francisco Bay Area region, including southern Alameda County, central Contra Costa County, Tri-Valley, Central Valley, and Silicon Valley. In Table 3.6-1, Silicon Valley Rapid Transit Corridor Goals, Objectives, and Evaluation Criteria, an objective of Goal 2, Mobility Improvements and Regional Connectivity, is to reduce travel time. Reducing the speed of the BART trains along the BART corridor to 5 to 10 mph would be inconsistent with the above mentioned purpose and objective of the BART Alternative project. The current slow speed of freight trains is likely related to safety concerns as the cars approach or depart the maintenance yard.*

P27.7 *The projected vibration levels at this location are well below (more than 10 VdB) both the FTA and BART vibration impact criteria. The vibration criteria are designed for human response to vibration and are significantly below even the most stringent criteria for damage from vibration. Because the vibration levels are below the impact criteria, no mitigation is required in this area.*

P27.8 *At its May 26, 2004 meeting, the PAB recommended the BART in Retained Cut Option for the crossing of Dixon Landing Road. This action was taken to address concerns expressed by the City of Milpitas and local residents regarding perceived noise, vibration, and aesthetic effects of the aerial alignment option.*

P27.9 *As stated in response P27.4, vibration is below impact criteria and is not expected to result in structural damage.*

P27.10 *As stated in response P27.4, vibration is below impact criteria and is not expected to result in structural damage.*

P27.11 *The BART Alternative is projected to carry approximately 83,600 riders on an average weekday; including approximately 39,300 new transit riders. An estimated 25,500 daily auto trips would be removed from the roadways. While other vehicles would likely replace some of these reduced trips, the total capacity of the corridor to deliver people to their destination will be enhanced. The purpose of the project is to provide an additional travel mode choice and total transportation system capacity, not to simply fix congestion. In addition, on May 13, 2004 VTA's General Manager responded to the San Jose Mercury News BART articles of May 9 and 10, 2004. VTA's response was not published by the Mercury News and challenged many of the statements. The General Manager's response*

is attached.

P27.12 *With development projections extending out in excess 20 years, peaks and valleys of employment would be expected. Santa Clara County is currently in a period of lower employment numbers.*

BART Alternative ridership was based on year 2025 socioeconomic data forecasts, not year 2000 values. As such, the 2025 data forecasts are developed based on growth assumptions provided by the Association of Bay Area Governments (ABAG) Projections 2000 data series. The project sponsors are required by federal regulations to use the locally adopted socioeconomic data forecasts provided by ABAG when preparing forecast project ridership. These long-range forecasts would tend to even out the type of short-term fluctuations in either increases or decreases in population and jobs the region has been experiencing in the past three years.

P27.13 *VTA, not BART, is the public agency evaluating the BART Alternative. The Major Investment Study/Alternatives Analysis (MIS/AA) for the BART Extension evaluated 11 alternatives for the corridor including the possible use of express bus, busway, commuter rail, diesel light rail, light rail, and BART. It should be noted that extending BART was the number one project listed in the 2000 Measure A tax measure. The VTA Board of Directors determined that the benefits of the BART Alternative were far greater than those of any of the other alternatives and selected it as the Locally Preferred Alternative in 2001.*

VTA staff continues to work with the VTA Board, MTC, the State of California and the FTA to resolve the details of the funding plan for this project. As stated in Section 8.1, Introduction to the Financial Considerations Chapter, of the EIS/EIR "a feasible financial plan will need to be prepared to advance the project into Final Design." Chapter 8, Financial Considerations, in combination with the Final EIS/EIR Recommended Project description accurately represents the funding picture for the project. It should be noted that extending BART was the number one project listed in the 2000 Measure A tax measure. Both local and regional polls continue to indicate significant support for the extension of BART to Milpitas, San Jose and Santa Clara. The project continues to be a priority of the Valley Transportation Authority Board.

Also refer to responses P27.11 and P27.12.

Attachment for response P27.11

SANTA CLARA
Valley Transportation Authority

May 14, 2004

FACTS STRONGLY JUSTIFY BART EXTENSION

The same data recently used by the Mercury News (BART articles of May 9 and 10) actually provides strong justification for the BART extension to Milpitas, San Jose and Santa Clara. We continue to be disappointed to see "opinions" masquerade as news reporting by some reporters. Let's look at the facts.

The article correctly noted that the BART extension is projected to carry 83,600 riders on an average weekday, 39,300 new transit riders among them. That is 25,500 daily auto trips off our roadways. Other autos will come to fill in for the majority of those vehicles, but the total capacity of the corridor to deliver people to their destination will be enhanced. The purpose of the project is to provide additional travel mode choice and total transportation system capacity, not to simply fix congestion.

The writer neglected to note total travel time savings from the project, estimated at 66,000 hours per day. County residents and employees can better spend these hours in a more productive manner. Other beneficial effects include improved air quality, community services and facilities, energy, and additional travel choices for environmental justice communities.

In 2025 peak period passenger loads on this BART extension will fill two out of three seats -- two-thirds of the extension's capacity occupied after only 10 years. The remaining seats would be available for ridership growth after 2025. The transbay segment of the BART system took 35 years to achieve current passenger load levels. VTA has the responsibility to plan the project to meet travel needs more than 10 years into the future.

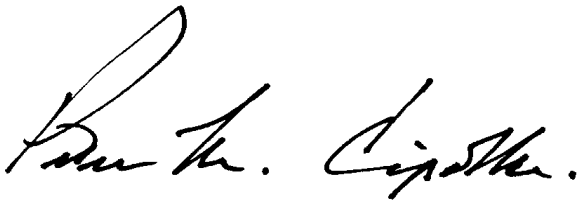
The Federal Transit Administration (FTA) and the Metropolitan Transportation Commission require VTA to use the Association of Bay Area Governments (ABAG) official land use projections for ridership forecasts. Contrary to the ABAG staff comments quoted in the article, ABAG recently completed a new set of official land use projections that include higher employment and population growth than is currently used in the BART extension ridership projections. If we used these newly updated ABAG projections, our ridership estimates for this project would be even better.

It is true that the BART extension currently has a "Not Recommended" rating from the FTA. The Mercury News erroneously attributed that to one numeric factor. The FTA uses six evaluation categories, and each includes multiple factors. Our current rating is due to the current financial conditions in Santa Clara County, not the project merits. VTA's BART project scores well in land use ("medium/high"). And, thanks to Santa Clara County voters, we're rated "high" in local funding that far outweighs federal funds sought.

Although there are those that say we should stop the project in Milpitas or Northeast San Jose, breaking the project into segments would substantially increase the total project costs with no real advantage. The current BART maintenance facilities cannot handle even a small extension into Santa Clara County. This project requires a new maintenance facility located at the end of

the extension. Terminating the project before Santa Clara results in the expenditure of funds for significant maintenance capacity improvements within the existing BART system that would be throw-away costs once the extension is completed to Santa Clara. In addition, expanded parking and access improvements to the Montague/Capitol and Berryessa Stations would also be wasted improvements once the remainder of the extension is completed.

VTA is determined to provide an excellent multi-modal transportation system to the public, and to get excellent value from every transportation dollar. Our community deserves a factual representation of this project.



Peter M. Cipolla is General Manager of the Santa Clara Valley Transportation Authority (VTA).

P28

-----Original Message-----
From: Vinod Dhomse [mailto:vdhomse@yahoo.com]
Sent: Saturday, May 08, 2004 9:20 AM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject: Response to the planned VTA extension of BART

Subj:About the proposed extension of BART to Milpitas, San Jose & Santa Clara
Date: May 8th 2004

Dear sir,

I am a resident of 291 Fairmeadow Way, Milpitas CA-95035. Our Town house is in the Beresford Terrace complex. The location of our house is along the Union Pacific railroad with the back of the house facing the railroad tracks. The house is about 30-35 feet from the tracks. I am told that the BART tracks will be built beyond the current tracks which will make them about 40 feet from my house.

Currently when a freight train goes buy, we can hear the noise of the engine. There are occasional vibrations felt in the house when the train carts couple (there is a freight train coupling station nearby). The trains come along a few times in 24 hours and run slow, so we can bear with the discomfort caused by them. P28.1

If you build the BART tracks right across the Union Pacific tracks, it is going to make our life a living HELL. The vibrations and noise caused will be unbearable. BART will run all day and freight trains normally run at night. How are we supposed to live in such conditions?

Just imagine the BART trains running every 6 to 10 minutes all day about 45 feet from your house!! and then the freight trains running at night. This will be a big torture for us.

In addition to the unbearable disturbances, the house prices will dip atleast 15%-20%. Who will bear this loss for us caused by VTA? P28.2

I TOTALLY and STRONGLY oppose the construction of BART along the Union Pacific railroad. This is totally unjust for the peopele who have houses along the rail tracks. VTA should either move there plans to build BART tracks to some other location or they should compensate the homeowners by paying them the difference in the price drop that this is going to cause to their houses OR just buy the houses along the tracks outright. P28.3

If the BART line is built without taking care of the grieveances of the homeowners living near the tracks, I will definitely take some legal action against VTA.
I am sure I will find many more people who share my opinion.

thanks,
Vinod Dhomse
291 Fairmeadow Way,
Milpitas, CA-95035

RESPONSE TO COMMENT LETTER P28

Vinod Dhomse (May 8, 2004)

P28.1 *As described in Section 4.13, Noise and Vibration, of the EIS/EIR, the noise and vibration impact assessment was conducted using both Federal Transit Administration (FTA) and BART noise and vibration criteria. The assessment procedures meet with both National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) guidelines for assessing noise and vibration impact from transit operations. The FTA noise criteria are based on the existing noise levels in determining impact, and take into account changes in noise level due to the introduction of the project. Where noise impact has been identified, mitigation measures have been identified to reduce the noise levels to within the appropriate criteria. Tables 4.13-7, BART Alternative Residential Noise Impact Without Mitigation Using FTA Criteria, and 4.13-8, BART Alternative Residential Noise Impact Without Mitigation Using BART Design Criteria, indicate where noise impacts result using FTA and BART criteria. Noise impacts are not identified at this location.*

Both the BART and FTA vibration criteria are based on human response and perception to vibration. The vibration impact criteria are well below the thresholds for even minor cosmetic damage to residences. Where vibration impact has been identified, mitigation measures have been identified to reduce vibration levels to below criteria thresholds. Table 4.13-19, BART Alternative Vibration Impact Mitigation Locations, identify the types and locations of vibration mitigation including this area. Figure 4.13-4e, Noise and Vibration Mitigation Locations, identifies the need for mitigation at this location including ballast mat or shredded tire underlay or floating slab.

P28.2 *Reduction in property value is not considered a significant effect on the environment for purposes of CEQA or NEPA.*

P28.3 *Refer to Response P28.2.*

P29

-----Original Message-----
From: Jenny Yin [mailto:jyin001_99@yahoo.com]
Sent: Sunday, May 09, 2004 9:52 PM
To: SVRTC.DEIS-EIRcomments@vta.org
Cc: panman99@yahoo.com
Subject: Complaint about extending BART to Milpitas & San Jose

Mr. Fitzwater:

As residents of 359 Imagination Pl. in Milpitas, we are greatly concerned and deeply disappointed at the fact that the city is even seriously considering extending BART to our neighborhood, as if the railroad tracks that we inherited about 20 feet away from our house, on the corner of Towne Dr. & Curtis Ave, is not enough to bear with. Now, you are planning to move the those tracks 20 feet closer to our residence in order to allow BART to pass through. I do not see how this can be acceptable to anyone in our Milpitas neighborhood. I do not see how this can add any sort of value to the already degenerated quality of life in the community from the noise pollution we, some 340 residents at Parc Metropolitan town homes in Milpitas, had to put up with and are still trying to endure. P29.1

Further, I do not understand why the city and you would potentially risk crime rate increase and real estate value decrease in this flourishing city of Milpitas and nearby cities of Santa Clara and San Jose. As taxpayers, I will fight to the last breath I have to not have to potentially pay more taxes to our city and the police departments because of increasing crime rates. Which BART stations and its nearby neighborhoods, Mr. Fitzwater, would you be able to name to us that are completely safe from loiterers, homeless people and those who do not even belong in that designated community but traveled on the BART to other communities to commit vicious acts for personal gains? P29.2

Please know that we do not wish to be in this predicament and we do not wish to see our city and nearby cities go down in value in its qualities of life as this is simply not acceptable to us and for the sake of our next generation "please" do not permit such construction to even begin! I sincerely believe that as residents of this city, we have thus far put up a great deal from the freight trains each day and night and we should not tolerate and do not deserve another dramatic hit like this. P29.3

Thank you for your time and please do respond if you have further questions about our issues.

Regards,

Jenny & Willy Pan

RESPONSE TO COMMENT LETTER P29

Jenny & Willy Pan (May 9, 2004)

P29.1 *As described in Section 4.13, Noise and Vibration, of the EIS/EIR, the noise impact assessment was conducted using both Federal Transit Administration (FTA) and BART noise criteria for impact. The assessment procedures meet with both National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) guidelines for assessing noise impact from transit operations. The FTA noise criteria are based on the existing noise levels in determining impact, and take into account changes in noise level due to the introduction of the project, including moving the existing train tracks closer to residences. Where noise impact has been identified, mitigation measures have been identified to reduce the noise levels to within the appropriate criteria.*

According to Table 4.13-7, BART Alternative Residential Noise Impact Without Mitigation Using FTA Criteria, the BART alignment south of Dixon Landing Road, with or without the South Calaveras Future Station, would impact 30 residences to the west of the tracks between Curtis Avenue and Great Mall Drive (STA 332+50 to STA 335+80) by increasing the noise level from an existing 62 dBA to 63 dBA. However, as shown on Figure 4.13-4f, a sound wall will be constructed between the residences and the BART tracks to reduce noise levels. According to Table 4.13-12, BART Alternative Noise Barrier Mitigation Treatment for Residential Areas, construction of the approximately 600-foot long and 10-foot high sound wall will reduce the noise levels resulting from the BART Alternative to below FTA and BART criteria for these 30 residences.

According to Tables 4.13-17, BART Alternative Residential Vibration Impact Without Mitigation Using FTA Criteria, and 4.13-18, BART Alternative Residential Vibration Impact Without Mitigation Using BART Criteria, the vibration analysis determined that vibration impacts to residences would not result from the BART Alternative at this location.

As stated in Section 4.17.3.1, Visual Qualities and Aesthetics, Impacts, Landscape Unit 3, 3rd bullet, a sound wall 10 feet in height would be constructed on the west side of the alignment near the Great Mall. Since the closest views of the sound wall would be from the backyards of residences in an urban area and no scenic viewsheds would be obstructed, there would be no adverse visual effect.

Reduction in property value is not considered a significant effect on the environment for purposes of CEQA and NEPA.

P29.2 *The BART Police Department has had to address the homeless situation especially in the San Francisco stations. The homeless will sometimes attempt to board and ride trains in an effort to have a place to stay warm in the winter. BART police routinely sweep station entrances in the downtown stations to stop the homeless from "lodging" in stations. This would also be done on the BART Alternative if necessary. With the additional security provided at BART stations there is no reason to believe that crime would increase in the vicinity of the proposed stations. Also, refer to Section 4.14, Security and Safety, regarding police services at BART facilities. Refer to response P29.1 regarding real estate value.*

P29.3 *The comment is noted and included in the record for review and consideration by the decision-makers.*

P30

Piper Rudnick

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May 10, 2004

OVERNIGHT MAIL

Mr. Tom Fitzwater
VTA Environmental Planning Department
3331 N. First Street, Building B
San Jose, CA 95134-1927

Re: Draft Environmental Impact Statement/Environmental Impact Report for the Proposed BART Extension to Milpitas, San Jose, and Santa Clara

Dear Mr. Fitzwater:

This office represents Milpitas Mills Limited Partnership ("The Mills"), the owner of the Great Mall of the Bay in Milpitas, California ("Great Mall"). This letter constitutes our comments on the *BART Extension to Milpitas, San Jose and Santa Clara Draft Environmental Impact Statement/Draft Environmental Impact Report* ("DEIR"). As neighbors of the BART extension (the "Project"), we have conducted a thorough review of the Project's potential long-term consequences. Although The Mills supports the improvement of transportation infrastructure in the Greater Bay Area, the construction and operation of a proposed BART extension, including the proposed BART station at Montague/Capitol, has the potential to have significant impacts on the Great Mall.

The approval process for the Project must comply with the California Environmental Quality Act ("CEQA") which requires an applicant to disclose potential project impacts to the public and require that those impacts be mitigated or that alternatives to the Project be considered which can reduce or eliminate the impacts. As a general matter, in several areas important to the Great Mall, Project impacts have not been adequately analyzed or disclosed in the DEIR and the DEIR discusses the proposed Project without identifying appropriate mitigation measures and changes as required by CEQA. P30.1

The Mills' comments relating to the DEIR can be grouped into four discrete categories. They are as follows: (1) BART use of and interference with the Great Mall Property; (2)

Montague/Capitol BART Station; (3) Locomotive Wye Milpitas Option; and (4) Cumulative Impacts of the Project. P30.1 (cont.)

I. BART Use of and Interference with Great Mall Property

A. Section 3.4.1.1, page 3.4-19 of the DEIR states that a 20 foot wide strip of land 1,800 feet in length on the west side of the existing Union Pacific Railroad (UPRR) right-of-way will be necessary to construct and operate the BART extension between the future South Calaveras and Montague/Capitol stations. These 20 feet will immediately abut Great Mall Drive, and the construction and operation of BART will have significant environmental impacts on the Great Mall of Milpitas. CEQA Guidelines Appendix G ("Appendix G") require an evaluation of environmental impacts of this extension. The DEIR does not address impacts on Great Mall Drive, the ring road that abuts the proposed BART/VTA acquisition. An existing parking structure is located immediately to the west of Great Mall Drive. If the construction or operation of BART requires the relocation of Great Mall Drive to the west, the location of the existing parking structure will create a conflict. The construction of the infrastructure for the extension, and the operation of the BART facilities may have significant impacts on Great Mall Drive and the existing parking structure. At the least, Appendix G, Subsection VI(a) requires a discussion if the project has the potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death. Safe and secure access to the road and to the parking structure are critical to the Great Mall and as such all impacts must be thoroughly disclosed and mitigated as appropriate, CEQA §15126.2(a) and 15126.4(a). P30.2

B. With regards to the 20 foot wide acquisition of land, VTA has failed to examine alternatives that would avoid or substantially lessen any of the significant effects of the project. CEQA §15126.6(a) requires VTA to "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." While VTA does not have to examine every conceivable alternative, the proposed 20 foot wide take of land will have many significant impacts that could be avoided if VTA explored possible alternatives to this take of land. Significant environmental impacts due to the 20 foot wide acquisition of Great Mall property include subsidence, flooding, aesthetics, noise, the removal of parking, the removal of safe access to an existing parking structure and roadway, safety hazards, vibration, utility service disruption, soil removal, and parkland removal. CEQA requires VTA to describe feasible mitigation measures, such as negotiating with UPRR to abandon the existing spur line, thus eliminating the need to acquire the 20 foot wide strip of land. Another alternative would be to place the 20 foot wide area on the east side of the UPRR right-of-way. VTA must select alternatives "that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects." CEQA §15126.6(c). P30.3

C. On DEIR page 6.2-2, VTA proposes taking a 20 foot x 100 foot piece of Parc Metropolitan's parkland, and Parc Metropolitan is located immediately to the north of the Great P30.4

Mall. The DEIR indicates that VTA will try to replace the parkland with land adjacent to the park site. The replacement parkland/dual use storm drain basin is located on Great Mall property and will displace at least 40 parking spaces, including bus parking spaces. The removal of parking will cause a significant environmental impact that requires mitigation pursuant to CEQA. One mitigation measure would be the contribution of funds to completely pay for the design, construction and operation of replacement parking in a structure elsewhere on Great Mall property. P30.4 (cont.)

The portion of valuable parking that VTA seeks to acquire will be adjacent to the BART right-of-way. By placing a new park adjacent to trains that operate daily for over 20 hours in each direction, the public will be exposed to high noise levels and potential hazards associated with the Project, especially in light of Appendix G, Subsection (c)'s required finding regarding environmental effects causing substantial adverse effects on human beings, either directly or indirectly.

D. Section 3.4.1.1, page 3.4-19 of the DEIR states that VTA proposes a 16 – 20 foot drop in grade immediately adjacent to Great Mall Drive. The BART tracks would go in this "retained" cut. The grade at Great Mall Drive is approximately ten feet lower than the grade at the easterly edge of the 20 foot wide area VTA seeks to acquire. It is unclear whether the drop in grade VTA proposes will be from the top of the existing landscaping, or the grade along Great Mall Drive. P30.5 As the DEIR discusses the high water table in the vicinity of the Great Mall, and especially with such a significant drop in grade immediately adjacent to an existing 30 foot wide road, subsidence and sinking are strong possibilities, however, the DEIR does not address subsidence or sinking in relation to Great Mall Drive, or to the surrounding area. Appendix G, Subsections VI(a)(iv), and VI(c) require discussion if there is a possibility of landslides or if the project will be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

Destabilization and subsidence along or in Great Mall Drive are possibilities that have not been addressed in the DEIR and these potential impacts may have significant impacts on the Great Mall, especially as de-watering of the high water table, located between five and 15 feet below ground surface, will be necessary to dig the BART cut (DEIR, page 4.18-2)(DEIR, Section 4.19.15.1). In order to keep Great Mall Drive from sinking or collapsing due to the construction and operation of BART in this deep retained cut, VTA does not indicate whether temporary shoring walls or steel sheet piles will need to be installed (DEIR, page 4.19-10), nor is there any discussion of how these construction methods may affect abutting property. There is absolutely no discussion as to whether encroachment into Great Mall Drive will be necessary in order to construct this cut. **Since the edge of the VTA's acquisition area is in very close proximity to the edge of Great Mall Drive, it appears likely that the construction and operation of BART will encroach onto Great Mall Drive, impair the flow of traffic and block safe access to and from the existing parking structure**. There has been no disclosure, P30.6

analysis or mitigation of these potential significant environmental impacts. Further, the construction will likely have large trucks, equipment, machinery, workers, dust, noise, vibration and other significant impacts on Great Mall property. It appears unlikely that VTA will be able to contain all construction related impacts without any spillover into immediately abutting Great Mall property. If VTA encroaches into Great Mall Drive, both during construction and operation, then this may narrow the roadway to an unsafe width, and it may block access to and from the parking structure. These potentially significant environmental impacts have not been disclosed and mitigation measures have yet to be proposed that will make the impacts less than significant. The Great Mall requests mitigation measures guaranteeing no impact on Great Mall Drive, the flow of traffic on its property, no impact on access to and from the existing parking structure or existing parking spaces, as well as no subsidence or destabilization as a result of the BART construction and operation. P30.6 (cont.)

E. Figure 4.18-2 of the DEIR indicates that portions of the Great Mall abutting the BART extension are within a 100 year floodplain. The 20 foot wide area that VTA seeks to acquire is currently unpaved, with trees and other vegetation. Appendix G, Subsection VI(b) requires analysis if the project will result in substantial soil erosion or the loss of topsoil. The removal of this permeable surface will increase runoff and possibly increase the likelihood of flooding. The DEIR does not discuss the removal of the topsoil, erosion of soil, increased runoff or flooding possibilities due to VTA's proposed use of this land. P30.7

F. The DEIR states on page 4.17-6 that "no scenic resources are identified within this landscape unit." As a result of this assessment, the DEIR does not include any visual mitigation measures along the length of the BART right-of-way abutting the Great Mall property. Appendix G, Subsection I(c) requires analysis and mitigation if the project substantially degrades the existing visual character or quality of the site and its surroundings. The acquisition of land will substantially degrade the existing character or quality of the site and its surroundings.

The DEIR does not discuss the significant visual impacts of the proposed trench, nor any visual mitigation of this proposed action. Further, trees, grass and other vegetation located on the existing raised landscaped berm give the property a scenic and pleasing aesthetic appearance, buffering the Great Mall from the negative impacts of the adjacent UPRR right-of-way. Removal of this raised landscaped area and mature trees with a 20 foot deep, 1,800 foot long trench will remove this irreplaceable buffer and substantially degrade the visual character and aesthetic appearance along the easterly perimeter of the property. The trees and landscaping on a raised slope currently provide a buffer and aesthetic mitigation. The DEIR does not propose any buffer or landscaping for VTA to lessen the visual impact of construction and the operation of a dramatically increased number of trains travelling through the right-of-way. The DEIR does not address the amount of space it has available in which it could mitigate the severe aesthetic impacts; because this space is very narrow, it will be very difficult to mitigate these negative visual impacts. Nevertheless, The Mills proposes a mitigation measure of screening and landscaping, to the greatest extent possible on the portion of property VTA seeks to acquire, to P30.8

ameliorate the negative aesthetic impacts of the construction and operation of the placement of the right of way immediately abutting Great Mall Drive. P30.8 (cont.)

G. Figure 4.13-4g of the DEIR indicates that there will be no sound mitigation proposed for the length of the BART extension abutting the Great Mall. While noise studies were done for residential areas, no noise study was done along the length of the Great Mall's lengthy frontage. Appendix G, Subsection XI(a) requires disclosure and analysis of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. CEQA does not distinguish between residential and non-residential areas with regards to noise exposure.

The Great Mall is a large community gathering spot, where people of all ages come to have an enjoyable and peaceful shopping experience. The DEIR does not adequately describe or disclose the noise impacts in this commercial area, nor does it propose any mitigation whatsoever for potentially significant impacts of having trains run in each direction, as frequent as every six minutes from 4:30 a.m. to 1:00 a.m. daily. The existing landscaped berm provides noise mitigation and BART proposes to remove this approximately ten foot high landscaped area with a trench up to 20 feet deep; the removal of the berm will surely have noise implications that have not been explored in the DEIR. P30.9

BART has an 85 dBA maximum passby noise level standard for commercial areas, DEIR, page 4.13-7. While this noise level is similar to ambient noise levels at airports and freeways, DEIR, page 4.13-3, VTA does not disclose what the noise level will be with the proposed extension abutting the Great Mall. Noise at 85 dBA, without any mitigation, is unacceptable, and it is unclear what the noise level will be along the BART extension abutting the Great Mall. In addition, the DEIR does not disclose how the Project will be in compliance with Milpitas noise standards. Table 6-1 of the Milpitas General Plan indicates that exterior noise levels above 75 DNL or Ldn, dB are normally unacceptable. Further, the City requires a detailed analysis of the noise reduction requirements and needed noise insulation features included in the design; the DEIR falls far short of this requirement. Planned rail grinding, track inspections, wheel truing and other maintenance operations may additionally erode acoustical quality at the Great Mall. Appendix G, Subsection XI(c) requires disclosure and analysis for temporary or periodic increases in ambient noise levels in the project vicinity above levels existing without the project. There has been no analysis of the existing ambient noise levels adjacent to the Great Mall, or in its immediate vicinity. Again, VTA has not disclosed and analyzed the potentially significant noise impacts of maintenance operations pursuant to CEQA guidelines. Equally as important, the DEIR does not propose the necessary measures needed to mitigate this noise. The Great Mall proposes mitigation measures that guarantee the noise levels will not exceed 65 dBA. P30.10

H. Table 4.13-6 of the DEIR indicates that no vibration studies have been done near the Great Mall. Appendix G, Subsection XI(b) requires disclosure and analysis of excessive ground borne vibration. While higher frequencies tend to fall off sharply with increasing distance, the P30.11

BART right-of-way will be immediately adjacent to the Great Mall property. Vibration may have a significant impact on the Great Mall, particularly the adjacent garage. The DEIR does not disclose the level of vibration due to the construction or operation of the BART extension. The Great Mall proposes mitigation measures that reduce the vibration at the Great Mall property line due to BART construction and operation to less than 70 vibration decibels (VdB), so that the vibrations are at a level not readily perceptible to humans. P30.11 (cont.)

I. DEIR page 4.14-2 states that public access to BART's facilities and ROW is strictly controlled, but there is no indication what security fencing will look like, its height, whether there will be barbed wire, or the appearance and wording of warning or trespassing signs. VTA has an interest in ensuring security and system safety, but VTA omits how it will achieve these goals, especially as it relates to the Great Mall property. Appendix G, Subsections XV(d) and (e), and Subsection I(c) require analysis of emergency access, the increase of hazards due to design features, and project elements that will substantially degrade the existing visual character or quality of the site and its surroundings. P30.12 While BART has its own police force, there is no indication how it will patrol the new line and whether property adjacent to the right-of-way, such as the Great Mall, will serve as the patrol grounds for the BART security apparatus. P30.13 Further, there must be risks and hazards of placing a freight train line in close proximity to BART (DEIR, page 4.14-5), however, these risks have not been disclosed. Appendix G, Subsection VII(a) requires disclosure and analysis if the project will create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Having freight lines in close proximity to a new commuter rail system may increase the risk of collisions or accidents which could impact the Great Mall. P30.14 The disclosure of this risk, and whether there is enough space located within the BART/UPRR right-of-way to safely conduct repairs and inspections, have not been thoroughly discussed in the DEIR. Mitigation measures, or alternative plans, to guarantee repairs and inspections can continue to be conducted safely, are necessary.

J. The 20 foot wide acquisition of land will have significant negative impacts on the safety and appearance of the Great Mall, however these impacts have not been disclosed. Appendix G requires an analysis of the potential safety hazards that will result in the placement of the BART right-of-way extremely close to the edge of Great Mall Drive. P30.15

1. Mirrors that help drivers exiting the existing parking structure are located within the 20 feet wide strip of land. Additionally, signage warning of speed bumps may no longer have a location on which it can be affixed, as the BART right-of-way will immediately border Great Mall Drive. This will negatively impact the safe flow of traffic into and out of the existing parking structure, as well as the traffic on Great Mall Drive. Additionally, removal of the speed bump sign will negatively impact drivers on Great Mall Drive. CEQA requires disclosure of hazards due to a design feature, Appendix G, Subsection XV(d), and mitigation measures which provide substitute mirrors and signage would be appropriate. P30.16

2. There is no indication whether there will be lighting along the new right-of-way, and if so, whether this lighting scheme will be consistent with the lighting elements present at the Great Mall. Appendix G, Subsection I(d) requires disclosure and analysis of substantial light or glare which would adversely affect day or nighttime views in the area. The introduction of such a large number of new trains, as well as the security apparatus to maintain the safety of the new right-of-way may have significant light and safety impacts, and these are not discussed pursuant to CEQA guidelines. P30.17

3. If a security fence or wall immediately borders Great Mall Drive, this may have a negative effect on the appearance of the shopping center, and may also present a hazard to motorists and pedestrians by placing a wall or fence immediately adjacent to the roadway without a setback. Appendix G, Subsections I(c), and XV(d) and (e) require further discussion regarding aesthetics and the hazards due to this design feature, as well as the impact on emergency access by introducing fencing on the edge of the roadway. P30.18

K. Table 4.16-1 of the DEIR indicates that a 42 inch welded steel Santa Clara Water District water pipe exists along the BART project area. Additionally, there are several utilities and other easements present in the 20 foot wide acquisition area; easements for a nitrogen line, P.G.&E. and P.T.&T. are all located within the 20 foot wide take area, but these utility easements are not disclosed in the DEIR. Additionally, a 10' wide private utility easement, as well as a private access easement and water extraction pits are located in and along the 20 foot wide acquisition area. The construction and operation of BART will either require the relocation or support of these existing utilities, easements and infrastructure. As the Great Mall serves hundreds of customers every day, it is imperative that utility services be maintained so that there is no disruption of service during shopping hours, especially during peak times. Visitors to the Great Mall depend on a reliable source of electricity and other utilities. If there is a power or other utility outage, this can have a harmful effect on both customers shopping during the outage and to the malls' reputation due to the lack of reliable utility service. The Mills requests a mitigation measure requiring that no cessation of service will occur during the construction and operation of BART. P30.19

L. Aside from service interruption, the path of the relocation should be disclosed. Further clarification is necessary to determine whether VTA plans on re-routing utilities under Great Mall Drive. If this is the case, this will hinder traffic flow on Great Mall Drive, and may unacceptably limit access to the parking structure. Further, the maintenance of these lines, once constructed, may impede access on Great Mall Drive, and pursuant to Appendix G, Subsection XV(c) this traffic and safety hazard must be disclosed and analyzed. The Mills requests a mitigation measure that includes the consultation with and agreement on a utility relocation construction schedule, including time of day and year since such construction cannot occur during the holiday shopping period. Additionally, The Mills will need to participate in the coordination of the utility relocation. If the only feasible location for the utilities is on the Great Mall property, a mitigation measure requiring VTA to work with the Great Mall in selecting a P30.20

utility route that has the least impact on the Great Mall property, both during construction and continued operation of the new utility location should be imposed. P30.20 (cont.)

M. Section 4.16.3.2 states that "adjacent properties will be notified prior to any temporary changes to utility service," however, Great Mall needs to participate in the relocation and scheduling of utility services, and not just simply receive notification of any changes or disruptions. CEQA requires traffic and safety hazards to be disclosed and analyzed, Appendix G, Subsection XV(c). Without The Mills participation in the timing and scheduling of construction, hazards to the public may increase. At certain times of the year, such as the holiday shopping season, the Great Mall has higher numbers of visitors and shoppers. Disruption to the operation of the Great Mall due to the construction of new BART facilities will have a significant impact on the Great Mall and potentially thousands of its customers and workers. As a result, Great Mall requests a mitigation measure allowing its participation in the timing and scheduling of temporary and permanent utility relocation. Further discussion of this issue is required in the DEIR regarding location, extent and timing. P30.21

N. The construction of the BART trench adjacent to the easterly property line of the Great Mall, as well as the relocation of utilities, will require the removal of soil. The DEIR does not discuss how the soil will be removed, nor does it discuss the haul route. Big hauling trucks will come into conflict with the thousands of customers who use the Great Mall, and the streets surrounding the Great Mall. These trucks can pose a significant hazard to the public, needing disclosure, analysis and mitigation measures pursuant to Appendix G, Subsection XVII(c). Certainly, Mills does not want the haul route to traverse its property or to create traffic problems for the Great Mall. P30.22

O. An existing Site Management Plan, called the "Site Management Plan Former Ford Automobile Assembly Plant Formerly 1100 South Main Street Milpitas, California" ("SMP"), addresses environmental conditions, including soil and groundwater, on the Great Mall property. In a letter dated April 16, 2001 the California Regional Water Quality Board San Francisco Bay Region ("CRWQB") specifies several actions required for ongoing and future development activities at the Great Mall. Sections 4.19.10.1 and 4.19.10.2 of the DEIR neglect to discuss the SMP or the requirements in the April 16, 2001 letter. CEQA Section 15126.2 requires consideration and discussion of significant environmental impacts, and Section 15126.4 requires consideration and discussion of mitigation measures proposed to minimize significant effects. As a result, the Great Mall requests a mitigation measure requiring VTA to agree to and adhere to the SMP, and the requirements in the April 16, 2001 letter. P30.23

P. DEIR Sections 4.19.10.1, 4.19.10.2 and 4.19.10.3 neglect to discuss the effect of the proposed BART expansion on the groundwater contamination originating from the former Jones Chemical facility east of Great Mall. An analysis should be made of the effect of the BART expansion on the migration patterns of such contaminant plume, and BART should agree to be responsible for any changes to the remedial system to address the impact of its expansion on that P30.24

contaminant plume. BART will need to coordinate such matters with CRWQCB, Jones Chemical and the Great Mall, and BART should be responsible for any adverse impact on the Great Mall caused by such matters. P30.24 (cont.)

II. Montague/Capitol BART Station

A. DEIR Table 4.2-8 lists the mode of access at the BART stations for the projected average weekday ridership. The assumptions guiding the estimates have a large effect on the proposed design of the station, including the number of parking spaces and pedestrian layout. Table 4.2-7 assumes that up to 27,378 people will board and alight at the Montague/Capitol station on an average weekday. Table 4.2-8 assumes that only 15% of passengers will park at the station, meaning that over 4,100 passengers will arrive in vehicles that need a parking space at the station. Even assuming that some passengers will carpool, and that not all the passengers will need parking spots at the exact same time, BART proposes 1,628 parking spaces (DEIR, Table 4.2-14), far below the expected number of passengers on an average weekday. This alone indicates that there will be a significant environmental impact on surrounding properties, including the Great Mall, as it does not appear that sufficient parking is being proposed for the projected number of passengers needing parking. Appendix G, Subsection XV(f) requires disclosure, analysis and mitigation if the project will result in inadequate parking capacity, and VTA needs to do a more thorough analysis and mitigation in light of CEQA requirements. The Great Mall proposes a mitigation measure that requires additional parking. P30.25

B. DEIR Table 4.2-8 indicates that the percentage of Montague/Capitol station customers using bus and LRT as the mode of access is high (75% of all customers) compared with other planned stations, such as Berryessa with 39% of customers using bus and LRT as a mode of access, and Alum Rock with 14%. First, the DEIR must reveal the basis for these estimates. P30.26

Second, if the assumptions regarding the mode of access are based on faulty estimates or projections, and the percentage of people driving and/or parking there is significantly higher than estimated, then there will be an even further shortage of parking spaces at this station. As a result, drivers unable to find a parking space, or unable to tolerate the inconvenience of finding a parking space at the BART station, may attempt to park at the Great Mall. This possibility was not explored in the DEIR and can have very significant impacts in need of mitigation. CEQA requires disclosure if the Project will result in inadequate parking capacity, Appendix G, Subsection XV(f). The assumptions for the mode of access at Montague/Capitol appear to underestimate the amount of vehicles needing parking there. Again, it appears that additional parking is necessary. P30.27

C. The DEIR does not discuss whether there will be a charge for parking at the Montague/Capitol station. People may park at the Great Mall instead of using the parking lots at the BART facility, especially if BART charges even a nominal amount for parking. CEQA §15273(b) states that rate increases to fund capital projects for the expansion of a system remain subject to CEQA, thus, there must be disclosure and analysis, and currently there is none. P30.28

D. DEIR Section 4.2.3.3, Table 4.2-7 indicates that the future South Calaveras station will decrease total ridership at the Montague/Capitol station by 2,100 boardings and alightings per day, however the DEIR does not discuss whether the number of parking spaces will be reduced at Montague/Capitol if the South Calaveras future station ever gets constructed. In light of the likelihood that the parking demand has been underestimated at the Montague/Capitol station, and Appendix G, Subsection XV(f)'s requirements for analysis of parking capacity, The Mills strongly recommends that no reduction in parking at the Montague/Capitol station occur. P30.29

E. DEIR Table 4.2-8 assumes that over 80% of BART passengers using the Montague/Capitol station will walk, bike or use the bus or LRT in order to arrive at this station. It is fair to assume that many passengers using the Montague/Capitol station, including those driving or being dropped off, will visit the Great Mall. In fact, one can argue that one of the reasons justifying the station location is the proximity to the Great Mall's significant shopping and employment opportunities (DEIR Figure 4.12-3). Yet no new pedestrian access improvements are proposed north of Montague Expressway to connect the BART station to the Great Mall. Appendix G, Subsection XVII requires disclosure, analysis and mitigation of environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. Appropriate mitigation measures include improved pedestrian crossings and paths to and from the Great Mall. An aerial or underground pedestrian structure crossing Montague Expressway would help ensure the safety of pedestrians while minimizing conflicts with vehicular traffic. Not providing the necessary pedestrian related infrastructure to handle the new influx of pedestrians is a serious shortcoming of the DEIR, Appendix G, Subsection XV. Aside from the lack of new pedestrian amenities, the DEIR does not address whether there will be shuttles or bus service connecting the Great Mall to the BART facility. P30.30

F. Two of the four design options (DEIR Figures B-9 and B-11) proposed for the Montague/Capitol station indicate a smaller surface parking lot area than proposed under the other two options (DEIR Figures B-13 and B-15). Yet, the total number of parking spaces stays static no matter which one is chosen. VTA needs to address this discrepancy, and accurately calculate how many surface parking spaces are available under each option, especially as Appendix G, Subsection XV(f) requires disclosure and analysis of a project with inadequate parking capacity. P30.31

G. DEIR page 3.4-34 and Figure A-20 indicate that a sixty foot radio tower will be located northeast of the station at the northwest corner of the multi-story parking structure fronting on Montague Expressway. The location and design of the radio tower appear out of place. A sixty foot radio tower will substantially degrade the existing visual character or quality of the site and its surroundings, and Appendix G, Subsection, I(c) requires disclosure and analysis of this impact. Since many Great Mall shoppers and workers use Montague Expressway, the radio tower should be located in a less visually prominent location, setback from Montague Expressway, or atop the parking structure; an ugly tower at a prominent location will likely not P30.32

help the Great Mall attract and maintain its customer base. Further, aesthetic mitigation, such as disguising the appearance of the tower should occur. P30.32 (cont.)

H. DEIR Section 4.2.6.4 indicates that the Montague/Capitol station will also have a negative impact on surrounding traffic. With BART, a total of 14 intersections will have unacceptable Levels of Service (LOS). The Mills strongly encourages VTA to re-think its assumptions regarding the intersections that VTA states no mitigation is possible, so that viable mitigation measures are proposed for all impacted intersections, Appendix G, Subsection XV(a). If measures are truly not possible, a full explanation as to the reasons is required by CEQA. This is particularly critical, especially since the number of vehicles travelling to and from this station appear low in comparison to other proposed stations, and thus the traffic impacts may be even more significant than acknowledged. If traffic gets worse around the Great Mall, customers may decide that using the streets to enter or exit the mall may not be worth the hassle. As a result, customers may go to other venues with less traffic and congestion, or shop from home. This would be a significant impact to both the Great Mall as well as the City of Milpitas. At the very least, re-striping or upgraded computerized signalization is required. P30.33

I. Page 4.19-57 of the DEIR states that Montague Expressway has three lanes in each direction, with planned widening to four lanes in each direction. VTA states that BART construction methods would allow for only three lanes of travel in each direction with the planned widening. While the DEIR does not state when Montague Expressway will be widened to four lanes, the planned reduction to three lanes will cause backups on Montague Expressway and streets intersecting Montague Expressway. It is not clear whether VTA will be able to maintain four lanes of traffic once construction on BART is complete. Additionally, Page 6.3-36 states that Montague Expressway will have unavoidable traffic impacts resulting from lane closures for grade separation construction, as the BART tracks must go under the street. This will further block up traffic, and may deter people from shopping at the Great Mall. These impacts will be severe, and Appendix G, Subsection XV(a) and (b) require appropriate analysis of the impact and mitigation; the Great Mall strongly encourages VTA to enable four lanes of traffic to be maintained at all times, and to limit the grade separation construction to off-peak hours, and non-holiday periods (i.e. no grade separation construction having an impact on traffic during the busy Thanksgiving to New Year's period). P30.34 P30.35

J. DEIR Section 4.19.3.4 states that the construction of connections between BART and LRT would be timed to avoid disruption to LRT service, but there is no indication that construction will be timed to avoid disruption to vehicular traffic. Appendix G, Subsections XV(a) and (b) require more thorough mitigation. Great Mall has a strong interest in making sure that construction, especially affecting street access, does not occur during peak times, or peak holiday periods. A mitigation measure precluding construction during peak hours, and especially from Thanksgiving to Christmas is necessary. P30.36

III. Locomotive Wye Milpitas Option

A. Neither DEIR section 3.4.6.3, nor any other section of the DEIR makes it clear how the turnaround of freight locomotives will affect the Great Mall. Noise, light and vibration effects on the Great Mall, because of the wye, are not addressed in the DEIR. Appendix G, Subsections I(c) and (d) require a visual character analysis, as well as a disclosure and analysis of substantial light or glare affecting day or nighttime views in the area. Additionally, Appendix G, Section XI requires noise and vibration analysis. Further, mitigation measures, including those for the construction of the wye, need to be proposed pursuant to CEQA. P30.37

B. The DEIR does not discuss the danger of a trail derailment or collision due to the wye. Appendix G, Subsections VII(a) and (b) require disclosure of significant hazards to the public. This is obviously an important issue for the Great Mall, and mitigation measures to decrease the likelihood of an accident in this location would be advisable. P30.38

C. The DEIR mentions temporary track relocations, called "shoo-flys," but it does not discuss whether they will be necessary along the Great Mall frontage (DEIR 4.19.2.6). If shoo-flys are necessary, Appendix G, Subsections VII(a) and (b) require an impact and risk assessment, as well as appropriate mitigation. P30.39

IV. Cumulative Impacts of the Project

A. The DEIR does not adequately discuss or address impacts of upcoming projects that surround the BART extension. One of the primary advantages of an EIR is that it looks at cumulative impacts of reasonably foreseeable probable future projects, CEQA §15335. CEQA §21154 states that a "master environmental impact report shall evaluate the cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects to the greatest extent feasible." Cumulative impacts refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts, CEQA §15355. P30.40

One such reasonably foreseeable probable future project is the addition of 50,000 square feet of retail space at the Great Mall. The impacts of adding the additional number of vehicles and traffic should be included in the BART EIR.

B. Other than the mention of the planned widening of Montague Expressway to four lanes of traffic, the DEIR does not mention additional reasonably foreseeable future projects in the general vicinity of the Great Mall area, CEQA §21154 and §15335. If there are other upcoming projects (and it is likely there are), then these must be analyzed and disclosed, and the impacts mitigated to a level below significant. In fact, the City of Milpitas is in the process of formulating a transportation plan for the area emphasizing transit oriented design, yet there is no reference to this project in the DEIR. Because there is an absence of projects disclosed, the P30.41

existing impacts analysis in the DEIR most likely underestimates the impacts that will be present in the Great Mall area due to the BART extension and other reasonably foreseeable future projects. P30.41 (cont.)

The Great Mall looks forward to working with VTA and BART in improving transportation infrastructure in the Greater Bay Area. To that extent, the proposed BART extension presents an opportunity to improve the transit system, however, the full environmental impact of the Project and appropriate mitigation measures to alleviate these potentially significant environmental impacts must be disclosed. On behalf of the Great Mall, The Mills Corporation respectfully requests a meeting to address the concerns contained within this letter, as well as the condemnation process for the 20 foot wide strip of land abutting Great Mall Drive. We plan on attending the public hearing on May 10th regarding this project, and request a meeting before the end of the public comment period.

Sincerely,

Linda J. Bozung
Partner

Ryan M. Leaderman
Land Use Advisor

Attachments

cc w/encls.: Steve Wenderoth, Vice President, Development, The Mills Corporation
Kevin Kudlo, Group Vice President, Development, The Mills Corporation
Brad Kempf, Development Director, The Mills Corporation
Michael Liberatore, General Manager, Great Mall

ATTACHMENT

GEOMATRIX

SITE MANAGEMENT PLAN

Former Ford Automobile Assembly Plant
Formerly 1100 South Main Street
Milpitas, California

Prepared for

Ford Motor Land Development Corporation
One Parklane Boulevard
Dearborn, Michigan 48120

March 1997
Project No. 3341.01K

Geomatrix Consultants

GEOMATRIX

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GEOMATRIX

SITE MANAGEMENT PLAN
Former Ford Automobile Assembly Plant
Formerly 1100 South Main Street
Milpitas, California

1.0 INTRODUCTION

Geomatrix Consultants, Inc. (Geomatrix) has prepared this Site Management Plan (SMP) on behalf of Ford Motor Land Development Corporation (FMLDC) for the former Ford Assembly Plant located at the former 1100 South Main Street, Milpitas, California[1] (the Property; Figure 1), currently the Great Mall of the Bay Area (Great Mall). The objectives of this SMP are to: 1) summarize the remaining decommissioning activities necessary to complete site closure; 2) provide information on the known environmental conditions at the Property which will remain upon completion of the decommissioning activities; and, 3) address the current system for notification or other requirements during ongoing operations, maintenance, or development of the Property following the decommissioning activities.

The SMP is organized as follows:

- Section 2.0 – presents background information on the Property, including descriptions of the Property and its use history, a description of shallow subsurface conditions, and a summary of soil and groundwater investigation and remediation activities performed at the Property.
- Section 3.0 – discusses the human health and ecological risk issues associated with residual chemicals in soil and petroleum hydrocarbons in groundwater at the Property.
- Section 4.0 – describes the remaining decommissioning activities necessary to complete closure of existing remediation systems.
- Section 5.0 – presents Property management measures developed to address notification and other requirements for the Property that should be considered during ongoing operations and maintenance of the Property, the continuing development of the Property, or if Property use changes. Included in this section is

[1] The current address of Great Mall Management is 947 Great Mall Drive, Milpitas, California.

a discussion on management of any disturbed or excavated soil and potential use of groundwater on the Property.

2.0 BACKGROUND

This section summarizes pertinent background information regarding the Property, including a description of the Property, shallow subsurface conditions, Property use history, and remedial investigations and activities performed at the Property.

2.1 PROPERTY DESCRIPTION

The Property is located at the former 1100 South Main Street in a predominantly commercial and industrial area of Milpitas, California. According to the City of Milpitas Planning Department, the Property is designated as a central commercial zone (C-2 zone). Land use in the Property vicinity is agricultural (A zone) to the west, heavy industrial (M-2 zone) to the north, east, and south, and central commercial (C-2 zone) to the southwest and northwest of the Property. Interstate 880 is approximately 1.5 miles to the west, and San Francisco Bay is approximately 5 miles to the northwest.

The Property currently is occupied by a large enclosed shopping mall, the Great Mall. The Great Mall has a building footprint area in excess of two million square feet (approximately 46 acres). The current property configuration is the result of a 1996 subdivision of a larger parcel into the "Great Mall parcel" and nine "out-parcels," as shown on Figure 2. The subsurface impact of chemicals from former site operations is limited to the Great Mall parcel; therefore, the Property refers only to the Great Mall parcel for purposes of this management plan.

2.2 SHALLOW SUBSURFACE CONDITIONS

The Property is located on relatively flat terrain in Santa Clara Valley that gently slopes northwest toward San Francisco Bay. Ground elevations vary from approximately 45 feet above mean sea level (msl) in the southeastern portion of the Property, to approximately 25 feet above msl in the northwestern corner of the Property. The Property is underlain by a complex

sequence of heterogeneous and laterally discontinuous deposits of clay, silt, sand, and gravel to at least 50 feet below ground surface (bgs). The sediments underlying the Property are predominantly fine grained. This fine-grained matrix contains numerous discontinuous layers of coarse-grained sands and gravel. The coarse-grained layers are typically thin (less than 5 feet thick); however, locally, some borings at the Property had up to 15 feet of sand at depths below 25 feet bgs. Shallow groundwater beneath the Property generally has been observed between 5 and 15 feet bgs. Horizontal hydraulic gradients at the Property generally have been towards the north and northwest. A more detailed description of hydrogeologic conditions at the Property is included in the Groundwater Quality Investigation Report (Geomatrix, 1996a).

2.3 PROPERTY USE HISTORY

Ford Motor Company purchased the Property in 1953 from Western Pacific Railroad. A passenger car and commercial vehicle assembly plant was built in 1953 and operated until May 1983. During its operating life, chemical handling at the automobile assembly plant included the storage and use of:

- solvents, thinners, paints, and other chemical formulations for surface preparation and application of vehicle finish coatings;
- lubricating oils and gasoline for motor vehicles; and
- diesel fuel to power pumps in the emergency fire suppression system.

An industrial wastewater treatment system, that included on-site wastewater lagoons, discharged treated wastewater to the City of Milpitas sanitary sewer system.

The Property was sold to Mariani Financial Corporation in December 1984, and portions of the Property were leased to a variety of tenants, primarily for warehouse/storage uses. The Property was subsequently re-acquired by FMLDC in 1988. In 1994, the former automobile assembly plant building was remodeled into the Great Mall. A detailed description of the

historical uses of the Property is presented in the Site Use History, Former Ford Automobile Assembly Plant report (McLaren/Hart Environmental Engineering [McLaren/Hart], 1992).

2.4 SUMMARY OF SOIL INVESTIGATION AND REMEDIATION ACTIVITIES

Soil investigation and remediation activities were performed at the Property from 1982 to 1993 by various consultants and contractors on behalf of FMLDC. Investigative and remedial activities undertaken for soil at the Property are summarized below.

2.4.1 Soil Investigation Activities

McLaren/Hart and others conducted soil investigation activities in localized areas of the property based on the use or storage of chemicals in these areas. In addition, McLaren/Hart conducted two phases of soil investigations, one in October-November 1992 (Phase I), and one in February 1993 (Phase II) (McLaren/Hart, 1996a) to identify remedial actions for soil. Chemicals detected in soil at the Property primarily consisted of petroleum hydrocarbons, including gasoline, stoddard solvent, hydraulic oil, polynuclear aromatic compounds (PNAs), and benzene, toluene, ethylbenzene and xylenes (BTEX), as well as tetrachloroethylene (PCE), trichloroethylene (TCE), methylene chloride, naphthalene, 1,2-methylnaphthalene, acetone, nickel and zinc. McLaren/Hart established cleanup concentrations for the soil at the Property based on potential exposure to chemicals in soil assuming both residential and commercial industrial scenarios and protection of groundwater quality. For each chemical, the lowest of these values was selected as the cleanup concentration. Cleanup concentrations for soil at the Property were approved by the staff of the Regional Water Quality Control Board - San Francisco Bay Region (RWQCB). The cleanup concentrations established for soil at the Property are: 760 milligrams per kilogram (mg/kg) for acetone; 0.7 mg/kg for benzene; 900 mg/kg for ethylbenzene; 7 mg/kg for methylene chloride; 120 mg/kg for 2-methylnaphthalene; 45 mg/kg for naphthalene; 1600 mg/kg for toluene; and 24 mg/kg for xylenes. For all other volatile organic compounds (VOCs), the cleanup concentration is 1 mg/kg total VOCs, as stated in RWQCB Order No. 90-63.

2.4.2 Soil Remediation Activities

A summary of soil remediation activities conducted by McLaren/Hart at the Property from 1983 through 1993 is presented in McLaren/Hart's Phase I and II Soil Investigation Report (McLaren/Hart, 1996a). Approximately 10,000 cubic yards of soil were excavated from various areas of the site. Affected soil at the Property was either removed from the Property or remediated on site to concentrations below the cleanup concentrations (McLaren/Hart, 1996b).

2.5 SUMMARY OF GROUNDWATER INVESTIGATION AND REMEDIATION ACTIVITIES

Groundwater investigation and remediation activities were performed at the Property from 1982 to 1996 by various consultants and contractors on behalf of FMLDC. Based on the results of investigations performed by McLaren/Hart and others, the groundwater at the Property was impacted in two primary areas by petroleum hydrocarbons:

1. Former Gasoline Pump No. 1 Area: a former gasoline pump and associated 20,000-gallon gasoline underground storage tank (UST), located outside and adjacent to the assembly plant, that was used to fuel maintenance vehicles between 1954 to 1984. According to an engineering drawing, approximately 30 to 40 gallons per day or 1,000 gallons per month of gasoline were dispensed from this pump.

2. Former Executive Gasoline Tank Area: a former 2,000-gallon gasoline UST that supplied fuel to a pump outside the executive garage for fueling the executive automobiles. The UST was used from 1954 until the facility was closed in 1983. Approximately 7,500 gallons per month were dispensed from this pump.

These two areas have been the primary focus of groundwater investigations performed at the Property by FMLDC as required by the RWQCB. In addition, halogenated volatile organic compounds (HVOCs) in groundwater have migrated onto the Property from Jones Chemical, Inc. (Jones), a site regulated by the RWQCB, located east of the Property at 985 Montague Expressway. Investigative and remedial activities undertaken for groundwater at the Property are summarized below.

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2.5.1 Groundwater Investigation

Groundwater quality data were collected at the Property from 1982 to 1996. The cumulative results of groundwater investigations and monitoring at the Property indicate that petroleum hydrocarbons, primarily gasoline, have been released to shallow groundwater beneath the Property. The primary on-site source areas of petroleum hydrocarbons to groundwater have been the Former Gasoline Pump No. 1 and the Former Executive Gasoline Tank Area. The maximum lateral and vertical extents of the groundwater affected by petroleum hydrocarbons in both areas were defined and were monitored by numerous perimeter wells for several years. Data indicated that the extent of the dissolved petroleum hydrocarbon plumes were stable and that petroleum hydrocarbon concentrations within the affected areas were stable or decreasing. A detailed description of groundwater investigation and remediation activities performed at the Property is presented in the Groundwater Quality Investigation Report (Geomatrix 1996a).

The groundwater investigations and monitoring performed by Jones also have shown that HVOC releases upgradient of the Property have migrated in groundwater to beneath the eastern, upgradient edge of the Property. Groundwater migrating onto the Property from the east includes the following HVOCs: PCE; TCE; 1,1-dichloroethene (1,1-DCE); 1,2-dichloroethene (1,2-DCE); 1,1,1-trichloroethane (1,1,1-TCA); 1,1-dichloroethane (1,1-DCA); and 1,2-dichloroethane (1,2-DCA) and vinyl chloride. Recent monitoring well data obtained from Jones (October 1996) indicate that total concentrations of HVOCs remaining in groundwater beneath the Property are generally less than 100 micrograms per liter (µg/l) and consist of TCE, PCE, 1,1,1-TCA, 1,1-DCE, and 1,2-DCA.

2.5.2 Groundwater Remediation

This section presents a brief description of the groundwater remediation activities undertaken at the Property.

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2.5.2.1 Groundwater Extraction Trench System and Treatment Plant - 1989 to 1994

In 1989, a groundwater extraction trench system and air stripping treatment plant were installed by McLaren/Hart to intercept petroleum hydrocarbon-affected groundwater emanating from the Former Gasoline Pump No. 1 Area and the Former Executive Gasoline Tank Area. The groundwater extraction trench system consisted of an approximately 2000-foot long extraction trench and groundwater cut-off slurry wall. The purpose of the slurry wall was to enhance the extraction system by further preventing flow of groundwater past the trench and to prevent the flow of downgradient groundwater into the extraction trench. Extraction of groundwater began on 31 October 1989 and continued until April 1994. Significant concentrations of petroleum hydrocarbon constituents were not detected in samples from the trench over the time-frame it operated, indicating that both groundwater plumes had stabilized prior to reaching the trench, most likely due to in-situ bioremediation. As approved by the RWQCB, the groundwater extraction and treatment system was deactivated upon the installation of an enhanced bio-remediation system in 1994 (Section 2.5.2.2).

2.5.2.2 Enhanced In-Situ Bioremediation System - 1994 to 1996

An enhanced in-situ bioremediation system, approved by the RWQCB, was installed by Geraghty & Miller and operated at the Property from 1994 to 1996. The purpose of this system was to enhance the rate of biodegradation of petroleum hydrocarbons in groundwater in both the Former Gasoline Pump No. 1 Area and the Former Executive Gasoline Tank Area. The system consisted of an air sparging system in both areas and a vapor extraction system in the Former Gasoline Pump No. 1 Area (Geraghty & Miller, 1995). The system was deactivated in December 1996 following RWQCB approval as part of site closure (RWQCB, 1996).

Until 1995, the extracted vapors were passed through granular activated carbon for treatment and discharged to the atmosphere under permit from the Bay Area Air Quality Management District (BAAQMD). In 1995, the BAAQMD eliminated requirements for treatment due to the

low concentrations of benzene being discharged; benzene was not detected in any of the samples collected in the latest sampling event conducted in September 1996.

2.5.2.3 Jones Chemical Company Groundwater Extraction System - 1994 to Present

The RWQCB, in Order No. 90-072 Provisions 2.C. and 2.F., required Jones to prevent the continued migration of HVOCs and to implement plume containment. Jones designed and installed a groundwater extraction system that included five groundwater extraction wells on the eastern side of the Property to contain the downgradient portion of its plume. These wells (JE-19 through JE-23) were installed in September 1993 about 300 feet apart in the eastern portion of the Property (Figure 3). Jones began extraction from the wells on 2 February 1994 (Levine-Fricke, 1996). According to RWQCB Order No. 90-072, Jones is required to continue operating this HVOC groundwater extraction system.

2.6 CURRENT ENVIRONMENTAL CONDITIONS

Based on the results of the extensive investigative and remedial actions that were performed at the Property, the identified environmental conditions that need to be considered during ongoing operations and maintenance of the Property, the continuing development of the Property, or if the Property use changes, are: (1) the presence of residual concentrations of chemicals in shallow soil; (2) the presence of residual petroleum hydrocarbons in shallow groundwater in the Former Gasoline Pump No. 1 Area and the Former Executive Gasoline Tank Area; and, (3) the presence of HVOCs from an upgradient source in groundwater beneath the upgradient (eastern) edge of the Property;

3.0 HUMAN HEALTH AND ECOLOGICAL RISK EVALUATION

This section summarizes the results of human health and ecological risk evaluations performed for the Property.

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3.1 HUMAN HEALTH RISK

Health risk evaluations were conducted to assess the potential risk to potential future residents and commercial workers at the Property in its current development. Health risks associated with residual chemicals in shallow soil were evaluated by McLaren/Hart (McLaren/Hart, 1991). Health risks associated with residual petroleum hydrocarbons in groundwater were evaluated by Geomatrix (Geomatrix, 1996b). These evaluations concluded that soil containing residual chemicals and groundwater containing residual petroleum hydrocarbons at the Property will pose no threat to the health of residents or workers who might come into contact with soil on the Property or potential vapors emanating from groundwater beneath the Property.

3.2 ECOLOGICAL RISK

The Property is currently occupied by a large indoor shopping mall, and is completely covered by the mall structure, concrete and asphalt paving, and limited landscaping. As a result, the Property provides no viable habitat to support an urban animal population. As discussed in the Site Closure Report (Geomatrix, 1996b), groundwater affected by petroleum hydrocarbons has not migrated beyond the Property's boundaries, the groundwater plumes are considered stable, and chemical concentrations in groundwater generally are decreasing. Therefore, the Property does not present unacceptable risk to biota in the environment.

4.0 CLOSURE OF SITE REMEDIATION SYSTEMS

This section describes the decommissioning activities necessary to complete closure of the remediation systems at the Property. It is estimated that these closure activities will be completed by August 1997.

4.1 EXTRACTION TRENCH SYSTEM

The groundwater extraction trench system installed by McLaren/Hart consists of a groundwater extraction trench, a groundwater cutoff slurry wall, water conveyance pipelines, and electrical conduits (Figure 3). In conformance with Santa Clara Valley Water District (SCVWD)

requirements, decommissioning activities for the extraction trench will include: injecting grout into the extraction wells, trench monitoring wells, and trench drain pipes located within the trench; removal and disposal of equipment associated with the extraction trench system; and installation of flow barriers at required intervals along the trench. Closure activities for the water conveyance pipeline and electrical conduits, as required by the City of Milpitas, will include: removal of pull boxes and electrical and instrumentation cables from conduits; capping of the conduits; and drainage of the groundwater conveyance pipeline. There are no closure requirements associated with the groundwater cutoff slurry wall. In addition, the SCVWD groundwater production permit that is associated with the groundwater extraction trench system will be closed.

4.2 TREATMENT SYSTEM

The groundwater treatment system, installed by McLaren/Hart, includes a granular activated carbon and air stripper unit (Figure 3). Decommissioning activities will include collecting a water sample from the water that has accumulated in the influent surge tank for analysis in accordance with City of Milpitas Fire Department and the National Pollutant Discharge Elimination System (NDDES) permit requirements. If analytical results indicate that organic compounds are present in the water at concentrations exceeding NPDES effluent limits, the water will be treated by the air stripper prior to discharge through the effluent outfall under the existing NPDES permit. In conformance with the City of Milpitas Building Department, decommissioning activities will also include dismantling and removal/disposal of treatment system components, including structural concrete within the treatment system compound and the compound security fence. The NPDES permit and the BAAQMD operating permit associated with the groundwater treatment system will be closed.

4.3 AIR SPARGING SYSTEM

The air sparging system installed by Geraghty & Miller consists of an air sparging system and vapor extraction system located inside the Great Mall and an air sparging system located outside the Great Mall (Figure 4). Decommissioning activities for the air sparging systems will

include destruction of the wells associated with the systems in conformance to the requirements of the SCVWD. The vapor extraction system will be converted to a passive venting system by connecting the piping directly to the roof vent. Equipment and piping associated with the vapor extraction system and not necessary for passive venting will be removed. The BAAQMD permit associated with the air sparging systems will be revised to reflect the change to a passive venting system.

4.4 MONITORING WELLS

All remaining monitoring wells at the Property not associated with Jones (i.e., extraction wells JE-19 through -23 and monitoring wells JB-83, JB-84, and JB-91) will be destroyed in accordance with the SCVWD requirements (Figure 5). The SCVWD permits associated with the monitoring wells will be closed upon well destruction.

5.0 PROPERTY MANAGEMENT MEASURES DURING ONGOING SITE OPERATIONS, MAINTENANCE, AND REDEVELOPMENT

Property management measures to be taken during ongoing operations, maintenance, and redevelopment include the following: notification and disclosure requirements, construction safety measures, soil management, and use of groundwater on the Property. These measures are discussed below.

5.1 NOTIFICATION AND DISCLOSURE REQUIREMENTS

The environmental conditions at the Property are summarized in McLaren/Hart's Phase I and II Soil Investigation Report (McLaren/Hart, 1996a) and Soil Remediation Summary Report (McLaren/Hart, 1996b), and Geomatrix's Groundwater Quality Investigation Report (Geomatrix, 1996a) and Site Closure Report (Geomatrix, 1996b), and should be disclosed to all potential buyers, contractors, and interested parties to the extent required by law. The disclosure should include information contained in these reports regarding the nature and extent of chemicals in the soil and groundwater and potential human health risks. This SMP should be

included as part of the disclosure. In addition, tenants at the Property are notified of environmental conditions at the Property as part of the lease agreement with Great Mall Management.

5.2 CONSTRUCTION SAFETY MEASURES

Great Mall Management lease provisions currently require that no construction activities can occur without notification to and authorization by Great Mall Management. Prior to any significant construction activities at the Property, the contractor should prepare a site-specific health and safety plan (HSP). The HSP should describe the construction activities and address standard safety precautions such as protective measures for workers and soil handling issues, as appropriate. In the event that activities performed at the Property will disturb the subsurface in areas where chemicals are known to be present, resulting in additional exposure pathways (such as for maintenance or construction workers), the potential health risks associated with exposure to those residual chemicals in soil and groundwater should be evaluated, and appropriate precautions included in the HSP. All applicable state and federal regulations should be adhered to.

5.3 SOIL MANAGEMENT

Since some soil at the Property may contain chemical concentrations (below the established site cleanup concentrations), soil excavated during construction activities should be evaluated and/or analyzed for the appropriate chemicals based on the use history of the Property and/or the previous soil investigations performed at the Property (McLaren/Hart, 1996a and 1996b). If soil requires off-site disposal, additional waste characterization may be required by the disposal facility under consideration.

5.4 USE OF SHALLOW SITE GROUNDWATER

HVOCs and certain petroleum hydrocarbon constituents are known to be present in shallow groundwater at concentrations that currently exceed objectives for drinking water. However, shallow groundwater is not anticipated to be used as a source of drinking water. Therefore, it is

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anticipated that groundwater will not be used for drinking water or other purposes until such time as the RWQCB and applicable regulatory agencies approve use of groundwater at the Property.

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6.0 REFERENCES

California Regional Water Quality Control Board, San Francisco Bay Region, 1996, Letter to Jerome S. Amber Regarding Site Closure Request, Former Ford Assembly Plant, Milpitas, Santa Clara County, 18 December.

Geomatrix Consultants, Inc., 1996a, Groundwater Quality Investigation Report, Former Ford Automobile Assembly Plant, 1100 South Main Street, Milpitas, California, August.

Geomatrix Consultants, Inc., 1996b, Site Closure Report, Former Ford Automobile Assembly Plant, 1100 South Main Street, Milpitas, California, November.

Geraghty & Miller, Inc., 1995, Letter to Mr. Hon-Ting Man, Bay Area Air Quality Management District, from Edward H. Crump, dated 18 December.

McLaren/Hart Environmental Engineering, 1991, Soil Health-Based Cleanup Levels for Ford Motor Company Automobile Assembly Facility in Milpitas, California, 16 December.

McLaren/Hart Environmental Engineering, 1992, Site Use History, Former Ford Automobile Assembly Plant, Milpitas, California, 18 December.

McLaren/Hart Environmental Engineering, 1996a, Phase I and II Soil Investigation Report, Former Ford Automobile Assembly Plant, Milpitas, California, September.

McLaren/Hart Environmental Engineering, 1996b, Soil Remediation Summary Report, Former Ford Automobile Assembly Plant, Milpitas, California, September.

California Regional Water Quality Control Board

San Francisco Bay Region

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Secretary for Environmental Protection

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Gray Davis
Governor

ATTACHMENT

COPY

April 16, 2001
File No. 43S0153 (MEJ)

Mr. Jack Williams
Swerdlow Real Estate Group, Inc.
200 South Park Road
Hollywood, FL 33021

Subject: Implementation of Site Management Plan, Great Mall of the Bay Area, Former Ford Assembly Plant, Milpitas, California

Dear Mr. Williams:

Regional Board staff has reviewed previous and ongoing development activities at the Great Mall of the Bay Area (the Property). We would like to take this opportunity to summarize these development activities with respect to the implementation of the March 1997 Site Management Plan (SMP) prepared for the Property. The SMP provides recommendations regarding the implementation of Property management measures. These measures were developed to address notification and other requirements for the Property that should be considered during ongoing operations and maintenance of the Property, the continuing development of the Property, or a change in Property use. Additionally, this letter outlines specific requirements for implementation of the SMP for ongoing and future developments. These requirements were discussed in meetings held on February 27, 2001 between Mark Johnson of the Regional Board and representatives of Geomatrix Consultants, Inc. (Geomatrix), on behalf of the Swerdlow Real Estate Group, Inc. These issues were also discussed with you in a meeting held on March 15, 2001.

As you know, in March 1997, Regional Board Order No. 97-039 rescinded Site Cleanup requirements for the Property, accepted closure of all areas of concern based on the current land uses, and required implementation of the SMP for any redevelopment activities that intrude into the subsurface. Such development activities completed since then include Vans SkatePark, Oshman's Supersports USA (Oshman's), Dave & Buster's, and Century Theaters. Ongoing developments include the Home Depot Project and the northeastern parking structure. We understand that additional site development activities are planned.

In general, previous developments (i.e., Vans SkatePark, Oshman's, Dave & Buster's, and Century Theater) have been completed in the southern and western areas of the Property, where

historic industrial uses were highly defined and well understood. Implementation of the SMP during development of these areas was straightforward due to the strength of the data. As per the SMP, impacted soil from previously identified and remediated areas (i.e., Oshman's loading dock) was segregated, characterized, and handled appropriately. However, ongoing development activities, such as the northeastern parking structure, are being performed in areas of the Property where historic industrial uses were significantly more active, and the potential for encountering environmental concerns is greater than in previous developments. Additionally, this is the area where the Jones Chemical Company is currently undergoing groundwater extraction and remediation activities. Therefore, the following actions will be required for ongoing and future development activities at the Property:

1) The Regional Board shall be notified in writing at least 60 days prior to initiating construction activities below grade (e.g., drilling, excavation, or grading).

2) Historic documents shall be reviewed to identify areas of potential environmental concern. Historic environmental data, if available, shall be reviewed for adequacy and compared to the previously developed health-based cleanup levels[1] (HBCLs). This will identify potential environmental data gaps that need to be investigated and considered prior to the proposed development. Any additional data will then be collected, as necessary. If no data gaps are identified, then the historic environmental data shall be summarized in a project-specific SMP (see item 4) and submitted to the Regional Board.

3) A screening level human health risk assessment (HHRA) using the historic and, if applicable, newly collected data will be performed. This would incorporate the comparison of the complete data set with respect to HBCLs or other applicable HHRA screening criteria, to evaluate the need for a project specific HHRA. This document shall be submitted to the Regional Board at least 60 days prior to initiation of construction activities.

4) A project-specific SMP, Health and Safety Plan, and other documents describing potential risk management measures shall be submitted to the Regional Board 60 days prior to project initiation. The SMP will contain an executive summary of environmental conditions as they pertain to each specific development and potential exposure to construction workers. The SMP and Health and Safety Plans shall discuss measures to notify and educate all construction workers involved in subsurface work of potential environmental conditions and potential hazards which may be encountered during construction. In addition, the project specific SMP and Health and Safety Plan will set forth notification protocols for the construction workers, in the event that previously unidentified environmental issues are encountered during construction.

[1] McLaren/Hart, 1991, Soil Health Based Clean-Up Levels for Ford Motor Company Automobile Assembly Facility in Milpitas California

RESPONSE TO COMMENT LETTER P30

Piper Rudnick (May 10, 2004)

P30.1 *The EIS/EIR has been prepared in compliance with CEQA and impacts and mitigation measures have been disclosed as required. Regarding the four categories of comments, please refer to responses P30.2 through P30.42.*

P30.2 *The 20-foot wide strip of land that VTA proposes to acquire is occupied primarily by landscaping. VTA believes that the land can be acquired and utilized as part of the BART right-of-way without adversely affecting long-term traffic circulation on Great Mall Drive or access to the parking garage. Both Great Mall Drive and the existing parking garage are not directly impacted by the property acquisition. In addition, no parking spaces located west of Great Mall Drive would be lost as a result of project. Currently the landscaping in the 20-foot wide strip serves to screen views of freight trains on the adjacent railroad tracks. However, of the approximately 1,030 feet of landscaping to be removed along Great Mall Drive, approximately 310 feet is directly in front of an existing three-story parking garage. Another approximately 260 feet of landscaping would be removed along Great Mall Drive adjacent to a future parking structure (see Appendix A, Figures A-19 and A-20). Therefore, only approximately 460 feet of landscaping would be removed that would be visible from areas other than Great Mall Drive and the parking structure.*

The Union Pacific railroad (UPRR) tracks would be relocated a maximum of 22 feet to the west and closer to Great Mall Drive from the southern corner of the existing parking structure and northward to Curtis Avenue. The relocation of the UPRR tracks to the west is identified on Figures A-19 through A-21 as "UPRR Connection to Milpitas Yard", "Relocated Industry Lead", and "Relocated UPRR Industry Lead." Text in Chapter 3, Alternatives, Section 3.4.1.1, Alignment, also identifies the UPRR track as being to the west of the BART alignment, "…the BART Alignment would descend into a retained cut 16 to 20 feet deep to allow a UPRR freight lead track to cross over the BART line on a 440-foot-long bridge and gain access to several major industries south of the UPRR Milpitas Yard and east of the ROW." The following sentence has been added to the 17th paragraph in Section 3.4.1.1, Alignment, to additionally clarify the track relocation: "The UPRR lead track would need to be relocated up to 22 feet to the west to accommodate the BART Alignment." In addition, the following text has been added to the end of the third sentence: "near the southeast corner of the existing parking structure." As a result of this relocation, trains operating parallel to Great Mall Drive would not be as well screened by landscaping as they are today and would be more visually prominent. However, the occupants of the vehicles traveling along Great Mall Drive to and from the parking lots are not considered a sensitive viewer group and would not be adversely affected by the increased visibility of the UPRR trains when they pass by the site. The BART trains would be in a retained cut at this location and would not be visible to viewers in the parking lot. The freight train tracks would need to be shifted up to 22 feet closer to Great Mall Drive from the southern corner of the existing parking structure northward to allow space for BART in a retained cut. No significant long-term impacts on Great Mall Drive or on the parking structure are projected as a result of the acquisition and use of this strip of land for the project.

Approximately 36 parking stalls in the northeast corner of the Great Mall and east of Great Mall Drive would be removed to allow for reconstruction of a replacement drainage detention basin and refuse storage area. These spaces are located a substantial distance

from the Great Mall commercial uses. The Great Mall currently has approximately 6,750 parking spaces. The loss of approximately 36 parking spaces represents 0.53% of the available parking. The majority of the time, sufficient parking is available to accommodate patrons. However, during peak parking demand periods (holiday season), the City of Milpitas requires the Great Mall to lease off-site parking spaces (over 500 this past year) to meet their parking requirement. The Montague/Capitol Station is located a short distance away and would be expected to provide a transit alternative for at least 36 vehicles and thus offset the loss of these parking spaces.

As indicated in Section 4.19.2, Construction Scenario, a number of actions will take place to minimize construction impacts. This will include preparation of traffic control plans, construction impact mitigation plans, and pre-construction business surveys. These actions will work to minimize adverse effects on the Great Mall operations during construction. During Preliminary Engineering, additional analysis of construction phasing will be developed. However, at this time it is believed that from approximately the southern end of the existing parking structure to the Parc Metropolitan development, one lane of traffic on Great Mall Drive could be maintained with traffic controls. The construction period to remove the landscaping and make other improvements at this location is estimated to last approximately four months. With this mitigation and other mitigation measures set forth in the EIS/EIR, the risks of loss of structures, of injury or death to people, and of safe and secure access to the road and parking structure at the Great Mall would be mitigated.

Also refer to response P30.6.

P30.3 *The EIS/EIR describes and evaluates in detail, a reasonable range of alternatives to the project, including the No-Action Alternative, and the "New Starts" Baseline Alternative. In order to meet the standards of a joint EIS/EIR, the alternatives have been evaluated in greater detail than is required by CEQA. Neither CEQA, nor NEPA require that alternatives have to be developed and evaluated for each component of a project, such as the acquisition of a 20-foot wide strip of landscaping along the edge of a shopping mall. If the EIS/EIR had found that the use of this land would result in substantial adverse impacts, mitigation would have been developed to avoid the impact. However, the EIS/EIR does not conclude that the acquisition and use of this 20-foot strip will result in any significant adverse environmental impacts.*

However, a realignment of the BART Alternative to the east side of the rail right-of-way was considered. The total width needed for the combined BART and UPRR tracks in this area is 80 feet, providing 50 feet for the BART line and 30 feet for the UPRR industrial spur. The existing railroad right-of-way width is only 60 feet, requiring the 20-foot acquisition. While a realignment of the BART Alternative to the east side of the rail right-of-way appears technically feasible, the alignment of the BART system and spur track on the west side has the following issues:

- *The existing industrial spur serves only businesses on the east side of the BART alignment. A west side spur would require a grade-separated crossing of the BART alignment. To accomplish this grade separation, the BART Alternative would need to be in a retained cut section, and the railroad would cross over this trench at-grade. To locate this crossing north of Curtis Ave would require extending the BART trench section northward approximately 1,800 feet at an additional estimated cost of $19 million (including add-ons).*

- *Positioning the spur entirely on the east side of the right-of-way would require*

purchase of a 20-foot wide strip approximately 2,000 feet long, directly affecting three industrial buildings by eliminating approximately 200 parking spaces. Acquisition of the right-of-way on the east side would cost approximately $1 million to $3 million.

- *In addition, the three industrial buildings on the east side of the right-of-way have loading docks facing west, and tractor–trailer trucks serving these buildings would have restricted turning radii for maneuvering into these loading docks.*

- *An east side alignment would also be positioned near the existing 42-inch diameter Milpitas water pipeline, potentially requiring its relocation.*

Given the very high costs for acquisition of right-of-way and direct impact to three businesses on the east side of the right-of-way, including the loss of approximately 200 parking spaces and restricted loading dock access, it was concluded that although the east side design option is technically feasible, it was not a prudent alternative.

Potential impacts to the Great Mall related to subsidence, flooding, aesthetics, noise, parking, access, safety hazards, vibration, utility service disruption, soil removal, and parkland removal are all considered in the EIS/EIR. In the areas where potential adverse impacts are identified, mitigation measures to reduce the impacts have been developed. Also refer to responses P30.4 through P30.41

P30.4 *Approximately 36 parking spaces would need to be removed east of Great Mall Drive and adjacent to the Parc Metropolitan parkland to accommodate drainage retention and refuse storage facilities. The exact number of spaces lost will be determined during project design, although the number is very small relative to the total parking availability at the Great Mall, and would not result in a significant adverse environmental impact. VTA will work with the Great Mall operators during the land acquisition and Final Design phases of work to develop a design that will minimize parking loss and will replace the parking spaces if necessary to comply with the City of Milpitas's parking requirements. Also refer to response P30.3.*

Regarding noise impacts to the park, the park would be protected by a sound wall, similar to the one that currently exists for the park. Therefore, the noise impacts to the park would be similar to existing conditions.

P30.5 *The proposed drop in grade is measured from the top of rail elevation of the existing UPRR tracks. Section 4.19.9.2, Design Requirements and Best Management Practices for Geology, Soils, and Seismicity Impacts, addresses subsidence and sinking and identifies a performance criterion to reduce impacts.*

P30.6 *Per Section 4.19, Construction Impacts, detailed geotechnical exploration will be performed during Preliminary Engineering to finalize excavation and support system requirements to minimize impacts on adjacent property, including the Great Mall parking lot and Great Mall Drive areas.*

Retained cut construction for the BART Alternative is discussed in Section 4.19.2.3, Location and Construction of Guideway Types, Stations, and Other Facilities. The portion of the alignment paralleling Great Mall Drive is included under the location described as "North Montague Expressway to south of Trade Zone Boulevard (Figures A-19, A-20, and A-22, STA 337+20 to STA 412+00)." The text also states that temporary shoring walls will be needed in some locations to support the sides of the excavation while

construction of the retained cut permanent concrete U-wall structure takes place. The need for groundwater control during the excavation process also is discussed. Methods that can be used to construct temporary shoring walls are described including sheet pile walls with internal bracing or tiebacks, soldier piles and lagging, soil nailing, and soil-cement walls. The slurry wall method also is discussed as an alternative that combines both temporary and permanent wall construction. Deep retained cuts have been completed successfully throughout the South Bay Area for many building and transportation projects using similar techniques. The risk of instability or settlement along Great Mall Drive can be mitigated through proper engineering design and construction, as well as monitoring during the construction process. The monitoring program should include measurement of wall deflection, ground settlement behind the walls, and observation of the dewatering system performance. In terms of right-of-way takes and concerns over possible subsidence, the only area of concern would be along the 20-foot landscaped strip along the southeast corner, in the vicinity of the Great Mall parking structure (see Appendix A, Figure A-21). In this location the relocated UPRR rail spur will be situated between the Great Mall and the BART system, at or above the elevation of Great Mall Drive, thus no subsidence is likely. South of the parking structure, the UPRR spur crosses over the BART retained cut guideway and exits the right-of-way, and the BART retained cut guideway is entirely within the current UPRR right-of-way. No permanent impacts to Great Mall Drive are anticipated. Traffic control and construction impact mitigation measures are discussed in Section 4.19.2.1, Pre-construction Activities. Business and property owners will be contacted regarding potential construction and traffic impacts to Great Mall Drive, as well as parking impacts. Worksite traffic control plans will be developed to minimize impacts in the event that construction activities temporarily encroach onto Great Mall Drive.

P30.7 *Based on Flood Insurance Rate Maps (FIRMs) developed by Federal Emergency Management Agency (FEMA), the existing UPRR tracks and portions of the western edge of UPRR right-of-way, east of the Great Mall property, are outside the 100-year floodplain (FIRM Panel No. 060344-0003G). About 1,400 feet north of Montague Expressway, an approximately 1,800 feet long and 400 feet wide portion of the Great Mall property abutting the UPRR tracks (BART alignment), is within the 100-year floodplain of Berryessa Creek. FEMA has designated this area as Zone AO with shallow sheet flow with flooding depth 1 foot. See Figure 4.18-2, Segment 1 (Southern Section)—Approximate Boundaries of the 100-year Floodplain in the SVRTC Study.*

The 20-foot wide right-of-way take area that VTA seeks to acquire is approximately 1,800 feet long, and is parallel to the existing floodplain. The FIRMs' 100-year floodplain boundaries show that a portion (about 900 feet) of the western side of the right-of-way take area may have some longitudinal encroachment on the existing floodplain conditions. The extent of longitudinal encroachment on the existing floodplain conditions is minimal compared to the overall flooding conditions in the area. Therefore, an increase in floodplain elevations and lateral extent, and restrictions to the flood flows in the area are not anticipated.

In the 20-foot wide right-of-way-take area between the Great Mall and BART Alternative, the relocated UPRR rail spurs will be situated above the 100-year floodplain elevations. As noted above, increase in flood elevations or restrictions to the flood flows is not anticipated, the erosion of the soil or removal of topsoil due the sheet flow in this area will not occur. Moreover, the flood flows are in the paved roads and parking lots associated with the Great Mall. The Santa Clara Valley Water District (SCVWD) and Army Corps of Engineers (ACOE) are currently in the planning stage of the Berryessa Creek Flood Protection Project to protect these areas from a 100-year flood event. Upon

completion of these projects, flooding in this area may be eliminated.

As noted above, the 20-foot wide right-of-way take area will be used for relocated UPRR tracks. The impact to the permeability of the surface will be minimal because the relocated tracks will be situated on pervious surfaces. Increase of surface runoff and risk of increase in flooding to the Great Mall is minimal.

P30.8 *Currently the landscaping in the 20-foot wide strip serves to screen views of freight trains on the adjacent railroad tracks. However, of the approximately 1,030 feet of landscaping to be removed along Great Mall Drive, approximately 310 feet is directly in front of an existing three-story parking garage. Another approximately 260 feet of landscaping would be removed along Great Mall Drive adjacent to a future parking structure (see Appendix A, Figures A-19 and A-20). Therefore, only approximately 410 feet of landscaping to be removed would be visible in areas other than Great Mall Drive and the parking structures.*

The existing viewshed from the Great Mall eastward is in a heavily urbanized area and does not qualify as a scenic vista or resource. The eastern perimeter of the Great Mall property consists of Great Mall Drive, an existing 2-lane ring access road, a landscape buffer, an at-grade rail corridor, and adjacent industrial and commercial uses. The existing landscaping along Great Mall Drive provides some partial visual screening of freight trains using the existing rail corridor. The BART Alternative would relocate the existing train tracks closer to Great Mall Drive and construct the BART tracks in a retained cut. As a result, the UPRR train operations would be more visible, while the BART trains would not be visible to patrons of the Great Mall once the BART alignment transitions into the retained cut. Freight trains would be visible by customers walking to and from their vehicles but not by customers within the Great Mall building since there are very few windows facing eastward.

The other main features of this view, the existing and proposed parking structures, Great Mall Drive, and industrial and commercial land uses to the east, would remain unchanged. The increased visibility of the UPRR train operations due to the removal of landscaping and relocation of the tracks is not considered a substantial adverse impact because the customers walking to and from the Great Mall and the parking lot and drivers of vehicles traveling this route to and from the parking spaces do not constitute a sensitive viewer group. Also refer to response P30.2. Photographs of landscaping and the surrounding area from the eastern Great Mall parking lot in sequence from south to north along the railroad tracks are provided below.

However, VTA will work with the Great Mall ownership and the City of Milpitas to incorporate visual screening into the Preliminary Engineering plans. This will include consensus on the type of barriers and landscaping treatment.

Looking East Toward the Railroad Tracks from the Great Mall Parking Lot

Looking North Toward the Existing Parking Garage and Railroad Tracks from the Great Mall Parking Lot

Looking West Toward Great Mall from Great Mall Parking Lot

Looking North Between Existing Parking Garage and Railroad Tracks from the Great Mall Parking Lot

Looking Southeast Between Railroad Tracks and Existing Parking Garage from the Great Mall Parking Lot

Looking East Toward the Railroad Tracks from the Great Mall Parking Lot

Looking South Toward the Great Mall

Looking Northeast Toward Parc Metropolitan Residential Development to the Left and Railroad Tracks to the Right

Looking Southeast Toward Railroad Tracks to the Left Behind Landscaping and Existing Parking Garage to the Right. Future Parking Garage Would Be Directly in Front of the Viewer Covering Landscaping/Railroad Tracks from View.

P30.9 *FTA's noise criteria do not apply to most commercial or industrial uses because, in general, the activities within these buildings are compatible with higher noise levels. They do apply to business uses that depend on quiet as an important part of operations, such as sound and motion picture recording studios. The uses at the Great Mall do not fall into this category. In addition, as can be seen in the photos provided in the response to P30.8, the Great Mall does not have any outdoor uses that would be considered noise sensitive. All of the commercial services are located within the building that is located at least 300 feet from the freight and BART Alternative activities. BART does have design criteria for operational noise as identified in Table 4.13-3, BART Design Criteria for Operational Noise. Commercial uses have a maximum passby noise criteria level of 85 dBA. Table 4.13-8, BART Alternative Residential Noise Impact Without Mitigation Using BART Design Criteria, indicates that the maximum passby noise level would be approximately 75 dBA at about 300 feet to the near track and 10 dBA below the commercial buildings criteria. In addition, as stated in Section 4.13.3.1, Noise Impacts, in the third paragraph under the subheading, BART Alternative, relocating the freight tracks would only increase the noise levels by 1 to 2 dBA, which was also considered in the EIS/EIR. The Great Mall has been treated the same as other non-noise sensitive commercial land uses and no mitigation has been recommended, nor is any required, because the potential noise impacts at this location will not exceed the thresholds of significance.*

P30.10 *Refer to response P30.9. As stated in response P30.9, commercial properties such as a*

mall are not considered a noise sensitive land use by FTA or BART criteria. Therefore, the Great Mall has been treated the same as all other non-noise sensitive land uses and no mitigation has been recommended. However, VTA will work with the City of Milpitas to minimize noise impacts where possible. Activities such as grinding and maintenance activities are conducted to keep the system in good operating condition in order to minimize the noise and vibration generated by the vehicles. These are infrequent activities and would not contribute to long-term noise impacts.

P30.11 *For a building such as a parking structure, the only relevant vibration criteria would be damage criteria since annoyance is only a factor for vibration sensitive uses. As shown in Figure 4.13-5: Typical Ground-Borne Vibration Levels and Criteria, the strictest damage criteria are around 100 VdB for historic buildings that are typically more sensitive to vibration damage because of construction techniques and materials than a relatively new parking garage. The outside face of the parking structure is currently approximately 75 feet from the centerline of the existing freight tracks. The BART Alternative would shift the centerline of the tracks to approximately 55 feet from the outside face of the parking structure. The vibration levels from freight trains moving at slow speeds at the Great Mall would be at least 10-20 VdB below the 100 VdB damage criteria. In addition, the vibration levels generated by vehicles using the parking garage are likely to be comparable or greater than vibration from nearby freight movements.*

Section 4.19.11.5, Design Requirements and Best Management Practices for Vibration Impacts, and Section 4.19.11.6, Mitigation Measures for Vibration Impacts, address vibration impacts from construction activities. Vibration impacts would be reduced to below the FTA criteria.

As noted in Figure 4.13-4f, Noise and Vibration Mitigation Locations, the Parc Metropolitan condominiums are located closer than the parking structure, have more restrictive criteria, and did not require vibration mitigation. Tables 4.13-17, BART Alternative Residential Vibration Impacts Without Mitigation Using FTA Criteria, and 4.13-18, BART Alternative Residential Vibration Impact Without Mitigation Using BART Criteria, support this conclusion of project vibration levels being below the 75 VdB BART design criteria.

P30.12 *Right-of-way fencing will follow BART criteria standards and hence will be similar to that used on their existing systems. Typically, where BART is located at grade adjacent to railroad corridors, the security fencing is seven-foot high chain link topped with three strands of barbed wire. Refer to response P30.8 regarding visual impacts. Notices for the electric third rail are visible through the fencing and signs are sometimes posted on the fence. Gates for emergency access/evacuation are located every few hundred feet.*

P30.13 *The BART Police Department's officers have full police powers that extend throughout the state, have exclusive jurisdiction over all BART stations and facilities, and provide a full range of law enforcement services. The qualifications and training for BART police officers exceed the guidelines of the state's Commission on Peace Officer Standards and Training, which certifies all California peace officers. The BART Police Department's goal is to build a more community-oriented police force that is tough on crime and strong on customer service. As stated in Section 4.5, Community Services and Facilities, subsection 4.5.3.2, Design Requirements and Best Management Practices, "In addition, VTA and BART would expand existing mutual aid agreements with the cities of Fremont, Milpitas, San Jose, and Santa Clara to ensure appropriate coordination and training to address the requirements of the BART Alternative." BART police and local police jurisdictions will implement an agreement regarding jurisdictional responsibilities prior to revenue service.*

Typically, BART police are always responsible for issues within BART right-of-way, and the local police jurisdictions are responsible for the local neighborhoods.

P30.14 *BART and UPRR facilities will both comply with Public Utility Commission (CPUC) regulations regarding safe operations as required, including CPUC General Order 164-C. In addition, the project will comply with other national and state codes, regulations, and guidelines as identified in Section 4.14, Security and System Safety, subsection 4.14.3.2, Design Requirements and Best Management Practices. BART also has its own safety criteria (i.e. BART System Safety Program Plan). Since BART will be in a secure, fully controlled right-of-way, the potential for collisions or other calamitous conflicts will be very low. However, to further protect Great Mall Drive from potential closure due to a freight car derailment, the trackway along Great Mall Drive will be treated as a "sensitive trackway area". Sensitive trackway areas will incorporate additional protection facilities such as a guardrail, concrete crash barrier, or comparable rail facility to prevent derailments from encroaching upon Great Mall property. Therefore, the project will protect traffic along Great Mall Drive from disruption due to a derailment.*

P30.15 *Refer to response P30.14 regarding safety and P30.8 regarding visual impacts.*

P30.16 *The comment is noted and included in the record for review and consideration by the decision-makers. VTA will consult with the Great Mall operators during Final Design and will cooperate with the Great Mall, to the extent feasible, to ensure that mirrors, speed bumps, safety signage, etc. are not unnecessarily eliminated or compromised.*

P30.17 *In the vicinity of the Great Mall, lighting impacts for the BART Alternative were not considered adverse. Light and glare issues are primarily of concern in residential areas where nighttime or sleeping comfort could be affected. The adjacent land uses in this area are primarily commercial and industrial, which are not typically sensitive to light and glare issues. The parking areas of the Great Mall, which are adjacent to the BART Alternative corridor, are lighted at night for safety and patron convenience. This can be seen in the photos provided in response P30.8. Other surrounding commercial and industrial uses also have nighttime lighting for security purposes. Lighting of the BART Alternative corridor in this area, if necessary, would be minimal and would not interfere with adjacent land uses.*

P30.18 *As noted in response P30.12, the fencing where BART runs at grade along railroad corridors is typically seven-foot chain link with three-strands of barbed wire on top. Other more elaborate and expensive fencing solutions have been approved and installed when paid for by others, such as along the City of Berkeley subway transition structures. Standard fencing in this urbanized commercial and industrial location would not result in either adverse aesthetic or hazard impacts.*

P30.19 *VTA will coordinate with the Great Mall during Preliminary Engineering and Final Design to minimize impacts to utilities during construction to the maximum extent practicable. Utilities would be supported and/or relocated at VTA's expense and every effort would be taken to maintain service to the mall and to all other utility customers. Any utility relocation work will be completed in advance of excavation for the retained cut or other subsurface BART construction work in order to minimize the risk of inadvertently severing utility lines. This commitment is stated in Section 4.16, Utilities, subsection 4.16.13.2, Design Requirements and Best Management Practices.*

P30.20 *Preliminary Engineering has not progressed far enough to determine which utilities would have to be relocated, nor is it known exactly where they would be relocated. VTA will*

coordinate with the Great Mall during Preliminary Engineering and Final Design to minimize impacts to utilities during construction to the maximum extent practicable. Also refer to response P30.19.

P30.21 *As stated in Section 4.16, Utilities, subsection 4.16.3.2, Design Requirements and Best Management Practices, ongoing coordination with utility providers will be conducted during the Preliminary Engineering, Final Design, and construction phases of the work. Any utility impacts will be scheduled to minimize disruptions in time duration and geographic extent. In addition, adjacent properties (such as the Great Mall) will be notified prior to any temporary changes to utility service. VTA's approach to the design and construction work will include tasks intended to efficiently and effectively complete the necessary utility relocations with minimal effects on service. As Design Requirements and Best Management Practices are included in the project, no additional mitigation is required.*

Section 4.19.2, Pre-construction Activities, describes the Construction Impact Mitigation Plan that will be developed by VTA prior to commencement of construction. This plan calls for interviews with affected businesses such as the Great Mall to identify business usage, delivery, and shipping patterns and critical times of the day and year for business activities so that appropriate worksite traffic control plans can be prepared.

P30.22 *Construction methods and impacts are discussed in Section 4.19, Construction. As indicated, the retained cut near the Great Mall would require extensive soil removal resulting in approximately 8,000 truck loads of excavated material that would be hauled from the construction area to the Montague Expressway and then to I-680 or I-880, depending upon the locations for the ultimate disposal sites. Therefore, trucks hauling excavated material will not be using Great Mall Drive. The trucks would not pose any greater public hazard than the hundreds of trucks that travel these major roadways every day, and no significant impacts from the soil removal are projected.*

As indicated in Section 4.19, Construction, the pre-construction preparations will include the development of a Construction Impact Mitigation Plan, pre-construction business surveys, information and outreach programs, and the development of traffic control plans in cooperation with the City of Milpitas (and other affected cities). The Great Mall will be consulted during preparation of the Construction Impact Mitigation Plan at which time specific haul routes will be discussed.

P30.23 *An additional mitigation measure has been added to Section 4.19.10.3, Mitigation Measures for Hazardous Materials Impacts, subheading Mitigation Measures for Soil Contamination, after the first paragraph to address the Great Mall concerns. The additional text is as follows:*

> *In addition, the "Site Management Plan Former Ford Automobile Assembly Plant Formerly 1100 South Main Street Milpitas, California" (SMP) addresses environmental conditions, including soil and groundwater on the Great Mall property. In a letter dated April 16, 2001, the RWQCB specified several actions required for ongoing and future development activities at the Great Mall. Activities by VTA on Great Mall property will comply with the SMP and RWQCB requirements.*

P30.24 *Section 4.19.10.3, Mitigation Measures for Hazardous Materials Impacts, addresses groundwater contamination issues and compliance with local, state, and federal regulatory requirements.*

P30.25 *The Montague/Capitol Station will be a major intermodal station with riders transferring from BART to other transit systems such as bus, light rail, and shuttles during the morning commute hours with the process reversed during the afternoon. Users who park-and-ride at this station will be a lower percentage of BART riders compared to other stations due to the number of intermodal transit transfers.*

As can be seen in Appendix B, Figures B-9 through B-16, the BART Montague/Capitol Station is designed to facilitate connections to the VTA light rail station and bus transit center. As stated in Table 4.2-8, Mode of Access at BART Alternative Stations, 75% of the riders are projected to access the BART station by bus or light rail. The high ridership at this station is a reflection of the ability to access other modes of transit rather than a parking opportunity to access the BART station. Therefore, this station is substantially different than the Berryessa and Alum Rock Stations to the south where parking is in greater demand for BART users traveling north.

The 22,574 number for the Montague/Capitol Station listed in Table 4.2-7, BART Alternative Average Weekday Boardings and Alightings in 2025, includes both boardings and alightings. Therefore, the total number of passengers will be approximately one half that number (11,300) with 15% of them accessing by auto (1,650) assuming all arrive in single occupant vehicles. Since they will not all be in single occupant vehicles or all be there at the same time, parking as planned is more than adequate to accommodate this demand. The project does provide 10% more parking spaces than are required to meet the projected parking demand at each parking facility as noted in Table 4.2-14, 2025 Park-and-Ride Space Requirements.

P30.26 *The Montague/Capitol Station will have exceptionally convenient transit access, and the station will be designed and constructed as a transit center. Hence, the proportion of customers using bus and light rail is higher than for the other stations noted. The basis for the statistics reported in Table 4.2-8, Mode of Access at BART Alternative Stations, are the patronage forecasting models used to developed ridership for the year 2025. The models are able to estimate trips to each station by the different modes of access, including park-and-ride, kiss-and-ride (passenger drop-off), transfers from bus or rail, and walking to the station. Reasons the Montague/Capital Station has such high bus and light rail modes of access include the large concentration of feeder bus service near the Great Mall Transit Center that can be routed to serve the station and the high frequency (10 minute peak and mid-day headways) access to the Tasman/Capital light rail line.*

P30.27 *Refer to response P30.25.*

P30.28 *Thus far, the BART Alternative has not assumed a parking charge at the proposed BART stations. The decision to charge for parking would be made at a later date.*

P30.29 *There would be no reduction in the number of parking spaces at the Montague/Capitol Station if a South Calaveras Station were constructed.*

P30.30 *There are traffic signals with pedestrian crosswalks at the intersection of Capitol Avenue and Montague Expressway to provide safe crossing for patrons moving between the Great Mall and the proposed BART station. In addition, there will be direct pedestrian access from the BART station to the Tasman East/Capitol light rail Montague Station. Passengers could use light rail to travel between the Montague and Great Mall light rail stations. In the past, there have been cases where cities or property owners have contributed funds to enhance a VTA project design where an additional improvement was not warranted as a result of the environmental impact analysis. The Great Mall may*

want to consider this option for pedestrian improvements to access the Great Mall from the BART station.

P30.31 *As shown in Table 4.2-14, 2025 Park-and-Ride Space Requirements, the total park-and-ride demand at the Montague/Capitol Station is 1,628. Under all four design options for the Montague/Capitol Station, the combination of surface and structured parking meets this requirement. This is achieved by increasing or decreasing the number of parking spaces in the parking structure depending on the size of the surface parking lot. The Silicon Valley Rapid Transit Corridor Policy Advisory Board selected the South Bus Transit Center with At-grade Concourse Option to be carried forward in the Final EIS/EIR as part of the Recommended Project. Under this option, 1,628 spaces will be provided by surface and structured parking on the site. The studies undertaken during preparation of the EIS/EIR indicate that the proposed parking will be adequate.*

P30.32 *The visual effects of the proposed radio tower at the Montague/Capitol Station is discussed in Section 4.17, Visual Quality and Aesthetics, subsection 4.17.3.1, Impacts. The height of the radio tower would be approximately 60 feet and it would be located adjacent to the proposed three- to five-level parking structure at this station, which would be of similar height. The radio tower would not be visually obtrusive in the context of the surrounding commercial and industrial land uses and signage, including signage associated with the Great Mall, which is similar in height and aesthetic (tubular steel) to the proposed radio tower.*

P30.33 *As shown on Figure 4.2-2, Milpitas-Montague/Capitol Station, 2025 BART Alternative Level of Service Conditions, the BART Alternative would have impacts on three intersections in the vicinity of the Montague/Capital Station. These intersections would also operate at an unacceptable level of service under the No-Action Alternative and No-Action Alternative With Mitigation. No additional mitigation beyond that developed to address the No-Action (2025) scenario was found to be feasible. Improvements at intersections were determined to be not feasible if they required demolition of structures or removal of off-street parking critical to a business. Traffic congestion is endemic in the area. BART will increase the transportation network's capacity, and may even improve accessibility for Great Mall customers and employees. However, as noted, unacceptable peak hour levels of service will continue to be experienced at some intersections with or without BART.*

P30.34 *Currently, Montague Expressway has at least three lanes in each direction in the vicinity of Capitol Expressway. In fact there are four lanes eastbound from Capitol Expressway to I-680. Valley Transportation Plan (VTP) 2020 adopted in December 2000 included the widening of Montague Expressway from six to eight lanes between U.S. 101 and I-680. This project is included in the Metropolitan Transportation Commission Regional Transportation Plan and is in VTA's VTP 2030 program that is scheduled for adoption in November 2004. Improvements have been made or are underway between U.S. 101 and 1st Street. Street widening east of Capitol Avenue is anticipated to be completed prior to mid-2009, when BART Alternative construction activities are scheduled to begin for the retained cut across Montague Expressway. Three lanes in each direction would be maintained during construction of the grade separation. Once construction is completed, Montague Expressway would be restored to four lanes in each direction. The EIS/EIR identifies this lane closure as an unavoidable adverse traffic impact resulting from lane closures for grade separation construction.*

P30.35 *As described in Section 4.19.3.1, Vehicle Traffic Impacts, subheading Montague Expressway, the construction phasing will allow three lanes in each direction to be*

maintained. Design Requirements and Best Management Practices for vehicular impacts are described in Section 4.19.3.2. As noted, "To the extent practical, traffic lanes and capacity will be maintained in appropriate directions particularly during peak hours." VTA will work with the City of Milpitas and the Great Mall to minimize construction impacts between the Thanksgiving and New Year's Day holiday season.

P30.36 *Construction traffic impacts are addressed in Section 4.19, Construction, subsection 4.19.3.1, Vehicular Traffic Impacts. The only impact identified near the Great Mall was the lane closure on Montague Expressway. Section 4.19.3.2, Design Requirements and Best Management Practices for Vehicular Traffic Impacts, provides a number of actions to minimize construction related impacts including the preparation of traffic control plans in cooperation with local jurisdictions, maintaining traffic lanes and capacity to the extent practical during peak traffic hours, and providing advanced notice to business and the public of construction activities and traffic detours. Also refer to responses P30.22 and P30.35.*

P30.37 *The Locomotive Wye Milpitas Option opposite the Great Mall is one of two options being considered. It has not been determined whether the wye would be constructed in Fremont or at this location in Milpitas. The headlights on locomotives using the wye would be aimed toward the Great Mall for a portion of their maneuvering, but at that point they would be a minimum of 600 feet from the property line, which would be too far away to result in significant glare impacts. The potential noise and vibration impacts of UPRR train operations would be marginally greater because they would be approximately 20 feet closer to Great Mall Drive than they are today. This change would not result in a significant impact. The BART trains would run by this area in approximately the same location as the UPRR trains do today. However, they would be below grade in a retained cut. The noise and vibration impacts of the BART trains are assessed in Section 4.13, Noise and Vibration. The analysis indicates that BART would not have any significant adverse noise and vibration impacts on the Great Mall. Areas north of the southern corner of the existing parking structure would be subject to noise and visual impacts from freight trains approximately 20 feet closer to the Great Mall. As stated previously in responses P30.10, P30.11, and P30.17, impacts would not be significant.*

P30.38 *The UPRR currently operates a locomotive wye near the Montague Expressway, a short distance south of the Locomotive Wye Milpitas Option location. The existing facility does not present a significant risk of train derailment or collision, and relocating the wye to the optional location east of the Great Mall similarly would not present a significant hazard to the Great Mall's customers, employees, or property. Train derailment is not a common occurrence. The UPRR and all other railroad operators are subject to federal safety requirements to address safety hazards both within and outside of their right-of-way that result from their operations.*

P30.39 *A "shoo-fly" is likely to be required to maintain freight service access to the industrial properties east of the Great Mall. It would provide freight service access across the BART alignment while the retained cut guideway is being constructed. This would be a temporary facility and its exact location and configuration would be developed in cooperation with the railroad during Final Design. However, the "shoo-fly" would not be located any closer to the Great Mall than the relocated freight tracks. Therefore, the impacts from the "shoo-fly" would be no greater than the impacts that were previously identified for the relocated freight tracks that were considered to be less than significant. The Design Requirements and Best Management Practices to minimize other construction impacts would also apply to the" shoo-fly."*

P30.40 *The comment appears to have several inaccuracies or misinterpretations. The first CEQA citation of §15335 appears to have meant to be §15355 as referenced in the last sentence. The reference to the CEQA §21154 citation addresses a "master EIR". The SVRTC Project EIS/EIR is a "project-level EIR," not a "master EIR". Cumulative impacts are addressed in Chapter 6, Other CEQA and NEPA Considerations, Section 6.3, Cumulative Impacts. As indicated, CEQA permits several approaches to assessing cumulative impacts, including either the list approach or the projections based approach. NEPA however, requires the projections approach, and more specifically, requires the use of the adopted regional growth projections of metropolitan planning organizations (Association of Bay Area Governments [ABAG] and Metropolitan Transportation Commission [MTC] for the Bay Area). Accordingly, the regional projection approach is utilized in this EIS/EIR.*

The City of Milpitas was contacted regarding the addition of 50,000 square feet of retail space at the Great Mall (telephone conversation with James Lindsay, City Planner, on August 27, 2004). He stated that while there have been discussions about this additional retail space, the Great Mall has not formally submitted any applications or requests for approval of this additional commercial use. Therefore, in the absence of any formal application for a use permit or other planning permit by the Great Mall, this expansion clearly is not a "reasonably foreseeable probable future project". Under the regional projection approach that was used, commercial development anticipated in the Milpitas General Plan, which has been incorporated into the ABAG and MTC regional growth and traffic models, is included in the cumulative analysis. The impacts of this development, generally, are reflected in the cumulative impacts analysis and in transportation, air quality, noise, and other sections of the impact analysis that address 2025 conditions with and without the project and the No Action, Baseline, and BART Alternatives in 2020.

P30.41 *Refer to response P30.40. The regional projections approach, which is used, has a more global perspective, in that it assumes levels of residential, commercial, and industrial growth as called for, in aggregate, by the adopted General Plans, not only of Milpitas, but of surrounding communities as well, including San Jose and Santa Clara. By using the projections approach, the cumulative impacts of many future development projects that are unknown and unforeseeable today are addressed in the 2025 scenarios.*

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