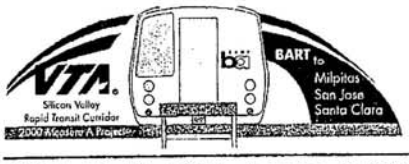
May 11 04 09:36a City of Milpitas 4085863305 p.1

P31



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: Pam BLACKsten Date: May 10, 2004

Address: 60 Wilson Wy #98

Milpitas (City) Ca (State) 95035 (Zip)

Optional Information

Home Phone: 408 (Area Code) 262-4230 (Number) Work Phone: Same (Area Code / Number)

E-mail: blacksten @ aol Company: Pioneer Park Mgr (Organization or Affiliation)

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

Aerial option is not recommended due to noise and ~~con~~ cosmetic appearance

P31.1

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 P31

Pam Blacksten (May 10, 2004)

P31.1 *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.*

As stated in Section 4.17.3.1, Visual Qualities and Aesthetics, Impacts, Landscape Unit 1, 4th bullet, sound walls of 4 to 10 feet in height would be constructed on the east and west sides of the alignment. Since the sound walls would not be greater than 10 feet in height from the ground and 4 to 6 feet in height on the structure for the Aerial Option at Dixon Landing Road, and since the closest views would be from the backyards of residences in an urban area, there would be no adverse visual effect.

P32

askmar
610 Gilbert Avenue, Suite 19
Menlo Park, CA 94025
mark@askmar.com

May 3, 2004

Mr. Tom Fitzwater
Santa Clara Valley Transportation Authority
Environmental Planning Department
3331 North First Street
San Jose, CA 95134

Dear Mr. Fitzwater:

This letter is in response to the Silicon Valley Rapid Transit Corridor — BART Extension to Milpitas, San Jose and Santa Clara, Draft Environmental Impact Statement. We understand that a 60-day review period began March 16, 2004 and ends on May 14, 2004, and that comments should be addressed to you.

Traditionally an EIR statement is based upon existing systems, as opposed to planned or proposed projects. However, the following projects are likely to either be implemented before or during the time that the proposed San Jose BART extension would become operational:

Relevant Planned Bay Area Transit Projects

Project	EIR	Funded
Dumbarton Rail		Fully funded
Caltrain electrification	In process	Engineering
TransBay terminal	Certified	Partial
High Speed Rail		Requires bond
Monterey / Salinas service expansion		Partial

P32.1

The proposed San Jose BART extension not only interconnects with the existing Bay Area regional BART system, it also integrates with several heavy rail (Caltrain, ACE, Capitol, and Amtrak) as well as the VTA light rail system.

Eleven alternatives were considered before selecting the San Jose BART extension and two other alternatives to be considered in the EIR. However, there was one alternative not considered, that we believe would have a substantially lower initial cost, lower operating costs, and provide better connectivity to the area than the proposed San Jose BART extension.

This alternative would be to use the same proposed route and stations, but to use a 25-KV overhead electric catenary powered, standard gauge, railroad instead, that would terminate at the Union City BART station instead at Warm Springs, and connect to the existing main Caltrain tracks immediately south of San Jose Diridon station.

Although we believe that there are many benefits to this alternative, our arguments are not a substitute for a detailed analysis. However, we believe that the draft Caltrain electrification document and its associated backup calculations

provided by Parsons, provide sufficient information to enable updating the EIR to consider this alternative in a timely manner.

We realize that considerable time and expense ($8.5 million) has gone into the drafting of this EIR. But an important part of the reason for doing an EIR is to consider and solicit all viable alternatives, particularly when they might result in a significant reduction in the over $4 billion cost of the project.

Benefits

We believe that this alternative would offer the following benefits:

- Use of the existing Caltrain right of way (ROW) from San Jose to Santa Clara, instead of a dedicated BART-only ROW.
- Integrates with planned Caltrain 25-KV electrification.
- Uses lower cost standard rolling stock available from multiple vendors.
- Provides direct rail connections to downtown San Jose locations from San Francisco and Gilroy, and possibly other future high-speed rail served locations, that will substantially increase overall ridership.
- Providing direct cross platform connections at San Jose Diridon, reduces connection times between trains from ACE and Capitol riders, as well as by riders from Salinas, Monterey, and Santa Cruz.
- Connects to Dumbarton rail at Union City intermodal station, a fully funded project.
- Double high passenger cars increase passengers per train over 50%.
- Eliminates need to completely separate ROW from Union Pacific, reducing construction costs.
- Above ground portions of route do not require grade separations in all locations, enabling lower initial capital costs.
- Eliminates tunneling between San Jose Diridon and Santa Clara stations.
- Makes use of Caltrain maintenance facility at Lenzen (under construction). Note: additional train storage would still be required at Newhall Yard.
- Eliminates need for separate San Jose and Santa Clara stations, minimizing the need for new parking structures, and provides faster connections at these locations, due to replacement of long walkways with cross platform transfers.
- Reduced initial costs enable faster implementation, and facilitating obtaining federal funding.

P32.1 (cont.)

- Improves utilization of equipment by allowing bi-directional recirculation of equipment across Dumbarton route, via San Jose to Redwood City to Union City to Fremont and back to San Jose.
- System operation and maintenance can be reduced, since standard ROW maintenance equipment available from multiple vendors can be used.
- Reduced cost of electrification due to fewer substations required for 25-KV and ability to procure from multiple vendors.
- Not tied to minimum BART overhead needed to operate and maintain system, allowing initial service to begin at substantially lower levels.
- Four track passing sections could be added in the future to enable express / high-speed trains from Union City to San Jose.

P32.1 (cont.)

Disadvantages

The proposal does have several disadvantages:

- Increased vertical clearance on tunnels to accommodate double high passenger cars and catenary; increases tunnel construction costs.
- Additional turnaround tracks / yard for Caltrain Peninsula trains north of Berryessa station.
- Track must be extended from Warm Springs to Niles. Right of way must be obtained from Union Pacific for Niles to Union City station.
- FRA compliant equipment weighs more and would increase cost of aerial track options and bridges.

Sincerely,

Mark Duncan

p.s. The following pages are an evaluation of this alternative in terms of the goals, objectives, and evaluation criteria stated in Table 3.6-1.

Silicon Valley Rapid Transit Corridor Goals, Objectives, and Evaluation Criteria

Table 3.6-1 states the considerations used for evaluating the various alternatives. We have used these criteria to do a rough, first order evaluation of the proposed 25-KV railroad alternative compared to the proposed San Jose BART EIR.

Our comments are no substitute for an expert engineering evaluation. However, we would expect that the 25-KV electrification and equipment procurement would be substantially less, the total initial equipment required would be less, and the number of initial grade separations could be reduced.

Additionally, we would expect the tunneling, aerial structures, and bridge costs to be greater. Also the total track length to be electrified would be increased, with some possible additional ROW / trackage costs.

Goal 1 — Congestion Relief

Objectives

	BART	25 KV
Reduce Traffic in Highly Congested Corridors		Better
Provide Alternative Transportation for Highly Congested Corridors		Better

P32.2

Commuters come from all directions to jobs located in Santa Clara County. A direct connection from BART to Santa Clara would facilitate riders coming from Oakland, Pleasanton, Hayward, and Fremont, and areas of East San Jose. A direct rail connection into San Jose would attract more commuters from the communities on the San Francisco Peninsula and South San Jose, while offering a BART transfer delay to commuters north of Fremont at the Union City intermodal station.

Evaluation Criteria

	BART	25 KV
Number of Peak Trips Removed from Roadway System		Better
Equivalent Capacity of Freeway Lanes Provided		Better
Number of Highly Congested Corridors Served		Better

The ability to use two-deck commuter cars provides greater passenger carrying capacity per train. Usage of standard gauge rail allows direct downtown San Jose connections to the existing Caltrain route, thus better serving the congested 101 corridor.

Goal 2 — Mobility Improvements and Regional Connectivity

Objectives

	BART	25 KV
Build Transit Usage		Better
Reduce Travel Time		Better
Promote Multimodal Connectivity		Better
Enhance Accessibility for Low-Income, Minority and Transit Dependent Population		Same
Promote Transit Services that Accommodate Work and Non-Work Trips		Same
Increase the Use of Commute Alternatives by Providing More Transit Service, Ridesharing and Bicycle/Pedestrian Facilities		Same
Provide an Important Extension or Connection to the Transit System that Increases Accessibility to Transit Service		Better

Better multimodal connectivity is provided, since long connections between Santa Clara and San Jose stations are eliminated, and direct connections to downtown San Jose are provided from San Francisco, Stockton, Gilroy, and in the future, Monterey / Salinas and Santa Cruz.

BART may provide faster local transit times for commuters originating north of Fremont. However, if passing tracks were provided, similar to Caltrain's Baby Bullet service, this advantage might disappear. P32.3

Evaluation Criteria

	BART	25 KV
Travel Time Savings for All Users of Transportation Systems		Better
Number of Low-Income Households Within One-half Mile of Boarding Points		Same
New Transit Riders		Better
Number of Average Weekday Riders		Better
Number of Work Trips on Transit		Better
Number of Non-Work Trips on Transit		Better
Reduced Vehicle Miles Traveled		Better
Number of Intermodal Connections		Better
Number of Transfers Required		Varies
Average Travel Speeds		Better
Park-and-Ride Availability		Same
Jobs Within One-half Mile of Boarding Points		Same
Degree of Access from Low-income Neighborhoods		Same
Number of Off-Peak Transit Routes Available		Same

If passing tracks are added to portions of the route, average travel speeds by express trains can be increased over a BART system that requires stops at all stations. The 75-foot right of way is sufficient to allow for future four passing tracks in various locations if planned for.

Goal 3 — Environmental Benefits and Impacts

Objectives

	BART	25 KV
Minimize Noise and Vibration Impacts		Worse
Conserve Historic and Cultural Resources		Same
Conserve Non-renewable Resources		Same
Support Regional Air Quality Plans		Same
Minimize Impacts on Natural Resources		Same
Minimize Residential and Business Displacements		Same
Minimize Impacts on Low-Income and Minority Population		Same
Consider Cumulative Environmental Impacts Resulting from Other Private and Public Works Development Projects		Same

25 KV trains would be heavier and generate more vibration. By being taller, they would displace more air during their travel than BART, resulting in higher levels of noise They would be substantially quieter than diesel powered trains. P32.4

To a certain extent, since not every portion of the right of way must be grade separated, or separated from existing Union Pacific tracks, some impact may be increased. A 25-KV railroad has more "wiggle" room and flexibility than BART.

Evaluation Criteria

	BART	25 KV
Number of Historic Properties and Archaeological Sites Affected		Same
Level of Noise and Vibration Impact of Federal Threshold		Worse
Net Change in Air Pollutant Emissions		Same
Net Change in Greenhouse Gas Emissions		Same
Net Change in Energy Consumption		Same
Change in Wetlands and Threatened and Endangered Species Habitat		Same

Goal 4 — Transit Supportive Land Use

Objectives

	BART	25 KV
Support Local Land Use and Development Policies		Same
Promote Transit-oriented Development at Transit Stations through Formal Partnerships with Local Jurisdictions		Same
Design Pedestrian-oriented Facilities		Better
Provide Incentives that are Designed to Encourage Local Governments to Make Land Use Decisions Which Enhance Use of Public Transportation		Same
Minimize Displacement of Low-Income and Minority Population		Same

P32.5

A 25-KV system provides better pedestrian connections at Santa Clara and San Jose stations. Connections for BART passengers needing to transfer to the 25-KV system at Union City would be worse than if they had a direct connection to San Jose.

Evaluation Criteria

	BART	25 KV
Transit-supportive Land Use Policies and Zoning Regulations in the Corridor and at Station Areas		Same
Growth Management Policies in the Corridor		Same
Tools to Implement Transit Supportive Land Use		Same
Pedestrian Facilities		Better
Acres of Land Available for Development / Redevelopment within One-half Mile of Stations and Transfer Points		Same

P32.5 (cont.)

Goal 5 — Operating Efficiencies and Customer Benefits

Objectives

	BART	25 KV
Seek Cost-effective Solutions to Transportation Needs		
Increase Transit System's Operating Efficiency and Cost Recovery Ratio by Adding New Riders and Promoting Operating Cost Efficiencies		Better
Enhance Service for Transit Riders by Addressing Important Needs in Terms of the Quantity and Quality of Service provided, including Reliability, Convenience, Safety and Comfort		

Allows future direct connection from downtown San Jose to TransBay terminal. in downtown San Francisco. Transit time via Caltrain would be approximately 60 minutes by Baby Bullet express train, versus over 90 minutes via BART.

P32.6

Evaluation Criteria

	BART	25 KV
Operating Cost per Passenger Mile		
Farebox Recovery Ratio		
Passenger Mile per Vehicle Mile		
Passengers per Vehicle Mile		
Compatibility with Existing Transit and Freight Services		
Capacity Enhancements/Constraints		

BART is a more expensive system to operate than systems such as Caltrain, ACE, and Capitol. BART requires matured stations with controlled gates, whereas the other systems use proof of payment, and stations are not always manned.

The initial San Jose BART operation is dictated by the overall operation of the BART system. A 25 KV rail system can be scaled easier.

Goal 6 — Cost Effectiveness

Objectives

	BART	25 KV
Provide Transportation Improvements to Make Efficient Use of Constrained Financial Resources		Better
Provide Positive Fiscal Impacts on Local Governments		Better

P32.7

Using standard, competitively bid industry standard railroad equipment that is available from multiple vendors enables substantial savings over custom manufactured equipment. This in turn reduces the cost per rider. Since the system will be attractive to more riders, by providing better connectivity to Peninsula and San Jose, the total number of riders should be increased.

Evaluation Criteria

	BART	25 KV
Travel Time Savings per Incremental Cost of Project		Better
Cost per Rider		Better
Cost per New Rider		Better
Capital Cost per Amount of Peak Hour Transit Capacity		Better

P32.7 (cont.)

The ability and knowledge to implement passing tracks similar to those used in the Caltrain Baby Bullet service enables providing express trains that can offer substantial travel time savings over BART that operates trains that must stop at every station due to the manner in which that system was implemented.

Goal 7 — Local Financial Commitment

Objectives

	BART	25 KV
Maintain Adequate Funding to Sustain the Existing System while Securing New Funding Sources for System Expansion		

The ballot measure that was passed in Santa Clara County specifies money to be allocated to a variety of projects, including specifically, the extension of BART to San Jose. However, it could be viewed, that functionally implementing the same service over the same route with the same stations, connecting seamlessly to BART, would fulfill the spirit of the ballot measure; particularly if it meant that service could be implemented years sooner, and at a substantial savings to the taxpayer.

P32.8

Evaluation Criteria

	BART	25 KV
Capital Financing Plan has Stable and Reliable Sources for Local Matching Funds		Better
20-year Operating Plan has Stable and Reliable Base		Better
Conforms with Voter-approved Conditions on Funding		Maybe

Since the cost of implementing a 25-KV rail connection is thought to be substantially less, the ability to fund the capital and operating costs of the system should be greatly enhanced.

Goal 8 — Community and Stakeholder Acceptance

Objectives

	BART	25 KV
Provide Opportunity for the General Public, Organized Community Groups, and Stakeholder Agencies to Provide Comments on the Alternatives Considered		Less

This is the first time that this particular alternative has been considered. Therefore the public and other groups have not yet commented on it, and its acceptance is unknown. However, considerable time, energy, and political capital has been spent on the proposed BART extension, making gaining acceptance for any other alternative, considerably more difficult. P32.9

Evaluation Criteria

	BART	25 KV
Degree of Community Support		Unknown
Degree of Public Agency Support		

Using a 25-KV rail connection would be compatible with Caltrain electrification and California High Speed Rail. It would not be compatible with BART, which uses an unique track gauge and DC-powered third rail. However, it would interconnect directly to the Union City BART station.

Goal 9 — Environmental Justice / Socioeconomic and Geographic Equity

Objectives

	BART	25 KV
Ensure Equitable Distribution of Transportation Investments and Benefits to all Communities in the Corridor Regardless of Socioeconomic Status		Same
Ensure that the Burdens of Project Construction and Operation do not Fall Primarily on Low-Income and Minority Communities, as well as Other Transit Dependents		Same
Provide Balance Geographically in Terms of Investment in Transit Infrastructure		Better

Providing integrated rail connectivity provides superior service to Peninsula and South San Jose users. Trains would run from San Francisco to downtown San Jose. Trains from Gilroy could either transfer passengers at San Jose Diridon or run directly through downtown San Jose. P32.10

Evaluation Criteria

	BART	25 KV
Enhanced Transit Service and Access to Low Income and Minority Areas, as well as Other Transit Dependents		Same
Benefits and Cost Impacts on Low Income and Minority Communities, as well as Other Transit Dependents		Same

Goal 10 — Safety and Security

Objectives

	BART	25 KV
Ensure Safe and Secure Operation of Transportation Improvements for the Adjacent Communities		

This would be a function of the initial implementation design. It might be desirable to have a certain number of at grade crossings at locations with relatively low volumes of traffic.

P32.11

Evaluation Criteria

	BART	25 KV
Miles of Exclusive Guideway		Less
Number of At-grade Crossings		Less
Number of At-grade Crossings with Significant Traffic Volumes		
Number of Pedestrian Crossings		Same
Number of Adjacent Schools Near At-grade Crossings		Same

Certain areas that share adjacent ROW with Union Pacific freight railroad operations might be adequate with at-grade crossings and appropriate interlockings.

Goal 11 — Construction Impacts

Objectives

	BART	25 KV
Minimize Construction Impacts for Transportation Improvements on the Surrounding Communities, including Low Income and Minority Population		Same

In some scenarios, less overall construction would be required. In any event, since fewer power substations would be required for 25-KV service, less land would be disrupted.

P32.12

Evaluation Criteria

	BART	25 KV
Severity and Duration of Construction Impacts		
Potential Available Mitigation Measures		

RESPONSE TO COMMENT LETTER P32

Askmar (May 3, 2004)

P32.1 *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. After an extensive public outreach process, the VTA Board of Directors determined that the benefits of the BART Extension were far greater than those of any of the other alternatives and selected it as the Locally Preferred Alternative in November 2001. The comment proposes an additional alternative of a 25-KV overhead electric catenary powered, standard gauge railroad that would terminate at Union City BART Station. This alternative would not achieve several of the project's purposes including; "improve mobility options to employment, education, medical, and retain 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" to the extent that the BART Alternative would achieve these purposes. For example, the BART Alternative provides for 6-minute headways that connect directly with the entire BART system. A standard gauge railroad, while able to carry larger loads, would be unable to attain this frequency of service and would require an additional transfer. These factors alone would result in a substantially lower ridership. Also refer to responses P32.1 through P32.12 regarding why the proposed alternative has been eliminated from further consideration.*

P32.2 *A 25-KV rail line that connects to BART at Union City would not necessarily attract more ridership than the BART Alternative. Union City is not a major employment area, such as San Jose. Most riders do not work in the Union City area and therefore would have to transfer to another form of transit, which would require additional fare and travel time for riders. BART to San Jose provides riders with the convenience of having a station near large employment areas without requiring transfers, making it more appealing to users.*

P32.3 *The statements made are based on a highly questionable assumption that a 25-KV rail line would attract more riders than BART. Refer to response P32.1.*

P32.4 *The commenter states that the environmental impacts associated with a 25-KV rail line would be similar to that of the BART Extension, with the exception of noise and vibration.*

The noise associated with a 25-KV rail car is much louder than assumed in the comment letter. In order to implement an express train as proposed, and provide comparable service to stations within the corridor as BART, more trains would be required to run per day. Louder cars running more frequently would result in much greater noise and vibration impacts than BART. Additionally, the proposal is to run the entire 25-KV line at-grade, also increasing noise levels. As stated in the EIS/EIR, many of the communities within the corridor are identified as minority or low-income. These communities may be disproportionately affected by potentially noise increases.

P32.5 *The BART Alternative serves the San Jose Diridon and Santa Clara stations just as well as a 25-KV system. In addition, the at-grade crossings and traffic delays of a 25-KV system would deter development. At-grade crossings also introduce safety issues to stations and would not promote pedestrian safety.*

P32.6 *The statements made are based on the assumption that a 25-KV rail line would attract*

more riders than BART. A 25-KV rail line would not necessarily increase ridership. Operating costs may or may not be lower because there would be unmanned stations. However, unmanned stations greatly compromise safety, which has been a major concern of several comments on the Draft EIS/EIR.

P32.7 *The cost of rail equipment is a small portion of the total construction cost. As stated in response P32.2, a 25-KV rail line would not necessarily increase ridership. The BART Alternative, while stopping at more stations, provides greater service, has shorter dwell times at stations, and can accelerate substantially faster than the system proposed.*

P32.8 *In November 2000, Santa Clara County voters 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." Subsequent polls have supported this project.*

P32.9 *A transit system was first considered in this corridor between Union City and San Jose in 1996 with the passage of Measure A. This measure identified a commuter rail project otherwise known as the Fremont-South Bay Commuter Rail that would provide an interim link to BART. After further study, this project was dropped because of overwhelming opposition from communities located along the alignment.*

P32.10 *As stated in Section 4.15.2, Existing Conditions, of the Socioeconomics Chapter, many of the communities within the corridor including those in eastern and central San Jose are minority or low-income. These communities are far better served by the BART Alternative, than the 25-KV rail connection that would have fewer stations.*

P32.11 *The 25-KV rail connection has at-grade crossings that would create greater safety issues than the BART Alternative. These safety issues include vehicle accidents and pedestrian crossings concerns. The BART Alternative is grade separated at intersections and does not include any at-grade crossing. The unmanned stations of the 25-KV rail line would also raise safety concerns for station patrons.*

P32.12 *Less construction would be required for a 25-KV rail line because there would be fewer tunnel and aerial structures. However, this is only one issue of concern and the other issues that support the BART Alternative are described in responses P32.2 through P32.11.*

P33

K.J.L. ASSOCIATES
45 NORTH KING STREET SUITE 600 HONOLULU, HAWAII 96817 TELEPHONE (808) 524-0129

May 12, 2004

Via FEDERAL EXPRESS & FAX (408) 321-5787

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

Re: BART Extension to Milpitas, San Jose and Santa Clara

Dear Mr. Fitzwater:

Thank you for the opportunity to comment on the Environmental Impact Statement/Environmental Impact Report on the proposal to construct a 16.3-mile extension of the BART rail system to the cities of Milpitas, San Jose and Santa Clara.

We are concerned about one particular aspect of Segment 5 of the proposal.

The EIS/EIR provides two options (North or South) for the location of a parking structure adjacent to the proposed Santa Clara BART station. Under the North Option, a multi-level parking structure for 800 to 1,200 cars would be built on the north side of Brokaw Road, together with a bus transit center and bus shelter, on the site of the present Federal Express facility. If the North Option is selected, it would require the acquisition of the property from its present owner and the displacement of the existing Federal Express facility.

K. J. L. Associates is the fee owner of the property in question, consisting of approximately 11.96 acres located at 335 and 337 Brokaw Road in Santa Clara.

Federal Express Corporation has been our tenant since 1997, under a long-term lease that has been extended until March 31, 2015. The FedEx facility on Brokaw Road is uniquely and conveniently located across Coleman Avenue from the Mineta San Jose International Airport. Recently, in 2001-2002, FedEx constructed some $5-million worth of improvements to upgrade and expand the facility, which is now a state of the art package delivery operation called a city station, in the heart of Silicon Valley. P33.1

As you know from FedEx's reputation for speed and reliability, FedEx's worldwide delivery service connects Silicon Valley's high tech companies to the rest of the nation and to global markets in Asia and Europe. The FedEx facility on Brokaw Road is a link in that service.

We think everyone will agree that express shipping companies such as Federal Express play a vital role in Silicon Valley's present, just as the proposed BART extension will play a vital role in Silicon Valley's future. Working together, both can contribute to the progress and prosperity of the community. But much will depend on informed planning and careful decision-making, now and in the future.

P33.1 (cont.)

It is not unreasonable to suggest that displacing the existing Federal Express facility on Brokaw Road in favor of a parking structure and a bus shelter may not be in the public interest. Perhaps someone, someday, will make a compelling case in favor of the North Option. But it isn't to be found in this EIS/EIR.

Very truly yours,

K. J. L. ASSOCIATES,
a Hawaii registered limited partnership

By: Warren K. K. Luke

RESPONSE TO COMMENT LETTER P33

K.J.L. Associates (May 12, 2004)

P33.1 *In May 26, 2004, the Silicon Valley Rapid Transit Corridor Policy Advisory Board recommended the Santa Clara Station Parking Structure North Option as part of the Locally Preferred Alternative, which would require relocation of the FedEx facility. Among other reasons, the North Option was the least costly option providing the most cohesive station layout. The earliest VTA could begin negotiations for the purchase of the FedEx property if federal funds are to be used is after the Federal Transit Administration issues the EIS Record of Decision for the BART Alternative project. If the property purchase is with local funds, the negotiations could begin after VTA's Board action on the EIR. VTA will closely coordinate with K.J.L. Associates, FedEx, and the City of Santa Clara to minimize impacts resulting from the property acquisition.*

This page intentionally left blank.

P34

-----Original Message-----
From: Dan Wagenet [mailto:dwagenet@earthlink.net]
Sent: Thursday, May 13, 2004 6:19 AM
To: bwitt@mercurynews.com; SVRTC.DEIS-EIRcomments@vta.org; VTA BART; downtown.eastvalley@vta.org; Ron Gonzales; board.secretary@vta.org; Arnold Schwarzenegger
Subject: BART to San Jose

Barry Witt's article in last Sunday's (5/9/04) San Jose Mercury News: BART-to-S.J. Advantages in Doubt accepts unverifiable data and pure propaganda from the Valley Transportation Authority and prints it as headline news. This must have come from the Santa Clara County Board of Supervisors faction of the VTA Board of Directors, which has notably and consistently opposed BART: a part of their on-going mischief making.

That Mr. Witt's article was published at all, even while VTA is about to submit its Draft Environmental Report on BART (supported, it must be, by the Board's 'South Bay Cities Councils faction'), suggests that VTA is in some sort of internal conflict, corrupting and betraying itself. That the article and the Mercury might have exposed this may be an unintended but beneficial consequence. P34.1

The article's allegations and claims (even if valid) only stem from VTA's own inadequate design of the system. San Jose's downtown density inadequate!? (Unbelievable claim for a city of 900,000, but a reason for, not against, BART.) What about Santa Clara, Milpitas, Pittsburg, Dublin. Golden Triangle not supported? How about multiple lines to serve Silicon Valley (Oakland has three). Pleasanton riders to transfer? Create a BART line via I-680 to the South Bay. At this late date, criticism has been mounted by persons in VTA against VTA's own design.

There are factors not stated which make for less than optimal ridership. There is no intermodal station with BART and the Guadalupe Light Rail. BART's Alum Rock Station is offset from any Light Rail connection on Santa Clara Street. BART does not connect with San Jose Airport. San Jose's Downtown Light Rail has been downgraded to possibly no rail at all. Neither BART nor Light Rail projects take these inconvenience/inadequacy factors into account, or acknowledge mutual adverse intersystem impact. Let them solve these problems and then take rider studies. Or better, have an independent agent do it. P34.2

Here we have our big city - San Jose - and our big county - Santa Clara - unable to extend (not create new, mind you) a BART system as other counties, and other cities and towns, have done, because they wanted it, 'nullifying factors' of their own notwithstanding. We would rather argue (in alarmist mode) why we should not do it, rather than why we can.

South Bay treatment of BART over the years has been pretty shoddy, and unrepresentative of the people. This has to change. The people have mandated BART and committed their tax dollars long term. They want BART as an alternative to the automobile, and that should be enough for the VTA: just do it, and do it right. You have an opportunity to create a successful and classy integrated transit system, one that you and the community can be proud of. For those of you who do not feel comfortable with this, please step aside. P34.3

RESPONSE TO COMMENT LETTER P34

Dan Wagenet (May 13, 2004)

P34.1 *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 with the response to letter P22.*

P34.2 *The BART Market Street Station is intended to enable intermodal connections with the Guadalupe Light Rail Transit (LRT) line. In fact, the station and portals were purposely located within one block of the Transit Mall. The Santa Clara/Alum Rock Corridor is currently undergoing environmental review. Two alternatives are being considered along Santa Clara Street; enhanced bus and single car light rail transit. Both of these alternatives have stations located near the BART Alum Rock Station. The patronage forecasts for 2025 accounted for the coding of transfer linkages to the Guadalupe LRT at the downtown San Jose Santa Clara LRT station and the BART Market Street Station, and an appropriate walk-transfer connector to the proposed East Valley LRT from the BART Alum Rock Station.*

Section 3.7.1, Transportation/Transit Related Projects, discusses the Norman Y. Mineta San Jose International Airport (SJIA) connector. VTA's Measure A Program includes this connector from the Santa Clara Caltrain Station to the airport. While the BART project will not directly serve the SJIA, the project will connect directly with the airport people mover at the BART Santa Clara Station. The patronage forecasting models also take into consideration transfer wait-time penalties that occur when a rider has to make a transfer to reach their final destination, meaning these inconveniences are already considered in the project forecasts.

Section 3.4.8, BART and VTA Fleet Requirements, identifies that the light rail vehicle fleet size is not downgraded but the same as the No-Action Alternative (See Table 3.2-3, 2025 Fleet Requirements for No-Action Alternative).

P34.3 *The commentor's support for the BART Extension project and its importance to the South Bay region is noted and the comment will be included in the record for consideration by the decision-makers.*

P35

-----Original Message-----
From: Chan, Tim
Sent: Thursday, May 13, 2004 9:35 AM
To: SVRTC.DEIS-EIRcomments
Subject: FW: Comments from Website

-----Original Message-----
From: bmai96@yahoo.com [mailto:bmai96@yahoo.com]
Sent: Wednesday, May 12, 2004 4:21 PM
To: svrtc@vta.org
Subject: Comments from Website

SENDER'S NAME: Qiao Mai
SENDER'S EMAIL: bmai96@yahoo.com
SENDER'S TELEPHONE: [not given]
SENDER'S FAX: [not given]

SENDER'S ADDRESS: 231 Dixon Landing Road. #125
SENDER'S CITY: Milpitas
SENDER'S STATE: CA
SENDER'S ZIP: 95035

COMMENTS:
Dear Sir/Madam,

I missed the community meeting to comment on Dixon Landing Road Alignment
Options. Here I submit my input by email.

Since I live on Dixon Landing and have to use the road to commute every day, I am more concerned about the impact on traffic of the construction
options for Bart to cross the road. No matter it is at-Grade, retained-Cut
or Aerial, we can not stand the construction holding up traffic every day.
The road is heavily used in peak hour. It is packed up by cars even by 5
minutes waiting for train to pass every morning.

According to my experience to commute through Great Mall Parkway to E. Capitol Ave. during the light rail construction period, the construction
stuff never mind holding up the traffic for a long time as their will, even in peak hours. We would like to suggest the authority to put into consideration the impact of traffic of the options, also guard the construction companies against arranging their traffic holding operations
during peak hours. I will vote for the crossing option that holds up traffic the least during construction.

P35.1

Regards

Qiao Mai

Please include me in the project database to receive future information.

RESPONSE TO COMMENT LETTER P35

Qiao Mai (May 12, 2004)

P35.1 *On May 26, 2004, the Silicon Valley Rapid Transit Corridor Policy Advisory Board (PAB) recommended the BART Retained Cut Option for the Dixon Landing Road crossing. This alternative is more expensive than the Aerial Option. The decision made by the PAB reflected concerns expressed by the City of Milpitas and other interested parties.*

Prior to construction of the BART Alternative, a Construction Impact Mitigation Plan and a Traffic Control Plan would be prepared in coordination with local jurisdictions (See Section 4.19.2.1, Pre-Construction Activities for a discussion of these plans). These plans would minimize construction impacts to roadway traffic.

P36

-----Original Message-----
From: Eugene Bradley [mailto:eegenebradley@yahoo.com]
Sent: Friday, May 14, 2004 2:34 PM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject: more comments for Draft EIS/EIR

Dear Mr. Fitzwater:

Our group has several additional questions and concerns regarding the Draft EIS/EIR for the SVRTC project.

* What is VTA doing with BART to ensure that there are no cost overruns to the project? Historically, BART projects have been a minimum of 100% more than original projections, for various reasons. Over time, SCVTARU is concerned the interest from the $700 million VTA borrowed to try to "jump-start" the project only adds to the final cost of the project - costs that have not been disclosed to county taxpayers. P36.1

* How will VTA handle a request from the City of Milpitas for tunneling work for the project under Dixon Landing Road? Historically, tunneling is more expensive - and more dangerous - than aerial guideways. Our cncern is that such a request that is ultimately granted only adds to the costs that all taxpayers will end up funding. P36.2

Your written response to these questions and comments in the final EIS/EIR is appreciated.

=====
Eugene Bradley
Founder, Santa Clara VTA Riders Union
http://www.vtaridersunion.org/
Yahoo!/AOL/MSN messenger: eegenebradley

RESPONSE TO COMMENT LETTER P36

Eugene Bradley (May 14, 2004)

P36.1 *VTA is confident in the cost estimates prepared for the 10% Conceptual Engineering stage of the project. This is based on a number of factors including VTA's construction experience with the Tasman, Capitol and Vasona light rail lines. None of these three recent major capital rail projects managed by VTA experienced large cost overruns. In addition, an adequate contingency has been included in the cost estimates. VTA will implement a number of cost management tracking systems to monitor the cost versus budget as the project progresses. Corrective actions may be necessary to ensure that the costs do not exceed the budget. The costs of Measure A debt service are associated with the Measure A Program and not individual projects within the program.*

The VTA Board, at a noticed public meeting on August 7, 2003, authorized the sale of up to $550 million in bonds against future Measure A revenues to be used for Preliminary Engineering, Final Design, and Right-of Way acquisition. To date only $170 million has been allocated, with only a portion of that actually bonded to date.

P36.2 *At its May 26, 2004 meeting, the Silicon Valley Rapid Transit Corridor Policy Advisory Board (PAB), recommended the BART Retained Cut Option for the Dixon Landing Road crossing. This alternative is more expensive than the Aerial Option. The decision made by the PAB reflected concerns expressed by the City of Milpitas and other interested parties. The additional costs associated with this option will need to be offset by value engineering studies that result in cost savings, through increased funding from Measure A or state/federal participation or through another means.*

Refer to response P36.1 for a discussion of project funding.

FROM :www.bayrailalliance.org FAX NO. P37 May. 14 2004 04:11PM P1

BayRail Alliance
formerly *Peninsula Rail 2000*
3921 East Bayshore Road, Palo Alto, CA 94303 toll-free tel. (866) 267-8024

Fax to (408) 321-5787

May 14, 2004

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

Dear Mr. Fitzwater:

BayRail Alliance wishes to submit the following comments on the Draft EIR for the Silicon Valley Rapid Transit Corridor Project. We have identified numerous issues and inconsistencies in this draft document that need to be clarified and resolved in the Final EIR.

First, we note that on pages 1.6-29, 1.6-30, and 1.6-31 of the draft document, that average weekday trips for the BART extension are projected to number approximately 83,600 trips/day in 2025. We also note that on pages 1.6-29, 1.6-31, and again on page 8.3-6 (Table 8.3-1), that the Project is expected to achieve a 71% farebox recovery ratio. Table 8.3-1 also lists that the BART extension will bring in $371.3 million in fare revenue in 2025, in 2003 dollars. Is that referring to the entire BART system, rather than just the extension? If one assumes that is the case, considering that the additional BART vehicle revenue hours for the extension would account for 10% of the entire system vehicle revenue hours, how it is that BART extension from Warm Springs would generate more than 15% of the system fare revenues in 2025? P37.1

Please explain how it is that on page 8.5-13, section 8.5.3.2 Passenger Fares, that a 20% farebox recovery ratio is assumed for purposes of determining the average fare per boarding, boardings per revenue hour and/or fare revenue forecast, whereas several other pages in the document, as mentioned above, assert a 71% farebox recovery ratio from BART.

We note that there is no reference to weekend ridership levels at all in this EIR document. What ridership you do you project for the BART extension on weekend? What annual ridership do you predict for the extension? P37.2

We also note that if a 71% farebox recovery is assumed, that leaves a $151 million operating and maintenance shortfall for the system. What funding has been identified to pay for these costs? P37.3

We are gravely concerned that this project will result in Title VI and environmental justice violations, because it severely compromises VTA's ability to maintain and operate its existing countywide bus system, which is used by low income and minority residents. Table 8.2-3 on page 8.2-4 does not including bonding costs in its cash flow analysis. Even with optimistic assumptions, a memo from VTA's CFO to the VTA board in Oct. 2003 (Memo 18X) states that VTA cannot deliver the annual cash flows required to build the BART project, even if VTA maximizes bonding utilization. P37.4 P37.5

The FEIR must take the recent analysis of VTA's own chief financial officer into account and show a viable financing plan for building and operating the extension and also show the required reductions in existing bus and light rail service. P37.6

Table 3.4-2 on page 3.4-39. When we divide the vehicle miles by the vehicle hours to get vehicle miles per hour, the answer is ridiculously high for the average speed for the bus and light rail, compared to what is the case today. Also, the figured arrived at for BART could only make sense if it were per vehicle rather than per train, for say a 10-car train, but it's not clear what the numbers refer to. Please clarify this. Similar questions apply to Table 3.3-2 on page 3.4-9. P37.7

Table 3.2-1 Limited Stop Bus Routes is listed as 6. But Monday-Friday service is listed as zero. This appears to be an error. Please explain how this can be so. P37.8

Referring to pages 2.4-9 and 2.4-10. What types of jobs are anticipated to be created, considering the current trend toward offshoring of jobs? What is the basis for the jobs forecast? P37.9

We note that the parking garage at 4th and San Fernando was recently completed, among others downtown, and that SJ Redevelopment Agency has a project on South 2nd St. at the Santa Clara Station Transit Mall, with 31 apartments, 40 condos, 17,500 square feet of retail and 172 parking spaces under construction at present. Considering the number of parking spaces being built adjacent to the transit mall, and San Jose policies for minimum parking requirements and the copious amounts of free parking available downtown, how is it that such high ridership is being projected for the BART extension? P37.10

3.4-38 BART operating plan. Can the extra headways be accommodated in the BART Transbay Tube? P37.11

Section 5.3.1 Parking Demand Attributable to the BART Alternative - Does BART have agreements with AC Transit like they do with Muni to provide feeder bus services to the BART stations? How will the added parking impact AC Transit operations, that patrons would be driving rather than taking the bus to the station, yet would require bus service at their destination station? It seems that AC Transit would be required to run empty, non-revenue-generating buses to the station to provide service to patrons leaving the station. This applies to VTA also. P37.12

Alternatives Analysis. The eleven alternatives in the MIS were winnowed down without any quantifiable data, simply based on an arbitrary "High, Medium, Low" ranking in various categories. We'd like to point out that Alternative 5 in the MIS has more stops than any of the BART MOS alternatives and we believe it would be cheaper. We request that VTA study a variation of this alternative, in which an electrified Caltrain line would be built along this alignment to Warm Springs and potentially Pleasanton and be made compatible with future statewide HSR. Operationally, this variation would be more efficient because VTA could use Caltrain equipment and maintenance facilities instead of building separate facilities. It would also be cleaner using electrified equipment instead of diesel. There would also be the option of running some ACE trains on this alignment, as well as high-speed trains and/or Capitol Corridor trains, and would connect to light rail at Alum Rock and San Jose Diridon station for access to downtown and other parts of San Jose. P37.13

Sincerely,

Margaret Okuzumi
Executive Director
BayRail Alliance

RESPONSE TO COMMENT LETTER P37

BayRail Alliance (May 14, 2004)

P37.1 *The $371.3 million represents fare revenues from the entire BART system in 2025. Table 8.3.2, Incremental Annual Operating and Maintenance Costs and Fare Revenue, 2025, shows BART fare revenues from the extension to be $52 million.*

Fare revenues for the extension are estimated as an amount that equals approximately 14% of total system fare revenues in 2025. Fare revenues for the extension tend to be higher for three primary reasons:

1. *The extension would carry a comparably high percentage of long trips. Since BART fares are distance based, these longer trips produce more fare revenue per trip.*
2. *The vehicle hours to which the comment referred are actually train hours not "vehicle revenue hours." In some cases, the trains on the two lines that are being extended into Santa Clara County will have more cars added with no additional train hours. With more cars, you would have more fare collection but no additional train hours.*
3. *The extension increases ridership on BART lines outside of the corridor due to service enhancements. The ridership increase, although minor, would increase fare revenue with out increasing train hours.*

Section 8.5.3.2, Passenger Fares, describes the fare box recovery assumptions VTA uses for its bus and light rail services in its overall financial projections. This is in accordance with the VTA Board policy adopted in December 2003 that VTA bus and light rail services will have a fare box recovery ratio of between 20% and 25%.

The operating fare box recovery assumptions for the BART extension are derived from the BART extension operating cost model and are calculated at 71%.

P37.2 *Weekend ridership is not forecast specifically for any alternative in the EIS/EIR using the travel demand models. However, annual ridership is based on the application of annualization factors provided by BART that equate typical weekday ridership to annual ridership. BART has recommended an annualization factor of 291, which could then be applied to the daily project boardings of 83,585 to yield annual ridership. Weekend ridership is typically substantially less than weekday ridership due to the number of employees traveling to jobs during weekdays.*

P37.3 *Chapter 8, Financial Considerations, provides a discussion of the costs and funding picture for both capitol and operating costs of the BART extension. The projected operating and maintenance cost shortfall is $48 million (in 2002 dollars), not $151 million as stated by the commentor. 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 (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 Recommended Project description, accurately represents the funding picture for the project.*

P37.4 *One of the goals of the BART Alternative project is to enhance multi-modal access to BART systems, as stated in Section 4.12.2.2, Land Use, Regulatory Setting, Sub-section San Francisco Bay Area Rapid Transit District, under 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.*

Decreases in local bus services are not proposed as a part of the implementation of BART service. 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.

P37.5 *Bonding costs associated with Measure A projects are carried by Measure A and not the individual projects funded through the measure. FTA does not require the inclusion of bonding costs in project budgets. 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.*

P37.6 *Refer to response P37.5 for a discussion of financing plans.*

Refer to response P37.4 for a discussion of bus service.

P37.7 *The statistics displayed in the tables referenced in the comment represent bus hours, bus miles, train hours, and rail car miles. The average speed for VTA buses is expected to increase for all alternatives compared with today because all alternatives were designed to improve bus service in the corridor. Even the No-Action Alternative includes future planned express bus and rapid bus lines that are not in service today. Operating speed for VTA light rail cannot be calculated from the tables because car hours or train miles would be needed, but were not calculated for the alternatives.*

Similarly for BART, operating speed cannot be calculated from the tables because car hours or train miles would be needed. Car hours were calculated for the alternatives, but were not displayed in the tables because they were not used to calculate operating and maintenance costs. Present day (July 2001) operating speed for BART averages 32.5 miles per hour (mph). For the EIS/EIR alternatives, the average speed is 34.7 mph, reflecting service improvements and the assumed implementation of BART's Advanced Automatic Train Control (AATC) system.

P37.8 *Table 3.2-1, VTA Bus and LRT Services, has been revised to show that the Monday through Friday service for limited stop bus routes is six, not zero.*

P37.9 *Refer to Table 4.15-6, Jobs by Sector (2000 – 2025), for a breakout of changes in jobs by sector. These numbers are from the regionally accepted Association of Bay Area Governments (ABAG) Projections 2002, Forecasts for the San Francisco Bay Area to the Year 2025; Population, Housing, Job, and Age Projections.*

P37.10 *It is anticipated that the majority of BART riders into San Jose would travel via BART from distances and under circumstances where BART would be more convenient, practical, and/or feasible than driving. Trip distance assumptions and commuter habits were factored into the ridership model resulting in the ridership projections presented in the EIS/EIR.*

Parking supply and price is only one of many factors the travel demand models consider when forecasting transit ridership. Parking costs are an input variable in the models and the parking cost assumptions and all costs assumptions are provided by MTC for year 2025 conditions. The models also consider the effects of population and employment growth, roadway congestion, relative costs, and travel times of each mode available to the traveler.

P37.11 *The proposed operating plan for BART to Milpitas, San Jose, and Santa Clara includes the extension of service on two existing BART routes – the Richmond-Fremont line and the San Francisco-Fremont line. Additional headways are added by increasing the frequency of service on these lines to 12 to 20 minutes from the current 15 to 20 minutes. The BART transbay tube can absorb these reduced headways.*

P37.12 *AC Transit provides feeder bus service to BART Stations. AC Transit receives funding for this service from MTC that would otherwise go to BART for its operating needs.*

The additional parking spaces being added at existing BART stations will not negatively impact AC Transit operations. The travel demand model used to estimate future ridership on BART also estimated the mode of access to BART. Some of the BART riders going to Santa Clara County will choose to drive to a BART station while others will use transit to access a station. The BART Alternative will add riders on AC Transit to access BART who will then ride to Santa Clara County. BART has access policies to increase the percentage of riders who access BART via bus as well as by walking and biking while decreasing the percentage of riders who access BART by vehicle, especially those who park and then ride on BART. Currently, 23% of BART riders use some form of public transit (buses, shuttles, light rail) to travel from home to the station while about 49% drive, 26% walk and 3% use a bicycle to travel from home to a BART station.

P37.13 *The Major Investment Study/Alternatives Analysis (MIS/AA) for the BART Extension evaluated 11 alternatives for the corridor including a Commuter Rail on UPRR option. Table 3-1, Key Evaluation Criteria, of the MIS/AA, did provide quantification by alternative for a number of the criteria including; average weekday ridership, new trips, capital costs, annual operating and maintenance costs, farebox recovery, cost per new rider, daily trips removed from roadways, and daily travel time savings. Table 3.2, Evaluation of Alternatives Compared with the No Project Alternative, of the MIS/AA, also quantified over 20 criteria to enable a comparison of the alternatives. The MIS/AA Final Report addressed the pros and cons (including quantifiable data) of each of the alternatives carried forward including Alternative 5.*

The comment requests that a variation of Alternative 5 with an electrified Caltrain line be considered with a connection to Warm Springs and potentially Pleasanton. This variation is similar to the Fremont-South Bay Commuter Rail project that was discontinued because of substantial public opposition by residents along the UPRR corridor. The opposition was voiced at six public meetings in August and September of 2000. The Fremont-South Bay Commuter Rail Project was being considered as an interim project. Approximately 500 persons attended these meetings (This compares to approximately 100 attendees at the four SVRTC Draft EIS/EIR public hearings). A variety of concerns

were raised including loss of value of their homes, safety and increased congestion at railroad crossings, increased noise and vibration levels, and cost effectiveness. The last meeting on September 19, 2000 was attended by approximately 186 persons. The majority of the attendees were glad that the project was being eliminated from further consideration. In addition, an electrified Caltrain facility would not achieve the purpose of "maximizing transit usage and ridership". The BART Alternative has six-minute headways that could not be achieved by a Caltrain operation. Therefore, ridership would be adversely affected. An additional transfer would also be required from Caltrain to BART to trips north of Warm Springs. A Caltrain vehicle would also require a larger tunnel structure substantially increasing costs.

The statement that this alternative would be more efficient because VTA could use Caltrain maintenance facilities is unsupported. Caltrain may not be able to handle the additional maintenance activities within their existing facilities.

TRANSPORTATION AND LAND USE COALITION

405 14th Street, Suite 605, Oakland, California 94612
tel 510.740.3150 fax 510.740.3131
info@transcoalition.org www.transcoalition.org
Working together for a sustainable and socially just Bay Area

P38

Mr. Tom Fitzwater
Santa Clara Valley Transportation Authority
Environmental Planning Department
3331 North First Street
San Jose, CA 95134

Date: May 14, 2004
Re: Transportation and Land Use Coalition comments on SVRTC DEIR

Dear Mr. Fitzwater:

Thank you for allowing us to comment on the Draft Environmental Impact Statement/ Environmental Impact Report for the Silicon Valley Rapid Transit Corridor (March 2004). The Transportation and Land Use Coalition is comprised of over 90 environmental and community organizations throughout the Bay Area working for an environmentally sustainable and socially just transportation system.

In the DEIR abstract VTA states that it is approving circulation of the draft EIS "with a preliminary financial plan…as support for the public dialogue on the project and its financial plan." That said, the fundamental flaw with this draft EIR is that it ignores many of the financial realities that VTA is facing and the ramifications of their dire financial situation. The significant Environmental Justice issues that are also raised by the financial plan for this project are blatantly obscured by VTA. These flaws, combined with outdated assumptions for bus service levels, and other key modeling inputs, require serious remedies before the EIS could be certified. P38.1

While all of these issues need to be remedied separately, they all speak to requiring VTA to provide information about the cost and ridership potential of bringing BART first to Milpitas or Berryessa. Requiring this "fourth" alternative, and not the feeble MOS alternatives that VTA has offered, is the only true way for FTA to further "support for the public dialogue on the project and its financial plan." Without such an alternative, the public and decision makers alike will be kept in the dark about one of the most promising resolutions to the financial meltdown of VTA, which in part is caused by the intensive focus on this under-funded project.

1. How VTA Got into This Mess

In 2000, the Valley Transportation Authority (VTA), the County's transportation planning agency and bus and light rail system operator proposed, and voters passed, a $6-billion transportation sales tax. Measure A was passed in November 2000 by over 70% of Santa Clara County voters.

In order to get the tax approved, VTA promised voters transit projects and improvements throughout the county, including the most massive transit expansion ever in the Bay Area. However, VTA never had enough funding to fulfill its pledges, and, before the November 2000 election, top VTA managers privately speculated on which projects would ultimately not get built.

By November 2002, the economic nosedive and skyrocketing costs for the BART extension created a **$6 billion operating shortfall** during VTA's 25-year planning horizon. On November 8, 2002, a majority of VTA board members directed staff to develop a few balanced, or "live within your means," budgets. VTA staff responded the next month with three scenarios for balancing the agency's budget. The first scenario was *still* not balanced, with expenses exceeding revenues so greatly as to ultimately lead the agency to bankruptcy. The third scenario was simply not feasible. The only long-term, balanced scenario required cutting 70% of VTA's bus services and abandoning all planned expansions except two: the BART to San Jose extension and East Valley Light Rail (See the alternatives in appendix C).[1] These two projects would have received money for construction only— not funds to operate or maintain them once built. P38.2

How did VTA collapse so quickly? It wasn't just the economy, but the costs for BART to San Jose are $2 billion more than had been anticipated just four years ago in VTA's long-range planning document *Valley Transportation Plan 2020* (VTP 2020), finalized in December 2000. This document set the financial foundation for the Measure A sales tax. Unfortunately, VTA did not account for a host of costs of the BART extension, even though some were extremely predictable. The specific issues are well documented in TALC's March 2003 report *Transportation Injustice: Why BART to San Jose Cost Overruns Will Devastate Bus and Rail Service.*

Still, the VTA staff – following the lead of San Jose Mayor Ron Gonzales, who has made the BART extension his legacy project – refuse to provide information on the potential cost savings from phasing or delaying the BART extension.

It seems VTA is willing to decimate their core service to those who need VTA to get to work and take care of their basic needs. These riders typically have significantly lower incomes than typical Santa Clara County residents, and they are predominantly people of color. TALC is calling on VTA not to build the BART to San Jose extension on the backs of low-income families in Santa Clara

2 Transportation and Land Use Coalition

County. Instead, VTA should cancel or phase the extension, only building what they can afford, without cannibalizing local service. P38.2 (cont.)

2. Funding for operations would come from existing sources

The single biggest issue with the BART extension is that it has absolutely no operating funds committed to it. In their VTP 2020 document, VTA had only anticipated $24 million per year as an operating subsidy for BART (although VTA still did not have any funding for it). BART, with the stronger bargaining position, ultimately prevailed during the negotiations to allow VTA to connect to the BART system. Ultimately, VTA conceded to a subsidy of $48 million per year.

The higher initial subsidy, coupled with escalation that tracks VTA's sales tax revenues (which is projected at 1.25% over inflation), dealt a brutal blow for VTA's long-term operating budget. What was anticipated at $24 million per year, will start at double that amount, and escalate to approximately $73 million per year by the end of Measure A^2 if their initial sales tax projections are correct. To give a sense of the magnitude of this subsidy and its potential impact on the VTA bus and light rail system, $73 million is greater than a third of the budget for the direct costs of operating the VTA bus system in 2003. P38.3

As mentioned, VTA has no funding source identified to cover operations of this line. That is why BART forced VTA to give them the first lien on VTA's Transportation Development Act (TDA) funds. In other words, VTA's local transit service has been put up as equity to ensure that BART will be able to operate. Amazingly this "lien" issue is entirely omitted in both chapter 8.0: Financial Considerations as well as Chapter 4.9: Environmental Justice. On page 8.5-12 it states "to operate the BART alternative and the MOS scenarios, VTA would use a mix of these funds, along with potential new funding sources..." These funds all refer to the existing revenue sources for VTA's current bus and LRT operations. The DEIR should clearly note that this scenario would result in major cuts to bus service.

On page 8.5-14 VTA states "in November 2002, VTA provided an assessment of its financial condition given the recent economic factors that indicated that significant additional operating revenues were needed to continue the system as then planned." Again, they need to be more descriptive here. In particular, this document noted that there was a $6 billion operating shortfall. This should be spelled out in the Final EIR. To facilitate public dialogue on the operating budget, year-by-year operating revenues and expenses for the entire VTA system should be provided.

3. Bond financing costs are not discussed

In March 2002, after BART to San Jose had been included in the Metropolitan Transportation Commission's 2001 Regional Transportation Plan, the VTA Board of Directors P38.4

got their first look at the bond financing expense for the BART extension and East Valley light rail, which combined was $901 million. Although VTA staff did not allocate the costs to the two projects, a reviewer for the Federal Transit Administration (FTA) estimated that $709.5 million of the bond financing costs were for the BART project.[3] The EIR has absolutely no discussion of bond financing costs in the financial plan. While these costs are never fully predictable, it is very simple to offer a range of possible costs based on the BART alternative cash flow (Table 8.2-3). P38.4 (cont.)

4. VTA's entire transit expansion program is at risk from undisclosed costs and future overruns

BART extensions have always been more expensive than planned, sometimes by a factor of two or more. The recent San Francisco Airport extension project began with an estimate of less than $700 million. The project was later approved for construction at $1.167 billion ended up with a final price tag over of $1.5 billion.

With the colossal size of the San Jose extension, and the significant tunneling required, the potential for overruns is great. In 2000, VTA's cost estimate for the extension from Fremont to Santa Clara was $3.8 billion.[4] Just a year later the price rose by $500 million to $4.3 billion.[5]

The troubling part about potential overruns and the failure to consider Bond financing costs is that the only guaranteed source at this time is Measure A sales tax revenues. Since VTA would already be reaching their bonding capacity just for BART and DTEU, the only other Measure A revenue stream would be the 18.45% that they intend to dedicate to transit operations. (Note: none of these funds are intended to be used for BART but will be for the two new Vasona and Capital light rail lines). Thus local transit is not just threatened by the lack of BART operations funding, but by the failure to predict bond financing costs and by potential cost overruns P38.5

Why can't VTA use flexible state and federal transportation dollars to fill these gaps instead of using funding dedicated to public transit? In November 2002, the Silicon Valley Manufacturing Group spearheaded a successful ballot initiative to require state and federal dollars to be used only for roadway projects, even though (or because) the enormous transit shortfalls were becoming evident. So VTA no longer has the discretion to use flexible state and federal transportation dollars for transit projects. Thus, as BART costs continue to escalate, VTA has no choice but to cannibalize local transit operations to pay for BART. The VTA Board of Directors' hands are tied.

5. Base level of bus service is overestimated

A very significant shortfall of the Draft EIR is that many assumptions are from outdated plans and documents that seem closer to VTP 2020 than to VTP 2030. For example, VTA is vastly P38.6

4 Transportation and Land Use Coalition

overstating the size of their bus fleet in all of the alternatives. In their SRTP (Short Range Transportation Plan Table 4.2) draft of January 2004, VTA plans to reduce their bus fleet from currents levels of 526 to 429 by 2013. My understanding is that these levels are supposed to stay relatively static through 2030. Their most recent submittal to MTC will clarify these bus levels. (Note: even these levels may be optimistic since the SRTP operating budget includes an ongoing structural deficit that must be made up from either service cuts or revenue increases.)

Yet, in the DEIR, the No Action alternative proposes a bus fleet of 600 in Table 3.3-1 (There is also one place where it states that the bus fleet will go to 650 base vehicles in the No Action alternative -- on page 4.2-4) P38.6 (cont.)

VTA projects that 30% of the BART trips will be accessed by bus. This level of access is predicated on inflated bus fleet projections and needs to be redressed in the Final EIR. The reduced bus fleet size should coincide with a reduction in frequencies and hours of operation. Yet, it would be fairly simple for VTA to project similar levels of access to the BART stations by only eliminating routes that do not serve any BART feeder function. To avoid unrealistic feeder route assumptions, VTA needs to make their routing assumptions transparent, and provide maps, hours and frequencies of local projected transit in the Final EIR.

6. BART alternatives should have fewer, not more, buses than the other alternatives

While the base bus level in the No Action alternative is outdated and, therefore, overstates the fleet size, the bus levels in the BART alternative are patently unrealistic, and border on fraudulent. The BART alternative has 42 more buses than the no action alternative, for a total of 642 (in Table 3.4-1). As noted in Section 2 above, since there is no funding for the operations of BART and the only guaranteed funding identified is the same funding used for their existing transit services, there should be significantly less, not more, buses in the BART alternative. If FTA allows VTA to proceed with the assumption of a larger fleet size, than an additional alternative needs to be added in which all of the funding for BART operations comes from existing transit sources, and the fleet size is commensurately reduced. P38.7

7. Environmental Justice section needs to look more closely at income-based impacts

As stated in section 4.9.1, "the following analysis examines whether ethnic, minority, or low income populations in the project area would experience disproportionately high adverse impacts and if they are inconsistent with the benefits created." The section goes on to state that every community that BART passes through is an Environmental Justice a community because of the diverse, multiethnic population. As mentioned above the greatest Environmental Justice threat P38.8

from this project are cuts to the local transit system from a combination of a lack of operating revenues, with the potential for capital cost overruns or hidden bond financing costs to require even further cuts to transit operations funding.

While the area is ethnically diverse, the big disparity is that the bus riders in Santa Clara County are predominantly low-income. In the analysis by VTA in April 2000, they found that 59% of the riders make less than $35,000 per year. Given that BART riders going to and within Santa Clara County are likely to have significantly higher incomes, the construction and operation of BART poses serious risks when one looks through an income lens. That is why potential cuts need to be included in this section. P38.8 (cont.)

In addition, with VTA fares already skyrocketing, the final EIR should provide information about the cost of trips to riders. It does not appear that VTA expects to give free transfers between BART and their bus system. Point to point changes in total fare, where BART plus a bus transfer is projected to be used (in lieu of what is now one bus or multiple buses), should be shown. Adding BART to the system could likely triple the cost for some riders.

8. Disastrous financial plan requires Analyzing Project Phasing

The potential for disastrous consequences and serious Environmental Justice threats from the inadequate financial plan requires the need for alternatives that gain significant cost savings beyond the Minimum Operating Segment scenarios offered by VTA. In particular, TALC and many other organizations and elected officials have repeatedly called on VTA staff to model the phasing of BART to San Jose to either Milpitas or Berryessa. This information is desperately needed, but VTA staff continues to stonewall any attempt at deriving it.

Consultants on the project have said in private that a BART to Berryessa scenario could generate approximately 70% of the ridership of the full extension. If the extension went to Berryessa and was met with free express shuttle transfers to downtown and the civic center, the ridership would likely come very close to that of the extension to San Jose/Santa Clara. Yet because it avoids any of the tunneling sections, this is the least expensive portion of the project and it would eliminate the many Environmental Justice risks currently associated with it. P38.9

Since there is no good reason not to consider the costs and projected ridership of this alternative, VTA staff focuses on one operational point to avoid studying it. In particular, they say that a new maintenance facility would be needed and in Section 3.6.5 they state that the only reasonable option "appeared to be use of the current UPRR our freight storage yard site in Milpitas. VTA met with UPRR representatives to discuss this option. During these discussions, a representative of the UPRR stated the company's intent and desire for continued use of Milpitas

freight storage facility for its corporate purposes. This option was therefore withdrawn from further consideration."

All this paragraph indicates is that one representative stated their intent and desire to continue using this facility. But how much did VTA offer them? How flexible was VTA's offer in terms of the potential for sharing the facility? Was this an opinion one representative? Even more to the point, this whole discussion was done in the context of providing a facility for the entire extension and accommodating over 100 vehicles An extension from Warm Springs to Berryessa would simply add two more stations and would require a much smaller maintenance facility. In such as a scenario it would be more possible to share the facility with UPRR, or develop other creative options. P38.9 (cont.)

There have also been disingenuous excuses that the parking at Berryessa would be oversized, and once the extension is finished, would be a waste of taxpayers' money. In this case, structured parking could be complemented by a large area of surface parking. If and when the extension is ever completed, the surface parking could be easily converted to transit oriented development. This type of land banking is a totally acceptable Smart Growth strategy.

Without an analysis of BART to Milpitas or Berryessa, this EIR should simply be rejected. As part of this analysis, the annual operations cost to be paid to BART would be prorated, thus resulting in a much smaller cut to VTA's bus service. This smaller cut should also be reflected in the bus-service levels this new alternative, as compared to the BART alternative.

Other Outstanding Questions

Parking assumptions for downtown

From the DEIR it is not possible to tell what the assumptions are for land use around the stations, including the amount of new parking that is provided at work sites. This is a critical modeling input, and if VTA underestimates the amount of free or low-cost parking provided to employers, it will result in an overestimation of the likely riders. This issue is particularly important because in the alternatives analysis conducted in 2000 VTA created a scenario of massive new development downtown with no new parking. All of these base land use and parking assumptions need to be made more transparent. P38.10

Express bus service should be quicker

VTA needs to do a reevaluation of their bus routes for the baseline alternative. In particular there seems to be of a few travel times that are either anomalous, or purposefully configured to be slow. Times from both South Fremont and Newark take much longer in the baseline alternative than they need to. They even take longer than in the No Action alternative. One would P38.11

expect longer time this in the No Action alternative due to greater traffic congestion and fewer flyovers constructed especially for rapid movement of the buses. Specifically, in table 4.2-13 it take 63 minutes in the baseline alternative to go from South Fremont to downtown San Jose and 61 minutes in the No Action alternative. With proposed HOV lanes on both I-880 and I-680 this should be much more rapid, especially if there are no plan stops before downtown (which there should not be given they projected job growth in downtown). Furthermore, it would only take 38 minutes to get to Great America by BART, even though a transfer is required onto light rail, and then most light rail stations or not all that close to work sites. Just yesterday I traveled from Diridon station to Jack London Square in Oakland, on Amtrak bus, which did not even take 63 minutes. If VTA cannot improve this time in their modeling, I will be happy to show them a faster way.

P38.11 (cont.)

Thank You,

Stuart Cohen

Executive Director

stuart@transcoalition.org

[1] Memo from Scott Buhrer, VTA's CFO, to VTA Board of Directors, December 6, 2002.

[2] This $73 million is stated in current ($2002) dollars.

[3] In the FY 2004 New Starts Financial Assessment Draft September 4, 2002

[4] Parsins Brinkerhoff, BART extension Study From Fremont to Milpitas, San Jose and Santa Clara, July 27 2000.

MTC's Regional Transit Expansion Policy, December 19, 2001, had the total cost for the extension at $634 for Fremont to Warm Springs and $3,710 from Warm Springs to San Jose. Really the total cost increase was $600 million but VTA dropped the $90+ million that had been budgeted for keeping commuter rail open during construction (commuter rail was de-railed altogether).

RESPONSE TO COMMENT LETTER P38

Transportation and Land Use Coalition (May 14, 2004)

P38.1 *The EIS/EIR does not ignore the current and future financial condition of VTA. The financial plan acknowledges those concerns. VTA staff continues to work with the VTA Board, the Federal Transit Administration (FTA) and the Metropolitan Transportation Commission (MTC) to develop a feasible financial plan for the project. As stated in Section 8.1, Introduction to the Financial Considerations Chapter, of the EIS/EIR, as well as the FTA approved Abstract, "a feasible financial plan will need to be prepared to advance the project into Final Design." Although there are those that say we should stop the project in Milpitas or Northeast San Jose or a "fourth alternative", 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. VTA staff did not find an acceptable and feasible location north of the Berryessa Station to place a maintenance facility. This is discussed further in response P38.9. 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. Even if that parking could be accommodated as surface parking there are costs associated with the development of those improvements.*

As a note, a minimum operating segment terminating at either the proposed Montague/Capitol or Berryessa stations 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.

In addition, this "fourth alternative" would only partially achieve the objectives of the project as identified in Section 2.4, Purpose and Need for Transportation Improvements. A shorter segment would only partially "improve public transit service in this severely congested corridor…, enhance regional connectivity…, maximize transit usage and ridership…" Specifically, the shorter alternative does not connect to Caltrain service as do the Diridon and Santa Clara stations and therefore would not provide this critical intermodal connection.

P38.2 *The cost of the BART project in Valley Transportation Plan (VTP) 2020 was projected at $3.8 billion in year 2000 dollars. This project included both the BART Warm Springs Extension (WSX) and the BART extension to Milpitas, San Jose and Santa Clara (SVRTC). This was a very conceptual level cost estimate suited to the conceptual level of the Year 2000 BART Extension Study (the source of the VTP 2020 number). That number inflated*

to year 2001 dollars would be $3.933 billion. The 2001 cost estimate for the WSX project was $634 million. The 2001 cost estimate for the SVRTC was $3.838 billion. Combined, the two equal $4.472 billion in year 2001 dollars. Inflating that number to 2003 dollars, the combined projects are estimated at $4.791 billion. Those two cost estimates were significantly more detailed than the estimate done for the 2000 BART extension study (both are based on detailed 10% conceptual engineering). The cost of the combined project increased by less than $1 billion in the 3 years since the 2000 BART extension study. Those increases are attributed to the greater level of detail provided by the 10% conceptual engineering cost estimates and to updates in the dollar year of the cost estimates not to project "cost overruns". Also refer to response P38.1.

P38.3 *With regard to the lien, the "Comprehensive Agreement" between VTA and BART in Connection with the Proposed Santa Clara County BART Extension states in Section IV.E.1.c) "In the event VTA does not fulfill its obligations as set forth in Section IV.E.1.b above on or before January 1, 2009, the automatic dedication of Transportation Development Act ("TDA") Funds described in Section IV.E.1.d) shall be implemented immediately and automatically without any further action by VTA's Board of Directors." The adopted Short Range Transit Plan FY 2004-2013, Table 3-1 identified future VTA operating budgets. In 2009, TDA funds represent approximately 21 percent of the operating expenses.*

VTA discloses its financial limitations with respect to the BART Alternative in Section 8.5.3, Existing Systemwide Funding Sources, by noting that "current operating resources must be enhanced to improve long term financial results." Section 8.5.5, Potential New Funding Sources, describes six potential new sources of operating funds for the BART Alternative. These sources will continue to be explored in resolving a "feasible financial plan for the project" prior to entering final design. A seventh source previously included – Bridge Tolls – has been eliminated since those funds have been otherwise allocated under Regional Measure 2. Also refer to response P38.1.

P38.4 *The comment relates to project financing and did not raise a specific environmental concern. 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.*

P38.5 *VTA is confident in the cost estimates prepared for the 10% Conceptual Engineering stage of the project. Based on VTA construction experience, adequate contingency is included in the estimates. Also refer to responses P38.2 and P38.4.*

P38.6 *VTP 2020 is the adopted long-range plan for VTA. VTP 2030 is not finalized or adopted at this time. Adoption is planned for November 2004. The EIS/EIR uses the currently adopted plan as the basis for analysis.*

VTA's current bus fleet is 523 vehicles, including 433 buses in the "active fleet" and 90 in the "ready reserve" fleet. The Short Range Transit Plan (SRTP) includes an "active fleet" of 429 by 2013. The SRTP does not limit bus fleet expansion beyond that time. VTP 2020 provides for expansion of the bus fleet to at least 642 by 2020. The EIS/EIR bus fleet projections are not inflated, they reflect capacity included in the adopted VTP 2020 plan. The bus routing assumptions are included in Section 3.4.7, BART Alternative Operating Plan, of the EIS/EIR.

The seventh bullet in Section 4.2.3.2, 2025 Transit Service, under the subheading No Action Alternative, has been revised to reflect an expansion of the VTA bus fleet to 600 vehicles (not 650). The No-Action Alternative bus fleet size of 600 is accurately

represented in Table 3.2-3, 2025 Fleet Requirements for No-Action Alternative.

P38.7 *The BART Alternative provides for 42 additional buses including 16 additional express buses and 26 additional local buses to improve feeder service to the proposed BART stations. Also refer to response P38.6.*

P38.8 *Decreases in local bus services are not proposed as a part of the implementation of the BART service. 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. Future service shifts and fare adjustments will be linked to the need to balance operating revenues and expenses. The affect of any changes on environmental justice communities will be evaluated at that time. Also refer to response P38.6.*

P38.9 *Refer to response P38.1. The primary reason for eliminating the Milpitas Yard location was that it did not meet the operational or maintenance needs of the LPA project. The LPA requires storage for 244 vehicles not just over 100 as stated in the comment. Constructing a maintenance yard in Milpitas for the LPA would result in significant increases in the annual operating costs of the BART Alternative, because trains would be required to "deadhead" to and from the end of the line in Santa Clara at the beginning and end of their service periods.*

Developing a temporary yard in Milpitas would result in significant throw away costs for this maintenance facility or significant on-going increases in operating costs once the full extension is completed if the yard is to continue to be used. In addition, the development of two smaller maintenance facilities, one in Milpitas and one in Santa Clara would not be cost effective as it would require duplicating critical maintenance facility elements.

VTA has not developed any ridership estimates for an MOS scenario terminating at Montague/Capitol or Berryessa. There is no documentation to address the suppositions of the commenter regarding ridership for such an MOS.

P38.10 *ABAG Projections 2000 is the basis for the land use assumptions in the model. The model only includes parking charges for the Civic Plaza/SJSU and Market Street Station areas. The parking charge levels for these two station areas were provided by MTC. They are consistent with those used in the Regional Transportation Plan assumptions, which are based on a year 2000 parking cost survey. Parking charges for off-station parking are not included in the model for any other station areas. In addition, parking supply was not constrained for any of the station areas. We agree that, had assumptions reflecting parking constraints in the station areas been included in the model, the ridership would have been higher. However, since this would only increase BART ridership downtown, environmental impacts would not change from those addressed in the EIS/EIR. The number of riders with an origin or ultimate destination outside of downtown would increase; however, these riders would be dispersed throughout the system and are not anticipated to result in new adverse impacts at other stations.*

The TOD scenario for downtown San Jose included in the 2000 BART Extension Study including "massive new development" was not used for decision-making purposes in that study. The 2000 BART Extension Study TOD scenario was not used in developing the

ridership estimates for the project.

P38.11 *Bus transit service operating in the corridor between southern Alameda County and Downtown San Jose under both the No-Action and Baseline Alternatives are subject to increased highway congestion in the corridor for the year 2025. Both the mixed-flow lanes and the HOV lanes at the Alameda/Santa Clara County line are operating at capacity in the 4 hours of the peak period in the southbound direction, meaning that it is difficult to offer improved transit services with just express buses to serve downtown San Jose. It is not uncommon for travel time anomalies to appear when modeling saturated roadway network conditions, such as the very slight increase in travel times for the Baseline Alternative from southern Alameda County to downtown San Jose relative to the No-Action Alternative. But again, these travel time anomalies are slight (a difference of 2 minutes time for one origin-destination interchange) and the model would not be very responsive to these minor differences in transit travel times to impact the overall ridership results in a meaningful way.*

With regard to the recent travel experience, it is important to remember that the information in the document reflects travel conditions in 2025, not 2004, and during peak periods. As shown in Table 4.2-18, Freeway Traffic Volumes and Levels of Service for 2000 Existing, 2025 No-Action, and 2025 BART Alternative Conditions, 23 out of 29 freeway segments evaluated in the EIS/EIR will have higher traffic volumes in 2025 than they had in 2000, even if the BART Extension and all of the other transit improvements assumed in the No-Action scenario are operating.

Also refer to response P38.1 regarding project objectives and additional discussions.

P39

-----Original Message-----
From: andychow@comcast.net [mailto:andychow@comcast.net]
Sent: Friday, May 14, 2004 4:27 PM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject: DEIR/DEIS comments

Hello:

I would like to express my concerns regarding the BART to San Jose extension DEIR/DEIS. My comments are as follows:

1. Maintenance facility - I believe that VTA should consider alternative sites for the maintenance facility. For instance, areas in Warm Springs/North Milpitas along the extension could be used for such facility.
I disagree with the assessment that the facility is needed at the terminus.
Three out of four existing BART maintenance facility are not located at a terminus. Also, VTA's own LRT facility is located at the heart of the system in San Jose and not at a terminus. P39.1

2. Minimum Operating Segment Scenarios - On 3.6.3.3 During its public comment period for the MOS scenarios, I, as well as many others, requested VTA to study a scenario that includes extension from Warm Springs to Milpitas or Berryessa in its first phase, and complete the extension to Santa Clara in its second phase. VTA refused to propose such a scenario.
This issue should be discussed in the EIR/EIS. P39.2

3. Caltrain electrification and maintenance facility - On section 3.7.1, there's a lack of discussion about the proposed Caltrain electrification and the Caltrain maintenance facility that is currently under construction. VTA should take these projects under consideration when planning for BART so that appropriate accomodation could be made. P39.3

4. San Jose Diridon station - On section 3.4.4.2 - The Diridon segment of the line is proposed to be cut-and cover across the Caltrain tracks. There is a concern regarding the temporary impact to the Caltrain operation.
During the Vasona subway construction through the station in 2002, the construction lengthened the Caltrain travel time due to the track detour around the cut-and-cover area. P39.4

5. Santa Clara tail tracks - On 3.4.5, the tail track north of Santa Clara station seems unjustified. On earlier VTA documents, VTA suggested the tailtrack as a part of the future BART extension to SJC. However, VTA has not provided any conceptual-level plan for such extension. In my opinion, the most likely concept would be another U-turn to SJC, which seems rather akward. P39.5

I think VTA should shorten the tailtracks and build it without going under the UPRR tracks. Having the tailtracks ending along the Caltrain alignment could also suggest a future extension along the Caltrain line, but such scenario rather seem unlikely. If the chances that the line would not be extended from the end of the tailtracks, the tailtracks would be under utilized.

6. Financial Considerations - On section 8.2, VTA completely ignored the financing cost associated with the extension. According to table 8.2-3, VTA would be spenting more than 3/4 billion a year on construction. It seems that VTA will not be able to obtain as much cash in those years without borrowing. P39.6

VTA should disclose the financing costs associated with the extension. P39.7

Also, VTA needs to disclose the one-way fares that made up for the total fare revenue. If the fares that were include in the EIR/EIS are too high, the actual ridership could be much lower, as well as the total fare revenue.
Such mis-calculation is currently hurting the BART extension in San Mateo County. P39.8

VTA should also consider the financial impact on other transit services provided by VTA. Could VTA be able to maintain current transit services? P39.9

Thanks for considering these comments.

Andy Chow
1157 Fairview Avenue
Redwood City, CA 94061

RESPONSE TO COMMENT LETTER P39

Andy Chow (May 14, 2004)

P39.1 *Section 3.4.6.1, BART Alternative Ancillary Facilities, discusses the new BART Maintenance Facility. The current BART system does not have the capacity to handle the maintenance needs of this extension and is very constrained in maintenance capacity expansion. 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. Placing the facility within the existing BART system or near Warm Springs or North Milpitas would require trains to travel significant distances (dead-head) from the terminus to the maintenance yard. This generates significant wear and tear on the vehicles and requires significant vehicle operator time. The result would be significant increases in annual operating and maintenance costs for the extension.*

P39.2 *VTA developed Minimum Operating Segment (MOS) scenarios for the BART Alternative in response to the Federal Transit Administration's recommendation to include such scenarios for evaluation purposes. However, VTA remains committed to the full 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.*

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 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 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. Therefore, this alternative was discarded from further consideration.

P39.3 *Section 3.7.1, Transportation/Transit Related Projects, has been expanded to include a discussion about the Caltrain Equipment Maintenance and Operations Facility and the Caltrain Electrification Program. These related projects are being considered in the Preliminary Engineering phase of the project.*

P39.4 *The details of construction methods and sequencing will be further defined in the Preliminary Engineering phase of the project. Preliminary Engineering activities will be coordinated with owners of adjacent facilities.*

P39.5 *BART Design Guidelines require tail tracks at the terminus BART station. BART and VTA have determined that 2,250 feet would sufficiently allow a 10-car train to leave the station and access the maintenance and storage facility without disrupting service. Because of this length, tail tracks are proposed to be in a retained cut under the UPRR tracks.*

The tail track north of Santa Clara Station is needed to turn trains, after passengers alight at the Santa Clara Station, for either return service to San Francisco or Richmond or for return to the maintenance yard for service or storage. The connection to the Norman Y. Mineta San Jose International Airport will be addressed through an

Automated People Mover (APM) connection from the Santa Clara Station, not a direct BART connection to the airport. While the tail track would accommodate an extension of BART to the north, the tail tracks are being built as a part of this project to address the operational need to turn trains, as described previously.

P39.6 *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. As shown in Table 8.2-3, BART Alternative Cash Flow through FY2014, expenditures during key construction years are expected to exceed 3/4 billion; other years will be lower. VTA continues to work to complete a plan that addresses the cash flow needs of this and other Measure A projects. 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."*

P39.7 *Refer to response P39.6.*

P39.8 *The fare box recovery ratio is defined as the fare revenue divided by the operating costs. For the EIS/EIR, fare revenue for BART was derived from the travel demand model. The travel demand model generated daily fare revenue for each mode in each alternative based on actual data from the models base year (1990). The base year included actual trip length and distance based fare schedules. The fare revenue was discounted by 25% to account for passes and other discounted fares. The daily fare revenue was annualized using a factor of 291 (provided by BART), and inflated to 2003 dollars. In FY2003 the fare box recovery ratio for BART was 54.8%.*

P39.9 *Decreases in local bus services are not proposed as a part of the implementation of the BART service. 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.*

P40

This is a revision for clarity for the previous message.

--------- Forwarded message ----------
From: Son Cheong Kuan <skuan@juno.com>
To: SVRTC.DEIS-EIRcomments@vta.org
Date: Fri, 14 May 2004 23:55:52 -0700
Subject: Silicon Valley Rapid Transit Corridor

a.k.a. BART to Milpitas, San Jose and Santa Clara:

Just to be brief:

(1) I find that the *Draft* Environmental Impact Report is insufficiently comparing among all alternatives: No Build, Baseline Alternative and BART Alternative.

You are comparing between "apples" and "oranges". For example, the illustrations (maps) are fault that one map shows the Light Rail connection (BART Alternative) while the other one does not (Baseline Alternative). In reality, most riders will transfer at the Montague/Capitol station from BART to LRT or from Great Mall Transit Center to LRT. P40.1

Another example, the projection for *Downtown San Jose* ridership is fault because the current condition may not yield the ridership, and the future condition is uncertain. Most job sites are in the "Golden Triangle", North San Jose area, that it will continue to be that way. *The ridership project may not account for transfer among BART and LRT, or LRT and shuttle/jitney services*. P40.2

(2) The objective of Environmental Justice is that it does not have adverse impact to the communities of colors and people in economic disadvantage. If history is any lesson, e.g. BART TO SFO extension, bus and LRT services will likely be reduced before/after BART is built/will be built. That creates enormous hardship for the communities of colors / people in economic disadvantage that are heavily rely on bus services. That is an environmental justice, and the EIR does not address that. **Unless VTA/BART will guarantee that there will not be service reduction before/during/after BART**. P40.3

(3) A fourth alternative should be added, and *should be* reconsidered for the viability and feasibility, that is a LRT option routing between Montague or Berryessa to Fremont Warm Spring BART station. **VTA has the expertise on building LRT, and we should continue to build on these expertise, and making the connection**. P40.4

I understand that this may be rough. I would be delighted to elaborate each one of them.

Thank you for the opportunity.

Regards,

Mr. Son Cheong Kuan
1419 Chavez Way,
San Jose, CA 95131

RESPONSE TO COMMENT LETTER P40

Son Cheong Kuan (May 14, 2004)

P40.1 *The Federal Transit Administration (FTA) requires project proponents to formulate and evaluate a Baseline Alternative as a basis for comparison to the proposed project. The Baseline Alternative is not required for environmental review, but is presented for informational purposes. The Baseline and BART alternatives are described in Chapter 3, Alternatives. Table 4.2-7, BART Alternative Average Weekday Boardings and Alightings in 2025, indicates that only approximately 20% of the riders will access BART from the Montague/Capitol Station, not most riders.*

P40.2 *Proper methodologies and growth projections were used to predict BART ridership, resulting in the most accurate possible forecasts. The model chosen for the BART Alternative was an enhanced version of the Metropolitan Transportation Commission regional model. The regional model, BAYCAST-90, encompasses the nine-county San Francisco Bay Area and is the same model used to develop the Regional Transportation Plan and prepare forecasts for major regional corridor studies. Demographic assumptions inputted into the model bases the travel forecasts on socio-economic and land use growth predictions developed by the Association of Bay Area Governments (ABAG). The model does account for transfers.*

The ridership models explicitly consider the opportunity for transfers at project stations, as all modes of transit travel, i.e., bus, light rail, commuter rail and BART, are coded in the simulation networks. While it is true that the majority of employment in Santa Clara County is located within the "Golden Triangle" for both the base year 2000 and for the future year 2025, there is sizeable and growing employment within downtown San Jose. The ridership forecasts for the year 2025 used the regional population and employment forecasts prepared by the ABAG Projections 2000 datasets. These forecasts project that downtown San Jose population will grow from 17,200 in the year 2000 to 24,800 in the year 2025. Employment in downtown San Jose is forecasted to grow from 31,600 employees in the year 2000 to 50,000 employees for the year 2025.

P40.3 *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. 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.*

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, Alternatives, BART Alternative Operating Plan, and in the Travel Demand Forecasts Report, 2003, incorporated by reference in the EIS/EIR.

In addition, Environmental Justice issues are addressed in Section 4.9, Environmental Justice, and were determined not to be adverse.

P40.4 *The Major Investment Study/Alternatives Analysis thoroughly evaluated 11 alternatives*

for the corridor including two separate light rail options on the former Southern Pacific Railroad and the Union Pacific Railroad alignments. (Refer to Section 3.6.1, Alternatives Evaluated During Major Investment Study/Alternatives Analysis,) 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.

This page intentionally left blank.

P41

TRANSPORTATION SOLUTIONS DEFENSE AND EDUCATION FUND

16 Monte Cimas Avenue Mill Valley, CA 94941 415-380-8600

May 14, 2004

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

Re: DEIS/R for the Proposed BART Extension to Milpitas, San Jose and Santa Clara

Dear Mr. Fitzwater:

TRANSDEF is an environmental organization dedicated to the improvement of regional planning for land use, transportation, air quality in the Bay Area. The fact that the Silicon Valley Rapid Transit Corridor is not currently served by high-capacity transit is evidence of the failure of the Bay Area to prioritize its transportation investments. Rather than identify this corridor for improvement back in 1988, the region squandered its resources on an extraordinarily expensive extension to SFO, now suffering from low ridership. TRANSDEF board members and our allies intensively criticized that project during the 1994 RTP process. We also criticized the proposed BART extension to San Jose, *et al* during the 2001 RTP process. Should this horribly ill-conceived project somehow actually get built, we are convinced that our criticisms will prove to be equally prescient. P41.1

Alternatives

We submitted comments on March 22, 2002 in response to the Notice of Preparation for this environmental document. We attach them to these comments, and incorporate them by reference. We insisted at that time that the Major Investment Study was flawed in its rejection of less expensive rail transit options. That MIS and this DEIS/R are obviously advocacy documents, written with the intention of supporting a specific outcome. The document preparers have violated their professional responsibility to honestly evaluate the project with the aim of achieving optimal performance at the lowest cost. P41.2

Advocacy for the BART extension resulted in the cancellation of the fully funded Fremont-South Bay commuter rail project. That project would have been providing transportation benefits now, had it not been the victim of a political establishment that, by cancelling commuter rail, demonstrated it had goals other than providing transportation. At a minimum, the DEIS/R should have carried that project as a full alternative. P41.3

Other reasonably feasible alternatives that would be required to be studied in an unbiased DEIS/R include passenger rail on the historic Southern Pacific Milpitas alignment. Elimination of all conventional-gauge rail alternatives necessitated a dramatically more expensive project than can be justified by the MIS or DEIS/R. P41.3 (cont.)

The TRANSDEF NOP comments note that the extraordinary cost of the proposed BART extension turns its planning process into a mini-regional transportation plan. That makes it imperative that the BART extension be compared to a High Speed Rail project using the Altamont alignment. The use of state funds to build the latter would result in $2 billion in local funds being available to provide additional transportation benefits within Santa Clara County. A High Speed system using the Altamont alignment would allow use by ACE and other commute services within the Bay Area, thus improving on the productivity of the state's investment in track. (By contrast, the currently preferred High Speed Rail alignment to San Jose would have no other uses.) Honestly studying the cumulative effects of an Altamont HSR alternative with a $2 billion package of cost-effective Santa Clara County transit investments would be very instructive in the public policy debate now under way. It is clear that a variety of alternatives cited here were responsive to the project's Purpose and Need, and were thus impermissibly rejected. P41.4

<u>Transportation</u>

The EIR for the 2001 RTP (p. 2-12) had the following striking findings:

	Daily Vehicle Trips
Fremont-South Bay Corridor 2025 Project:	241,227
Same statistic, but without BART-San Jose:	243,215
Silicon Valley Corridor 2025 Project:	5,456,875
Same statistic, but without BART-San Jose:	5,462,300

P41.5

The RTP data indicated that a BART extension to San Jose, *et al* would produce little in the way of benefits to the region. "All differences in vehicle trips at the corridor level comparing Project B [i.e., no BART-SJ] to Project alternative [i.e., includes BART-SJ] are negligible (<0.3% in all corridors)." (Table 2.1-9, p. 2-12) No differences were found in regional travel times between an RTP with the BART-SJ project and one without it. (Table 2.1-7, p. 2-10) It would appear that these data provide more useful information than the entire vast DEIS/R.

In particular, TRANSDEF disbelieves any assertion of improved traffic conditions (LOS) or air quality because of BART. The phenomena of latent demand and induced demand both guarantee that any travellers using BART will be replaced by others who P41.6

had previously been deterred by the level of congestion, or who moved to the area because it had recent transportation improvements. P41.6 (cont.)

Air Quality

Table 2.2-7 in the EIR for the 2001 RTP (p. 2-29) had the following striking findings:

	2025 Project w/BART-SJ & Central Subway	2025 Project (without BART-SJ or Central Subway)
CO	779.3	777.4
ROG	48.8	46.5
NOx	146.3	147.4
PM_{10}	91.4	91.3

As the table indicates, the BART extension to San Jose, *et al* produces a small regional reduction in NOx, but generates more of the other criteria pollutants. Because of BART's design as a park-and-ride system, the extension will cause additional driving to its stations, as indicated by the finding that AM Peak Period Total VMT would be 25,008,511 with the BART project and 24,972,000 without it. (Table 2.1-10, p. 2-13.) It is unlikely that the Muni Central Subway played a role in this phenomenon, due to the prevalence of passengers walking from their homes in the neighborhood, rather than driving, to the train. This increase in criteria pollutants is a significant environmental impact that requires mitigation. P41.7

The RTP EIR provides a strong evidentiary basis to challenge the modelling in the BART DEIS/R, which claims that "The Baseline and BART alternatives would reduce VMT in the region, which would reduce regional PM_{10} emissions when compared to the No-Action Alternative. (4.3-13) Clearly, the DEIS/R modelling conflicts with the RTP EIR modelling. P41.8

Land Use

A likely reason for the difference in modelling outputs is the use of improper land use assumptions for the project's horizon year. The 2001 RTP EIR used the approved ABAG Projections numbers. TRANSDEF was unable to find a statement in the DEIS/R identifying the source of land use projections. However, this issue was explored in depth in an infamous San Jose Mercury article published October 12, 2000, "BACKERS OF EXTENDING BART TO S.J. RELY ON AMBITIOUS PROJECTIONS A STARTLING VISION OF DOWNTOWN S.J. EXTENSIVE DEVELOPMENT WOULD BE NEEDED TO MAKE NUMBERS WORK." The story (attached below) identifies how BART ridership would have been unacceptably low (and therefore cost per new rider P41.9

unacceptably high) unless the land use assumptions for downtown development were pumped up to an entirely unrealistic number. As far as TRANSDEF knows, these are the same land use assumptions used to hype the ridership number up to 83,585 per day in this DEIS/R. To fully air this issue, provide a table of population, jobs, dwelling units and square feet of commercial development projections for each of the cities in the Corridor for the horizon year (breaking out Downtown San Jose as a separate number) for the following: Projections 2002, Projections 2003, DEIS/R 2025. Identify the source of the DEIS/R 2025 land use assumptions. Provide a thorough explanation as to why the assumptions are reasonable. Be sure to credibly refute the Mercury article's implication that the land use assumptions were/are a fraud.

P41.9 (cont.)

Another major flaw of the DEIS/R is the failure to provide completed station area plans for each of the stations. "All of the proposed station sites along the BART Alternative alignment would have the potential to accommodate joint development in the future." (4.12-21) "Potential" isn't good enough. When a region invests its funds on the scale proposed by this project, it needs to know that the local jurisdictions have committed to make their land use plans compatible with high-capacity transit. The actions of Fremont approving a Wal-Mart in the vicinity of the planned Warm Springs station, and South San Francisco approving a Costco store near their BART station demonstrates the folly of post-hoc planning. A strong market has been discovered for transit-oriented development. Those local decisions create significant regional impacts by pushing what otherwise would have been transit-oriented development out into greenfields as sprawl. This results in more regional VMT, ozone precursor emissions, PM_{10} and loss of habitat and agricultural resources through the conversion of open lands to urban uses.

P41.10

To mitigate these potential impacts, a measure is needed that no funds will be released for final design or construction until plans are completed and adopted for each of the station areas by their respective jurisdictions. These plans, in aggregate, must result in BART ridership equivalent to the 83,585 average daily transit trips projected for 2025. (4.2-7)

<u>Financial</u>

BART extensions have never been built without serious cost overruns. Provide a table of past BART projects, with their cost at EIR certification time and final completion cost. Given this data, justify why a 70% or higher contingency has not been added to the estimated project cost.

In providing an estimated cost, include the cost of debt service. In reviewing the farebox recovery, cost per passenger and cost per new rider, TRANSDEF was struck by the utter lack of reality to the numbers. Are you people smoking crack? Provide a full explanation of the methodology used, along with the worksheets, in calculating these numbers.

P41.11

Conclusion

The Mercury News raised the issue 'is the low ridership worth the cost?' in its May 9, 2004 cover page story, "BART advantages in doubt." Clearly, without studying less costly alternatives, policy makers are unable to make an informed and responsible decision about a very large amount of public funds. That is the very purpose of CEQA–providing adequate information to decisionmakers about environmental impacts, before large amounts of public funds have been committed. Due to unwise leadership at VTA, over a hundred million dollars has been committed, prior to the certification of an environmental document. This is precisely the situation CEQA was intended to prevent.

P41.12

TRANSDEF urges VTA to stop the waste of funds by halting preliminary engineering of this ill-conceived project. We request that VTA exhibit intellectual honesty by withdrawing the DEIS/R and beginning the study of reasonable, financially feasible alternatives. We firmly believe that San Jose should have excellent rail service, and are prepared to assist that effort in any way we can. However, we are convinced that the proposed BART extension, if the EIR is certified and the project approved, will never result in excellent rail service, and will instead become a civic nightmare.

Sincerely,

/s/ David Schonbrunn

David Schonbrunn,
President

October 12, 2000

BACKERS OF EXTENDING BART TO S.J. RELY ON AMBITIOUS PROJECTIONS A STARTLING VISION OF DOWNTOWN S.J. EXTENSIVE DEVELOPMENT WOULD BE NEEDED TO MAKE NUMBERS WORK

Author: BARRY WITT, Mercury News

Edition: Morning Final
Section: Front
Page: 1A

Estimated printed pages: 6

Article Text:

When promoters of bringing BART to San Jose say the $3.8 billion extension would remove 78,000 commuters from the roads, they're relying on a startling vision of downtown, one that not only fills virtually every inch of land in the existing city center but also tears through adjacent residential neighborhoods to make room for more high-rise growth.

It's a vision that would add 176,000 workers to today's modest downtown of 30,000 employees. Workers filling hundreds of new high-rises would be forced to take public transit, since public parking structures would be eliminated, and future office buildings would be constructed without garages.

It's a vision of a downtown residential population 30 times bigger than it is today.

It's also a vision, according to critics and downtown neighbors, that will never become reality but which has been invented to justify approval of the BART line. The more riders expected to buy BART tickets, the less public subsidy needed to keep the trains running.

"It creates a Manhattan in downtown San Jose where it takes an hour to go a mile and a half," said Santa Clara County Supervisor Jim Beall, a leading opponent of Measure A, the November half-cent sales tax proposal that would pay part of the BART construction cost.

"I don't think that's the community that I want to live in and it's totally against what the majority of people in San Jose want," Beall said, arguing BART proponents invented the development scenario "to jack up the numbers and make the project look good."

Mayor Ron Gonzales, BART's biggest booster, said he is "very convinced the 78,000 new daily riders is a good number." But even if it's significantly less than that, Gonzales said, "the bottom line is you're getting cars off the roadway. BART has proven to be over a long period of time the most cost-effective way of moving people through the Bay Area."

Valley Transportation Authority and San Jose Redevelopment Agency officials produced t he ridership projections in a frenzy last June, spurred by the need to finish a report in advance of key decisions by the Santa Clara County Board of Supervisors and the Silicon Valley Manufacturing Group.

While a BART study had been in the works for several months, it was only in early June that Gonzales decided the issue needed to go on this November's ballot, and the county board would have to take its first vote on the subject by month's end. Redevelopment Agency officials said they were given two days to come up with a vision of downtown San Jose in 2020 that would become the basis for the VTA's ridership projections.

Downtown extension
Vision takes city center 'as far as it will go'

What city visionaries came up with takes downtown "as far as it will go," said Colin Mosher, the redevelopment official primarily responsible for the analysis. "It takes the extreme. It says there's not going to be any parking downtown." It also assumes smaller buildings would be knocked down and rebuilt much larger.

It also stretches the boundaries of downtown well beyond Fourth Street, its traditional eastern boundary. The new City Hall project already will do that for two blocks along East Santa Clara Street, but this vision assumes downtown will stretch all the way to 10th Street both north and south of San Jose State University. It assumes more than 33 million square feet of construction -- the equivalent of 96 structures the size of one of downtown's most prominent landmarks, the 17-story Knight Ridder Building -- would occur in the 18-square block South Campus residential neighborhood.

"The only way to do that would be to completely destroy the neighborhood," said Lisa Jensen, a neighborhood activist who lives in a 96-year-old home on South Ninth Street. South Campus is filled with a mix of historic single-family residences, older homes that have been divided into apartments, and post-World War II two- and three-story poorly constructed apartment buildings that both city officials and homeowners alike in the area would like to see replaced eventually.

But Jensen and others see those apartments being replaced with similar-scaled buildings, not 20-plus story high-rises. "San Jose has indicated it wanted to preserve neighborhoods," Jensen said. "I hope San Jose stands by that."

Asked whether his vision of South Campus matched that suggested by the Redevelopment Agency, Gonzales responded, "I'm not going to comment on any particular areas."

The BART ridership projections are based on an assumption that 144 million square feet of new construction would occur over the next 20 years. That's the equivalent of 423 structures the size of the Knight Ridder Building, enough to accommodate 180,000 new residents in 69,000 new apartments and condominiums, and another 176,000 office and retail workers.

The numbers are astounding, given the history.

Agency officials estimate that today, there are about 6,000 residents a nd 30,000 daytime workers downtown. While demand for office space and housing has begun to accelerate in the past two years, actual construction activity has been achingly slow: Since 1992, just 800 new housing units and 3.2 million square feet of office buildings have either been built, are under construction or are close to groundbreaking.

In a separate examination of downtown, agency planners last month projected construction activity over the next 10 years, based on a no-BART scenario, at 10.5 million square feet of office space, 2.3 million square feet of retail space and 10,000 housing units. Those figures, ambitious in and of themselves, however, pale in comparison to the post-BART scenario.

To get anywhere close to the agency's post-BART figures, several radical assumptions have to be made about what would happen between

2010 and 2020:

(box) Demand for office space downtown would be 75 percent greater than what demographers say will happen across the entire city. Downtown's population growth would be 40 percent greater than what is projected for the entire city.

(box) South Bay commuters would be willing to give up cars for transit, including those who don't live on the BART line but would rely on the remainder of the region's light rail, Caltrain and bus systems to get downtown.

(box) San Jose would be willing to make the political decisions to expand downtown's boundaries, allowing high-rise development in areas that historically developed at one and two stories.

Needed decision
Downtown must expand, not simply grow taller

Such a political decision is necessary because downtown can't simply grow taller. While there are numerous gaps in the existing downtown core ripe for development, every building is limited in height by the flight path of San Jose International Airport. So San Jose can't meet the space projections simply by building upward; it would have to build outward.

Whether that means South Campus or elsewhere, eventually the city would run into the residential neighborhoods that abut its historic, geographically limited downtown.

"Downtown is looking for a place to expand beyond Fourth Street and the freeway" on the west, said Bill Ekern, director of special projects for the redevelopment agency.

On the parking issue, the city, developers and commuters would have to make a 180-degree reversal from current practice.

"There's a real battleground over the future of parking," Ekern said. Parking and transit "are on a very rapid collision course." While commuters in major cities elsewhere in the country are used to taking the train, "transit in the West is probably the hardest sell," Ekern said, "It's like selling refrigerators to Eskimos."

Just this summer, the city council approved several high-rises with

huge parking structures next to or incorporated into the buildings. A 380,000-square-foot Sobrato Development Company development that broke ground south of the San Jose Convention Center in August includes a 1,108-car garage, about one space for every worker that could fit in the building.

And at the same time the BART study assumes city-owned garages on Market, Second and Third streets would be knocked down and replaced with garage-less high-rises, the city is pursuing several new parking garage developments.

"We have no alternative at this time," Gonzales said of the contradiction between what he approved this year and a transit-oriented downtown. "Once we have an alternative that's reasonable and predictable, we're going to have to look at that public policy. . . . It's reflective of other urban centers in the country, whether it's San Francisco, New York or others, the idea of huge parking lots has given way to supporting mass transit."

What downtown San Jose might become is more than just an academic exercise, when it comes to considering Measure A.

Beall notes that the BART study says the extension will need a $24 million annual subsidy under the high-density assumptions, but $39 million under a more traditional development pattern. The high-density assumption translates to riders paying 65 percent of the costs -- consistent with 62 percent for the current BART system -- but only 37 percent under the traditional scenario.

Lisa Ives, the VTA's project manager, said the report was conservative in its estimate of 78,000 riders under the high-density vision, compared with 45,000 riders under the less-aggressive alternative. That means that even if the number of people living and working downtown is less than projected, ridership still would be strong.

Gonzales – who included the 78,000 ridership figure in the ballot argument that he signed on behalf of Measure A -- said he's not concerned that the report might overstate downtown's future.

"As we try to provide for growth in San Jose, and not be in a position where we're saying no to jobs, which no one wants to do, and I think it's not good for the economy, we've got to find some system to manage that growth," Gonzales said. "You 've still got to move people around this region, you've still got to move people in and out of

downtown San Jose. BART is the best way to do that, even at 38 or 40 percent fare box recovery, which I don't believe is going to happen because I believe we'll get to 67 percent and how we get there, that will be determined by future land-use decisions."

Caption:
PHOTO: TOM VAN DYKE -- MERCURY NEWS
[San Jose]
[001012 FR 1A]
PHOTO: TOM VAN DYKE -- MERCURY NEWS ARCHIVES
Hundreds of buildings the size of these would have to be added to the downtown San Jose landscape if the BART projections are expected to work.
[001012 FR 20A]
MAP: MERCURY NEWS
PROPOSED BART ROUTE
MAP: DOUG GRISWOLD -- MERCURY NEWS
HOW SAN JOSE MAY LOOK IF BART COMES INPhotos (2), Maps (2)

Record Number: 0010190328

TRANSPORTATION SOLUTIONS DEFENSE AND EDUCATION FUND

16 Monte Cimas Avenue Mill Valley, CA 94941 415-380-8600

March 29, 2002
By Fax & US Mail

Ms. Lisa Ives
Valley Transportation Authority
3331 North First Street, Bldg. B
San Jose, CA 95134-1906

Re: Comments on NOP for BART-San Jose EIS/R

Dear Ms. Ives:

The Transportation Solutions Defense and Education Fund (TRANSDEF) is an advocate for innovative regional transportation, air quality and land use planning to preserve the environmental amenities and quality of life for the Bay Area. As such, we take special interest in the proposed Silicon Valley Rapid Transit Corridor, due to the extraordinary levels of financial support the region is being asked to provide. We are concerned that VTA's current plans will devastate the region's ability to fund the extensive regional transit network that will be needed if mobility is to be preserved in the next several decades.

As such, we first take note of FHWA's NEPA procedures, which require full project funding before an FEIS can be approved and a Record of Decision be issued. It is well known that your agency is currently considering fare increases and service cuts on its bus system, at the same time that funds are being spent on this rail project. We remind you of the Title VI implications of this course of action, given the significant disparities in the ethnic and income composition of current bus ridership as compared to the future beneficiaries of a Rapid Transit project. We further remind you that the current agreement between VTA and BART for a $48 million annual payment is predicated on a lien on TDA funds, which are essential to providing service to the same communities that will be hurt by current fare increase plans. In short, the financing plan for this project depends on violating the civil rights of current and future bus passengers. The EIS/R should thus fully discuss the funding plan for this project, evaluating the socio-economic impacts of the TDA lien and impending service cuts.

The gigantic cost of the proposed project dwarfs anything the region has seen in generations. As such, its very existence is a *de facto* regional plan in itself, due to its consumption of regional financial resources. The 2001 Regional Transportation Plan was adopted despite a defiantly illegal refusal to consider any alternatives that significantly changed the allocation of resources. That refusal, despite our extensive

advocacy, now prevents us from being able to point to a network of previously-studied alternative transportation projects that, if funded along with a dramatically less expensive Silicon Valley Rapid Transit Corridor project, would have superior environmental benefits for the entire Bay Area. This failure to be able to point to a specific list of alternative transit projects does not relieve the environmental document preparers from their responsibility to evaluate the impacts on the entire Bay Area of tying up such a large percentage of future transit expansion funding on this one project.

We believe that a EIS/R for the proposed project will not withstand legal challenge unless it considers less expensive rail alternatives. Contrary to past practice, the alternatives need to be constructed fairly, so that levels of service actually equivalent to BART are compared. The EIS/R must cite facts to determine whether or not BART is the environmentally superior alternative. The environmental document must provide a justification, based on performance and benefits delivered, for investing in the proposed project, as compared to the functionally equivalent alternatives. The justification must overcome a presumption that, given its cost per new rider of $100.49 (MTC Blueprint Evaluation Report, June 2000), ranking it the least cost-effective rail transit project then under consideration, that spending the same funding on <u>any</u> other rail projects would produce significantly more transit ridership, and hence, greater environmental benefits.

NOP comment letters from the Bay Area League of Women Voters and from Norman Rolfe have described routes that should be studied, along with less expensive rail technologies. Two further alternatives should be studied: the extension of light rail from Milpitas to Union City, and the extension of BART from Fremont to Milpitas, connecting with light rail there. This analysis would obviously overlap with the SEIR now in preparation for the Warm Springs extension. In addition, the land use sub-alternatives suggested by Norman Rolfe need to be studied, due to the intensive interaction between land use and transportation investments, especially one so enormous. Station area land use is key to the projection of ridership.

Without an analysis of land use alternatives, there can be no adequate justification of the proposed project. The environmental document must determine the environmentally superior transit project in conjunction with its associated station area land use sub-alternative. If the project is approved with a set of specific land use assumptions, the project may not go forward until the zoning of station areas is consistent with those assumptions. A Bait and Switch strategy of projecting high ridership on the assumption of dense station areas, without a followup of requisite General Plan and zoning amendments, will not be tolerated. The environmental clearance for the project must include the associated land use assumptions.

Please be aware that, despite our concerns about current VTA plans, we strongly support a rail connection from BART to the South Bay. The distinction is that we recognize that the BART technology and its 'park and ride' planning paradigm are obsolete and unacceptably expensive. TRANSDEF firmly believes that if the Bay Area

had had a functional regional transportation planning agency in the past, a commuter rail extension from would have been built early in the previous decade, in operation in time for the great boom of the 90's, to the great benefit of thousands of commuters. Unfortunately, unwise investment allocation decisions were made by elected officials. TRANSDEF seeks to not repeat that dismal episode. We appreciate this opportunity to be involved in such a vitally important decisionmaking process.

Sincerely,

/s/ David Schonbrunn

David Schonbrunn,
President

RESPONSE TO COMMENT LETTER P41

David Schonbrunn Transportation Solutions (May 14, 2004)

P41.1 *While this is not a comment that addresses an environmental issue, the comment is noted and included in the record for review and consideration by the decision-makers.*

P41.2 *While this is not a comment that addresses an environmental issue, the comment is noted and included in the record for review and consideration by the decision-makers.*

P41.3 *The Fremont-South Bay Commuter Rail project was discontinued because of substantial public opposition by residents along the Union Pacific Railroad (UPRR) corridor. The opposition was voiced at six public meeting in August and September 2000. The Fremont-South Bay Commuter Rail Project was being considered as an interim project. Approximately 500 persons attended these meetings (This compares to approximately 100 attendees at the four SVRTC Draft EIS/EIR public hearings). A variety of concerns were raised including loss of value of their homes, safety and increased congestion at railroad crossings, increased noise and vibration levels, and cost effectiveness. The last meeting on September 19, 2000 was attended by approximately 186 persons. The majority of the attendees were glad that the project was being deferred.*

Subsequently, a Major Investment Study/Alternatives Analysis (MIS/AA) thoroughly evaluated 11 alternatives for the corridor including two separate Commuter Rail options on the former Southern Pacific Railroad (SPRR) and the UPRR alignments. The commuter rail option on the former SPRR was eliminated from further consideration since it could not coexist at grade with freight railroad service in the severely constrained right-of-way without being placed on aerial structures or underground at a substantial cost. The commuter rail alternative on UPRR right-of–way was eliminated for a number of reasons including low ridership because of the lack of good heavy rail, light rail and bus connections. After an extensive public outreach process, the VTA Board of Directors determined that the benefits of the BART Extension were far greater than those of any of the other alternatives and selected it as the Locally Preferred Alternative in November 2001.

P41.4 *The MIS/AA thoroughly evaluated 11 alternatives for the corridor including a Commuter Rail (CRT) on the Alviso Alignment option. After an extensive public outreach process, the VTA Board of Directors determined that the benefits of the BART Extension were far greater than those of any of the other alternatives and selected it as the Locally Preferred Alternative in November 2001. In addition, it should be noted that in November 2000 Santa Clara County voters overwhelmingly supported the tax measure that identified the BART extension as the number one project.*

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% 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% during this same time frame. From 2000 to 2025, total work trips

within the SVRTC are projected to grow by 30%. 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. For example, the BART Alternative provides for seven stations within Santa Clara County and one optional station along with connecting directly with the BART system. The High Speed Rail project only provides a few stations in the region. In addition, the BART Alternative is scheduled for operation in 2015 while it is unclear when if ever, the High Speed Rail project would be providing revenue service.

The high-speed rail project (HSR) was also not considered as a viable alternative because it would not fulfill the following purposes of the SVRTC project to the same degree as the BART Alternative:

- *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.*
- *Alleviate severe and ever-increasing traffic congestion on I-880 and I-680 between Alameda County and Silicon Valley.*

As stated on page 1-4 of the HSR DEIS/DEIR, the Authority (California High Speed Rail Authority) has adopted the following objectives and policies for the proposed HST system:

- *Provide intercity travel capacity to supplement critically over-utilized interstate highways and commercial airports.*
- *Maximize intermodal transportation opportunities by locating stations to connect with local transit, airports, and highways.*
- *Provide a sustainable reduction in travel time between major urban centers.*
- *Increase the efficiency of the intercity transportation system.*

The BART Alternative would fulfill the purpose of the SVRTC project in that it would provide increased transit capacity and faster, convenient access throughout the San Francisco Bay Area region; whereas, the purpose of the HSR is to provide service to major metropolitan areas throughout the entire state of California. The BART Alternative would provide substantially more frequent service and substantially more multi-modal connections than would the HSR. The BART Alternative is meant to provide commuter service within a smaller geographical area. The HSR is meant to provide intercity travel between major metropolitan areas of the entire state.

P41.5 *As stated in response P41.3, the Fremont-South Bay Commuter Rail project was discontinued. Subsequently, 11 alternatives were evaluated and the BART extension was chosen as the Locally Preferred Alternative for the corridor. The commenter compares the daily vehicle trips of the BART extension to the daily vehicle trips of the Fremont-South Bay Commuter Rail project. As the commenter noted, the difference between the daily vehicles trips is negligible between the Fremont-South Bay Commuter Rail and the BART Extension. Either project would benefit regional transportation and be consistent*

with the RTP; however, the Fremont-South Bay Commuter Rail project was discontinued because residents along the UPRR corridor strongly opposed it.

The EIS-EIR for the Silicon Valley Rapid Transit Corridor (SVRTC) used an enhanced and updated travel demand model that offers technical refinements and a transit and highway validation to a more recent base year of 2000 than the models used by MTC in the development of the 2001 RTP. There are also many different assumptions regarding project descriptions and network coding conventions between the models used in the MTC RTP 2001 and the EIS/EIR. Therefore, any comparisons of results between the 2001 RTP and the EIS/EIR and the two models that were used to produce each document without knowledge of the different assumptions in each would lead to inaccurate conclusions.

P41.6 *The BART Alternative is intended to accommodate future travel demand resulting from project population growth in the Bay Area. The travel forecasts were developed using the best available travel demand models and land use projections. Among the primary purposes of the BART Alternative is to provide a transit option and multimodal connectivity that it achieves. The minor improvements in traffic and air quality are in the context of additional Bay Area growth. For example, Section 4.3, Air Quality, does discuss an incremental decrease in some pollutants compared to the No-Action and Baseline Alternatives.*

P41.7 *The change in pollutant emissions shown in Table 2.2-7 of the 2001 RTP EIR does not indicate how the alternatives for the proposed SVRTC would affect air quality. Thus, a project-level EIS/EIR was prepared in order to evaluate the alternatives for the proposed SVRTC. As quantified in Table 4.3-4 Criteria Pollutant Emissions Comparison of the SVRTC EIS/EIR, the BART Alternative would reduce emissions for all criteria pollutants (carbon monoxide, reactive organic gases, nitrogen oxides, sulfur dioxide, and fine particulate matter less than 10 microns in diameter) when compared to the No-Action Alternative.*

Section 4.3.3.2, Microscale Air Quality Impacts, of the SVRTC EIS/EIR evaluates how the alternatives for the proposed project would affect localized carbon monoxide (CO) concentrations since vehicle exhaust is the main source of CO. As stated in Section 4.3.3.2, under Baseline and BART Alternatives, "to provide a worst-case simulation of CO concentrations within the SVRTC project area, CO concentrations at sidewalk locations adjacent to 35 project area intersections were analyzed where traffic would operate at Level of Service (LOS) E or LOS F under the Baseline or BART alternative."

As shown in Table 4.3-5, Future Carbon Monoxide Concentrations, CO concentrations at roadway intersections near the proposed transit stations are anticipated to range from 2.9 to 3.3 parts per million (ppm) for the 1-hour period and from 1.7 to 2.0 ppm for the 8-hour period. The 1- and 8-hour CO concentrations are not anticipated to exceed the State 1- or 8-hour standards of 20 and 9.0 ppm, respectively. Since CO concentrations at roadway intersections are anticipated to fall well below the State standards, less-than-significant impacts are anticipated and no mitigation measures are required.

P41.8 *As stated in the 2001 RTP EIR (page 2-27), the emissions changes are for the 2001 RTP as a whole. It does not examine the effects on emissions of the individual transportation improvement projects in the 2001 RTP. The 24,972,000 represent the VMT for one of the alternatives of the RTP. It does not represent conditions if the proposed SVRTC project was not implemented. Additionally, the VMT of 25,008,511 and the emission estimates listed in Table 2.2-7 of the 2001 RTP EIR are for multiple projects, including*

the SVRTC, federal New Starts funding, and the Muni Metro Chinatown subway. It does not address how the alternatives for the proposed SVRTC project would affect regional VMT. The SVRTC EIS/EIR uses travel forecasts that are based on MTC and ABAG's growth assumptions. This methodology is similar to one that is used to estimate travel forecasts in the RTP. As the travel forecasts are based on MTC and ABAG's growth assumptions and the travel forecasts for the RTP are also based on this forecast, the analysis in the EIS/EIR is consistent with the RTP.

P41.9 *As required by the Federal Transit Administration (FTA) and MTC, the EIS/EIR land use assumptions are based on the 2000 ABAG official land use projections.*

Each city general plan projects future conditions for the build out year of each individual city. The cities of Fremont, Milpitas, San Jose and Santa Clara have build out years of 2010, 2010, 2020, and 2005, respectively. Year 2025 land use projections have not been identified by any of these cities. Each city general plan has policies that promote transit-oriented development (TOD) near major transit services (Refer to Section 4.12, Land Use, for a description of these policies), which would promote ridership for the SVRTC project. With development projections extending out in excess of 20 years, peaks and valleys of development intensity would be expected. Santa Clara County development is currently in a low period of development, but there are indications that the economy is beginning to turn around. Therefore, a reasonable approach of using regional and city future development projections has been used in the analysis.

P41.10 *As discussed in Chapter 4.12, Land Use, all of the proposed station sites along the proposed alignment would have the potential to accommodate joint development in the future. VTA and BART have worked and will continue to work with cities to best utilize the areas around BART station sites as TOD. The cities of Milpitas, San Jose, and Santa Clara all have land use policies in place that promote TOD projects near transit stations as discussed in Section 4.12.2.2, Regulatory Setting. In the interim, the areas may be used as construction staging areas, surface parking or other transit related uses prior to the construction of high density TOD projects.*

P41.11 *VTA is confident in the cost estimates prepared for the 10% Conceptual Engineering stage of the project. Since VTA, not BART, is managing the BART extension, BART's past project cost history is not applicable. VTA has a good record of light rail projects being constructed within budget as evident with the Tasman, Capitol, and Vasona Projects. Based on VTA construction experience, adequate contingency is included in the estimates. In addition, a 3.5% per year cost escalation factor is included in the estimates.*

The costs of Measure A debt service are associated with the Measure A Program and not individual projects within the program. The fare box recovery ratio is defined as the fare revenue divided by the operating costs. For the EIS/EIR, fare revenue for BART was derived from the travel demand model. The travel demand model generated daily fare revenue for each mode in each alternative based on actual data from the models base year (1990). The base year included actual trip length and distance based fare schedules. The fare revenue was discounted by 25% to account for passes and other discounted fares. The daily fare revenue was annualized using a factor of 291 (provided by BART), and inflated to 2003 dollars. Cost per passenger and cost per new rider were calculated using accepted FTA methodology as described in Section 8.4, Cost Effectiveness. VTA employees preparing these numbers were not smoking crack. VTA maintains full compliance with Federal Requirements to ensure a drug free work place.

P41.12 *For clarification, CEQA was not intended to study less costly alternatives prior to making a decision on a project. CEQA is intended to require a public agency to identify the significant environmental effects of a project, and then to mitigate if possible any adverse effects through implementation of feasible mitigation measures or alternatives.*

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 with the response to letter P22. The 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. After an extensive public outreach process, the VTA Board of Directors determined that the benefits of the BART Extension were far greater than those of any of the other alternatives and selected it as the Locally Preferred Alternative in November 2001.

This page intentionally left blank.

P42

SANTA CLARA VTA
RIDERS UNION
P.O. Box 390069, Mountain View, CA 94039-0069
http://www.vtaridersunion.org/

May 14, 2004

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

Dear Mr. Fitzwater:

The Santa Clara VTA Riders Union – a grassroots public transit advocacy and watchdog group not affiliated with VTA – has several questions regarding the Draft EIS/EIR for the "Silicon Valley Rapid Transit Corridor."

- What are the current public transit ridership figures for the corridor between Fremont and San Jose? P42.1
- What is the origin and destination of public transit riders and automobile drivers in the Fremont-San Jose corridor? P42.2
- How did VTA obtain the "projected" ridership figures for the "Silicon Valley Rapid Transit Corridor" of over 86,000 riders? What metric was the figure based on? P42.3
- Why has the project's current construction estimates of $4.1 billion failed to account for the $700 million of borrowing VTA has done over the last two years in an effort to "jump-start" the project? The interest taxpayers would have to pay from the borrowing – as well as the borrowing – indicates that VTA may be unable to afford the entire project. Worse, the borrowing and the interest payments county taxpayers would have to pay from the borrowing is **not** mentioned in Measure A at all – implying a breach of faith to voters. P42.4
- Regarding tunneling underneath downtown San Jose – how will groundwater issues be resolved? SCVTARU is concerned that once tunneling takes place, the groundwater will be contaminated for many years. Does VTA have any plans to address this issue? P42.5
  Also, where will dirt from the tunnel be dumped? If it is dumped into San Francisco Bay, SCVTARU fears that dirt from tunneling into San Francisco Bay will greatly upset the already delicate ecological balance. P42.6

Your written response to these questions, as well as answers to our questions in the final EIS/EIR, is appreciated.

Sincerely,

Eugene Bradley
Founder, Santa Clara VTA Riders Union

/eeb

RESPONSE TO COMMENT LETTER P42

Santa Clara VTA Riders Union (May 14, 2004)

P42.1 *Fiscal year 2001 public transit ridership for transit lines that operate in the corridor consist of the following daily boarding statistics:*

- *VTA Route 140 – 200 daily boardings (FY 2001)*
- *VTA Route 180 – 2,200 daily boardings (FY 2001)*
- *VTA Route 520 – 100 daily boardings (FY 2001)*
- *ACE Commuter Trains – 2,600 daily boardings (FY 2001)*
- *Capitol Corridor Intercity Rail – 4,000 boardings (FY 2001 estimated)*

P42.2 *Statistics describing project corridor growth and trip origins and destinations are summarized in Section 2.4, Purpose and Need for Transportation Improvements. In particular, Figures 2.4-1 through 2.4-4 graphically depict the number of work trips by Superdistrict for 2000 and 2025 for trips made by both transit and auto modes. Additionally, Table 2.4-2, Estimated Daily Non-Work Trips 2000 to 2025, summarizes corridor trips for non-work trip purposes.*

P42.3 *The projected ridership was estimated using a regional travel demand model. The regional travel models were based on the models used by the Metropolitan Transportation Commission and refined to reflect updated year 2000 conditions in the project corridor and use the most currently available socioeconomic forecasts provided by the Association of Bay Area Governments. The ridership models are computer simulations that can consider the effects of corridor growth, the costs of each mode of transportation and the travel times of each mode of transportation available to the traveler when determining project ridership. The models were developed using industry standard methodologies, and were calibrated and validated to a base year 2000 set of conditions before the future forecasts of ridership were estimated.*

P42.4 *The VTA Board, at a noticed public meeting on August 7, 2003, authorized the sale of up to $550 million in bonds against future Measure A revenues to be used for Preliminary Engineering, Final Design, and Right-of-Way acquisition. To date only $170 million has been allocated, with only a portion of that actually bonded to date.*

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. Borrowing to complete Measure A projects is permitted by law. VTA staff continues to work with the VTA Board to complete a plan that addresses the cash flow needs of this and other Measure A projects. A feasible financial plan for the BART Alternative will be required prior to entering Final Design.

P42.5 *The closed-face tunnel boring machine, as described in Section 4.19.2.3, Location and Construction of Guideway Types, Stations, and Other Facilities, used to advance and line the BART Alternative tunnel segment will be limited to a small volume at the head of the tunnel, as shown in Figure 4.19-8, Earth Pressure Balance Tunnel-Boring Machine. The tunnel will be lined using precast concrete segments with gasketed joints that provide a watertight lining both during construction and permanently during operation of the BART Alternative. Muck produced during tunneling will be generally captured, although some*

fine materials may mobilize to the aquifer. Because of the soft alluvial nature of the soils around the tunnel, the mobilized fine materials will be quickly filtered out by the downgradient alluvial materials.

Releases of hazardous materials are not anticipated. To the extent possible, the materials used during construction will be non-hazardous. VTA will implement a program to remediate groundwater or soil from accidental spills related to excavation, drilling, grouting, and construction activities, so that impacts to groundwater conditions are minimized. In addition, refer to Section 4.19.15.4, Design Requirements and Best Management Practices for Water Resources, Water Quality, and Floodplains Impacts, for additional information regarding actions to control groundwater contamination during construction.

P42.6 *If not reused within the construction, all excavated materials will be delivered to approved disposal sites in accordance with applicable regulatory requirements.*

This page intentionally left blank.

P43

BART EIR vs. PRT EIR

BART's impact on the environment far exceeds that of Personal Rapid Transit (PRT). Attributes of a BART system that increase environmental impact include

- big, widely separated stations with big parking lots
- big, heavy vehicles with steel wheels rolling on steel tracks
- wide track bed running mostly at grade level
- fixed schedules with high overhead costs during non-commute hours

By contrast, PRT offers

- 12 times as many small stations with small or no parking lots
- small, light-weight vehicles using automobile tires on steel rails
- narrow guideway running mostly above grade with small footings spaced every 60 to 90 feet
- on-demand service

[The following assumes a PRT system consisting of a seven-mile extension of BART from the Warm Springs station to the Milpitas station located at the southeast corner of the Great Mall, plus a 91 mile, 117 station PRT network covering the southern portion of the corridor. Learn more at http://www.electric-bikes.com/bart-prt.htm]

P43.1

Here are comparisons in the major areas that a Draft Environmental Document covers.

Transportation and Transit

BART stations, with their free (subsidized) parking and widely separated sites in low-density areas, both require and promote more auto traffic; customers are expected to drive to the station. PRT stations would resemble bus stops in size and accessibility. With twelve times as many stations, PRT will be within walking distance of many more people thus reducing reliance on the automobile.

PRT offers improved origin-to-destination times for transit users. Because PRT is 1) ready to go when users arrive at the station and 2) operates 24/7 non-stop at speeds of 25 to 75 mph, the actual transit service level is better.

Air Quality

Since both BART and PRT use clean electric energy, the measure of their air-quality effectiveness lies in their ability to reduce auto use. PRT, with 10X more stations and better service, will attract more ridership and thus reduce auto use.

Biological Resources

PRT's smaller footprint and easier, simpler construction will impact biological resources less.

Community Services & Facilities

A PRT system with 10X stations will better connect community services and facilities.

Cultural & Historic Resources

PRT stations and guideways, being much smaller, offer more flexible in location and spatial requirements.

Electromagnetic Fields

PRT's much smaller vehicles require as much electricity as a toaster, resulting in far less EM fields.

Energy

PRT is much more efficient because 1) the vehicle mass per passenger is smaller and 2) vehicles only move when needed.

Environmental Justice

PRT provide better service to more people than BART.

Geology, Soils & Seismicity

In many of these environmental categories, PRT causes 10 times less impact than BART. In this area, PRT is expected to cause factor 100 times less impact.

Hazardous Waste

PRT's flexibility will make it easier to deal with hazards.

Land Use

Although PRT doesn't appear on local and region planning documents, it's flexibility, small size, and elevated guideways will cause much smaller impacts than the proposed BART plan.

P43.1 (cont.)

Noise

PRT's light-weight, rubber-wheeled vehicles generate far less noise than BART trains.

Vibration

PRT's light-weight, rubber-wheeled vehicles generate far less vibration than BART trains.

Security and System Safety

Large corridor-type rail systems are more vulnerable to terrorist attack than a web-like system like PRT. Consider the Internet which can lose links but keep running.

Socioeconomics

PRT's small size and flexibility allows it to avoid displacing 46 to 101 businesses, one to five residential units, 400 flea marketstalls, 1025 sorage tenants, two ad signs and one utility facility.

Utilities

PRT's small size and flexibility allows it to avoid relocation of utilities.

Visual Quality & Aesthetics

PRT guideways are elevated throughout most of the 91-mile routing proposal. What could constitute visual impacts is mitigated by the fact that PRT guideways are only three feet in diameter.

Water Resources, Water Quality & Floodplains

PRT would avoid construction of additional impervious parking lot/structure surfaces. Impervious surfaces due

- to stations and sidewalks would be approximately equal between PRT and BART.

Cumulative Effect

The cumulative effect of PRT's lowered environmental impacts will create a synergy that exceeds the individual benefits.

Construction Impacts

Due to much small footprint, elevated guideways, and simple/quick construction, PRT's construction impacts will be far less than BART.

P43.1 (cont.)

The above comments were submitted to VTA's Tom Fitzwater on May 14, 2004, via fax and e-mail by Robert S. Means, Treasurer of Sunnyhills Neighborhood Association, 1421 Yellowstone Avenue, Milpitas, CA 95035-6913, 408-262-0420, rob.means@electric-bikes.com, http://www.neighborhoodlink.com/milpitas/sunnyhills

RESPONSE TO COMMENT LETTER P43

Robert S. Means (May 14, 2004)

P43.1 *The Major Investment Study/Alternatives Analysis evaluated 11 alternatives for the corridor along the UPRR Alignment to serve riders between BART's Warm Springs Station and Silicon Valley employment centers. After an extensive 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.*

The major advantage of the BART Alternative is that it enables a rider to travel long distances without transferring from one transit mode to another. For example, a PRT trip from Oakland to San Jose would involve a transfer, Oakland to Montague/Capitol on BART and then PRT for the segment to San Jose. This would result in longer travel times and inconveniences to the rider that would not be consistent with the project's purpose to "maximize transit usage and ridership" nor would it facilitate regional connectivity. With 12 times the number of stations, PRT would not be consistent with the project's purpose "support local economic and land use plans and goals" that include high density transit-oriented developments at station locations with concentrations of riders. The 91 miles of elevated structure would also require substantial right of way, result in land use and visual impacts, and have a substantial cost.

P44

Paul, Hastings, Janofsky & Walker LLP
55 Second Street, 24th Floor, San Francisco, CA 94105-3441
telephone 415-856-7000 / facsimile 415-856-7100 / internet www.paulhastings.com

PaulHastings

Atlanta
Beijing
Hong Kong
London
Los Angeles
New York
Orange County
San Diego
San Francisco
Stamford
Tokyo
Washington, D.C.

(415) 856-7029
elizabethdeane@paulhastings.com

May 14, 2004 28153.94298

Via Facsimile, Email and Regular Mail

Mr. Tom Fitzwater
Santa Clara Valley Transportation Authority
Environmental Planning Department
3331 North First Street
San Jose, CA 95134

Re: Proposed BART Extension to Milpitas, San Jose and Santa Clara, and the County of Santa Clara (the "Project")
Comments on Draft Environmental Impact Statement, Draft Environmental Impact Report, Draft Section 4(f) Evaluation (collectively, the "DEIR")

Dear Mr. Fitzwater:

On behalf of LNR Santa Clara I, LLC ("LNR Santa Clara"), the owner of property potentially impacted by the Project, we are submitting comments on the DEIR. Specifically, under the proposed project, the Santa Clara Station would be constructed adjacent to the LNR Santa Clara property located at 328 Brokaw Road/1205 Coleman Avenue (the "Property"). The station will include parking facilities and there are two different design options identified in Section 3.4.5.2 of the DEIR for construction of a parking structure, namely the North Option and the South Option. Under the North Option, an 800 to 1200 space parking structure would be constructed on property across the street from the Property. Under the South Option, roughly half of the Property would be acquired for construction of the same parking structure. P44.1

The Property is under a long-term lease to United Defense, L.P. ("United Defense"), a military contractor that employs over 800 employees and uses the Property for design, development and manufacturing of military vehicles, as well as other research and development activities. United Defense's operations involve complex, interrelated infrastructure and improvements that have been developed on the Property over the course of many years and are unique to United Defense's business. As such, the facility is not easily relocated. Moreover, United Defense's operations involve use of the entire 23-acre Property. United Defense could not operate on only a portion of the Property. Selection of the South Option would result in acquisition of only a portion of the Property for the Santa Clara Station parking structure. Such an action would make the remainder of the Property unusable under the existing long-term lease. Finally, contamination related to historical activities on the Property is currently being remediated by the FMC Corporation. While the DEIR notes this fact, it does not address how the Project will ensure that remedial activities are not adversely impacted. P44.2

Paul Hastings

The National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) require that environmental review documents adequately discuss and inform the public and agency decision makers concerning the potentially significant impacts of the project, the project alternatives and the mitigation measures. If the South Option were selected, the Project could adversely impact United Defense's military manufacturing operations, the 800 employees currently working on the Property, and LNR's long-term lease for the portion of the Property not acquired for the Project. Potentially significant impacts of the South Option – including impacts related to security, jobs and employment, socioeconomic issues, land use, existing contamination, relocation limitations, and takings issues – have not been adequately addressed in the DEIR. P44.3

We understand that the staff is recommending the North Option be selected for the Santa Clara Station. For all of the reasons outlined in this letter, we agree with that recommendation. If for any reason that recommendation changes, and the South Option becomes the preferred alternative for the staff or the decision-makers, we ask that LNR Santa Clara be notified and given an opportunity to meet with staff and decision-makers to discuss the concerns raised above in more detail.

In the meantime, please do not hesitate to contact us if you have questions or need more information.

Very truly yours,

Jodi Smith for

M. Elizabeth Deane
for PAUL, HASTINGS, JANOFSKY & WALKER LLP

cc: Kevin Hanson
Leah Valentino
Charlie Thornton
Carl Hanes
Joe Ford

RESPONSE TO COMMENT LETTER P44

Paul, Hastings, Janofsky & Walker LLP (May 14, 2004)

P44.1 *On 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 (refer to the Appendix B, Figure B-40). This option may require some land acquisition on LNR Santa Clara property and may impact United Defense operations due to the bus transit center. However, VTA will closely coordinate with LNR Santa Clara, United Defense, and the City of Santa Clara to minimize impacts resulting from any potential land acquisition.*

P44.2 *If VTA were to acquire the property, VTA would work with the FMC Corporation to ensure that they were able to fulfill their remediation obligations.*

P44.3 *At the May 26, 2004 PAB meeting, VTA staff recommended the Parking Structure North Option at the Santa Clara Station. The PAB approved the staff recommendation. Should project design in any way affect LNR's property or United Defense military manufacturing operations, VTA will coordinate with LNR and United Defense in order to minimize any impacts to operations. With either the North or the South Option, VTA would be required to address all displacements and relocations in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970. This process is described in Section 4.15.3.2, Socioeconomics, Design Requirements and Best Management Practices. Refer to response P44.2 regarding existing contamination. The support for the North Option is noted and included in the record for consideration by the decision-makers.*

This page intentionally left blank.

P45

KINDER MORGAN
ENERGY PARTNERS, L.P.
SFPP, L.P.

SFPP, L.P.
Operating Partnership

May 12, 2004

ENG 4-2-1 (42.5 to 47.4 - 16)
File Reference #02-186-2

Mr. Tom Fitzwater
VTA Environmental Planning Department
33321 North First Street, Building B
San Jose, CA 95134-1927

RE: Environmental Impact Report Comments, BART Extension to Milpitas, San Jose, and Santa Clara

Dear Mr. Fitzwater,

In response to your request for Draft EIS/EIR comments for the proposed BART project, SFPP, L.P. (SFPP) has performed a cursory review of the proposed document and have the following comments. SFPP operates and maintains an active 10-inch high-pressure refined petroleum products pipeline within an easement on Union Pacific Railroad's (UPRR) right-of-way of the proposed BART Alternative and will be significantly impacted by the project.

1. Limits of the project - The EIS/EIR does not specifically address the physical limits of the project. On previous projects that we have been involved with the work limits of the project did not necessarily coincide with the work limits of the utility relocations. Because of relocation routes, optimum tie in locations, temporary by-pass, draindowns, impact to remote pump facilities, etc, the utility work may extend beyond the above grade work areas of the project. It is suggested that the EIS/EIR include all utility work beyond the general project location that is associated to the project. P45.1

2. Electro Magnetism - The Draft EIS/ EIR addresses the issue of electromagnetism from the power system that runs along the track route. The initial study does not mention any investigation to the impact of the new system on the parallel pipelines. The steel pipelines are cathodically protected from corrosion by an induced current system. The proposed power system and resulting stray currents will impact and reduce the effectiveness of the existing pipeline protection systems. It is suggested that additional investigation of the electro-magnetism be performed and the results included in the final EIS/EIR. P45.2

If you have any questions or comments, please direct your calls to me at (714) 560-4908.

Sincerely,

T. C. Szto

DRQ/H:engineering/drq/letters/ENG4-2-1/02-186-2

cc: C. R. Wagner

1100 Town & Country Road Orange, California 92868 714/560-4400 714/560-4601 Fax

RESPONSE TO COMMENT LETTER P45

Kinder Morgan (May 12, 2004)

P45.1 *At this time, VTA does not anticipate any relocation of the SFPP operated and maintained active 10-inch high-pressure refined petroleum products pipeline within an easement on UPRR right-of-way. Subsurface utility and pothole mapping is currently underway as part of Preliminary Engineering. Utility and pothole locations will be surveyed and verified in the field. The resulting Composite Utility Plan will be provided to the Design Team so as to minimize impacts to utilities in the design. VTA will coordinate with Kinder Morgan during the Preliminary Engineering and Final Design Phases to minimize impacts to utilities to the maximum extent practicable.*

P45.2 *Many older dc powered systems (such as MUNI in San Francisco) have running rails permanently connected to ground along most of their length, as well as the Negative of the Traction Power Rectifier. Significant current leaves the running rail at many locations remote from the traction power rectifier and returns to both the rail and the rectifier negative. It is the current returning to the rail from the underground pipes that causes the "stray current corrosion." The current returning through the ground connection of the Negative of the Traction Power Rectifier does not cause any corrosion.*

For the BART Alternative, the running rails are insulated from the ground and little current leaves the running rail and, therefore, little returns to it. The existing cathodic protection installed on the pipes near BART is then not overwhelmed and the existing cathodic protection is maintained without any additional equipment being required.

The only time that significant stray current could occur is when the negative of the rectifier is deliberately connected to ground. This only happens when the rail to ground voltage at the rectifier exceeds 80 volts. This is only for a few seconds when there is an electrical fault from power (or third) rail or when there are several BART trains starting concurrently in one area. This only occurs when there are significant train backups. Operations are monitored and alarms are sounded if the voltage at the rectifier exceeds 80 volts or current flows for more than a few seconds.

BART has closely worked with various agencies and corporations with facilities that run parallel to BART from Dublin to Bayfair and with PG&E on their transmission and distribution natural gas lines both parallel and perpendicular to the BART tracks to ensure that adjacent facilities are not adversely impacted by stray current. BART has demonstrated over many years that stray current does not cause any damage to pipes near the BART system.

A study of electro-magnetism is needed only when uninsulated AC Power is used, such as an Overhead Line. Since this project uses DC Traction Power for the third and the 34.5 kV AC power that runs parallel to the track, it is an insulated cable that has a grounded shield and there is no issue to study. If BART were using a bare wire AC catenary system such as is proposed for the Caltrain Electrification Project, then electro-magnetism would be an issue to require study.

In addition, Preliminary Engineering and Final Design will include an analysis of stray current in the project area and will incorporate stray current protection techniques as necessary.

P46

Properties, Real Estate
Delivery Code 7762
3680 Hacks Cross Road
Building H, 2nd Floor
Memphis, TN 38125

Telephone 901.434.9175

FedEx Express

VIA FEDEX OVERNIGHT LETTER

May 13, 2004

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

RE: SILICON VALLEY RAPID TRANSIT CORRIDOR – BART EXTENSION TO MILPITAS, SAN JOSE AND SANTA CLARA
DRAFT ENVIRONMENTAL IMPACT STATEMENT,
DRAFT ENVIRONMENTAL IMPACT REPORT; AND
ITS IMPACT ON THE FEDEX EXPRESS CITY STATION AND REMOTE TERMINAL LOCATED AT 335 BROKAW ROAD, SANTA CLARA, CA

Dear Mr. Fitzwater:

As requested in the Public Hearing Notice, please accept this letter as comments from Federal Express Corporation ("FedEx") to the above referenced Draft Environmental Impact Statement and Draft Environmental Impact Report ("EIS/EIR"). FedEx representatives have reviewed the EIS/EIR document and spoken to officials with the Santa Clara Valley Transportation Authority. It is our understanding that FedEx's 335 Brokaw Road city station and AGFS remote terminal ("Brokaw") will be impacted totally or partially by the BART extension and the associated improvements outlined in the draft EIS/EIR. The extent of the impact will depend upon which option (north or south) is selected with regards to the location of the planned parking structure. In the north option, it appears that the entire Brokaw building and land site would be condemned, and a partial condemnation would occur with the south option. P46.1

Information is provided herein to assist you in understanding FedEx's operation at the Brokaw location and the impact that the loss of this facility would have on the company, its customers and employees. P46.2

The San Francisco Bay Area, specifically the Silicon Valley, is one of the most important markets in the United States to FedEx Express. The high value time sensitive shipping services provided by the company to its customers are an integral part of the business fabric of the Bay Area and the Silicon Valley.

General Information

- FedEx leases the Brokaw location under a long-term net lease that expires on March 31, 2015.

- The FedEx Brokaw operation consists of two buildings and 188 surface parking spaces situated on the 11.96 acre land parcel depicted on the attached site plan (see Attachment A). The sort building comprises approximately 148,000 square feet (130,000 square feet in the warehouse sort area and 18,000 square feet of office area). A freestanding 8,000 square foot vehicle maintenance shop is located in the southwest corner of the site.

- There are multiple distinct FedEx operations that take place at the Brokaw facility:

  - Customer Service – Customer drop off and pickup of packages at the World Service Center located within the office area.
  - **Express** – Pickup and delivery operation for packages weighing less than 150 pounds
  - **Heavyweight** – Pickup and delivery operation for packages weighing more than 150 pounds
  - Sales – The Brokaw facility houses a majority of the FedEx sales professionals in the Bay Area
  - Vehicle Maintenace – FedEx vehicles are maintained in a freestanding three bay vehicle maintenance shop.

P46.2 (cont.)

- FedEx and its landlord invested over $5.0m in 2002 to retrofit the Brokaw building to make it suitable to accommodate the local city station operation that was formerly located on Martin St.

- The Brokaw operation is FedEx's fourth largest city station (in terms of square footage and van capacity) in the Bay Area and is the primary FedEx Express facility serving the Silicon Valley (see Attachment B). This location handles over 14,000 pieces per day.

- Nearly 15% of FedEx Express' daily pickup and delivery vehicles serving the San Francisco Peninsula operate from the Brokaw city station.

- The service area of the Brokaw **Express** operation can generally be described as the area bounded by US Highway 101 on the North and East, Lawrence Expressway on the West, and I-280 on the South (see Attachment C).

- The Brokaw **Heavyweight** operation handles two-thirds of the heavyweight volume in the San Francisco/Silicon Valley area. The service area of the **Heavyweight**

operation is much larger than the **Express** service area and can generally be described as the area bounded by Redwood City on the North, Monterey and King City on the South, the Pacific Ocean on the West, and the Fremont city border on the East (see Attachment D).

- The office area of the Brokaw building also houses the FedEx sales staff for much of the Bay Area. A total of 16 FedEx sales professionals work out of this location.

- The Brokaw operation is also used as a training facility for employees in the Silicon Valley area.

Operating Information

- Description of activities and functions conducted within the Brokaw facility:

  - FedEx World Service Center where customers can pickup and drop off packages
  - Load and unload:
    - Cargo containers from tractor trailer's
    - Containerized freight onto and from conveyor belts
    - Loose freight from shuttle vans
    - Pickup and delivery vehicles
  - Sort inbound and outbound freight
  - Conduct heavyweight operations for freight heavier than 150 pounds.
  - Vehicle maintenance
  - Administrative and Sales offices

P46.2 (cont.)

- The Brokaw facility operates approximately 23 hours per day, Monday-Friday. The facility is dormant from approximately 12:30 a.m to 1:30 a.m. A much lighter sort and delivery operation is conducted on Saturday with operations running from 2:00 a.m. – 1:00 p.m.. No operations are conducted during the day on Sunday, but resume at 10 p.m. Sunday night and run through 3:00 a.m. on Monday.

- Inbound and outbound freight is transported between the Brokaw operation and the airports in San Jose and Oakland in aircraft cargo containers within tractor trailer's ("CTV's). Freight is also transported to the Sacramento market and within the local FedEx operations district by CTV's.

- Approximately 48 CTV's arrive and depart from the Brokaw facility daily, with approximately half of them traveling to the San Jose airport and the other half traveling to the Oakland airport. A small amount of freight is transported to the airports in vans operating as shuttles.

- Primary CTV arrival times with inbound freight are from 6:00 a.m. – 8:00 a.m. A few CTV's arrive overnight between midnight and 12:30 a.m.

- The morning sort that handles inbound freight generally runs from 6:30 a.m. to 8:10 a.m. Delivery vans leave the Brokaw facility shortly after the morning sort concludes at 8:10 a.m. The heavyweight sort runs from 4:45 a.m. – 8:30 a.m.

- At the end of the business day, pickup and delivery vans loaded with packages picked up during the day, return to the Brokaw facility and are unloaded. The evening sort handling outbound freight generally runs between 5:00 p.m. – 7:00 p.m. The heavyweight sort runs from 4:00 p.m. – 8:00 p.m.

- During the evening sort, outbound freight is unloaded from pickup and delivery vans, placed on conveyor belts and then loaded into aircraft cargo containers that are loaded onto CTV's.

- Most outbound CTV's depart from the Brokaw facility between 6:20 p.m. – 8:15 p.m.

- FedEx pickup and delivery vehicles and CTV's are serviced in a on-site three bay freestanding vehicle maintenance shop.

P46.2
(cont.)

Financial Data

- FedEx employs 183 FTE (full time equivalent) employees at the Brokaw facility. Total employment is currently 240. A total of 289 people were employed at Brokaw during 2003.

- Total compensation paid in 2003 to the Brokaw facility workforce was $10.5m.

- Location of Brokaw facility employee residences is provided in the following table:

Location of Employee Residence	# of Employees
San Jose	152
Milpitas	13
Redwood City	9
Fremont	7
Sunnyvale	6
Hayward	5
Union City	5
Morgan Hill	5
Oakland	4
Tracy	4
Los Altos	4
Gilroy	4
Stockton	3
Scotts Valley	3
Los Gatos	3
San Lorenzo	3
Santa Clara	2
San Martin	2
Modesto	2
Campbell	1
Daily City	1
San Leandro	1
Sacramento	1

P46.2 (cont.)

- FedEx offers benefits, including health insurance, to all full time employees and to permanent part time employees after their 91st day of employment.

- In 2003 FedEx paid $231,000 in property taxes for its Brokaw location.

External Issues

The area surrounding the Brokaw facility is commercial with a few residents. FedEx does not have any ongoing unresolved issues with its neighbors.

Relocation Impacts

- The geographic location of a city station facility is critical to FedEx Express' ability to provide time sensitive delivery and pickup service to its customers. The time window between when a facility such as the Brokaw facility receives its freight in the morning and the delivery commitment time is so narrow, that a city station needs to be located within or very close to its service area.

- FedEx's most recent city station project in the Bay Area was an 115,000 square foot building located on Marin St. in San Francisco. It took FedEx over five years to develop that facility solution, due to the difficulty in locating an acceptable developable site sue to the lack of available and affordable sites.

- If FedEx's Brokaw location is condemned and FedEx is forced to relocate this operation, the negative financial impact to FedEx will be significant. For example, rent per square foot for the recently completed Marin St. city station is almost double that of the Brokaw location. FedEx is concerned about the scarcity and cost of a land site or suitable available buildings to replace the Brokaw operation, if it is lost via condemnation.

- If forced to relocate, FedEx will likely incur additional "stem" cost (i.e. more vans on road to meet the service commitment producing higher operating expenses and more fuel consumption due to vans traveling longer distances to reach their routes). P46.3

- FedEx is very concerned about the lack of suitable sites in the Silicon Valley area to replicate the Brokaw operation and fears that it might be forced to consider serving our customers from a location outside of the Silicon Valley, a decision that would be detrimental to FedEx, its customers and employees.

- In the event that the south option is chosen for the parking structure, FedEx was told by a representative of the Santa Clara Valley Transportation Authority that an approximate 120' encroachment would occur into the western portion of FedEx's site. A partial taking of approximately 120' of FedEx's building would significantly impact FedEx's Brokaw operation. You'll note on the attached floor plan that the sort interface portion of the operation occurs in the westernmost 120' of the building. FedEx is evaluating the impact and alternatives available to it in the event of such a partial condemnation. FedEx was unable to complete this review prior to the May 14, 2004 submission deadline for comments to the EIS/EIR.

Because of the significant impacts described herein, Federal Express Corporation objects to the potential condemnation of its 335 Brokaw Road operation and requests that the project planners look for alternative and less impactful means to develop the improvements associated with the BART Santa Clara station. Please be advised that this

letter is in response to your request for comments on the Draft EIS/EIR and that FedEx expressly reserves its rights to object to the condemnation of its Brokaw facility.

The EIS/EIR incorporates the North Option for the development of the Santa Clara Station Parking Structure in the base case, with a stated incremental cost of $22.3m in 2003 dollars for the South Option. Little information is provided in the EIS/EIR regarding the data upon which this recommendation is based. FedEx challenges the EIS/EIR and requests to review and object to the facts and assumptions upon which this analysis is based. P46.4

Mr. Tim Chan offered that representatives of the Valley Transportation Authority would meet with representatives of FedEx concerning the EIS/EIR and the impact on FedEx at a mutually convenient date and time, other than at one of the four meetings scheduled for public comment. FedEx would like to avail itself of that opportunity and I will be in contact with Mr. Chan or Ms. Jamison to schedule that meeting. P46.5

Please contact me if any additional information or have any questions regarding the impact that the potential condemnation would have on FedEx's Brokaw operation.

Sincerely,

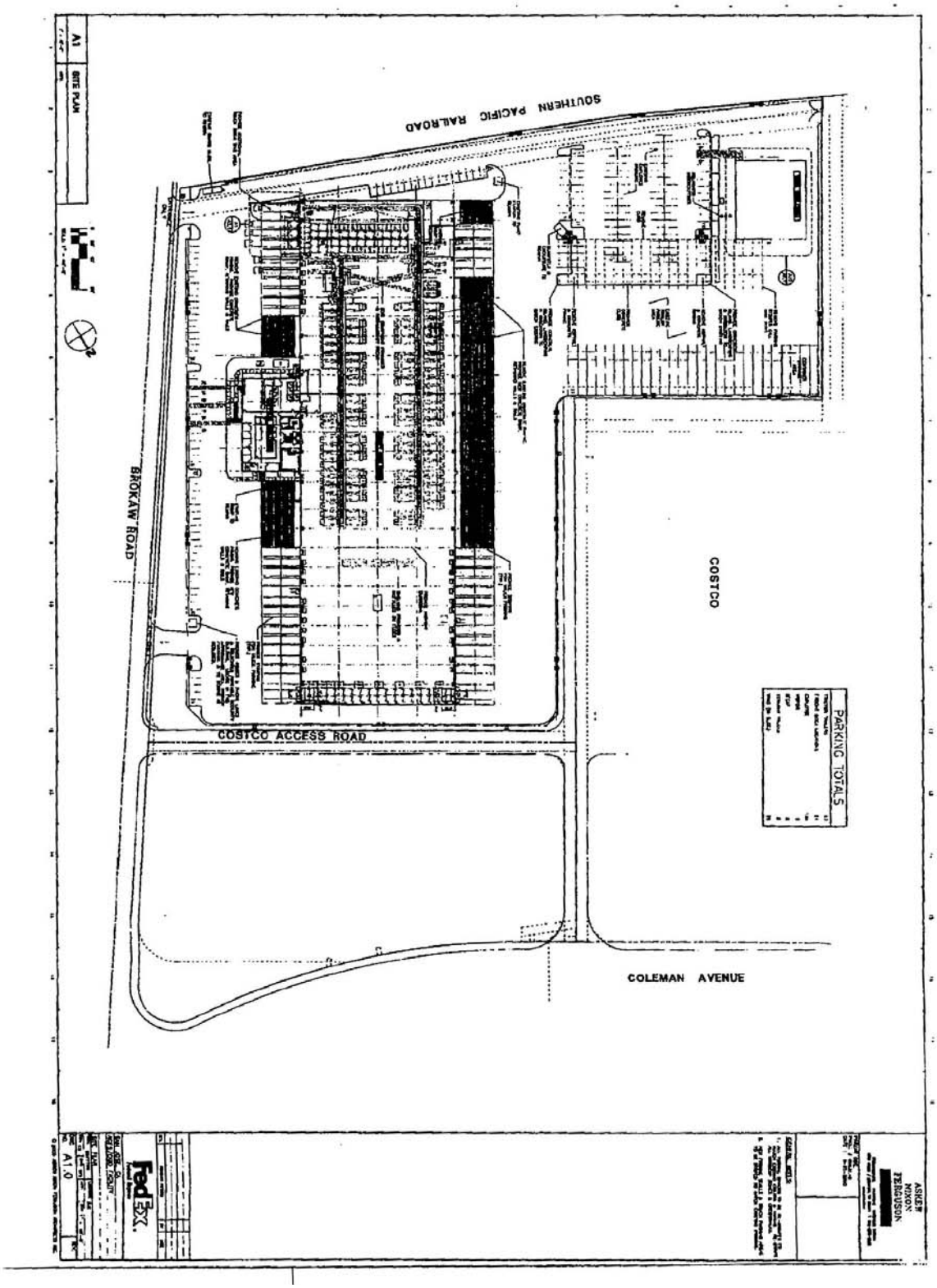
FEDERAL EXPRESS CORPORATION

John George
Regional Manager – Industrial Real Estate

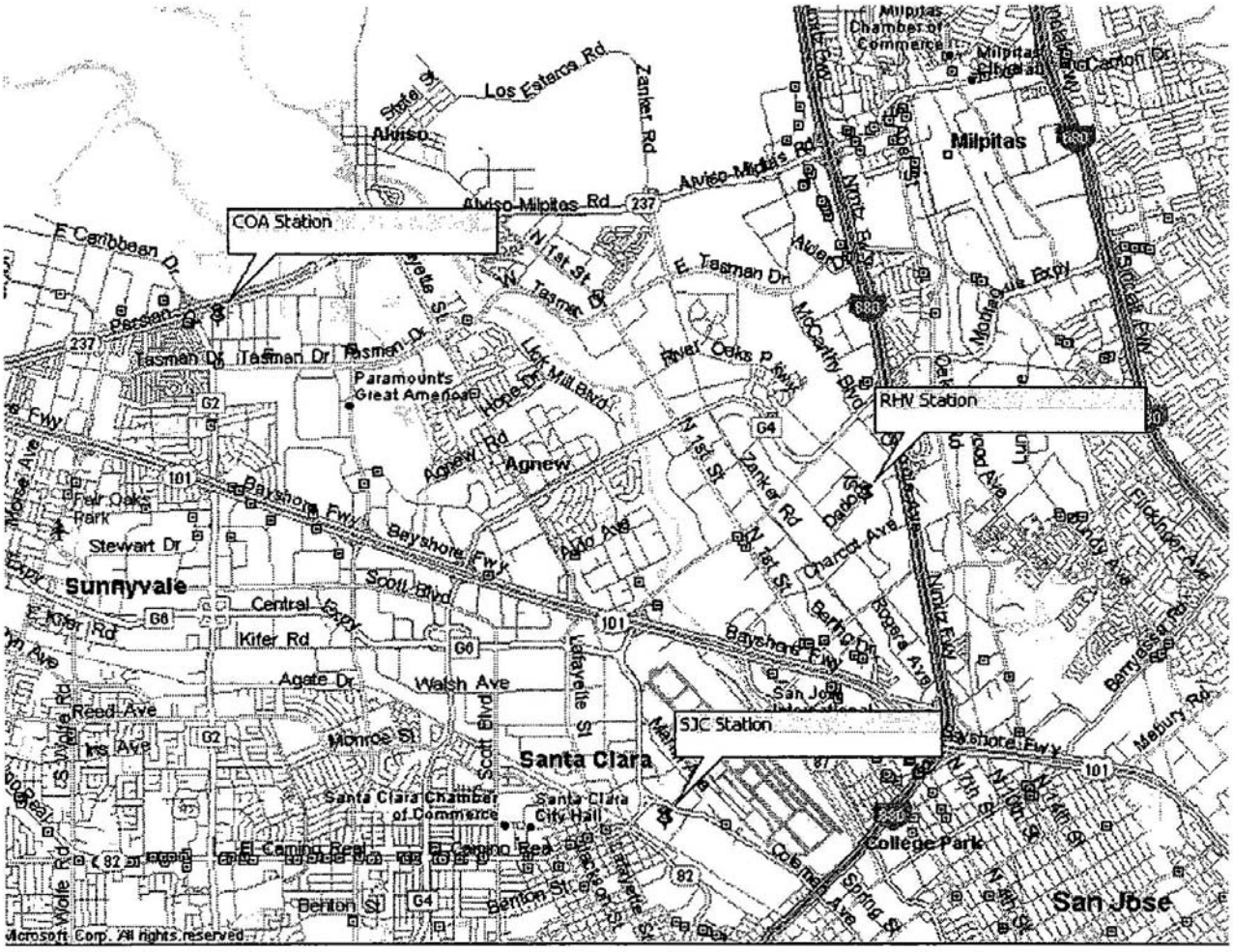
Attachments
Enclosure (full size site plan)

Cc: Ann Jamison, VTA
Tim Chan, VTA
Michael Hagan, FedEx Legal

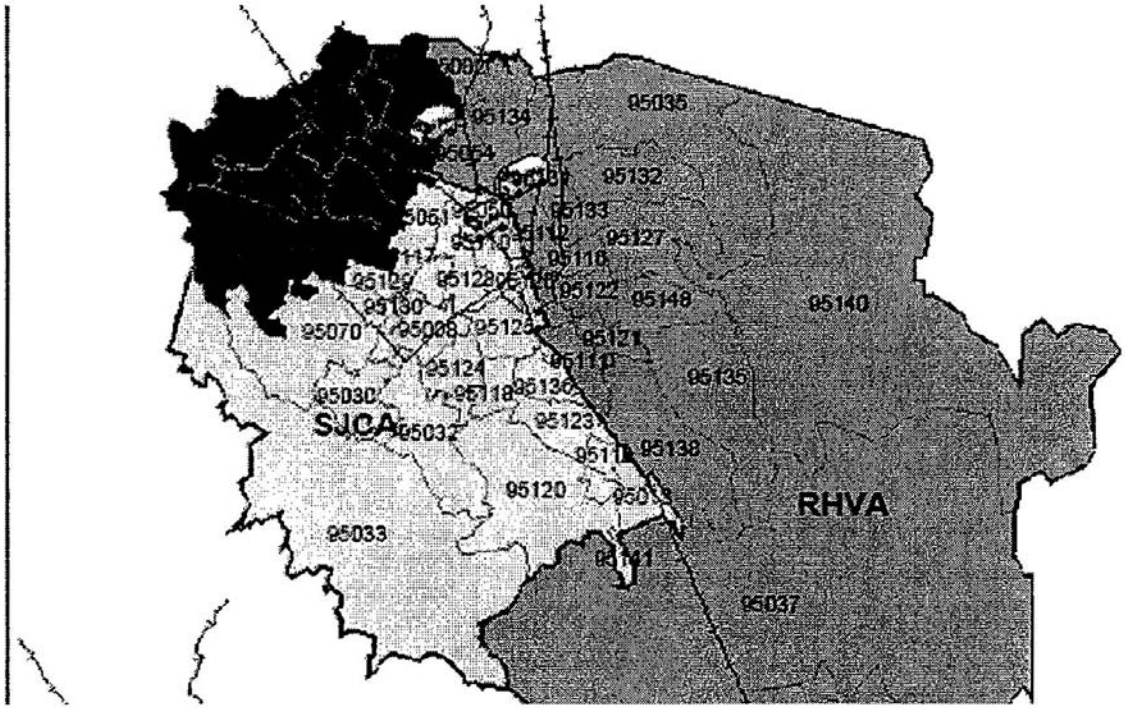
Attachment A
Brokaw - Site Plan



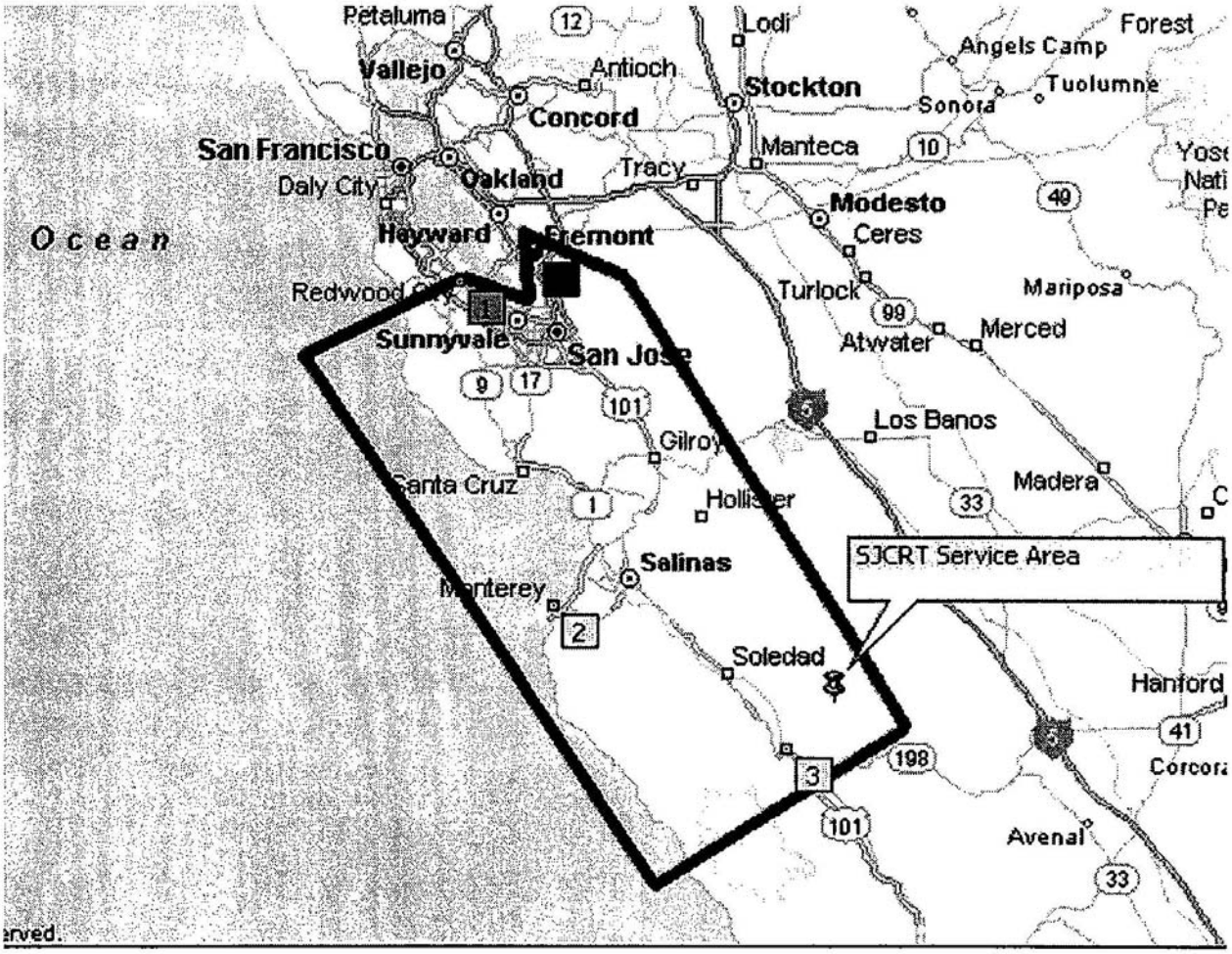
Attachment B
Location of Three FedEx Express Silicon Valley City Station's



Attachment C
Service Area's of the Three FedEx Express Silicon Valley City Station's



Attachment D
Service Area of the Brokaw Heavyweight



RESPONSE TO COMMENT LETTER P46

Federal Express Corporation (May 13, 2004)

P46.1 *On 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, which would require relocation of the FedEx facility.*

P46.2 *As stated in response P46.1, the PAB recommended the Santa Clara Station Parking Structure North as part of the Locally Preferred Alternative, which would require relocation of the FedEx facility. VTA is aware of the importance of the current facility and will closely coordinate with KJL Associates, FedEx, and the City of Santa Clara to minimize impacts resulting from the relocation process. The earliest VTA may begin negotiations for the purchase of the property and the relocation of the FedEx operations is when the Federal Transit Administration issues the Record of Decision for the BART Alternative project if federal funds are to be used. If only local funds are to be used, negotiations could occur once VTA's Board certifies the EIR and approves the project.*

P46.3 *VTA will coordinate with FedEx to minimize relocation impacts to operations and to provide relocation services in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, in the event that relocation occurs. This commitment is described in Section 4.15.3.2, Socioeconomics, Design Requirements and Best Management Practices.*

P46.4 *VTA acknowledges that FedEx objects to the condemnation of the FedEx Brokaw Facility. The difference in price between the Parking Structure North Option and Parking Structure South Option at the Santa Clara Station is predominantly related to acquisition of land and buildings, demolition of buildings on-site, and tenant relocation.*

P46.5 *Refer to response P46.2. In addition, VTA staff will be available to discuss impacts to the FedEx facility.*

P47

pavilion
AT SAN JOSE

May 14, 2004

Mr. Tom Fitzwater
Santa Clara Valley Transportation Authority
Environmental Planning Department
3331 North First Street
San Jose, CA 95134

RE: Comments on Draft Environmental Impact Report for Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara

Dear Mr. Fitzwater:

PURPOSE AND OVERVIEW

The purpose of this letter is to offer comments on behalf of the San Jose Arena Management Corporation regarding the above referenced Draft Environmental Impact Report (DEIR). Our interests in this project pertain to its impact on the ongoing successful operation of HP Pavilion.

Our organization has had keen interests in this project from the time we first learned about this initiative. We first communicated our primary interests and comments in a letter Ken Sweezey sent to Lisa Ives on March 28, 2002, a copy of which is enclosed. Following that communication, Ken participated in the Downtown Community Working Group established for this project. P47.1

On an overall basis, we continue to be excited about potential benefits of this project in enhancing accessibility for HP Pavilion and for other uses in downtown San Jose. At the same time, we are very concerned about potential negative impacts that the project may cause on traffic, parking and pedestrian operations for HP Pavilion, both upon completion of construction and during the period of construction. In this context, we are disappointed that the DEIR did not adequately address several important questions and issues raised in Ken Sweezey's March 28, 2002, letter. P47.2

We believe that several key issues regarding potential impacts on HP Pavilion need to be further examined before the Final Environmental Impact Report is accepted. It is important you understand the seriousness with which we view these issues. If the potential negative impacts we have identified regarding traffic and parking occur without mitigation, we believe they likely would cause serious consequences on attendance at our events and on the associated viability of our business.

Our principal issues are described next, first for potential impacts upon completion of construction and then for potential impacts during the period of construction.

ISSUES REGARDING POTENTIAL IMPACTS AFTER COMPLETION OF CONSTRUCTION THAT NEED TO BE FURTHER EXAMINED

Further analysis is needed to address potential permanent impacts of the project on HP Pavilion relative to parking, traffic access and pedestrian movements. P47.3

525 West Santa Clara Street San Jose California 95113
T 408.287.4275 F 408.999.5797 www.hppavilion.com

POTENTIAL PERMANENT PARKING IMPACTS THAT NEED FURTHER ANALYSIS

Under item 4.2.4.5 on page 4.2-17, the following statement is presented: "No parking impacts requiring mitigation were identified for the Baseline or BART Alternative, or the MOS scenarios; therefore, no mitigation measures are required." We strongly disagree with that statement and would suggest that several major questions regarding potential permanent parking impacts have not been addressed in the DEIR and need to be carefully examined before the Final EIR is accepted. Several figures illustrating the candidate Diridon/Arena Station show a four to six level parking structure on HP Pavilion property. P47.3 (cont.)

Major unanswered questions regarding potential permanent impacts of this candidate parking structure that need to be further examined include:

a) How many spaces would be provided in this structure? How many surface parking spaces would remain on the HP Pavilion site?
b) How many BART and Caltrain users would park in this facility? What would be the typical occupancy at the peak time during the day? What would be the expected typical occupancy at 6:30 p.m. on a weeknight?
c) What are the visual impacts of a four to six level parking structure on the image and identity of HP Pavilion? We are very concerned about such impacts and would strongly encourage consideration of an alternative solution involving a two to three level parking structure that would encompass a greater portion of the existing HP Pavilion parking lot. P47.4
d) How will the parking garage be operated? What steps will be taken to ensure adequate availability of spaces at 6:30 p.m. on weeknights to accommodate customers arriving for events at HP Pavilion? Will Arena Management be able to collect revenue from parking fees for HP Pavilion events? P47.5

POTENTIAL PERMANENT TRAFFIC IMPACTS THAT NEED FURTHER ANALYSIS

Potential impacts of the project on vehicular traffic, which are addressed in the DEIR beginning on page 4.2-21, encompass the typical weekday morning and afternoon peak hours. In most locations, these are the critical time periods. However, for intersections near the planned Diridon/Arena Station and the HP Pavilion, the periods of highest volumes and greatest potential impacts are the arrival and departure peak hours for events at HP Pavilion (approximately 6:30 to 7:30 p.m. and 10:30 to 11:30 p.m., respectively).

The DEIR is incomplete because it has not addressed potential impacts during these critical time periods. The conclusion presented on page 4.2-42 that the Santa Clara Street/Autumn Street intersection is the only intersection near HP Pavilion subject to potential impacts is misleading, pending completion of analyses during the event arrival and departure peak hours. Particular questions that need to be addressed in the supplemental analyses include: P47.6

a) How would motorists enter and exit the proposed four to six level parking structure on the HP Pavilion site?
b) How would this parking structure be interconnected with the existing surface parking on the HP Pavilion site?
c) Given the access and interconnection concept from preceding points a) and b), what would be the traffic impacts during the arrival and departure peak hours at the site access locations and at the following intersections: Santa Clara Street/Cahill Street, Santa Clara Street/Montgomery Street, Santa Clara Street/Autumn Street? Would the site driveways and affected public street intersections be able to adequately accommodate the projected traffic volumes during the entering and exiting peak periods?

POTENTIAL PERMANENT IMPACTS ON PEDESTRIAN MOVEMENTS THAT NEED FURTHER ANALYSIS

Several figures illustrating the candidate Diridon/Arena Station show a pedestrian bridge over Santa Clara Street to link the four to six level parking structure with the BART station. Although this concept represents a beneficial first step towards understanding pedestrian accommodations and associated impacts, multiple major questions remain unanswered. Supplemental analyses are needed in this environmental study to address the following questions:

P47.7

a) How will the features for the Diridon/Arena Station, including the proposed pedestrian bridge, affect pedestrian movements for HP Pavilion customers?
b) To what extent will HP Pavilion customers using BART cross Santa Clara Street via the bridge, as compared to crossing the street at-grade? To the extent that additional pedestrians will cross at-grade, what are the impacts on pedestrian safety and on traffic operations?

ISSUES REGARDING POTENTIAL IMPACTS DURING CONSTRUCTION THAT NEED TO BE FURTHER EXAMINED

Further analysis is needed to address the following questions, which pertain to potential impacts on transportation operations for HP Pavilion during construction of the transit improvements.

a) What is the plan for interim replacement parking for HP Pavilion, and will this plan avoid significant adverse impacts for HP Pavilion? Page 4.19-62 includes the following statement: "Interim replacement parking will be provided for the Diridon/Arena Station parking disrupted by construction." Figures B-34 and B-37 show a parking structure south of San Fernando Street and west of Montgomery Street, with the notation, "replacement for Caltrain/Arena parking." Aside from this note, little, if any, further information is provided in the Draft EIR regarding interim replacement parking for HP Pavilion. Further clarification on this subject is needed because substantial loss of existing spaces in the Cahill Street Lots and in our Lot D on the corner of Santa Clara and Autumn Streets could have a serious negative impact on HP Pavilion. Specific questions for which answers are needed in the EIR include:

P47.8

- How many existing parking spaces for HP Pavilion would be lost during the period of construction?
- Where would replacement spaces be provided for these spaces that would be lost?
- If the concept is to replace these lost spaces in a parking structure located south of San Fernando Street and west of Montgomery Street, how many spaces would be available in this structure for HP Pavilion customers at 6:30 p.m. on a typical weekday evening? Given that this candidate parking structure is three to four times farther from HP Pavilion than the existing parking lots, what steps would be taken to mitigate the decreased convenience for customers? Are any alternatives available for replacement parking which would provide parking closer to HP Pavilion?

b) What are the impacts on access to and from HP Pavilion during the period of construction? This question pertains to access for on-site parking, as well as access for other nearby parking facilities. What measures will be taken to ensure adequate access to and from all affected parking facilities?

c) What are the impacts on pedestrian movements to and from HP Pavilion during the construction period? What measures will be implemented to ensure effective pedestrian access to and from HP Pavilion at all times? P47.8 (cont.)

CONCLUSIONS

I appreciate your consideration of the comments expressed in this letter. As you begin to respond to our concerns, I would suggest that you contact either me at 999-5725 or Ken Sweezey at 999-5732 to arrange a time for us to meet for the purpose of establishing a joint strategy for resolving our issues. On multiple projects, including the Vasona LRT Project developed by the VTA, we have found it is very helpful to participate on a joint basis to work through issues such as we have expressed in this letter. We will make ourselves available to participate with you in such an effort to resolve the pertinent issues. I look forward to hearing your response. P47.9

Sincerely,

SAN JOSE ARENA MANAGEMENT

Jim Goddard
Executive Vice President and General Manager

Enclosure (Letter from Ken Sweezey to Lisa Ives dated March 28, 2002)

Cc. Don Gralnek
Ken Sweezey
Chris Morrisey, San Jose Arena Authority

www.compaqcenteratsanjose.com

525 West Santa Clara Street
San Jose California 95113

408.287.7070
408.999.5797 fax

COMPAQ CENTER
AT SAN JOSE

March 28, 2002

Ms. Lisa Ives
VTA Planning & Programming
3331 North First Street - Building B
San Jose, CA 95134-1906

RE: Comments on Scoping Process for the BART Extension Project

Dear Lisa:

The purpose of this letter is to offer comments on behalf of Compaq Center Management regarding information presented on the BART Extension to San Jose to the Community Working Group for Downtown San Jose on March 14. First, I would like to say that we are excited about the substantial enhancement in accessibility to Compaq Center and downtown San Jose that would be provided by the extension of BART service. Second, I would like to thank you for inviting me to participate in the Downtown Community Working Group for this project. As you will note from the comments in this letter, we have several strong interests and concerns regarding the planning for the Diridon/Arena Station. I appreciate the opportunity to communicate these points at this time and to participate in subsequent Downtown Community Working Group meetings. P47.10

We have two areas of comment regarding the planned Diridon/Arena Station. One item pertains to potential parking for BART users at this station, and the second item relates to the issues and criteria used to evaluate alternatives for this station.

In regards to parking issues at the Diridon/Arena Station:

- Will BART users be permitted to park in the Cahill Lots for park/ride purposes? P47.11
- If yes, what is the expected number of BART users who would park their vehicles in the Cahill Lots on a typical weekday?
- Based on experiences at other BART park/ride facilities, what portion of the total parking spaces used by BART customers at the Cahill Lots would still be occupied at 6:30 p.m. on a typical weekday? P47.12

These questions are of critical importance to our organization because the Cahill Lots constitute a key parking resource for Compaq Center guests. As indicated in the Transportation and Parking Management Plan produced by the City in February 2002, the Cahill Lots provide an unrestricted parking capacity at 6:30 p.m. of 581 spaces. The City has P47.13

particular obligations regarding off-site parking to be available for Compaq Center guests. The ability of the City to meet those obligations could be threatened if a substantial number of spaces in the Cahill Lots are occupied by BART users at the 6:30 p.m. period on a typical weekday. Issues have been experienced in the past due to increased park/ride activity in the evening period by people using the Caltrain services to travel to baseball games at PacBell Park. I would appreciate your response to these questions. Also, if you anticipate significant park/ride activity for BART customers, I would ask that you develop effective mitigation measures to avoid the negative impacts that Compaq Center otherwise would experience due to the loss of parking spaces available for our customers.

P47.13 (cont.)

P47.14

In regards to the issues and criteria for the Diridon/Arena Station, the "Location of Alignment and Station at Diridon/Arena, Design Issue Paper 4C" is helpful to understand your current ideas in terms of basic options, key issues and criteria, and preliminary pros and cons. We are pleased that you have developed three options for this station and encourage you to continue refining these options, possibly even developing new options, based on further input you receive and based on the results of future analyses.

P47.15

As you continue your analysis process, we would suggest that you expand your preliminary list of issues and criteria to account for all items of principal importance to stakeholders involved with this station. Specific items that we would suggest be included in the issues and criteria are as follows:

a) *Convenience of access to/from Compaq Center.* Items that should be addressed regarding pedestrian movements between the BART Station and Compaq Center include walking distance, needs to cross roadways and/or parking lots, and opportunities for a grade separated crossing of Santa Clara Street.
b) *Convenience of connections with other transportation modes.* It is important to consider the interface between the BART service and other public transportation services, such as Caltrain, Vasona LRT, East Valley LRT, Inter-City buses, and regional VTA buses.
c) *Impacts on traffic levels of service at affected intersections.* It is important to address potential traffic impacts during the normal weekday a.m. and p.m. peak hours and during the peak arrival and departure times for Compaq Center guests.
d) *Impacts on special transportation functions for Compaq Center.* Needs exist to determine the extent to which the station alternatives would impact special vehicle functions for Compaq Center, such as taxis, limousines, and passenger drop off/pick up.
e) *Number of parking spaces lost.* This is to address the number of parking spaces presently available for Compaq Center guests that will be lost. To the extent that such losses would occur, needs exist to address mitigation measures to provide replacement parking.
f) *Correlation with Diridon/Arena Strategic Development Plan.* The Diridon/Arena Strategic Development Plan, which presently is being prepared, will establish an important land use and transportation framework for this area. An assessment is needed regarding the extent to which each of the Diridon/Arena station alternatives correlate with this planning study.
g) *Impacts on pedestrian safety.* Careful consideration should be given to providing a high level of safety for persons to walk between the BART Station and Compaq Center and between the BART Station and the other transportation modes in the Cahill Station area.

P47.16

h) *Impacts during construction.* Needs exist to determine differences among the station alternatives in terms of impacts during construction on available parking spaces, traffic movements, pedestrian movements, and other transit services. The impacts should be addressed both regarding their duration and severity. To the extent that any significant impacts during construction are identified, appropriate mitigation measures should be established.

P47.16 (cont.)

In conclusion, as you continue on your BART extension project, we will appreciate your consideration of the points expressed in this letter. I would also appreciate an opportunity to review these items with you prior to the next Downtown Community Working Group meeting on April 18, 2002. I look forward to hearing from you.

Sincerely,

Ken Sweezey
Director of Guest Service

Cc: Jim Goddard
Don Gralnek
Chris Morrisey, San Jose Arena Authority
Jim Benshoof

RESPONSE TO COMMENT LETTER P47

HP Pavilion at San Jose (May 14, 2004)

P47.1 *VTA received the letter of March 28, 2002 during the scoping process and considered those concerns. Refer to responses P47.11 through P47.17 regarding responses to comments on the March 28, 2002 letter.*

P47.2 *Refer to responses P47.11 through P47.17 regarding responses to comments on the March 28, 2002 letter. Refer to responses P47.3 through P47.10 regarding specific traffic and parking comments.*

P47.3 *As indicated in Section 3.4, BART Extension Alternative, there are several options for the BART subway alignment and the station locations for the Diridon/Arena Station. On May 26, 2004 the Silicon Valley Rapid Transit Corridor Policy Advisory Board (PAB) recommended the South Diridon Station and Alignment Option as the preferred alignment and station option. This option will be the focus of on-going studies. As described in Section 4.19.2.1, Pre-construction Activities, the pre-construction activities include extensive on-going coordination with affected landowners and businesses including the HP Pavilion (aka the Arena). The BART Alternative includes two 4-6 level parking structures to serve the Diridon/Arena Station. The North Parking Structure would be located immediately to the west of the Arena and would provide for up to 2,200 parking spaces. The site is on 2.8 acres owned by the San Jose Redevelopment Agency. As indicated in Section 3.4.4.2, Station Locations, a total of 1,500 to 2,200 new park-and-ride spaces in two parking structures would serve this station. This was increased to 2,262 spaces during the impact analysis, based on the modeled 2025 park-and-ride parking demand of 2,056 spaces plus a 10% surplus for spares and surges. (See Table 4.2-14, 2025 Park-and-Ride Space Requirements). With this increase, the EIS/EIR properly concludes that there would be no adverse long-term parking impacts at the Diridon Station.*

The Preliminary Engineering and Final Design phases of the project will refine the plans for the size and footprint of the two parking structures. However, the North Parking Structure would remove approximately 450 of the 1,425 parking spaces on the Arena's surface parking lot.

During peak periods of the day, the entire North Parking Structure may be filled. However, it is estimated that at least 70%, or 1,540, of those spaces would be vacant after 6:30 p.m. weekdays. This is based on a BART survey of hourly exits per day. The specific arrangement for the use of these spaces and any resulting parking fees would be negotiated between VTA, the City of San Jose, the San Jose Arena Authority (Arena Authority) and arena management at a later date. However, the BART Alternative would not result in any net loss of parking during evening and weekend events.

P47.4 *The visual effects of the North Parking Structure option for the Diridon/Arena Station is discussed in Section 4.17.3.1, Impacts, BART Alternative, Landscape Unit 6. The analysis indicates that the proposed parking structure at this location would have little visual effect because of the proximity of buildings and structures of similar size (the Arena). The North Parking Structure would not block significant views of the Arena. Land uses immediately to the west of the proposed parking structure include the railroad corridor and the backs of industrial uses along Stockton Avenue from which views of the Arena are limited. Existing major view corridors of the Arena along The Alameda, W. Santa*

Clara Street and from State Route 87 would not be affected by the proposed North Parking Structure.

The strong suggestion to consider a two to three level parking structure encompassing a greater portion of the existing Arena parking lot will be forwarded on to the decision makers for their consideration.

P47.5 *Once completed, it is estimated that at least 70%, or 1540, of the parking garage parking spaces would be vacant after 6:30 p.m. weekdays. All or a portion of those spaces could be made available for the Arena. The specific arrangement for the use of those spaces and any resulting parking fees would be negotiated between VTA, the City of San Jose, the Arena Authority, and arena management at a later date. Also refer to response P47.8.*

P47.6 *The 10% Conceptual Engineering Station Program Definition and Drawings have the North Parking Structure separate from the existing surface parking and with entrances and exits on both the north and south sides of the structure. However, entering and exiting the parking structure would be very similar to existing conditions with vehicles arriving and departing from Santa Clara Street.*

The critical time period for the traffic analysis is determined by both the time period when background traffic levels are at their highest magnitudes and when special event traffic coincides with high background traffic volumes. Background and BART traffic is very low during the late evening (10:30-11:30 p.m.) time period; therefore, there is no compelling reason to further examine traffic impacts during that time period. Special event traffic is included in the p.m. peak hour traffic counts that were used for the p.m. peak hour traffic analysis. Therefore, the analysis reported in the DEIS/EIR is representative of projected traffic conditions and no additional analysis is necessary. Also refer to response to comment P47.3 and P47.8.

P47.7 *The Diridon Station potential pedestrian bridge is depicted on Figure B-37, Diridon/Arena Station Site Plan, of Appendix B. Drawing A670 from the Station Program Definition and Drawings, 10% Conceptual Engineering, October 2003, is attached and also provides a conceptual location for the pedestrian bridge to connect to the first floor of the parking structure. The landing on the south side of West Santa Clara Street would include an elevator. The primary function of the pedestrian bridge would be to serve BART riders accessing the parking structure. However, Arena customers could also use the pedestrian bridge. BART riders traveling to and from Arena events would primarily cross West Santa Clara Street as they do today at intersections with traffic controls. However, some Arena patrons would also be expected to use the pedestrian bridge. Impacts to pedestrian safety and traffic congestion with the BART Alternative would not be substantially different than what currently occurs during Arena events.*

P47.8 *According to the Diridon/Arena Strategic Development Plan, the City of San Jose and the Arena Authority have an agreement under which "the City will actively pursue best efforts to achieve and maintain at least 6,350 off-site parking spaces within one-half mile of the West Santa Clara entrance of the Arena, of which approximately one-half of such spaces will be within one-third mile of the West Santa Clara entrance of the Arena. Such off-site parking spaces will be available to Arena patrons after 6:30 p.m. on weekdays and a reasonable time before, during and after events on weekends. The current parking inventory within one-half mile is 11,032 spaces."*

VTA will work with the City of San Jose, the Arena Authority, arena management,

Caltrain, landowners in the area, and others to ensure that parking spaces displaced by the BART Alternative during the construction period do not result in the provision of fewer than 6,350 off-site parking spaces within one-half mile of the Arena, with no less that 3,175 spaces within one-third mile of the Arena after 6:30 p.m. on weekdays and a reasonable time before, during and after events on the weekend.

Parking displacement during construction would include approximately 450 spaces west of the Arena to accommodate the construction of 2,200 parking spaces to address the park and ride demand associated with the proposed Diridon/Arena BART station. Once completed, it is estimated that at least 70% of those spaces would be vacant after 6:30 p.m. weekdays. Those spaces could be made available for the Arena. The specific arrangement for the use of those spaces and any resulting parking fees would be negotiated between VTA, the City of San Jose, the Arena Authority, and arena management at a later date.

Currently, through an agreement with the Peninsula Corridor Joint Powers Board (JPB), the Arena Authority also has permission to use the spaces on the south side of Santa Clara on property owned by the JPB and VTA for Arena events. The parking charges collected from these spaces are shared, in accordance with that agreement, between the JPB, VTA and the Arena Authority. VTA and the JPB are under no contractual requirement to have these spaces available for the Arena in the longer term.

The need for replacement Cahill lot parking south of West Santa Clara Street during construction is addressed by building the South Parking Structure on property south of San Fernando Street. This structure would accommodate up to 1,000 spaces. These spaces would be within the approximately 1,400 feet of the Arena, with a substantial number of them available after 6:30 p.m. on weekdays. Once the BART Station and North Parking Structure are completed, this parking would address the long-term needs of the Diridon/Arena Strategic Plan development. Preliminary Engineering and Final Design will continue to refine these plans.

As described in the EIS/EIR, VTA will work with the City of San Jose to develop a comprehensive Construction Impact Mitigation Plan (CIMP) for the BART construction. As noted in Section 4.19.2.1, Pre-construction Activities, the CIMP will include a pre-construction business survey to ensure an understanding of the delivery, vehicle and pedestrian access needs of all businesses in Downtown including the Arena. At that time, detailed plans to address the vehicle, pedestrian and parking needs of the Arena will be developed in coordination with the City of San Jose, the Arena Authority, and arena management. Additional Design Requirements and Best Management Practices and Mitigations to address vehicular, pedestrian and parking concerns associated with the construction are described in Construction, Sections 4.19.3.2 through 4.19.3.12.

P47.9 *VTA will work closely with the Arena Authority, arena management and other key stakeholders throughout the Preliminary Engineering, Final Design and construction period of the project to address the concerns of the Arena Authority, arena management, and other stakeholders. VTA will also be developing a Construction Impact Mitigation Plan (CIMP) for the project as described in Section 4.19.2.1 Pre-construction Activities, that will involve additional coordination between VTA, the San Jose Authority, and arena management.*

P47.10 *This letter was received by the VTA during the Scoping Process and the comments therein were considered during the development of the BART Alternative and the preparation of the EIS/EIR. VTA will continue to work with the Arena Authority and*

arena management to minimize impacts.

P47.11 *The construction of the Diridon Station and Alignment would potentially remove all of the Cahill parking lots south of West Santa Clara Street. The EIS/EIR addressed replacement of these parking spaces in two parking structures. Refer to responses P47.3 and P47.8 regarding a discussion of these parking structures.*

P47.12 *As noted in response P47.5, BART park–and-ride facilities are typically at least 70% vacant by 6:30 p.m. Also refer to response P47.8 regarding replacement parking.*

P47.13 *Refer to response P47.8. The BART Alternative would not decrease the number of required parking spaces available to Arena patrons.*

P47.14 *VTA will work closely with the Arena Authority, arena management, and other key stakeholders throughout the Preliminary Engineering, Final Design and construction phases of the project to address concerns. Also refer to response P47.3.*

P47.15 *At their May 26, 2004 meeting, The PAB recommended the Diridon/Arena Station and Alignment South Option as the preferred option in this location. This decision was based on a number of pros and cons of the options as identified in PAB Agenda Item #5.*

P47.16 *Details of the Diridon/Arena Station and alignment design will be worked through during Preliminary Engineering and Final Design. The Arena Authority and arena management will have the opportunity to be involved in those phases of the project and in the development of a Construction Impact Mitigation Plan (CIMP) to address detailed construction effect issues associated with the project.*

Additional responses to the specific comments are provided below.

a) See response P47.7.

b) As stated in Section 2.4.1 Purpose, one of the purposes of the project is to "Maximize transit usage and ridership". The Diridon/Arena Station is discussed in Section 3.4.4.2 Station Locations, Diridon/Arena Station. As stated in the text, transit connections to other transportation modes is important and pedestrian connections would be provided to the San Jose Diridon Caltrain Station, the nearby Vasona LRT station, and the HP Pavilion. In addition, the final decision on station entrance locations includes a number of factors including pedestrian connectivity and safety and security.

c) See response P47.6.

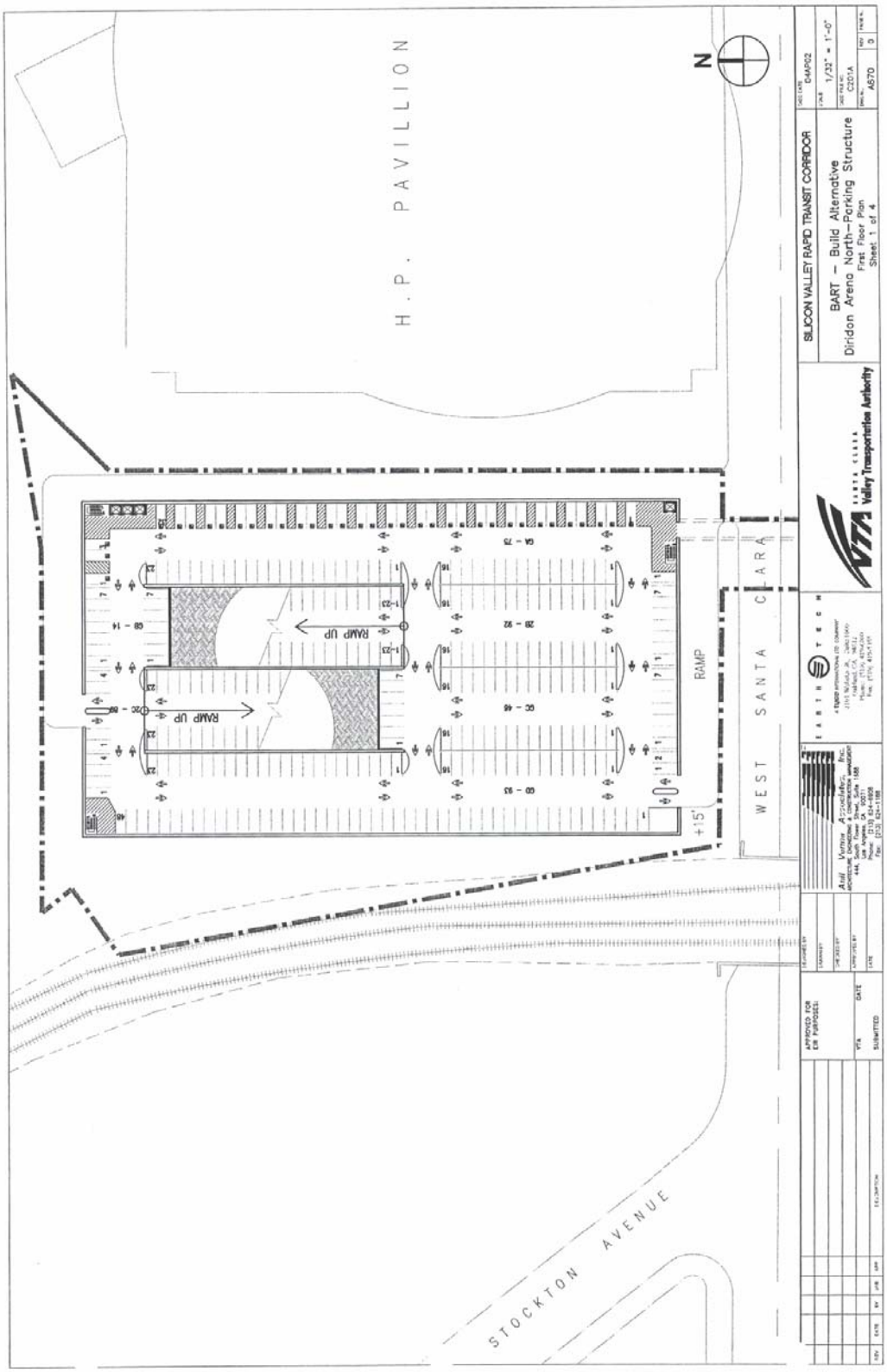
d) As stated in response P47.3 the PAB recommended the South Diridon Station and Alignment Option. Compared to the North Option, this the South Option has the following advantages: 1) better connectivity to Diridon Station, LRT, buses and future High Speed Rail; 2) improved joint development/value capture for VTA and Caltrain owned property; 3) better integration into high-density development proposed in the Diridon/Arena Strategic Development Plan; 4) greatest flexibility in managing construction impacts to the Caltrain tracks; and 5) the station is further from the HP Pavilion allowing better dispersal of special event crowds between the HP Pavilion and the BART Station. By having the BART Station further away from the special vehicle functions, impacts to these activities would be reduced. Also refer to response P47.6.

e) See responses P47.3 and P47.5.

f) As stated in d) above, the South Diridon Station and Alignment Option provides better integration into high-density development proposed in the Diridon/Arena Strategic Development Plan than the North Option. Also see response P47.8.

g) See response P47.7.

h) See responses P47.8 and P47.9.


H. P. PAVILLION
N
WEST SANTA CLARA
RAMP
+15'
RAMP UP
RAMP UP
STOCKTON AVENUE
SILICON VALLEY RAPID TRANSIT CORRIDOR
BART – Build Alternative
Diridon Arena North–Parking Structure
First Floor Plan
Sheet 1 of 4
Valley Transportation Authority

This page intentionally left blank.

San Jose Arena Authority

P.O. BOX 90207
SAN JOSE, CA 95109-3207
FAX 408.977.4784
TTY 408.977.4779

P48

May 10, 2004

Tom Fitzwater
Environmental Planning Manager
Santa Clara Valley Transportation Authority
Environmental Planning
Building B
3331 North First Street
San Jose, CA 95134-1927

Dear Tom:

This letter is in response to the Draft Environmental Impact Statement/Environmental Impact Report & Draft 4 (f) Evaluation on the Bay Area Rapid Transit (BART) Extension to Milpitas, San Jose and Santa Clara. Please be advised that the comments included in this correspondence specifically relate to the BART extension in the vicinity of the San Jose Diridon Station and HP Pavilion at San Jose. P48.1

Transportation and Parking Management Plan

HP Pavilion at San Jose annually attracts approximately 1.5 million patrons. Due to the Pavilion's proximity to the Downtown core and adjacent residential and commercial neighborhoods, a detailed Pavilion Transportation and Parking Management Plan (TPMP) was developed and employed upon the opening of the building in 1993. The plan, amended and approved by the San Jose City Council in 2001, has served as the foundation for the efficient management of event vehicular traffic, parking and pedestrian activity in the vicinity of the Pavilion. The TPMP is currently administered by the City of San Jose's Department of Transportation, with input from the San Jose Arena Authority, HP Pavilion Management, the San Jose Police Department and the Santa Clara Valley Transportation Authority. Organizational efforts are coordinated through the Department of Transportation's Arena Events Operations Committee (AEOC). The AEOC meets monthly to identify, address and resolve operational issues impacting the Pavilion and the adjacent residential and commercial neighborhoods. P48.2

The construction of the BART extension in the vicinity of HP Pavilion at San Jose will have significant impacts on the ongoing vehicular traffic movement and parking facility access during Pavilion event operational days. With this in mind, a supplemental BART extension construction transportation and parking management plan should be developed and accepted to support the current City Council-approved Pavilion TPMP. I would encourage representatives from the BART extension project to participate in the creation of a supplemental BART extension parking and traffic management plan with the appropriate representatives from the City of San Jose, the Arena Authority, and HP Pavilion Management. Additionally, I would strongly encourage that representatives from the BART extension project participate in the development and establishment of a standing committee with City, Arena Authority and HP Pavilion Management representatives in addressing the ongoing issues relating to BART construction and Pavilion operations.

Off-Site Parking Facilities

In the Amended and Restated Arena Management Agreement between the City of San Jose and HP Pavilion Management, the City will make available certain off-site parking facilities for use of Pavilion patrons on event days. As such, the City will continue to actively pursue best efforts to achieve and maintain at least 6,350 off-site parking spaces within one-half mile of the West Santa Clara Street entrance to the Pavilion.

Additionally per the Management Agreement, the City will make its best efforts to secure approximately one-half of the 6,350 off-site parking spaces (3,175) within one-third of a mile of the Pavilion's West Santa Clara Street entrance. As it is expected that off-site parking facilities will be impacted and inventories reduced by the construction of the BART extension, careful and thoughtful consideration will need to occur to address the anticipated loss of off-site parking spaces due to construction; the temporary replacement of off-site parking spaces lost through the course of construction of the transit project; and the anticipated number and location of replacement or new, permanent spaces to supplement the off-site parking inventory during the course and at the conclusion of BART extension construction activities in the vicinity of the Pavilion. P48.3

Additional Parking Facilities

For spaces that will be permanently lost from the construction of the BART extension, the addition of 1,500 to 2,200 parking spaces through the suggested construction of two parking structures (one on-site and the other just south of the Pavilion) will need considerable review and analysis before a final determination is reached. One of the most critical components to the successful implementation of the Pavilion parking management plan involves the location of parking facilities that are dispersed within a substantial area of the one-half and one-third mile radii of the Pavilion.

Any parking structure contemplated for the Pavilion on-site parking lot will need substantial parking, traffic and event impact analysis prior to a final determination. This analysis would need to be conducted in concert with events at the Pavilion as well as during off-peak Pavilion operational hours. Additionally, any impacts of an on-site parking structure on the adjacent residential neighborhoods will need to be identified and addressed through the evaluation process. P48.4

Likewise, the construction of any permanent off-site parking facilities contemplated with the BART extension construction project will need further analysis and review. Included in this analysis would be the location of the facilities in relation to the one-third and one-half mile radii of the Pavilion and the relation to the current off-site parking space inventory.

Pedestrian Movement and Access Issues

The well designed access routes that serve the movement of pedestrians in the vicinity of the Pavilion prior to, during and following Pavilion events are critical components to the successful, ongoing operation of the facility. To ensure that minimal disruption occurs during the course of construction, a carefully designed pedestrian access plan will need to be created, monitored and maintained. Once again, the development of this plan should be coordinated with representatives from the City, the Arena Authority and HP Pavilion Management. P48.5

Pavilion Event Coordination and BART Extension Construction

The Pavilion typically conducts 175 events each year, with many events attracting over 17,500 patrons. Typical Pavilion events occur during the evening hours throughout the week and on weekends; although weekday, daytime events do occur as well. Coordinating critical BART extension construction phases with Pavilion events will be essential to the success of both ongoing Pavilion operations and BART extension construction progress. P48.6

Tom, in closing, the Arena Authority appreciates the opportunity to comment on this important regional transportation project. Additionally, the Authority advocates a formally coordinated effort among the major stake holders in the analysis of construction, operations and oversight in the vicinity of HP Pavilion at San Jose. Over the course of the previous years, the Arena Authority has facilitated standing meetings in the ongoing construction management of the Vasona Corridor Light Rail Transit Project and the Guadalupe River Park Flood Control Project. This effort has proven to be an exceptional method for all major participants to identify, address and resolve significant area construction and operations issues. Creating effective models that would serve in the oversight of the construction of the BART extension in the vicinity of the Pavilion would be critical fundamental steps in the ongoing, efficient administration of this major regional transit project. P48.7

Please contact me with any comments or questions. I can be reached at 408-977-4783 or at morrisey@sjaa.com.

Sincerely,

Chris Morrisey
Executive Director

cc: Members of the Arena Authority Board of Directors
Members of the Arena Events Operations Committee
Jim Benshoof, Benshoof and Associates
Jim Goddard, HP Pavilion Management
Jim Helmer, Department of Transportation
Dennis Korabiak, Redevelopment Agency
Abi Maghamfar, Department of Transportation

RESPONSE TO COMMENT LETTER P48

San Jose Arena Authority (May 10, 2004)

P48.1 *Refer to responses P.48.2 through P.48.7.*

P48.2 *VTA will work closely with the San Jose Arena Authority (Arena Authority), arena management and other key stakeholders throughout the Preliminary Engineering, Final Design, and construction phases of the project to address their concerns and to minimize traffic and parking impacts during the construction and operation phases of the BART Alternative. As described in Section 4.19.2.1, Pre-construction Activities, VTA will work with the City of San Jose to develop a comprehensive Construction Impact Mitigation Plan. This will include a pre-construction business survey to ensure an understanding of the delivery, vehicle, and pedestrian access needs of all businesses in downtown including the Arena. At that time detailed plans to address the vehicle, pedestrian and parking needs of the Arena will be developed in coordination with the City of San Jose, the Arena Authority, and arena management. Additionally, design requirements and best management practices and mitigation measures to address vehicular, pedestrian, and parking concerns associated with the construction are described in Sections 4.19.3.2 through 4.19.3.12.*

P48.3 *According to the Diridon/Arena Strategic Development Plan, the City of San Jose and the Arena Authority have an agreement under which "the City will actively pursue best efforts to achieve and maintain at least 6,350 off-site parking spaces within one-half mile of the West Santa Clara entrance of the Arena, of which approximately one-half of such spaces will be within one-third mile of the West Santa Clara entrance of the Arena. Such off-site parking spaces will be available to Arena patrons after 6:30 p.m. on weekdays and a reasonable time before, during and after events on weekends. The current parking inventory within one-half mile is 11,032 spaces."*

VTA will work with the City of San Jose, the Arena Authority, arena management, Caltrain, landowners in the area, and others to ensure that parking spaces displaced during the construction period do not result in the provision of fewer than 6,350 off-site parking spaces within one-half mile of the Arena, with no less that 3,175 spaces within one-third mile of the Arena after 6:30 p.m. on weekdays and a reasonable time before, during and after events on the weekend.

Parking displacement during construction would include approximately 450 spaces west of the HP Pavilion (aka the Arena) to accommodate the construction of 2,200 parking spaces to address the long-term park-and-ride demand associated with the Diridon/Arena Station. Once completed, it is estimated that at least 70% of those spaces would be vacant after 6:30 p.m. weekdays. Those spaces could be made available for the Arena. The specific arrangement for the use of those spaces and any resulting parking fees would be negotiated between VTA, the City of San Jose, the Arena Authority, and arena management at a later date.

Currently, through an agreement with the JPB, the Arena Authority also has permission to use the spaces on the south side of Santa Clara on property owned by the JPB and VTA for Arena events. The parking charges collected from these spaces are shared, in accordance with that agreement, between the JPB, VTA, and the Arena Authority. VTA and the JPB are under no contractual requirement to have these spaces available for the Arena in the longer term.

The need for replacing the Cahill parking lot south of West Santa Clara Street during construction is addressed by building a parking garage on property south of San Fernando Street. This garage would accommodate up to 1,000 spaces. These spaces would be within the approximately 1,400 feet of the Arena, with a substantial number of them available after 6:30 p.m. on weekdays. Once the BART Station and north parking garage are completed, this parking would address the long-term needs of the Diridon/Arena Strategic Plan development. During the Preliminary Engineering and Final Design phases, these plans will continue to be refined.

As described in the EIS/EIR, VTA will work with the City of San Jose to develop a comprehensive Construction Impact Mitigation Plan for the BART construction. As noted in Section 4.19.2.1, Pre-construction Activities, the plan will include a pre-construction business survey to ensure an understanding of the delivery, vehicle, and pedestrian access needs of all businesses in downtown including the Arena. At that time, detailed plans to address the vehicle, pedestrian, and parking needs of the Arena will be developed in coordination with the City of San Jose, the Arena Authority, and arena management. Additional design requirements and best management practices and mitigation measures to address vehicular, pedestrian, and parking concerns associated with the construction are described in Sections 4.19.3.2 through 4.19.3.12.

P48.4 *As indicated in Section 3.4, BART Extension Alternative, there are several options for both the BART subway alignment and the station locations for the Diridon/Arena Station. On May 26, 2004, the Silicon Valley Rapid Transit Corridor Policy Advisory Board chose the Diridon/Arena Alignment and Station South Option as the preferred option. This option will be the focus of on-going studies. As described in Section 4.19.2.1, Pre-construction Activities, the pre-construction activities include extensive on-going coordination with affected landowners and businesses including the Arena. The BART Alternative includes two 4-6 level parking structures to serve the Diridon/Arena Station. The North Parking Structure would be located immediately to the west of the Arena and would provide for up to 2,200 parking spaces. The site is on 2.8 acres owned by the San Jose Redevelopment Agency. As indicated in Section 3.4.4.2, Station Locations, a total of 1,500 to 2,200 new park-and-ride spaces in two parking structures would serve this station. This was increased to 2,262 spaces during the impact analysis, based on the modeled 2025 park-and-ride parking demand of 2,056 spaces plus a 10% surplus for spares and surges (see Table 4.2-14, 2025 Park-and-Ride Space Requirements). With this increase, the EIS/EIR properly concludes that there would be no adverse long-term parking impacts at the Diridon Station.*

The Preliminary Engineering and Final Design phases of the project will refine the plans for the size and footprint of the two parking structures. However, the North Parking Structure would remove approximately 450 of the 1,425 parking spaces on the Arena surface parking lot.

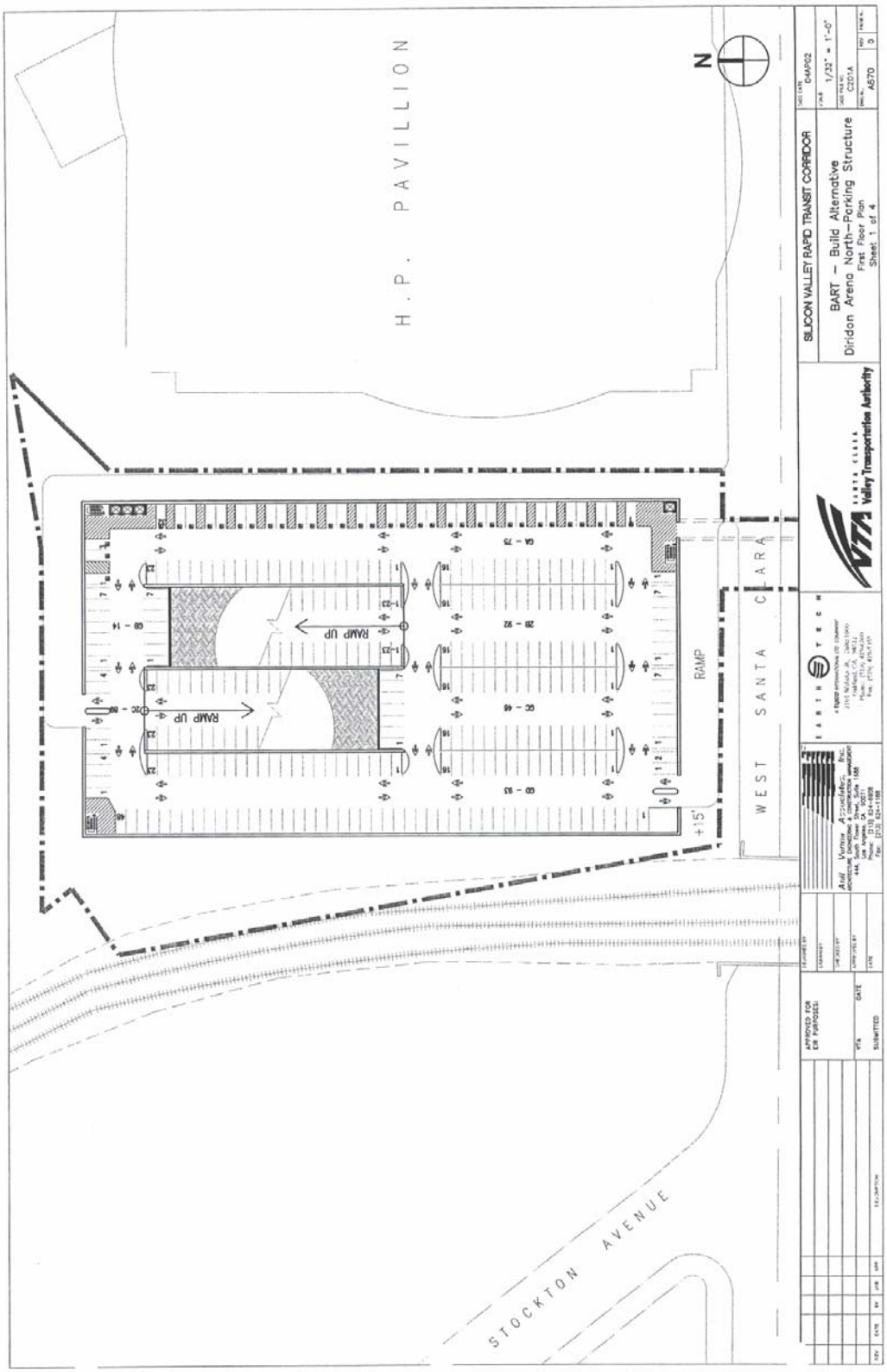
During peak periods of the day, the entire parking structure may be filled. However, it is estimated that at least 70%, or 1,540, of those spaces would be vacant after 6:30 p.m. weekdays. This is based on a BART survey of hourly exits per day. The specific arrangement for the use of these spaces and any resulting parking fees would be negotiated between VTA, the City of San Jose the Arena Authority, and arena management at a later date.

P48.5 *The Diridon Station potential pedestrian bridge is depicted on Figure B-37, Diridon/Arena Station Site Plan, in Appendix B. Drawing A670 from the Station Program Definition and Drawings, 10% Conceptual Engineering, October 2003, is attached and also provides a*

conceptual location for the pedestrian bridge to connect to the first floor of the parking structure. The landing on the south side of West Santa Clara Street would include an elevator. The primary function of the pedestrian bridge would be to serve BART riders accessing the parking structure. However, Arena customers could also use the pedestrian bridge. BART riders traveling to and from Arena events would primarily cross West Santa Clara Street as they do today at intersections with traffic controls. However, some Arena patrons would also be expected to use the pedestrian bridge. Impacts to pedestrian safety and traffic congestion with the BART Alternative would not be substantially different that what currently occurs during Arena events.

P48.6 *Refer to response P48.2.*

P48.7 *As with the Vasona Light Rail Project, VTA intends to work in close cooperation with the Arena Authority and arena management throughout the Preliminary Engineering, Final Design, and construction phases of the project.*


H. P. PAVILLION
N
WEST SANTA CLARA
RAMP
+15'
RAMP UP
RAMP UP
STOCKTON AVENUE
SILICON VALLEY RAPID TRANSIT CORRIDOR
BART – Build Alternative
Diridon Arena North–Parking Structure
First Floor Plan
Sheet 1 of 4
Valley Transportation Authority

This page intentionally left blank.

P49

Matteoni Saxe & O'Laughlin
LAWYERS

Norman E. Matteoni
Peggy M. O'Laughlin
Bradley M. Matteoni
Barton G. Hechtman
Gerry Houlihan
Allen Robert Saxe
Of Counsel

May 14, 2004

HAND DELIVERED

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

RE: Comments on the Draft EIS/EIR ("DEIR") for the proposed BART Extension to Milpitas, San Jose and Santa Clara

Dear Mr. Fitzwater:

This office represents the San Jose Flea Market, and this letter constitutes a comment letter on the DEIR for purposes of CEQA, NEPA and the other authorities identified in the DEIR.

The Flea Market owns property on Berryessa Road, located in Segment 2 of the BART Extension Alternative. It's concern, and the subject of this comment letter, is the inadequacy of the analysis of the Berryessa Station (Design Option 7). Both described options for that Station would involve the taking of Flea Market property. The Flea Market parcels which appears to be the subject of the options are a 19 acre parcel, a 4 acre parcel and a portion of a 33 acre parcel. One of the options would involve the taking of all or part of five industrial parcels across the tracks to the east of the Flea Market property, totaling about 13.5 acres. P49.1

848 The Alameda
San Jose, CA 95126
ph. 408.293.4300
fax. 408.293.4004
www.matteoni.com

A. THE DEIR IS INADEQUATE AS TO THE BERRYESSA STATION OPTIONS

An EIR is an informational document. The basic purposes of CEQA are to **inform governmental decision-makers and the public** about potential effects of a project and **to disclose to the public the reasons why a government agency approved the project in the manner the agency chose** if significant environmental effects are involved (CEQA Guidelines Section 15002(a)). For that reason, CEQA requires adequacy, completeness, and **a good faith effort at full disclosure** (Section 15003(i)). The DEIR does not meet these requirements as they relate to the Berryessa Station options.

CEQA and NEPA permit the "tiering" of environmental review by use of a Program EIR followed by a Project EIR (Sections 15152, 15168, 15161, and 14 CCR 15168). However, it appears from the DEIR that the VTA has not chosen to avail itself of that two-step process. There is no reference in the DEIR identifying the document as a Program EIR (See, e.g., DEIR Section 1.3.1) and consequently, it must be treated as a Project EIR (Section 15161). P49.1 cor

Therefore, a project level degree of specificity of all aspects of the project, including the Berryessa Station options, is required (Section 15146). Stated differently, because the VTA has issued this DEIR as a Project DEIR, it must provide "full disclosure" of all the information necessary for the decision-makers to make an informed decision as to the options for the Berryessa Station and for the public to understand the analytical route taken by the decision-makers in reaching their decision. This is required because when the VTA ultimately decides which option to utilize regarding the Berryessa Station, it will likely assert that additional environmental review is unnecessary, analysis of the Berryessa Station options having occurred in this EIR. (See, e.g., DEIR Section 1.9.3., which states that the VTA can begin acquiring property for the project after the certification of the EIR.)

A DEIR is required to include a **statement of objectives** sought by the proposed project. This statement helps the agency develop a reasonable range of alternatives. Finally, while CEQA provides only a limited role for analysis of economic impacts (Section 15064(f)), NEPA is much broader on this point, requiring discussion of economic effects which are interrelated to physical environmental effects (40 C.F.R. Section 1508.14). P49.2

The DEIR is inadequate to meet the above-stated requirements as they relate to the Berryessa Station. The two options for the Berryessa Station described in the DEIR, called the Northeast Option and Southwest Option, are described at Section 3.4-23 and depicted in Figures B-18 and B-20, respectively. Nowhere does the DEIR provide the required statement of objectives regarding the Berryessa Station other than indicating the desire to include up to 3,500 parking spaces (DEIR Section 3.4-23). Because there is no discussion of the VTA's goals in regard to the parking structure for the Berryessa Station, there can be no meaningful comparison of how the options meet those goals. P49.2 cont

The Southwest Option would apparently involve up to 31 acres, all on Flea Market property (DEIR Section 3.4-23). However, it is impossible to discern with certainty from Figure B-20 the location of those 31 acres. Does it include the area labeled "Riparian Setback"? Does it include the area on the Flea Market property labeled "Potential Future Transit Facilities"? There is an identical label in Figure B-20 on the industrial lands immediately east of the Flea Market, across the tracks. Is the VTA contemplating acquisition of that property as well? If so, the labeling on Figure B-20 conflicts with the Section 3.4-23 description of the Southwest Option, which states that only Flea Market property would be used for that option. P49.3

Similarly as to the Northeast Option, the DEIR states that it will involve approximately 28 acres "to the east and west" of the Station (DEIR Section 3.4-23). It is impossible to determine with any precision from Figure B-18 where those 28 acres are located. Do they include some or all of the areas labeled "Potential Future Transit Facilities"? Do they include all or part of the areas labeled "Riparian Setback"? Thus, as to both options, the DEIR fails to adequately define the specific location of the land to be taken.

The DEIR fails to include the required discussion of economic effects related to the physical taking of this property (i.e., the economic viability of the Flea Market related to the loss of its property used in the operation of the Flea Market), and cannot discuss those effects in an informed manner until the involved land areas are clearly specified. The loss of land utilized for vendors and parking by the Flea Market will adversely impact the operations of the Flea Market and the remaining individual vendors. This must be analyzed. P49.4

Most notably missing in the DEIR discussion of the two options for the Berryessa Station Parking Structure is any analysis comparing the two options and how each of those options meets the objectives for the parking structure (which objectives the DEIR fails to disclose). The only "comparative" information regarding the two options provided in the DEIR is the claim in Table 8.2-2 that the Northeast Option will cost in excess of $53,000,000 more than the Southwest Option. Thus, it appears from the DEIR that the sole criteria to be used in selecting one option over the other is cost.[1]

Because the facilities are roughly the same in both options (i.e., a parking structure for approximately 3,500 cars, driveways and related circulation improvements, and landscaping), we must speculate that the $53,000,000 difference is being attributed by the VTA to higher acquisition costs to purchase the industrial lands to the east of the Flea Market when compared to purchasing Flea Market property. As CEQA requires full disclosure to avoid the need to speculate, this DEIR is inadequate absent disclosure of the analysis upon which the $53,000,000 figure is based. That analysis must be included in an appendix to the DEIR. P49.5

Further, we are highly skeptical of the accuracy of the $53,000,000 figure. We have retained an appraiser to analyze the current value of the Flea Market property and the current value of the industrial lands which would be utilized for a portion of the Northeast Option, excluding any impact that the BART project might have on the value of the lands studied. According to our appraiser, **the per square foot value of the Flea Market property is approximately the same as the per square foot value of the industrial lands**. Consequently, it is the Flea Market's belief that there is no material cost difference for the VTA to acquire a portion of the industrial lands as compared with the acquisition of the same size portion of the Flea Market property.

The location of the Southwest Option parking structure reduces future development potential at this BART station and is not consistent with the City of San Jose's General Plan that requires balanced development of both housing and jobs at this BART node location. This is not analyzed in the DEIR. Finally, the Southwest Option parking structure P49.6

[1] VTA staff actually prepared a more detailed analysis of these two options entitled "Berryessa Station, DRAFT Design Options Issue Paper #7", but that analysis is not included in the DEIR. A review of that analysis (a copy of which is attached) clearly demonstrates that when the cost issue is set aside, the Northeast Option is superior to the Southwest Option environmentally and by reference to BART and VTA criteria.

is far removed from the BART station and creates excessive pedestrian walking distances inconsistent with both VTA and BART transit oriented development criteria. This results in pedestrian safety and security concerns both within the distant parking structure and crossing the roadways necessary to walk between the Station and the parking structure. These impacts have not been evaluated in the DEIR. P49.6 con

In sum, the DEIR is inadequate as it relates to the Berryessa Station Parking Structure. The document is bereft of the information necessary for the decision-makers to make an informed choice between the two options provided, or for the public to have before it and be able to analyze the basis upon which the VTA's decision will be made. P49.7

B. THE DEIR ALTERNATIVES ANALYSIS IS INADEQUATE

CEQA requires that an EIR analyze a reasonable range of alternatives and evaluate their comparative merits (Section 15126.6(a)). The DEIR is inadequate in that it fails to consider a reasonable range of alternatives for the Berryessa Station Parking Structure.

Attached you will find a third alternative option for the VTA's consideration. This option utilizes both Flea Market property and a portion of the adjacent industrial property, requiring **only 16 acres**. It provides 3,500 parking spaces - a goal for the structure stated in the DEIR. It provides circulation elements functionally similar to those found in the Northeast and Southwest Options. It would reduce the environmental impacts on both sides of the track by leaving more land to be devoted to transit oriented development, increasing ridership and decreasing vehicle trips. P49.8

While we do not contend that CEQA requires the VTA to analyze this specific configuration, CEQA does require that you analyze some option which, like the one attached, satisfies the VTA's goals but on a smaller footprint (hence with less impact) in order to satisfy the "reasonable range" mandate.

There are two primary benefits of an option such as the one attached when compared to the two options in the DEIR. First, consistent with VTA and BART criteria, it allows the people to park closer to the BART Station since this design has the BART Station flanked by two parking garages.

Second, such an option would require the acquisition of substantially less land, which translates to lower acquisition costs for the VTA. Further, because less land is involved, there would be less land to improve which means that construction costs should also be somewhat lower than construction costs for either of the options described in the DEIR.

The fact that less land is needed for such an option is particularly important since the acquisition of this land will occur through condemnation. In that condemnation process the VTA will be required to make the finding that it's acquisition will provide the greatest public good with the least private injury. That finding cannot be made as to either the Northeast or Southwest Options for the simple reason that options like that attached exist and provide equivalent public good with substantially reduced private injury.

P49.8 con

The Flea Market supports the extension of BART to San Jose, the BART alignment and the Berryessa Station platform location. It worked with the City to modify its General Plan to allow for future transit oriented development on the Flea Market property, and those General Plan amendments are now in place. It is currently working with the City and VTA staff to master plan land uses around the Station. The Flea Market looks forward to an informative and detailed response to the comments contained in this letter, and to BART's ultimate arrival in San Jose.

P49.9

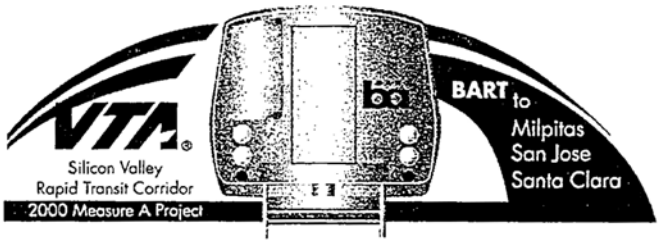
Very truly yours,

Barton Hechtman

BARTON G. HECHTMAN

BGH:jg
Attachments

cc: Brian Bumb
Gary Schoennauer
Stephen Haase
Jim Helmer
Katy Allen



Berryessa Station
DRAFT Design Options Issue Paper #7

Description

There are two potential station concept plans for a BART station in northeast San Jose, as shown on the attached maps:

- **Parking Structure Southwest (Figure B-20):** Multi-level parking structure on southwest quadrant of station site on current site of San Jose Flea Market overflow parking lot. Bus transit center and kiss-and-ride adjacent to west side of BART station, along new BART station north-to-south access road connecting Berryessa and Mabury roads.

- **Parking Structure Northeast (Figure B-18):** Multi-level parking structure east of the station site on current site of office/research and development park. Bus transit center adjacent to west side of BART station, along new BART station north-to-south access road connecting Berryessa and Mabury roads. Kiss-and-ride drop-off zone on east side of station. Another new east-to-west roadway connects station access road on the west side with King Road to the east and provides access to parking structure.

Key Decisions

The key decision would be to:

- Select preferred site for parking structure.

Key Issues and Criteria

Following is a list of key issues and criteria that were used to evaluate the options:

- Accessibility – accessibility of the station for station-bound traffic, transit buses, pedestrians, bicycles, and emergency access vehicles.
- Transit-Oriented Development – potential for development, infill development and a station gateway.
- Construction – temporary impacts during construction, including traffic and parking, pedestrians and bicyclists, commercial and residential properties, historical/cultural resources, and noise and vibration.
- Environmental – long-term operational impacts as they affect existing and planned land uses, natural resources, traffic and parking, pedestrians and bicycles, historical/cultural resources and noise and vibration.

- Community Acceptance – perception by local community in terms of compatibility with surrounding neighborhoods, ability to further community goals, and perception of land use changes.
- Right-of-Way Acquisition/Relocation – impacts from property acquisition and business/ residence relocation.
- Cost – capital costs for construction, right-of-way acquisition, and business/tenant relocation as well as operating costs.

Pros and Cons

The following summary highlights some of the key pros and cons between the two station design options:

Parking Structure Southwest
Pros: • Much lower costs for this option due to reduced right-of-way acquisition costs. • Preserves development opportunities immediately east of station, in an area that is currently experiencing transit-supportive high-density residential growth. **Cons:** • Places parking structure at greater distance to station (600-700'), with resultant inconvenience to park-and-ride patrons. • Requires more at-grade roadway crossings for park-and-ride patrons, with resultant impacts to operations of bus transit center and kiss-and-ride facilities. • Limits development opportunities of south portion of site (Flea Market overflow parking) due to location of BART parking structure.
Parking Structure Northeast
Pros: • Parking structure adjacent to station. • Offers very good site access on east side of station by introducing roadway connector along Santa Clara Valley Water District right-of-way to North King Road. **Cons:** • Requires acquisition of expensive industrial/office properties to east of station, with disruptions and relocations of several businesses; cost of this option approximately $49.7 million greater than Parking Structure Southwest Option. • Places a greater degree of station-bound traffic (park-and-ride and kiss-and-ride access) adjacent to residential areas east of the proposed BART alignment. • Limits redevelopment opportunities just east of and adjacent to station, due to location of BART parking structure.

Figure B-20 – Parking Structure Southwest

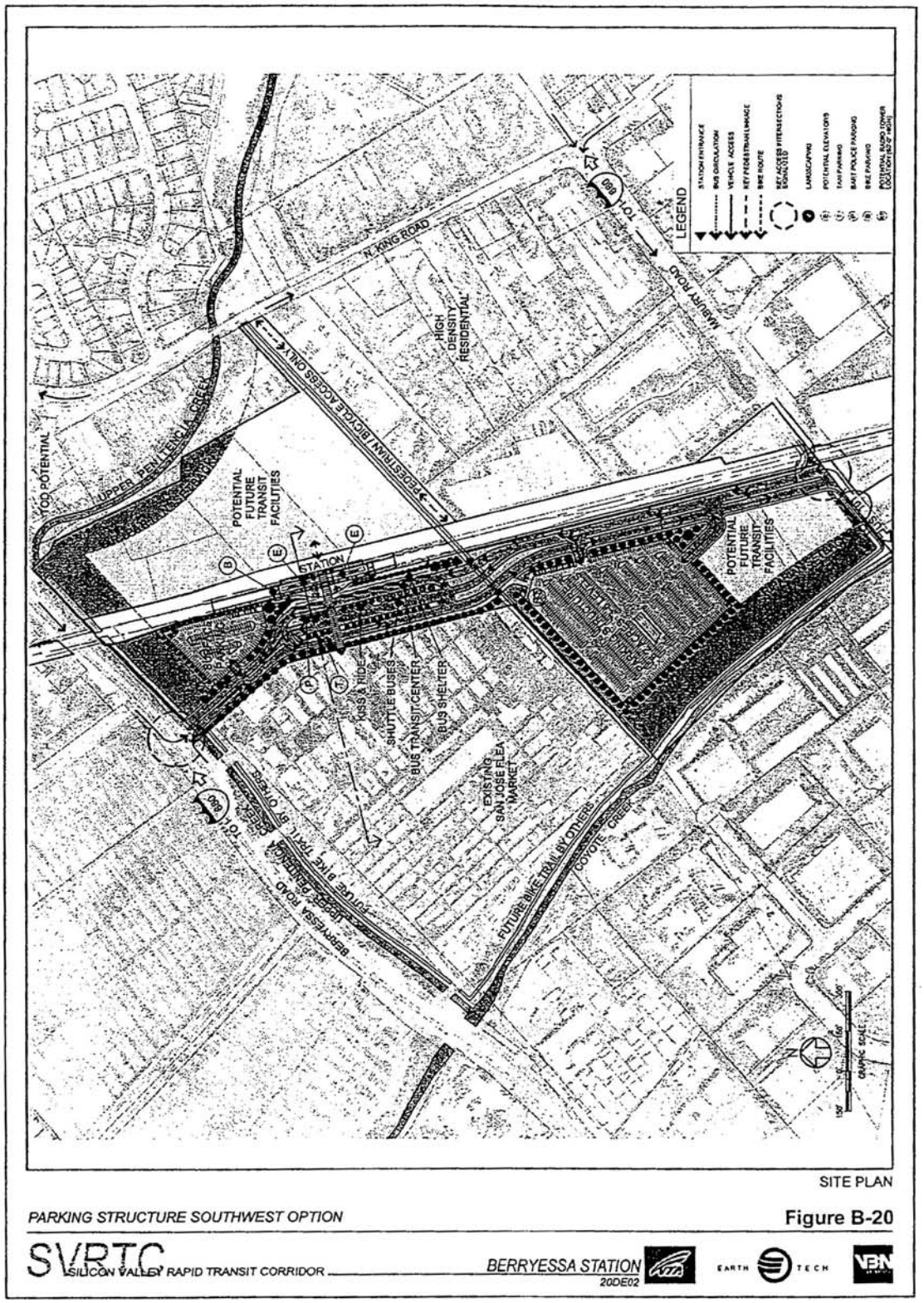
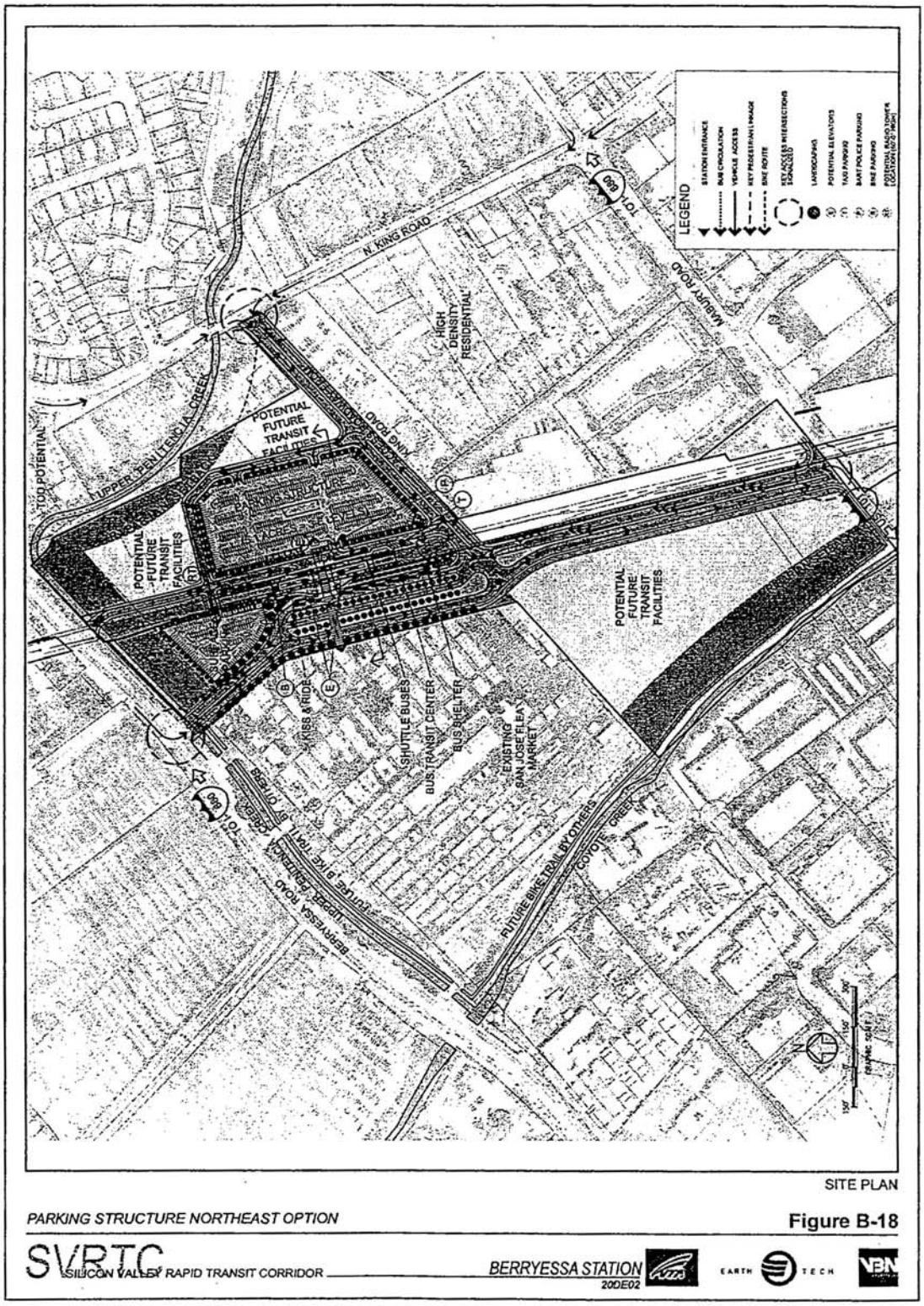
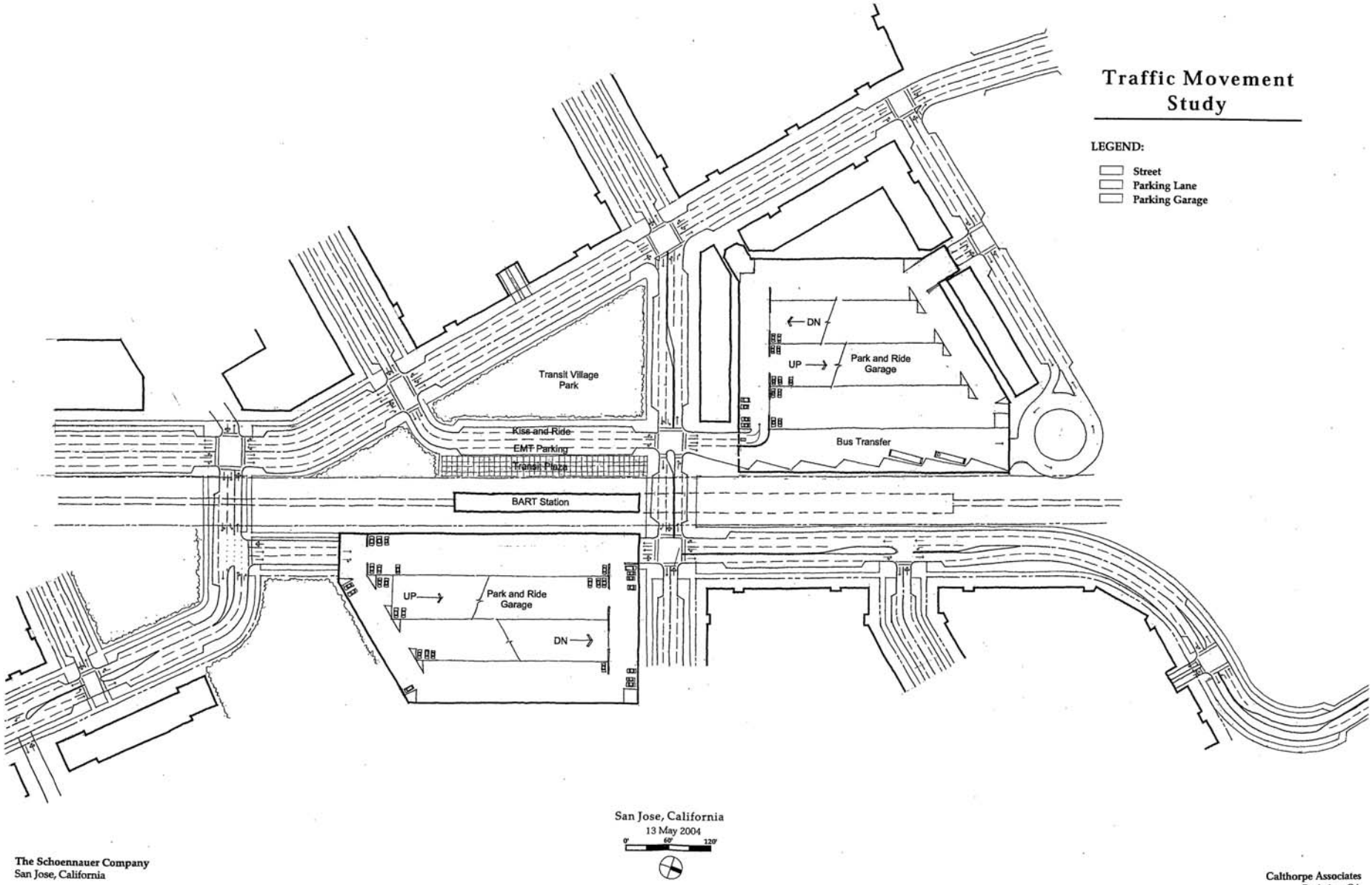
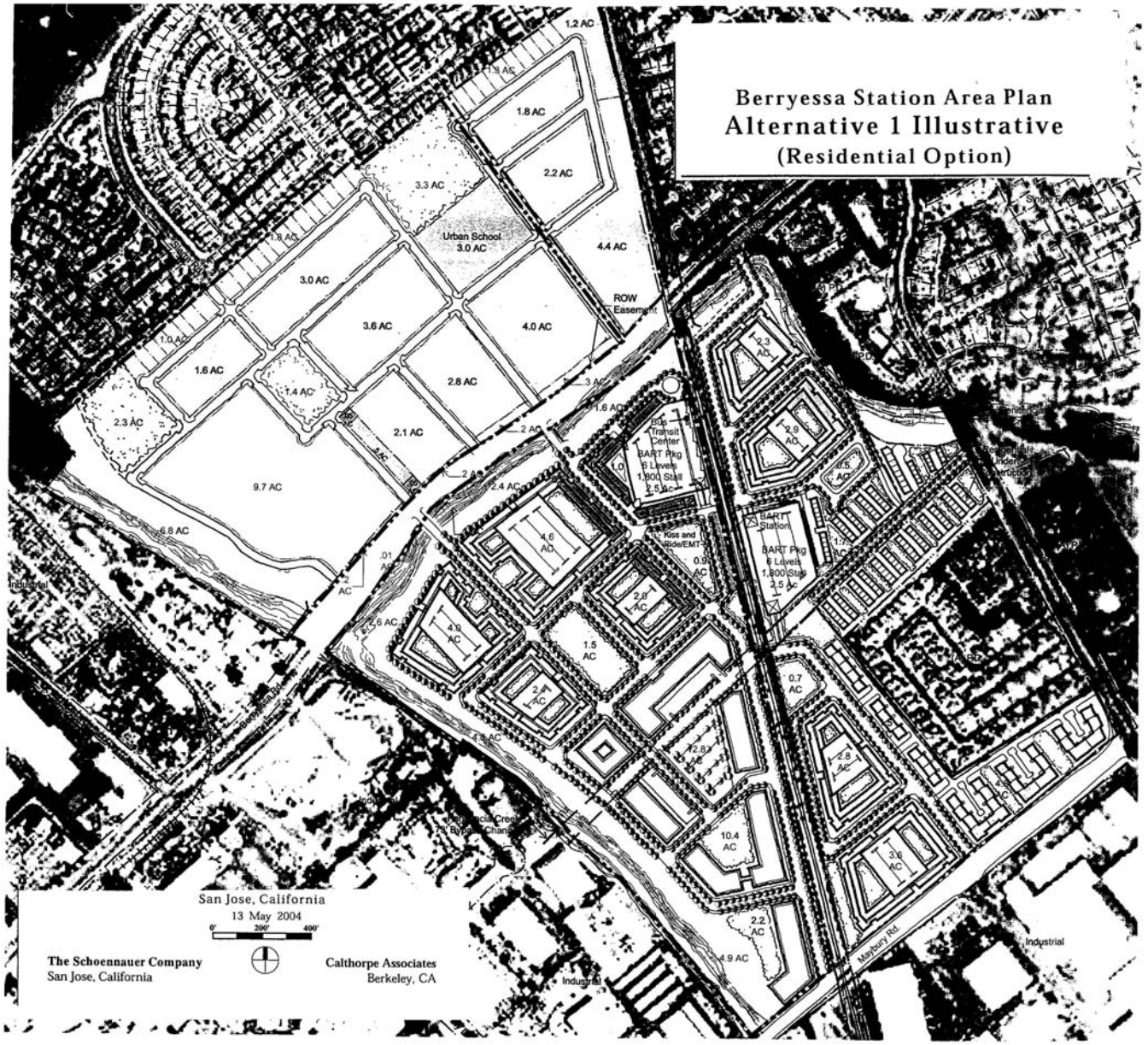


Figure B-18 – Parking Structure Northeast




Traffic Movement Study
LEGEND:
Street
Parking Lane
Parking Garage
Transit Village Park
Kiss and Ride
EMT Parking
Transit Plaza
BART Station
DN
UP
Park and Ride Garage
Bus Transfer
UP
Park and Ride Garage
DN
San Jose, California
13 May 2004
0'
60'
120'
The Schoennauer Company
San Jose, California
Calthorpe Associates
Berkeley, CA


Berryessa Station Area Plan
Alternative 1 Illustrative
(Residential Option)
1.2 AC
1.8 AC
2.2 AC
3.3 AC
Urban School
3.0 AC
4.4 AC
3.0 AC
3.6 AC
4.0 AC
ROW
Easement
1.6 AC
1.4 AC
2.8 AC
2.3 AC
2.1 AC
9.7 AC
6.8 AC
Bus
Transit
Center
BART Pkg
6 Levels
1,800 Stall
2.5 Ac
BART
Station
BART Pkg
6 Levels
1,800 Stall
2.5 Ac
Kiss and
Ride/EMT
4.6
AC
2.7
AC
4.9
AC
1.5
AC
0.7
AC
2.8
AC
10.4
AC
3.6
AC
2.2
AC
4.9 AC
Industrial
Industrial
Mayhury Rd.
San Jose, California
13 May 2004
0'
200'
400'
The Schoennauer Company
San Jose, California
Calthorpe Associates
Berkeley, CA

RESPONSE TO COMMENT LETTER P49

Matteoni Saxe & O'Laughlin Lawyers (May 14, 2004)

P49.1 *The Silicon Valley Rapid Transit Corridor EIS/EIR has been prepared as a project-level environmental impact disclosure document. The EIS/EIR complies with CEQA by providing information as required in CEQA Section 15124, Project Description. Specifically, Section 15124 © requires "A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities." Refer to responses to comments P49.2 through P49.9 for responses to specific concerns addressed in the letter.*

P49.2 *As a combined NEPA/CEQA document, the EIS/EIR provides the project objectives using NEPA "purpose" terminology. Introduction, Section 2.4.1 Purpose, lists a number of project objectives that apply to the SVRTC project including "Enhance regional connectivity through expanded, interconnected rapid transit services between BART in Fremont and light rail and Caltrain in Silicon Valley", "Maximize transit usage and ridership" and "Support local economic and land use plans and goals".*

Improved transit service in the corridor is the primary objective of the project, and would be responsive to planning goals and objectives set out in multiple local and regional plans including the Valley Transportation Plan 2020 and the Regional Transportation Plan adopted by Metropolitan Transportation Commission (MTC). It is also an objective of the project to respond to the voter mandate expressed with the passage of Measure A in November 2000, which approved funding for major transit investments in the corridor.

With respect to the proposed Berryessa Station, as part of the project, the station would attain the project objectives by addressing existing and projected future transit needs of residents and workers in the northeast San Jose area. As noted in Introduction, Section 2.4.2, Associated Needs, there are currently about 18,000 workers who commute from Alameda County to Milpitas and northeast San Jose (Superdistrict 12) and over 21,000 workers who commute in the opposite direction. These work trips are projected to increase by 48% and 38% respectively by 2025. The number of non-work trips is greater and is also projected to increase substantially -- 21% and 32% respectively, which is generally proportional to the large projected increase in households (22%) and jobs (31%) for the same area over the same time.

Two stations, Montague/Capitol and Berryessa, and a future third station, South Calaveras, would serve Milpitas and northeast San Jose. The Berryessa Station is the only station proposed in Segment 2 and is particularly well located to serve patrons working in the surrounding industrial areas and living in the residential neighborhoods to the east and north. It will also supplement the demands on the Alum Rock Station that will be located on the edge of the downtown and east San Jose areas, both of which have high transit-dependent populations.

Section 3.4.2.2, Station Locations, describes the two Berryessa Station options. Both station options achieve the purpose of the BART Alternative by providing the sufficient facilities to support the projected ridership. A final decision on which option to go forward would take a number of non-environmental factors into consideration including accessibility, transit-oriented development potential, and cost. Section 4.19,

Construction, explains the post-project approval, pre-construction and construction procedures and actions that VTA would institute to ensure quality design. These procedures will include extensive community outreach and pre-construction business surveys during Preliminary Engineering. Property acquisition activities are not programmed to begin until after Preliminary Engineering is about 50% complete. The Preliminary Engineering work will involve detailed decision-making on all aspects of the station designs, including finalizing and/or refining choices between station design options described in the EIS/EIR.

It is also important to note that if Minimum Operating Segment 1E (MOS-1E) is selected due to funding limitations, some of the pre-construction work on the Berryessa Station may be deferred, as stated in Section 4.19, Introduction.

P49.3 *The 31 acres only refer to the Southwest Parking Structure Option supporting infrastructure (station, parking structure, surface parking, bus transit center, kiss-and-ride, etc) and not the riparian setback or potential future transit facilities. The larger area is highlighted on Figure B-20 in Appendix B to disclose and identify property that may be acquired including the riparian setback and potential future transit facilities land. The larger area totals 43 acres and the text in Section 3.4.2.2, Station Locations, Parking Structure Southwest Option, has been changed to reflect the larger acquisition area. Neither Figure B-20 nor the text in Section 3.4.2.2, Station Locations, states "only Flea Market property would be used for that option." Figure B-20 provides a label "Existing San Jose Flea Market" over the vendor area and the text in Section 3.4.2.2, Station Locations, only states that "Surface and multi-level parking facilities accommodating 1,500 to 2,500 vehicles would be located in the Flea Market overflow parking lot..." and "up to 400 vendor stalls would be displaced at the San Jose Flea Market." Therefore, the figure and text are consistent and other property owners would be involved in addition to the San Jose Flea Market.*

The 28 acres only refer to the Northeast Parking Structure Option supporting infrastructure (station, parking structure, surface parking, bus transit center, kiss-and-ride, etc) and not the riparian setback or potential future transit facilities. The larger area is highlighted on Figure B-18 of Appendix B to disclose and identify property that may be acquired including the riparian setback and potential future transit facilities land. The larger area totals 43 acres and the text in Section 3.4.2.2, Station Locations, Parking Structure Northeast Option, has been changed to reflect the larger acquisition area. As noted in Response P49.2, the detailed design decisions on the Berryessa Station will be made as part of the Preliminary Engineering work, which includes coordination with potentially affected landowners and businesses. The exact amount and location of land needed for the station will not be known until Final Design.

P49.4 *Socioeconomics, Section 4.15.3.1 Impacts, discusses the Berryessa parking structure options and impacts to businesses. Table 4.15.8 BART Alternative- Summary of Residential and Non-Residential Relocations, quantifies the relocations for both the Parking Structure Northeast and Southwest options. Section 4.15.3.2, Design Requirements and Best Management Practices, commits VTA to treat all displacements and relocations in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970. This Act ensures fair and equitable treatment of persons whose real property is acquired or who are displaced as a result of a federal or federally assisted project. It is noted that either station option would displace about 400 flea market stalls, approximately 20% of the current total. While this would reduce the size of the flea market it is likely that it could continue to be an economically viable operation, until such time as the landowner's proposed development plans move forward.*

P49.5 *Refer to response P49.2 regarding project objectives. The Parking Structure Northeast Option has a higher projected cost estimate compared to the Parking Structure Southwest Option due to the acquisition of six developed parcels in an industrial park, compensation for which would be required in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, and the necessity to demolish existing structures to clear the site for construction. The $53,000,000 additional cost is a conceptual engineering estimate and it would be premature for VTA to conduct an appraisal of the property prior to completion of the environmental process.*

Cost is not the sole criterion in selecting a parking structure option. The EIS/EIR discusses the impacts of the Northeast and Southwest Options in a number of topic areas. This includes Section 4.15.3.1, Impacts, BART Alternative, under the sub-section City of San Jose including Table 4.15-8, where the number and type of relocations are discussed, and Section 4.17.3.1 Impacts, Berryessa Station where visual impacts are discussed. The Draft Design Options Issue Paper #7 referenced in the footnote was prepared for the Silicon Valley Rapid Transit Corridor Policy Advisory Board Meeting of February 25, 2004. The Issue Paper was a Status Report on the various options under considerations. Page 2 provided a number of "pros" and "cons" for each option that indicate there are advantages other than cost to selection of each of the options. VTA's Board of Directors, as part of project approval, would make the final decision on the selection of a Berryessa Station parking structure location.

P49.6 *Based on the City of San Jose General Plan, a BART Station Area Node is to direct transit-oriented and pedestrian-friendly land use development in close proximity to BART stations. Surface parking lots are inconsistent with the goals of the station area nodes; however, multi-level parking garages are acceptable because of their area maximization. The General Plan also encourages retail/commercial uses on the ground floor of parking structures within the station area nodes. No retail/commercial uses are planned, but VTA will coordinate with the City of San Jose in the final design of the station and supports the City of San Jose's desire to maximize transit-oriented development opportunities associated with station areas.*

BART System Expansion Policy is supportive of transit oriented development (TOD). One of the goals states, "Demonstrate a commitment to transit-supportive growth and development." Another goal states "enhance multi-modal access to the BART system." BART's access policies support the increase in the percentage of riders coming to BART in modes other than by automobile, including local transit, walk and bicycle. The design of the Berryessa Station is consistent with this policy in that the bus bays are located closer to the station than the garage. BART has several stations with surface parking lots where the distance required to walk to the station is greater than the distance at Berryessa. The longer distance to the garage under the Parking Structure Southwest Option preserves space adjacent to the Berryessa Station that could be used for future TOD.

VTA does not have any pedestrian walking distance criteria. The location of the Southwest Option parking structure is approximately 600-700 feet from the station. This does not represent an excessive distance for pedestrians to travel from the parking structure to the station, and several existing BART stations require patrons to walk much farther, such as at the North Concord and Dublin/Pleasanton Stations. All pedestrian walkways will contain safety elements such as crosswalks to ensure safe travel. The specific safety elements will be developed with the City of San Jose and determined as design of the station progresses.

P49.7 *Refer to responses P49.1 through P49.6 that address the issues raised.*

P49.8 *The comment that CEQA requires analysis of a reasonable range of alternatives is true; however, the citation is inaccurately interpreted. Section 15126.6(a) states "An EIR shall 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, and evaluate the comparative merits of the alternatives." The key phrase is "but would avoid or substantially lessen any of the significant effects of the project". In addition, Section 15126.6(f) Rule of Reason states, "The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project." The only significant effect identified for the Berryessa Station was the p.m. intersection level of service impact at the Oakland Road and Brokaw Road intersection as identified in Table 6.2-2 Vehicle Traffic –Intersections and discussed in Section 4.2.6.6, 2025 BART Alternative Traffic Level of Service, Impact, and Mitigation Measures, Impacts and Mitigation Measures with Berryessa Station. As depicted in Figure 4.2-3 San Jose – Berryessa Station 2025 BART Alternative Level of Service Conditions, this intersection is approximately 1¾ miles to the northwest. Therefore, as long as access is provided from Berryessa Road, which would be necessary with any alternative to accommodate the demand, the location of the parking structure on the site would not change the volume of project traffic that would travel through this intersection and the impact would remain. Therefore, the EIS is adequate in addressing a reasonable range of alternatives for the Berryessa station, and the VTA is not obligated, under CEQA, to consider the third alternative option submitted by the commentor. However, VTA will continue to cooperate with the Flea Market representatives in order to develop a successful BART station at this location. The proposed third alternative submitted by the commentor will be forwarded on to the Preliminary Engineering team and to the VTA decision-makers for their consideration. However, it should be noted that the City of San Jose has undertaken a "Master Plan" for the entire station area and VTA is cooperating in that effort.*

The findings to be made in a condemnation proceeding are not the standard for evaluating the adequacy of the EIS/EIR. Moreover, a site option has not been selected and refined. As part of any condemnation proceeding to acquire specified property interests, requisite statutory findings will be considered by VTA's Board of Directors for adoption, based upon all relevant factors that will be presented to the Board at that time.

P49.9 *As noted, VTA will continue to work with the City of San Jose and Flea Market ownership regarding the preliminary and final designs for the Berryessa Station.*

May 15 04 03:24p Roy Nakadegawa (510)524-9103 p.1

P50

Corrected Copy May 15, 2005

May 14, 2004
Vi a Fax 408/321-5787

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

Mr. Jerome Wiggins
US Department of Transportation
Federal Transit Adm. District IX
201 Mission Street
San Francisco, CA 94105

Dear Mr. Fitzwater and Mr. Wiggins:

As a retired Professional Engineer with over 45 years of experience in Public Works, Transportation and Transit also now serving 32 years as a publicly elected Transit Board Member as well as served on TRB's Transit Cooperative Research Program's 4 oversight committees, one of which was on notable Report 16 "Transit and Land Form", I submit the following comments on Silicon Valley Rapid Transit (SVRT) Corridor Project's Draft Environmental Impact Statement/Environmental Impact Report (DEIS/DEIR).

Much of my comments may not be specific to the DEIS/DEIR (EIS/R) but are based on what has occurred in and about this project and on related points to what has developed around the country to similar projects. First let me mention my historical views about this project.

Historical Perspective:

When Santa Clara County Measure A passed with 71% in November 2000, the economy was good, and the electorate approved extending BART to San Jose as the major project to reduce traffic congestion. California enjoyed a budget surplus, and Governor Davis directed $725 million to the BART extension (SVRTC) from State's Traffic Congestion Relief Funds. And Federal funds were thought likely as well; all making it appear that the BART extension was entirely feasible.

Today, Measure A funds is projected to raise only two-thirds of what was originally predicted, state funding is in limbo, Federal FTA Funds are dubious since FTA has rated this project as a 'Not Recommended', and voter support has dwindled. According to a Mercury News Editorial (10-26-03,), it has dropped to 55%. Also in the same Editorial on whether voters would support an additional sales tax, the answer was a definite NO. And more questions and doubts are continually evolving decreasing the viability and support of SVRTC. P50.1

At the time of Measure A Election, much was made of congestion of I-880 and I-680 leading into the county and the relief that SVRTC would provide. However, historically BART has not relieved congestion when one looks at traffic on the Bay Bridge and one could wonder why politicians are pressing for the 4th Caldecott tunnel where BART has paralleled it over 30 years. Meanwhile Mercury News has mentioned that congestion has worsen into and within Santa Clara County from all directions, while the corridor that SVRTC would serve only constitutes 8% of total inter-county trips.

Additionally, the EIS/R indicates that only one-third of the riders projected to use SVRTC would originate within Santa Clara County while the remaining two-thirds would originate outside the County or trips to/from Alameda County and beyond. In other words, Santa Clara residents would be taxed so that twice the number of non-county riders would use the extension. P50.2

Meanwhile the public also becoming aware that VTA is struggling to get adequate funds together to build SVRTC. They were even told that VTA is eliminating a local station or two under the Minimum Operating Scenario (MOS), which reduces local access to the extension. And according to BART Staff review of the VTA's MOS, they stated, "building to 2015 needs is unacceptable to BART". And "VTA is bonding for $170 million to fund this effort." P50.3

To meet year 2025 objectives or what was initially proposed in Measure A means VTA will have to raise more funds to fulfill it. Deleting local stations under VTA's MOS also means even lower percentage of Santa Clara County users and higher percentage from outside would benefit.

Continuing with the construction of SVRTC will take up about half of current projected Measure A's 30 year sales tax revenues, which means VTA will be cutting or deferring other proposed Measure A transit P50.4

improvements. If the county voters where fully informed about this or who would benefit and the cost status of SVRTC, would the support even be 55%?

Also, the character and representation of VTA Board is changing. Funding of SVRTC glimmers so the VTA programs are also changing. More on the VTA board are voicing the need to fund other more cost effective projects.

P50.4 cont

Prior Comments to VTA on their MIS

When I made comments on VTA's MIS, it was after the date VTA was accepted comments so they were never reported or responded to. Belatedly I determined that VTA's MIS Busway alternative was very biased and their consultant did little on capitalizing on the busway's real potential.

I have investigated and viewed many busways and BRTs worldwide in Canada, Germany, England, France, Japan, Brazil, Chile, and several in the US like at Pittsburgh, Miami, Orlando, Los Angeles, Seattle and Oakland as well as visited several test and research facilities for busways in Japan, Germany, and the US. I retired as a Traffic Engineer so I feel I know to a high degree the capabilities of BRT and busway.

P50.5

Mode of Transit, Ridership, Land Use and Development -

I questioned the number of Eastbay riders that would use SVRT. My rough check using ABAG's data that VTA used, I doubled ABAG's projected AM work trips from/to East Bay for the year 2025 to get the total daily work trips of 374,000 trips and assumed another 374,000 for off peak non-commute trips, which providing a total 748,000 intercity daily trips.

Then, if SJX could capture 5% of the total trips excluding those who would continue to use ACE, Capitol Rail, and other public and charter buses and vans, it would generate a ridership that would exceeds most similar existing inter-city rail usage. 5% of the 748,000 trips using SVRT would produce only 37,400 riders, not 56,700 trips from the Eastbay that VTA projected, which is 65% of their 87,200 total trips. VTA's Eastbay trips number would be 52% higher. I admit my calculations are rough but I believe they are on the high side and may be off 20% but it can't be off 52%.

An earlier study by Parsons-Brinckerhoff, hired by VTA, projected 44,815 total trips for SJX. At 65% of PB's 44,800 trips is 29,100, making VTA's MIS projection almost twice PB's. Cambridge Systematics recent study for Livermore tBART study also projects less riders than SJX's MIS and this ridership was based on BART rail extended into Livermore. So, I question VTAs' 56,700 Eastbay trips.

P50.6

On table 4.2-5 of the EIS/EIR, it shows the estimate as 55,245 or 66% of the total 83,585 will be from outside the County. And cost per new rider per trip is $32.83 with the BART Alternative but they do not provide a cost under the MOS alternatives which will have fewer riders but utilizes the original available funds to construct a limited system.

If consultants are held responsible for the ridership and are willing to insure or stand behind it to the degree of being willing to fund its consequences it may be more assuring to the public. Unfortunately we probably would not have any consultants to make the study if this was required. So if the results come out less than the study, the public will be stuck with its cost. Therefore with so much serious and questionable liberal projections of the EIS/R it should not be accepted unless better data assuring its data is provided especially in regards to its ongoing operating expenses that are not budgeted after its completion or its ridership.

Even the local press is beginning to question the direction and extent of ridership and effectiveness of SVRT. One is a very recent article this week 5/9/04 in the SJ Mercury written by Barry Witt:

"But if you want an understanding of the forces shaping Gonzales' plan to bring BART to San Jose, look at what's happening with the Bush administration's plans to bring peace and democracy to Iraq. " Quote from Scott Herhold's Column in SJ Mercury

"But new ridership projections from the Santa Clara Valley Transportation Authority suggest BART's impact on the commute would be small -- so small that most people would hardly notice a difference in their daily travels.

In 2025, according to the agency's data, two of three seats on weekday trains would be empty. Traffic on interstates 680 and 880 would remain jammed. And a trip from southern Alameda County to most of Silicon Valley would remain much faster by car than by mass transit. All told, the benefits from a Bay Area Rapid Transit

P50.7

extension would be so limited – and its $4.1 billion cost so high – that it would earn the lowest of five cost-effectiveness ratings the federal government assigns to transit projects seeking funding". Excerpt from Barry Witt's report.

P50.7 cont

Land Use integration and its importance

Overall there is a need to have the local cities commit to Integration of land use and Development to transportation and transit before one can count on assured ridership primarily with Transit Oriented Developments (TOD). The EIS/R does not provide this assurance yet assumes much of this is to take place.

P50.8

SVRT serves only a single readily accessible 1mile node or corridor through a generally sprawled area that lacks real nodal or corridor densities so unfortunately it will not generate good ridership without auto access. Also since the SVRTC serves only a limited node or width corridor many of the users will require a transfer to some other transit mode to get to/from their origins and as well as their destinations because most places of employment, business, shopping and other activities in San Jose are so spread out.

P50.9

In addition, SVRT has limited number of bus riders, walkers and bikers and therefore is very dependent on auto access for riders. Also most (95%) of SVRT 10,000 parking spaces are in structures, which is very costly. BART's experience for stations that are so reliant on parking, especially structured parking, where over the years we find that it very difficult to change the area into a TOD that most transit agencies propose for its future development. (More on parking later in my comments.)

Busway and BRT

In comparison, a Busway (BW) operation like that provided by Ottawa, Canada operates buses in the morning that picks up riders in their neighborhood during AM peak periods and transports them to the BW. Without requiring riders to transfer at the station if it were rail, the buses enter the BW providing exceptional convenience as well as speed. Since most riders are on buses by the time they get to the BW stations there are very few riders waiting at stations to board. So most of the buses on the BW travel express with very few stops along the BW.

On one of my three visits to Ottawa, I got there during morning peak hour via an overnight train trip. The BW was planned to serve the train terminal so it is located next to the BW. I walked to the BW station via a special pedestrian overcrossing of the BW and waited as several buses kept whizzing by less than a minute apart and wondered why the buses would not stop. I realized that you are supposed to flag down the bus that is destined to where you want to go along the BW. Which, I did to get a bus to stop and take me to Ottawa's downtown.

Additionally with BWs there is no need for expensive structured parking around stations because most riders accessed the BW station via the bus or other modes other than with the car, so the area around the station can be immediately be developed as a TOD. SVRT with almost 10,000 parking spaces with 95% in structures will cost around $200 Million plus the cost of R/W. I will go into more detail on parking later.

P50.10

Also from home to destination this Ottawa type alternative is more convenient and faster for the user than BART for one can catch a bus in ones neighborhood (this may even mean the rider will not need to own a second car) and the bus once on the BW usually travels non-stop to major destinations along the busway. With BART one has to access BART station via some mode of transit, if with the car they will increase local congestion, generate more pollution due to the shorter trip with the short cold start and hot soak, walk into the station, deal with ticketing, wait and board BART that stops at each intervening station until it reaches ones destination.

Another advantage with a BW is, if there is a large enough demand, a specific BW bus can be routed to deliver riders to major destinations off of the BW, although most would probably have to transfer at the station where the specific bus diverges off the BW bound for the major off site destination. This is how Pittsburgh operates their MLK BW in serving major offsite built up urban area off of their BW to Oakland and the University area.

Ottawa's population is ¾ of San Jose, yet their busway developed a ridership of 200,000 within a year and has maintained this ever since. The reason the ridership developed so quickly was its superb accessibility, convenience and speed. Basically it carries 100,000 from both sides of the City Center with over 200 buses an hour feeding into the Center. It took BART about 20 years to reach 300,000 with five

lines and there is not a single BART line that carries 100,000 even after 32 years of service. Professor Robert Cervero professes that Ottawa's Busway system is the most cost effective transit system in North America. And its Capital cost was 2/3 of a LRT! This alternative type of BW operation was not fully explored in VTA's MIS since the bias was for building a BART system that was specified in Measure A. P50.10 cont

A specific comment in regards to the EIS/R Base line Alternative as shown in Figure D-1, I question the need for the special elevated direct busway connection south bound on I-680 to Warm Spring station and to I-880 south bound. I thought the overall transit improvement was to give better transit access to Santa Clara County but the Base line Alternative shown does not provide a good access to I-680 southbound from BART's Warm Springs station into Santa Clara County. P50.11

I suggest another alternative that would serve Santa Clara County with better connection to access I-680 and I-880 south that would be far cheaper. It is by widening Warm Springs Blvd. from Warm Spring station south to Mission Blvd with a busway (presently it could even be a single reversible busway lane if there is limited R/W along with a peak directional flow problem). There exists on-ramps to get to either freeways from Mission Blvd. If the ramps are congested at the Mission Blvd Interchange one can widen the ramps for buses and poolcars of three or more with priority access. Also if the interchange is congested Signal priority can also be implemented. Once on the freeway where I assume the buses would be able to use the HOV lanes. P50.12

Pollution and Energy

I question SVRTC efficiency, pollution and energy savings. With one of the prime access mode being the autos with almost 10,000 parking spaces and auto driving to/from the stations generating local congestion to access parking. This alone could account for 81% of local trips or 22,000 of 27,000 for SVRT. P50.13 In the modeling for pollution did the consultants' account for the higher pollution from the shorter ¾ to 3 mile cold start hot soak trips to access/egress station parking. P50.14

Parking

Much of the parking is in structures and in prime areas immediate to Station. Since structure parking is costly and more or less permanent, local jurisdictions and agencies are reluctant to demolish the structure to build TODs that should be located there. Parking is one of the poorest types of development adjacent to high activity and well-used transit centers. Immediate areas to stations should be dense mixed-use development. P50.15

FTA provides funds for constructing Transit Infrastructure including Structured parking but I wonder if people realize the overall cost of structured parking subsidizes it users an amount that could exceed the cost of providing operational subsidy to existing buses that serves transit stations or feeder buses. Here below are some calculations I made regarding the ongoing subsidy that is provided with the building of structured parking.

Cost of Station Parking and its Subsidy

Assumptions:

* Parking is a 4 story structure that cost $20,000 per space and after 30 years the structure will be replaced or need reconstruction.
- Value of existing property of area around will increase to an assumed value of $2.25 million per acre.
- An auto parking space requires 350 sq ft per car.
- A week day parking fee of $2 (this charge will apply to 250 per year) P50.16

Structured Parking and its Subsidy ----

R/W required 350 sq ft on 4 floors is 350/4 or 87.5 sq ft for a space
Cost of the R/W 87.5/43,560 = 0.002 Acres times $2.25million = $4,500

Construction Cast per space $20,000

Construction cost plus R/W ---------- $24,500

Annuity @ interest rate of 6% over 30 years is 0.0726

So Present value or annual cost is $24,500 X 0.0726 = $1779/year

Yearly Cost Divided by 250 days when charges are applied = $7.11 per day
Cost to maintain , light, and provide security $ 1.25 per day
Overall public cost the public spends to provide the parking $8.36 per day
Subtracting the $2 per day parking charge is the daily public subsidy **$6.36**

Surface Parking and its Subsidy ----

R/W required 350 sq ft per space
350/43560 = 0.008 Acre times $2.25 million = $20,000
Construction Cost 350 X $14/sq ft = $ 4,900
Construction Cost plus R/W = $24,900
Cost to maintain, light, and provides security = $ 1.00 per day
Daily Subsidy at $24,900 construction and $1 maintenance cost = $8.23
Subtracting parking charge of $2 per day = **$6.23**

P50.16

Since the capital cost is almost the same with $24,500 for structure and $24,900 for surface the overall daily subsidy would be about the same. So even charging $2 per day for its use, public subsidy would be about $6.30 per day if a charge of $2 was imposed or the subsidy will be $8.30 if free.

Since the subsidy for parking in structure and surface is about same, using the subsidy for all the parking @ $6.30 subsidy per day with 9,957 spaces and charging $2 per day, it will amount to a daily subsidy of $62,730 per day or $15,682,500 per year over 30 years and if free it would be $82,643 per day or $20,661,000 per year. One can operate quite a number of feeder buses at this cost.

Also, I noticed the Table 8.2-2 shows some costs for parking at Future Calaveras, Berryessa and Santa Clara Stations but there are no cost figures for other stations that are planned to have parking. Why are they omitted and are their costs included in the overall project cost? Also it appears these cost are for construction and does not include R/W acquisition costs.

P50.17

Alternative to Parking with Feeder buses

In lieu, if a feeder bus were provided only during peak periods of 2 hours in the AM and PM plus an additional hour to get to/from the bus yard at $100 per hour for operation and maintenance, it would cost $500 per bus per day. Assume the buses will range 2 miles out from the station in their feeder service and has a service operating speed of 15 miles per hour. The buses would roughly cover a circular area of 4 miles with stations 4 miles apart. Since the corridor is not very well developed one can start with 4 buses and provide 15-20 minute headways and build up to 6 buses which would cover an built up area of 2 mile radius at 15 minute intervals for each station.

The capital cost for the initial 4 buses at $225,000 would be $900,000, its annual cost at 6% over a useful life which would be 2.5 times the 12 years standard since the buses are used only 5 hours a day. So $900,000 times 0.0726 (the same 30 years) will give the annual cost of $65,340 per year or $261 per day for four buses. Its operating cost would be 20 hours at $100 per hour or $2000 per day. So its total daily capital and operating cost would be $2,261 for four buses.

At this total daily cost of $2,261 to operate 4 free feeder bus service, it would need to transport 359 passengers a day in lieu of providing 359 parking spaces that are subsidized at $6.30 per day including a parking charge of $2 per day. With four buses, each bus would have to transport 90 riders over two hours and if 3 round trips are made per bus it would be 15 passengers per round trip. If the bus fare was $1 each way or $2 round trip, which would be comparable to the parking charges, feeder bus service could increase operation an additional 3.5 bus hours per peak period.

P50.18

NOTE This calculation is made to show how expensive it is to provide parking at Metro station. Parking takes up very valuable and vital area where a TOD should or could be built as most transit agencies plan and hope for in areas around transit stations. But the problem is, once parking is built, especially in structures, the agency or the local jurisdictions are reluctant to remove it or private developers have a difficult time getting funds to replace or rebuild it when they are required to do so as part of the development rights.

FTA by funding the capital cost of parking is essentially funding its operational subsidy over its life's use. If FTA funded feeder buses and its operation rather than the capital cost for parking, as the example

shows, it could be more cost effective. An additional plus in using feeder buses is that it will allow a way to readily develop a TOD around the station and will also be more environmentally sound and provide a better quality of living without all the intrusion of cars.

Allowing capital cost for parking FTA will be subsidizing auto use and fostering more auto oriented developments. If FTA was willing to subsidize feeder bus operation when the subsidy for feeder buses is comparable or less, it would materialize to be a better choice for it will allow the R/W occupied by parking to be developed into a more viable TOD, lessen the short most polluting auto trips, limit auto use in and around the station where a greater walkable neighborhood is preferred, reduce local auto congestion and provide for a nicer environment through TOD living. P50.18 cont

Also it is evident that people who use BART parking are more affluent than other riders who use feeder transit or other modes to access BART. So there is a marked social equity problem of subsidizing car with parking for access. Is this reflected in your Environmental Justice assessment? To control the demand for parking and equalize this social equity and its sustainability, one should establish parking pricing policy and there is no mention in the EIS/R on charging for parking. P50.19

Access

Apparently the design of the station was to provide primary access to the station via the auto. Although in the future VTA will probably not add parking but control its use through pricing. Overall parking will produce only a finite number of riders according to the number of spaces and once filled it will be difficult to increase transit ridership from its use. Whereas with buses, one can increase the number readily by increasing bus size, frequency, and speed if BRT measures are utilized. So for the future to increase ridership one should rely more on other modes of access than the car and rely more on public transit. But viewing the routing of transit accessing the station, it is very roundabout, indirect and time consuming because station access design appears to primarily favor access for the auto and secondarily to buses. Considering the future one should locate the station directly over adjacent to the major cross street to provide bus access off the street by widening the street for ready direct bus access/egress and have auto parking more offsite at distance to have a TOD to be located next to the station. Most Metro stations in other countries do not provide public parking next to stations and if they do they charge quite high fee for its use. P50.20

Funding

EIS/R Lacks a study on sustainability, especially on operational funding.

It is obvious that the allocated State Transportation Congestion Relief Program TCRP funds of $649 million will not materialize until the State's economy improves substantially which will take several years.

However, initially the various State TCRP projects were not based on any study of cost benefit, ridership, environment, social equity, etc , similar to how FTA would appraise transit worthiness of projects. SVRTC was politically pushed without BART input. It gained State TCRP funds from political association after which it was the stimulus to the passage of the Measure A with a 71% passage with strong political backing. Then MTC approved it by placing it in the RTP even though it did not meet many of MTC criteria as a viable cost effective project after which VTA finally presented it to BART for review.

Meanwhile VTA's Local Bus service was cut due to lack of public subsidies thereby generating fewer riders. VTA has even borrowed funds from the Measure A funding even though it will not come into effect until 2006 to subsidize existing reduced service. They have also borrowed $170 million to continue studying and designing SVRTC. P50.21

Key individuals repute SVRTC will cost $4.6 billion to $6.5 billion including interest on Bonds rather than the $4.1 billion it will cost at 2003 dollars mentioned in the EIS/R.

Without another voter-approved sales tax increase SVRTC will not be able to operate even if VTA builds it under the MOS option plan eliminating a proposed Station or two, less in yard facilities and fewer cars.

Questions on Funding

May 15 04 03:27p Roy Nakadegawa (510)524-9103 p.7

Other than the problem of accumulating funds to build SVRTC there is the other very serious matter of funding SVRT's operation and maintenance (O/M) that the EIS/R only treated ephemerally. It appears there will obviously be a definite lack of subsidy funds to sustain SVRT operation unless an additional regular funding stream is developed. Isn't there a part in the EIS/R, CEQA or NEPA that requires more complete report on sustainability?

The EIS/R mentions that the fare recovery will attain 71% in year 2025 which is excellent, but fare revenues takes years to build with gradually increasing ridership that does not materialize very quickly, especially with SVRT in that it depends on greater development around stations that currently are located within non-integrated sprawled development. With BART, the initial years fare recovery was around 20-30% and took 25 years for ridership to gradual build up to attain 65% recovery but it never reached 71% in all its 32 years of operation.

Also BART's major ridership is into two dense established city centers as compared to San Jose with its less developed center and sprawled-out dot-com campuses. In San Jose, there is no there, there for most of San Jose's shopping, dot-com campuses and employment centers are sprawled and SVRTC's planned route does not provide good access to most of these developments..

Even with 71% fare recovery VTA will still lack $19 million to meet its total annual O/M cost of $65 million mentioned in the EIS/R. Then there is the $48 million annual O/M contract with BART that allows for periodic increases. So there definitely will be a considerable amount needed for annual operating subsidy.

When BART initially started service, they had the total use of the ½ cent sales tax from three counties to use for this purpose. So, it will probably require an additional county Sales Tax of similar magnitude. But due to its dwindling appeal and facts evolving and according to Mercury News Poll it is questionable whether VTA could muster a 50% vote.

P50.21 cont

VTA should not treat the consultants ridership with 71% fare recovery in the EIS/R as gospel truth for it is just an estimate. What happened with SamTrans and its ridership of the BART extension to SFO/Millbrae is a good example, especially at Millbrae Station. Basing consultants estimate on its ridership SamTrans thought that BART operation in San Mateo County would need only a few years of subsidies. For the first year the subsidy turned out to be over 3 times the amount SamTrans budgeted which was $6 million. They budgeted less subsequent years, believing that it would operate not only in the black but with a surplus enough to pay a negotiated agreed amount of $145 million to pay 22% of the cost to build BART Extension to Warm Springs, which SVRTC is dependent on its completion to connect to. BART Staff believes SFO/Millbrae based on current use and at rider increase of 2.2% per year, it will take until year 2020 to reach the 50,000 trips per day that was the estimate in the EIS/R.

If VTA is able to build SVRT under the MOS scenario with FTA funding, and later finds they cannot afford to subsidize continue service and decides to eliminate SVRT service, then VTA will have to pay back FTA the funds they provided. So, VTA would be compelled to give priority for SVTR's operation over other existing transit services, which would probably be under limited subsidy operation and since so much has been spent to build SVTRC, it would undoubtedly mean additional cuts in existing bus and LRT service that have already been cut even though they serve vastly greater part of the County. This is what unfortunately many other agencies with new rail have done and are doing.

It appears that VTA is trying to force its SVRT, and to date much of its funding is not assured, which does not bode well. To pursue this project so determinedly with what has happened does not make sense. Before VTA ventures further and spends another $200-300 million I believe the public should be provided a complete disclosure of SVRT's current and impending problems and costs including the O/M subsidy.

The subsidy problem is so serious and costly that VTA should provide a comprehensive and detailed report for the general public and furthermore be willing to put it to a vote for the public to decide whether to continue. Other wise it will be a great sustainability problem that will plague Santa Clara County with a large financial burden for years to come that they will regret.

Several years back I recall that the county embarked on a citywide Dial a Ride transit service in lieu of the bus service and had to terminate it since it was so ineffective and cost so much. SVRTC appears to be a costly venture as well.

Future Joint Use of VTA rail system.

VTA will be limiting the use of the expensive Tunnel construction only to BART since BART system operates on a special gauge track and has a different clearances width and platform boarding height. The future enhanced use of the expensive rail service as subway by incorporating VTA's LRT rail with SVRT for better more efficient use of the costly tunnel through Downtown is not possible or will be very difficult due BART atypical design standards. Also VTA has switched to low floor LRTs, which compounds this problem. This raises a problem of not planning for future integration of expensive infrastructure. P50.22

Stuttgart, Germany has 10 LRT lines and has managed to upgrade their system where all the lines were integrated and now enter city center in two lines as a subway system since they had standardized their cars using the same gauge rail with cars adapting to same platform heights. Even their commuter rail is compatible to the gauge and platform so they operate them as well in the Subway. They have one old line with old cars that has a different gauge and requires a different platform height so it does not operate in the subways.

Status of Warm Springs Station and SVRT Connection

Currently this project is barely proceeding in design for construction with small funds from various sources. It is far from being fully funded and may not be for years to come because 22% of its funding as mentioned earlier is dependent on $145 million that San Mateo Transit hopes to accumulate from the surplus in fares of the SFO/Millbrae Extension operation. This was part of what SamTrans negotiated in their BART Buy-In agreement to enable the construction of the SFO/Millbrae BART Extension. As it is, this fund will likely not materialize or if it does it will take up to year 2020 to do so. This means this extension may not be built until then or later. If this is the case what will VTA do? This impact was not mentioned in the EIS/R. P50.23

Respectfully Submitted

Roy Nakadegawa P.E.

Roy Nakadegawa P.E.
BART Director – District 3
751 The Alameda, Berkeley, CA 94707

RESPONSE TO COMMENT LETTER P50

Roy Nakadegawa (May 15, 2004)

P50.1 *The recent economic decline presents challenges to the financing of this project. Staff continues to work with the VTA Board, the 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 Environmental Impact Statement (EIS)/ Environmental Impact Report (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. 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. The purpose of the project is to provide additional travel mode choice and total transportation system capacity, not simply to fix congestion.*

P50.2 *BART patrons from other counties, as well as patrons from Santa Clara County, would use the BART Alternative. As stated in Chapter 2, Introduction, one of the goals of the BART Alternative is to increase regional connectivity to, from, and within the corridor. By connecting to the existing BART line, residents of Santa Clara County would be able to access areas in different counties as well.*

The EIS/EIR indicates that approximately one-third of the project ridership would have a start and end station entirely in Santa Clara County. The remaining two-thirds would cross the Alameda/Santa Clara County line, which means that a portion of those riders would be from Santa Clara County households traveling into counties to the northeast. Therefore, the statement that twice the number of non-Santa Clara County riders would benefit is not accurate. The models estimate that approximately one-half of the trips crossing the Alameda/Santa Clara County line are from origins in Santa Clara County, meaning that fully two-thirds of the project trips serve residents of Santa Clara County. It should be noted that Santa Clara County residents have in the past been willing to tax themselves to finance regional and cross-county improvements for the greater benefit of the region.

P50.3 *VTA continues to pursue construction of the entire 16.3-mile, 7 station extension, not the minimum operating segment (MOS) scenarios included in the document at the request of the FTA. No stations have been eliminated from the total project alignment. The $170 million funding is being used to complete Preliminary Engineering on the entire 16.3-mile, 7 station extension, not just the MOS alternatives.*

P50.4 *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 VTA Board.*

P50.5 *The Major Investment Study/Alternatives Analysis (MIS/AA) evaluated 11 alternatives for the corridor including a Busway on the UPRR Alignment option. 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.*

P50.6 *The project serves a corridor that exhibits long periods of traffic congestion and is located in an area of the region that will continue to experience growth in population and jobs in a geographically restricted corridor. It is unlikely that only a 5% transit mode share would be realized with a project that offers a more reliable means of transportation than either automobile or bus transit services. The travel demand models employed to forecast transit use in the corridor explicitly considers the effects of increased growth and the relative costs and travel times of each travel model available to the traveler, and was validated to base year conditions before forecasts were prepared.*

Each of the studies referenced in the comment used different models and forecasts of socioeconomic data to develop the respective patronage forecasts. The earlier study by Parsons-Brinckerhoff in 2000 used an older version of the MTC model that did not adequately reflect the travel conditions of the corridor, especially the congested highway speeds in the corridor, and used older Association of Bay Area Governments (ABAG) Projections 1998 socioeconomic forecasts. The Cambridge Systematics study used the Alameda Countywide model that had very coarse traffic analysis zone (TAZ) detail in Santa Clara County. Therefore, comparisons between the study patronage forecasts cannot be supported. As with any estimate of ridership for future years, there are a variety of assumptions that go into the models. The project forecasts used the most updated models for the region to produce the forecasts and also made use of the same forecasting assumptions as the MTC regional models and demographic forecasts provided by ABAG.

P50.7 *It is true that the SVRTC BART Extension currently has a "Not Recommended" rating from the FTA. However, 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's merits. VTA's SVRTC BART Extension scores well in land use ("medium/high") and, because of the Santa Clara County voters, the BART Extension is rated "high" in local funding that far outweighs federal funds sought. Also refer to response P50.6.*

P50.8 *Each city general plan projects future conditions for the build out year of each respective city. The cities of Fremont, Milpitas, San Jose, and Santa Clara have build out years of 2010, 2010, 2020, and 2005, respectively. Year 2025 land use projections have not been identified by any of these cities. The General Plan of each of the four cities through which the BART Alternative alignment passes has adopted policies that promote transit-oriented development (TOD) near major transit services (Refer to Land Use, Section 4.12.2.2 Regulatory Setting for a description of these policies.)*

P50.9 *The majority of projected ridership for the BART Alternative in 2025 is not dependent on auto-access for riders. In fact, only 24% of the trips made on the extension stations will be either park-and-ride or kiss-and-ride access (see Table 4.2-8 Mode of Access at BART Alternative Stations). Major intermodal connections (bus, light rail and commuter rail) will be possible at the Montague/Capitol, Berryessa, Alum Rock, Market Street, Diridon, and Santa Clara stations as shown in Table 4.2-8. Where feasible, space has been proposed for future TOD at each station site.*

P50.10 *The MIS/AA evaluated 11 alternatives for the corridor including a Busway on the UPRR Alignment option to serve riders between BART's Warm Springs Station and Silicon Valley employment centers. The benefits of the busway option were far less, including only about 56% of the ridership and only 60% of the peak trips removed from the roadways when compared to the BART Alternative, (see MIS Final Report, Table 3.2). As such, this alternative would not achieve the project's purpose to the same degree that the BART Alternative would, such as not maximizing transit usage and ridership. Therefore, the VTA Board of Directors selected BART as the Locally Preferred Alternative for the corridor.*

P50.11 *The Baseline Alternative special elevated direct busway connection would be constructed to allow fast service for "valley" express buses particularly during peak commute hours. These buses would provide service between Central Valley, Tri-Valley, and central Contra Costa County and Silicon Valley destinations.*

P50.12 *Refer to response P50.10. In addition, the Baseline Alternative provides a similar facility alternative as described in Section 3.3.3.1 New Busway Connectors. The Baseline Alternative included in the EIS/EIR has more direct access to both I-680 and I-880 and avoids Mission Boulevard, which is extremely congested even today. Therefore, the Baseline Alternative provides better access to the interstates compared to the suggested alternative, while not resulting in significant environmental impacts that cannot be mitigated.*

P50.13 *The commentor states that vehicle trips accessing the BART Alternative would create congestion on local streets. Section 4.2, Transportation and Transit, discusses the traffic impacts from each of the alternatives. Also refer to Section 4.8, Energy, regarding energy savings and the conclusion that the Baseline and BART alternatives provide an overall energy savings compared to the No-Action Alternative.*

P50.14 *The air quality assessment (See Section 4.3 Air Quality) for the parking structures took into consideration cold start and hot start trips from vehicles entering and leaving the parking structures.*

P50.15 *VTA has and will continue to encourage the cities to promote dense, mixed-use development in the station areas. VTA's Community Design and Transportation Program is a testament to the agency's commitment to TOD around station areas in Santa Clara County. While TOD will continue to be encouraged, some parking is needed around the stations to satisfy BART riders that access stations by personal vehicles. Table 4.2-8, Mode of Access at BART Alternative Stations, projects ridership by mode.*

P50.16 *As demonstrated in Table 3.4-1, 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.*

Also refer to responses P50.10 and P50.18.

P50.17 *The costs for all parking included in the "base case" project description are also included in the "base case" cost estimate for the project (see Table 8.2-1, Capital Costs for Baseline and BART Alternatives). Table 8.2-2, BART Alternative Design Options, shows the incremental cost differences of the alignment and station options included in the EIS/EIR. The costs in Table 8.2-2 only represent the incremental cost of the alignment*

or station design option above that of the "base case." Only the Calaveras (Future), Berryessa and Santa Clara Station designs had options that affected parking, which is why they are the only ones shown in Table 8.2-2. Both construction and right-of-way costs are included in the "base case" and option costs estimates.

P50.18 *As stated in Section 3.4.7, BART Alternative Operating Plan, the BART stations would be served by "SVRTC Express Bus" routes. Local bus routes would also be rerouted to better serve the BART stations. Parking is still necessary to serve those accessing the stations by auto. The projected mode of access for each station is provided in Table 4.2-8, Mode of Access at BART Alternative Stations.*

P50.19 *Charging patrons for use of the parking facilities at BART stations would not promote environmental justice in all cases. Charging for the use of parking facilities would deter low-income populations who wish to drive and park at BART stations.*

It has not yet been determined as to which, if any, BART stations will charge a fee to park in the station lots. When making this determination, Environmental Justice issues will be considered.

P50.20 *The BART Alternative stations were designed to serve all access modes, not just auto-access modes. It should be noted that auto-access is not the primary means of accessing the project stations, as only 24% of all project trips would be either park-and-ride or kiss-and-ride. This indicates the importance of the supporting background bus and rail networks for the project ridership. With this in mind, all of the above ground stations have a 'bus transit center' located adjacent to the station loading area. As the project advances to Preliminary Engineering and Final Design, the station access plans and site plans will be refined by VTA bus facility designers to ensure that riders can access and egress the stations conveniently.*

P50.21 *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 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 VTA Board.

The VTA Board, at a noticed public meeting on August 7, 2003, authorized the sale of up to $550 million in Bonds against future Measure A revenues to be used for Preliminary Engineering, Final Design and Right-of Way acquisition. To date only $170 million has been allocated, with only a portion of that actually bonded to date. VTA is confident in the cost estimates as prepared for the 10% Conceptual Engineering phase of the project. Bonding costs associated with Measure A projects are carried by Measure A and not the individual projects funded through the measure.

P50.22 *Currently VTA has no intent to construct the BART Alternative tunnel segment to be compatible with its light rail operations. The BART Alternative is designed primarily to serve longer commutes outside Santa Clara County with faster travel times. The VTA*

light rail system provides transit service within Santa Clara County for shorter trips at slower speeds.

P50.23 *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 Regional Measure 2 bridge toll, which will provide the Warm Springs Extension 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 Warm Springs Extension Project forward. In addition, BART has recently initiated the preparation of an EIS addressing the Warm Springs Extension to enable federal funding should funds become available.*

This page intentionally left blank.

P51

4/14/04 provided at Public Hearing

Boris Landa
1711 Fan Street
San Jose, CA 95131
408-926-1842
boris.landa@sbcglobal.net

Dear Ladies and Gentlemen!

Thank you for this opportunity to express my opinion on the BART project under consideration. My name is Boris Landa. I am a software engineer working for a high-tech company here in Bay Area and living in the North Valley of San Jose.

My English is not perfect. That's why never before I dared to make a public speech in English. However today I decided to come forward and tell you what my family, my neighbors, and I think and feel about this project because in our opinion we are on our way to environmental and financial catastrophe. I hope that my opinion about BART environmental impact would be accepted as well as opinion of very many North Valley residents who were not able to come here today because of the day for this hearings chosen exactly in between Easter and the tax filing deadline. P51.1

First of all, I would like to remind all of us what the BART really is. It's a high speed train, and it produces noise like a high speed train. Anybody who ever lived in a railroad area knows that the disturbing sound of a passing train can be very well heard at least 4-5 blocks on each side of the railroad. The high-speed trains will make extreme noise even farther than that. So, it would be not exaggeration to say that noise from the BART trains will be heard half a mile on each side of the line. The length of the proposed railroad will be 16.3 miles, most of which – approximately 14 miles - will be built on the ground. So, you can imagine the area 14 miles long and one mile wide affected by the extreme sound. Has anybody calculated how many thousands of houses will find themselves on this territory of at least fourteen square miles? P51.2

Another BART feature is the frequency of circulation. The letter says that BART trains are expected to run every six minutes. This should be read as "every six minutes in one direction". Since it will have two directions, the trains will be passing by in average every three minutes. I guarantee you it will be a living hell for all those many thousands of families in that 14 square mile area. To see that you do not have to be an environmental expert, or experienced construction engineer, or a member of San Jose City council. All you need is the map, a highlighter, and five minutes of your time. If built on the ground – not under the ground – nothing can be done to mitigate the impact regardless of what others may say. Don't be misled by those people who will say that the railroad is already there anyway. I live in a housing complex having a fence bordering with the Union Pacific. Currently the trains do not run there on a regular basis. As a consultant I had to work from home for five years watching the railroad for almost 24 hours seven days a week. I counted something like five trains per year. They are very slow, and they are not a problem. With high-speed BART trains the situation will change dramatically, to say the least. P51.3 P51.4

If we build a new transportation system it should benefit the life of not only current residents but also generations to come. This system will stay for decades and centuries. Once built on the bad decisions with all the budget limitations in a limited time it stays forever and nothing can be done to move it, or improve it, or do anything about it. San Jose City does not have any land available for construction of new homes. We like it or not – eventually old one story houses will be replaced with new multistory buildings. And all those new buildings constructed in that 14 square mile area will multiply the affect on the increased population living in those buildings. P51.5

Now let me tell you about North Valley of San Jose. The same applies to Milpitas, and Santa Clara. This is a very heavily populated residential area. When we received this letter my wife and I made a special long walk along the Union Pacific railroad. On both sides of the railroad all the way there are fences. Behind those fences there are residential complexes one after another - thousands of houses. I don't know how many thousands. In each of those houses live people who are mostly employees of high-tech companies. All of us chose this area because of its very convenient geographical location. High-tech industry is the heart and soul of Silicon Valley. The business high-tech companies are in is very risky due to its extreme complexity, experimental nature, very high competition, and dependency on all kinds of business conditions all over the world. That's why the high-tech companies not only come into existence, grow, become reach and famous. They also downsize, layoff their employees, and even close their doors and go out of business. Just a few days ago such a strong company like Sun Microsystems announced its plan to reduce its work force by 3300 employees all of whom live in Bay Area. In average all of us have to look for another job very often. North Valley of San Jose is a residential area from where you can reach your potential employer on Peninsula, on the East side of the Bay, in San Jose, or in a city located to the South from San Jose. We cannot destroy North Valley of San Jose as a residential area and transform it into just a territory to house a train system along Capitol Express Way, Highway 680, future BART, Southern Pacific railroad, Highway 880, Light Train along 1st street, Highway 101, Highway 87, and San Jose airport. We should leave people some place to hide from all those transportation systems and let them live in nice and quiet neighborhoods for which they paid hundreds of thousands dollars. P51.6

Everybody knows that high-speed railway system must be absolutely isolated and do not have any intersections with automobile roads. It means that the railway itself must be elevated over the ground with a lot of bridges over the streets. It's expensive and will put the trains in a better position to spread its sound. Another possibility is to close a lot of streets and cut them in half. If, for example, you close Lundy Avenue - where I live - very many families will have to drive a long way around to reach their usual places for every days needs. P51.7 P51.8

Now look how these environmental issues will affect our finances. All of us know – for poor families, for middle class families, even for rich families the money invested in the house is the main investment of the life time. And now very many of those families will discover that the value of their houses is much less than they had paid years ago making P51.9

huge debts called home loans. Most of the houses along Union Pacific have value between 500 and 700 thousand dollars. Some houses cost even more. It's a very real possibility that the value of those houses will go down up to 30% as soon as this project is approved. Translated into money it means a loss of approximately 200 thousand dollars per household. If we have only 10 thousands of houses on that territory of 14 square miles it already comes to 2 billion dollars in losses. Just think about it. To me it looks like a crime against many thousands of families.

P51.9 cont

Under these circumstances my wife and I decided to look what we can buy in San Jose, if we decide to move. The Internet told us that a new one-bedroom townhouse in San Jose City costs around 500 thousand dollars. Not a single family house, not a five-bedroom townhouse – just one bedroom townhouse costs 500 thousand dollars. If thousands and thousands of families in the North Valley of San Jose, Milpitas, Santa Clara, and Fremont decide to relocate due to the noise they cannot live with - the housing prices in other surrounding areas will go even higher. The cost of a house sold in the BART construction area will definitely not cover the purchase of a similar house somewhere else. Those families will have to borrow money again or to buy houses of smaller sizes. We already have a housing crisis. This project as it is presented will make it much-much-much worse. It will be housing catastrophe.

P51.10

Now look at another part of the finance problem. This project needs many billions of dollars from the Federal Government and State of California. It also will require a raise of the sales tax in Santa Clara County to support it. Did you here anything about any private investment organizations willing to participate in financing of this project? No. The reason is obvious – this project is never going to be profitable. More than that. When the construction is over this project will never be self-sufficient financially. It will demand hundreds of millions dollars every year to operate. Every year due to the rising costs of everything the BART will demand more and more money. Once started, it can never be stopped. Who will pay its budget deficits? Mostly local taxpayers will. It will be the price for their right live in the hell.

P51.11

Now let's look how this problem is addressed in other large cities in the world. If someone in New York, London, Paris, or Moscow tells you that his or her housing complex is located close to the system like BART– it means a huge advantage. People who live close to public transportation do not have to drive. It's because their railroad systems are built underground or at least it's not over the fence of the houses. It's not the case here in San Jose and other cities involved in the project. For us it's not a benefit – it's a disaster. Cities like San Jose must build underground systems. Usually it is ongoing project, which lasts for very long time. It's extremely expensive. But in the end it becomes a most valuable part of the city infrastructure.

P51.12

I live in San Jose and I love my city. But look at its downtown. It's ugly. It's an unbalanced mixture of buildings having different styles and sizes, which do not match one another. Some buildings do not have a style at all. Some very new residential buildings look like prisons built a hundred of years ago. It happened because historically the authorities of San Jose city failed to coordinate all these construction projects and

think a little bit from perspective of people who would live here. It will take very-very long time to improve it. Now we are going to make another ugly scar on the face of our home city. Historically it does not matter whether now we have or not enough money to build all the stations within a couple of years or so. What really matters is our ability to build slowly a transportation system which has quality to withstand centuries and would attract more and more people to live nearby now and in the future instead of making panic among current residents to escape as soon as possible while they still can sell their houses for money able to buy something decent somewhere else. P51.13

I have not heard about any surveys proving a high necessity of the BART extension at all. I did my own survey trying to talk to my neighbors, relatives, friends, co-workers, and so on. It was not a scientific survey, of course but the results are amazing. I have not found anybody exited or looking forward to see the BART extension in San Jose. Probably such people do exist. However, it's absolutely clear – there is no any reason, urgency or emergency to push forward this project the cheapest possible way and sacrifice the basic rights and interests of so many people. When calculating the price of this project, please, include in the equation all those multi-billion losses we - the residents – will suffer. P51.14

We should not allow the authors of this project to pretend that North Valley of San Jose, Milpitas, Santa Clara, and Fremont are rural areas with a couple of villages located far one from another and a railroad in between with a couple of trains a day.

I remember that speech made by San Jose mayor Ron Gonzales during his re-election campaign. He promised to bring the BART to San Jose city before his term in the office expires. Now we all can see what he had in mind. The fact itself that today we have these hearing proves that that Mr. Gonzales, mayors of Fremont, Milpitas, and Santa Clara pre-approved it for further consideration. If we – not experts – can see all these problems – they had to see them before us and not even try to push it forward as it is now. P51.15

We must raise our voice and explain him it is not a priority. The priority is to make the life of people better – not worse. We should build a strong movement against all those elected officials who are going to destroy our lives emotionally and financially. We should attract the attention of California Governor, US Senators from California, all our representatives in the US and California government to this highly important problem.

To make a very bad thing you do not need to complete an expensive project. You just need to approve it – and the damage is done. Yes, we probably need something to improve our public transportation. The project as it is presented today is not that something. It's absolutely unacceptable and we should not let it happen.

Thank you for your attention and patience.

RESPONSE TO COMMENT LETTER P51

Boris Landa (May 14, 2004)

P51.1 *The comment is noted and included in the record for review and consideration by the decision-makers. Four public hearings (April 12, 14, and 19, 2004 and May 12, 2004) were held to provide the public with ample opportunities to attend and provide comments.*

P51.2 *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. Both the BART and FTA criteria assess exterior noise levels at the façades of buildings, not interior noise levels. Where noise impact has been identified, mitigation measures have been identified to reduce the noise levels to within the appropriate criteria. The noise analysis is provided in the Section 4.13, Noise and Vibration. Because BART will be constructed in an urban environment with a variety of existing noise sources (i.e. traffic from freeways, highways, major arterials and local roadways, aircraft overflights, railroad freight and passenger service, and other urban sources), BART will not be the dominant noise source a half-mile away on each side of the alignment.*

P51.3 *As stated in Section 3.4.7, BART Alternative Operating Plan, BART train service would operate every day from 4:00 a.m. to 1:00 a.m. From 6:00 a.m. to 7:30 p.m., service headways would average six minutes (12 minutes on the Richmond-Fremont-San Jose line and 12 minutes on the San Francisco-Fremont-San Jose line) between the BART Warm Springs Station and Downtown San Jose/Santa Clara. This represents a reduction of three minutes from current BART 15-minute service headways. After 7:30 p.m. and on weekends, the average headways would be 10 minutes (20-minute service headways on each BART line).*

P51.4 *Freight movements on the UPRR are a function of demand for rail service. This service can vary dramatically, but usage on this line has been infrequent in recent years.*

P51.5 *VTA disputes the comment that the City of San Jose does not have any land available for the construction of new homes. On the contrary, according to the Development Activity Highlights and Five-Year Forecast (2004-2009) Table on the City of San Jose website, since January 1, 2000 and up to November of 2003, approximately 2,056 residential units have been completed, 6,730 units are under construction, 4,889 units have been approved, and another 5,330 units are pending City approval. Applications for approximately 5,562 residential units have been submitted to the City of San Jose since November of 2003. Therefore, approximately 24,567 new residential units are or will be available in the City of San Jose. As the population of the County of Santa Clara grows, the cities in this county must plan to accommodate the housing needs of that growth. VTA supports the City of San Jose's General Plan policies listed under Section 4.12, Land Use, subsection 4.12.2.2, Regulatory Setting, that encourage higher densities near transit stations to provide residents of San Jose with more transportation options. However, in order for the City of San Jose to implement these policies of infill development and increased densities, sites of lower densities must go through several steps such as*

General Plan amendments and rezonings, as well as detailed environmental review where neighbors and interested agencies are informed of the potential environmental impacts of the increased densities at these locations.

P51.6 *As stated in Section 4.15, Socioeconomics, subsection 4.15.3.1, Impacts, subheading Residential and Non-Residential Relocation and Tunnel Easement Impacts, one to five residential units would require relocation due to construction of the BART Alternative. The reason residential impacts are so few are a result of selecting an alignment along an existing active railroad corridor. Where the BART Alternative is not on a railroad corridor, the facility transitions into a tunnel. As stated in Section 4.15.3.2, Design Requirements and Best Management Practices for the Baseline and BART Alternatives, all displacement and relocation activities will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970. Other impacts to residences are addressed in the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) under each topical area and mitigation measures are provided where impacts are significant.*

P51.7 *The BART Alternative is entirely grade separated at intersections and has no conflicts with existing roadways. Grade separation requires various sections to be either in aerial, at-grade, trench or retained cut, or tunnel configurations. Noise from aerial structures has been assessed and mitigation provided where required. Also refer to response P51.2 regarding the noise analysis.*

P51.8 *Implementation of the BART Alternative does not require any closures of public roads.*

P51.9 *Reduction in property value is not considered a significant effect on the environment for purposes of CEQA and NEPA.*

P51.10 *There are a multitude of reasons why housing prices fluctuate. The Silicon Valley economy and technological innovations have been a major factor. The BART Alternative is not expected to be a major factor is housing prices. Refer to response P51.9.*

P51.11 *The BART Alternative will be primarily funded by Measure A, a ½ cents sales tax measure passed in 2000 by the over 70% of the voters of the County of Santa Clara. The recent economic decline presents challenges to the financing of this project. VTA staff continues to work with the VTA Board, the State of California, and the FTA to resolve the details of the funding plan for this project. As stated in the 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. Public transit services in the United States are commonly not self-sufficient and are subsidized with public funds.*

P51.12 *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. 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, the construction costs of underground tunnels are exponentially higher than the cost of construction above the surface. Therefore it is not cost-effective to include additional tunnel segments in the project plans.*

Regarding the development within the City of San Jose, VTA does not have jurisdiction over land use decisions or architectural style of buildings in the downtown area.

P51.13 *Refer to response P51.12 regarding the selection of the BART Alternative as the Locally Preferred Alternative.*

P51.14 *The 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 Extension 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 BART Extension to Milpitas, San Jose and Santa Clara. The project continues to be a priority of the VTA Board.*

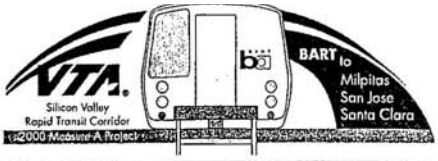
Chapter 2, Introduction, subsection 2.4.2, Associated Needs, states that the Silicon Valley Rapid Transit Corridor (SVRTC) is one of the most congested corridors in Northern California. Over the last 10 years, it has experienced very high and increasing levels of traffic congestion due to the growth 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% 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% during this same time frame. From 2000 to 2025, total work trips within the SVRTC are projected to grow by 30%. Given the current level of congestion in the corridor, this projected growth emphasizes the need for more transportation capacity in the future.

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. Enhance regional connectivity through expanded, interconnected rapid transit services between BART in Fremont and light rail transit (LRT) and Caltrain in Silicon Valley.*
- *Accommodate future travel demand in the corridor by expanding modal options.*
- *Alleviate severe and ever-increasing traffic congestion on the I-880 and I-680 freeways between Alameda County and Santa Clara County.*
- *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.*

As stated in Table 4.2-5, Average Weekday Transit Trips Served by BART Alternative in 2025, 83,585 total trips will be made on BART on an average weekday in 2025. Of those 83,585 trips, 78,119 trips, or 93%, would be new trips on BART as a result of its service to and within Santa Clara County.

P51.15 *As stated in Section 4.17, Visual Quality and Aesthetics, subsection 4.17.1, Introduction and Methodology, the SVRTC is surrounded by urban and suburban development. It goes on to say that Santa Clara County is a bustling metropolitan area with an expanding high-tech industry that attracts workers from around the world. Also refer to response P51.14 regarding support for the project.*



P52

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: NORMAN A AZEVEDO Date: 5-11-04

Address: 60 WILSON WAY #88
MILPITAS (City) CA (State) 95035 (Zip)

Optional Information

Home Phone: 408 946-1725 (Area Code / Number) cell ~~Work~~ Phone: 408 483-0511 (Area Code / Number)

E-mail: NORMAN.AZEVEDO@SBCGLOBAL.NET Company: NONE (Organization or Affiliation)

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

We should of had more notice for a meetings P52.1
Should of had meetings in all Mobil Home Parks

Recommend at grade P52.2
Option under Bart

Not very fair how much time we P52.3
have to respond!

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 P52

Norman Azevedo (May 11, 2004)

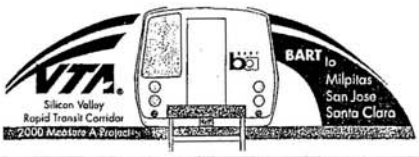
P52.1 *The notification process for the release of the Draft EIS/EIR was extensive. Approximately 55,000 property and business owners, including mobile home parks within 1000 feet from the proposed centerline alignment and one-half mile around the station areas were notified of the public release of the EIS/EIR and the public hearings.*

As the National Environmental Policy Act (NEPA) lead agency for the BART Extension to Milpitas, San Jose and Santa Clara, the Federal Transit Administration (FTA) sets the schedule for when the Draft EIS/EIR is released for review and comment and when the public should be notified of this release. The 60-day comment period exceeded the minimum required by FTA. VTA held four public hearings during this period. The comment may be referring to a meeting that the City of Milpitas set up outside the official EIS/EIR process.

P52.2 *At its May 26, 2004 meeting, the Silicon Valley Rapid Transit Corridor Policy Advisory Board recommended the 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 Option.*

P52.3 *Refer to response P52.1.*

P53



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-via.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: Yolanda L Lopez Date: 5-13-04

Address: 60 Wilson Way Space 128
Milpitas (City) CA (State) 95035 (Zip)

Optional Information

Home Phone: _____ (Area Code Number) Work Phone: 408 586-4302 (Area Code Number)

E-mail: alex9078@yahoo.com Company: _____ (Organization or Affiliation)

Comments on the Draft EIS/EIR for the BART Extension to Milpitas, San Jose and Santa Clara: MY VOTE IS PUT AN UNDERPASS AT DIXON LANDING ROAD.

I attended an information workshop on the proposed BART passing through Dixon Landing Road. I strongly encourage VTA to put an underpass at the intersection where the railroad ~~Crossing~~ is now. An underpass will cost more, but the people living in the Pioneer Mobile Home Park and other MH Parks will have less noise and safety issues. Thank you

P53.1

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 P53

Yolanda Lopez (May 13, 2004)

P53.1 *At its May 26, 2004 meeting, the Silicon Valley Rapid Transit Corridor Policy Advisory Board recommended the 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 Option.*

05/27/2004 07:54 4083215787 ENVIRON ANALYSIS PAGE 01

P54

VTA Silicon Valley Rapid Transit Corridor — 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: ALEX E LOPEZ Date: 5/23/04

Address: 60 WILSON WY # 128

MILPITAS (City) CA (State) 95035 (Zip)

Optional Information

Home Phone: (408) 945-1090 (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 THINK I LIKE THE UNDERGROUND PLAN FOR THE BART INTO MILPITAS P54.1

Post-it® Fax Note 7671 | Date | # of pages ▶ 1

To Scott Steinert | From Tom Fitzwater

Co./Dept. | Co.

Phone # | Phone #

Fax # 415-227-1110 | Fax # 321-5787

One more comment

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 P54

Alex Lopez (May 13, 2004)

P54.1 *At its May 26, 2004 meeting, the Silicon Valley Rapid Transit Corridor Policy Advisory Board recommended the 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 Option.*

P55

> -----Original Message-----
> From: Customer.Service
> Sent: Thursday, May 20, 2004 4:15 PM
> To: SVRTC.DEIS-EIRcomments
> Subject: CARE 40639
>
> Received via Website on 5/20/04 @ 8:19 a.m.
>
> Customer would like to suggest that the BART extension end at
> Montegue/Captiol so that it connects to our lightrail service.
> Customer thinks it is a waste of money to bring it all the way to Santa Clara.
> Lester Lee
> No Contact Information Provided
>

P55.1

RESPONSE TO COMMENT LETTER P55

Lester Lee (May 20, 2004)

P55.1 *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 the City of Santa Clara results in the expenditure of funds for significant maintenance capacity that would be throw-away costs once the extension is completed to the City of 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. Therefore, this alternative was discarded from further consideration.*

06/03/2004 10:40 4083215787 ENVIRON ANALYSIS PAGE 02

Sent to DAm 6-3-04

P56

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

RECEIVED

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: HEIKE CLANGBROCK Date: 5-11-'04

Address: 60 WILSON WAY # 95

MILPITAS (City) CA (State) 95035 (Zip)

Optional Information

Home Phone: 408 (Area Code) 263-1866 (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:

In mine opinion Bart should go underneath Dixon Landing Road. P56.1

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. 05/04

RESPONSE TO COMMENT LETTER P56

Hieke C. Langbroek (June 3, 2004)

P56.1 *At its May 26, 2004 meeting, the Silicon Valley Rapid Transit Corridor Policy Advisory Board recommended the 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 Option.*

06/03/2004 10:40 4083215787 ENVIRON ANALYSIS PAGE 03

P57

Sent to PAm 6-3-04

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

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

SCANNED

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: Vinay Jivan Date: 05/05/04

Address: 1247 Summerwind Road

Milpitas (City) CA (State) 95035 (Zip)

Optional Information

Home Phone: _____ (Area Code Number) Work Phone: 408-764-7723 (Area Code Number)

E-mail: vjivan@sunsesystem.com Company: _____ (Organization or Affiliation)

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

A study needs to be made regarding the vibration effect on a second story building. There are homes currently where the upper floor shakes every time a train goes by. P57.1

A deeper and thicker noise wall needs to be built near Summerwind road. All these homes are too close to the railway track and extra measures need to be taken. P57.2

Current what are the plans to help the noise levels and vibration around Summerwind Road? P57.3

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 P57

Vinay Jivan (June 3, 2004)

P57.1 *The vibration impact assessment was conducted using both Federal Transit Administration (FTA) and BART vibration criteria. The assessment procedures meet with both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (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 recommended. 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 resonance 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 equivalent to the vibration level for the ground at the foundation of the building.*

P57.2 *The noise impact assessment was conducted using both FTA and BART noise criteria. The assessment procedures meet with both NEPA and 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 to reduce the noise levels to within the appropriate criteria have been identified. Table 4.13-12, BART Alternative Noise Barrier Mitigation Treatment for Residential Areas, identifies a 12-foot-high sound wall on the west side of the tracks beginning just north of Summerwind Drive and continuing southward. The sound wall is also depicted in Figure 4.13-4d, Noise and Vibration Mitigation Locations.*

P57.3 *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 analysis shows that the residences to the north are below the noise impact criteria. 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.*

P58

San Jose Water Company

374 West Santa Clara St.
San Jose, CA 95196-0001

ENGINEERING DEPARTMENT
1265 S. Bascom Ave., S.J. 95128
Facsimile: 408-279-7889
Writer's Direct Dial: 408-279-7861

April 5, 2004

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

Reference: Draft EIR for the Proposed BART Extension to Milpitas, San Jose & Santa Clara

Dear Mr. Fitzwater:

We have reviewed the referenced document for impacts to our existing water distribution system and have identified some rather significant conflicts between your proposed BART track alignments and SJWC's stations and facilities.

By way of background, the San Jose Water Company has been in business in San Jose for 138 years and has continued to provide reliable drinking water to more than 1 million people in Santa Clara County. Upon reviewing the DEIR, our greatest concern is the proposed alternative route alignments below our Main Station property located at 374 West Santa Clara Street. It appears that both proposed alternatives are in conflict with the existing drilled pier wall along the river as well as certain below grade distribution systems. After a preliminary review of the alignment information you have presented, it is our strong business opinion that the route along West Santa Clara Street, the North Option, is significantly preferred as it has the least number of impacts to our existing below grade facilities and the planned real estate development for this property. We are strongly against the South Alignment due to the locations of our water production and monitoring wells along with the new PD Zoning approvals from the City of San Jose that will allow for up to 1,025,000 square feet of commercial and retail high-rise development above subterranean and podium structure for parking with footing and/or pier foundations for parking on the east side of Delmas Avenue and up to 325 residential units above subterranean structure podium parking on the west side Delmas Avenue. P58.1

It is important that we have early coordination between your construction schedule and the disposition of our facilities either on a temporary or permanent relocation basis. A number of these conflicts are in the same pressure zone and we will have to do planning studies to see how many can be out of service at the same time and the corresponding maximum time period. The locations of these conflicts are Lundy Place, Trade Zone Boulevard, Hostetter Road, Sierra Road, Diridon/Arena Station, and Newhall Street. Please contact Wayne Warren at (408) 279-7873 to initiate these studies. P58.2

Encl.
W:/CAD_Group/Projects/NB/2004/N4-067 BART/Documentation/N4-067 BART Comment Letter.doc

Another significant concern for us are the sizeable conflicts between our water distribution facilities along Santa Clara Street and your proposed Market Street and Civic Plaza/SJSC Stations. A thorough review of your proposed design plan will be critical in determining the impacts to our 12" and 16" water mains running along Santa Clara Street. Please note that these mains and crossings will not be suitable for hanging below any temporary structure. A study will need to be conducted to determine alternate routing of water transmission mains and a plan to keep hydrants, fire services, and domestic services active in these two construction areas. P58.3

Finally, many of our facilities throughout San Jose are underground, and based on the preliminary drawings appear to be above your proposed tunneling. It is unknown at this time how much of an impact the vibrations from your boring activities will be on our existing facilities, and therefore poses great concern for us. P58.4

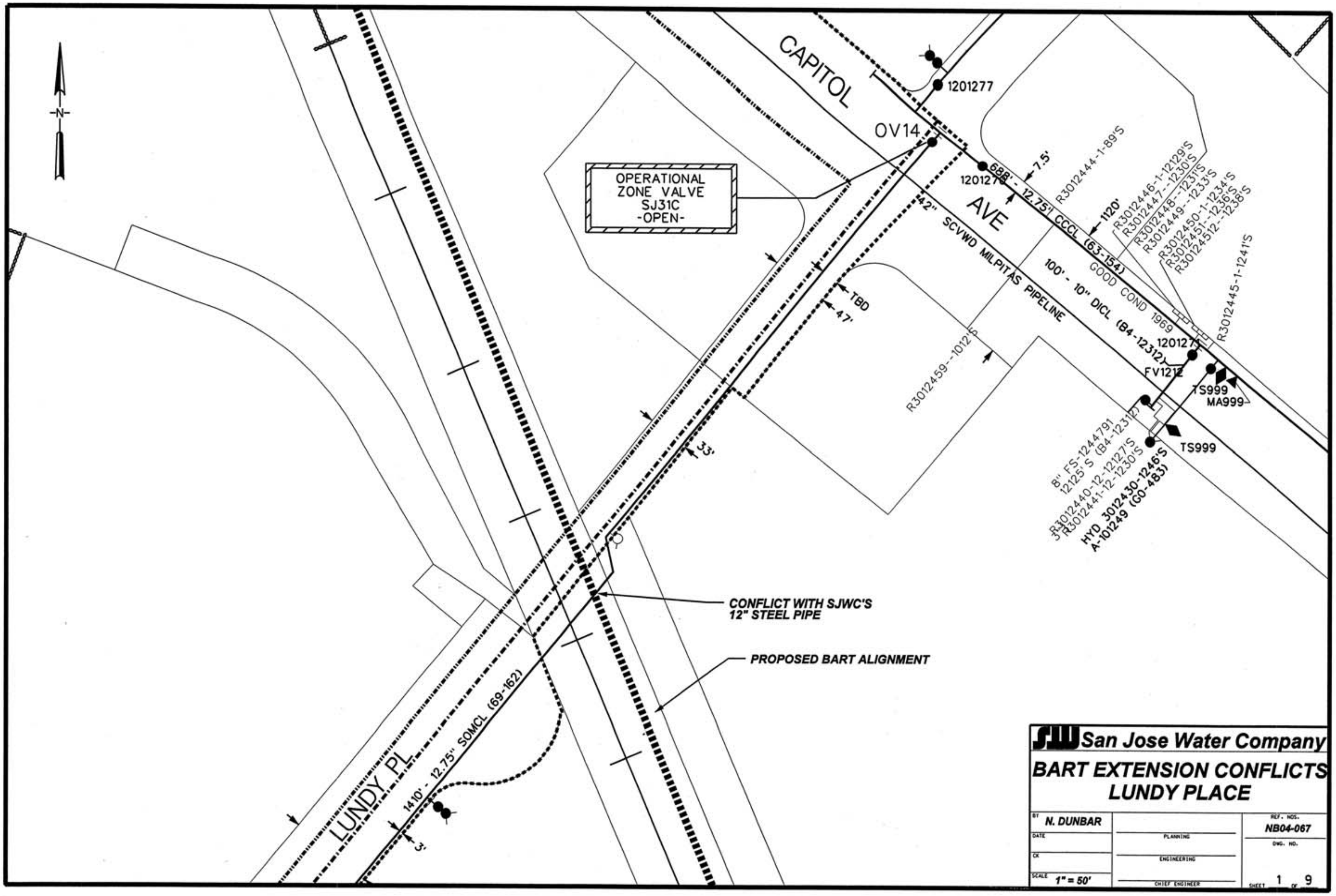
We have enclosed drawings of our existing pipeline facilities at the potential conflict locations noted above. We would welcome the opportunity to speak with you to help clarify any of the information presented in this letter. Please feel free to contact me at (408) 279-7861 or my colleague, Ed Mello at (408) 279-7847.

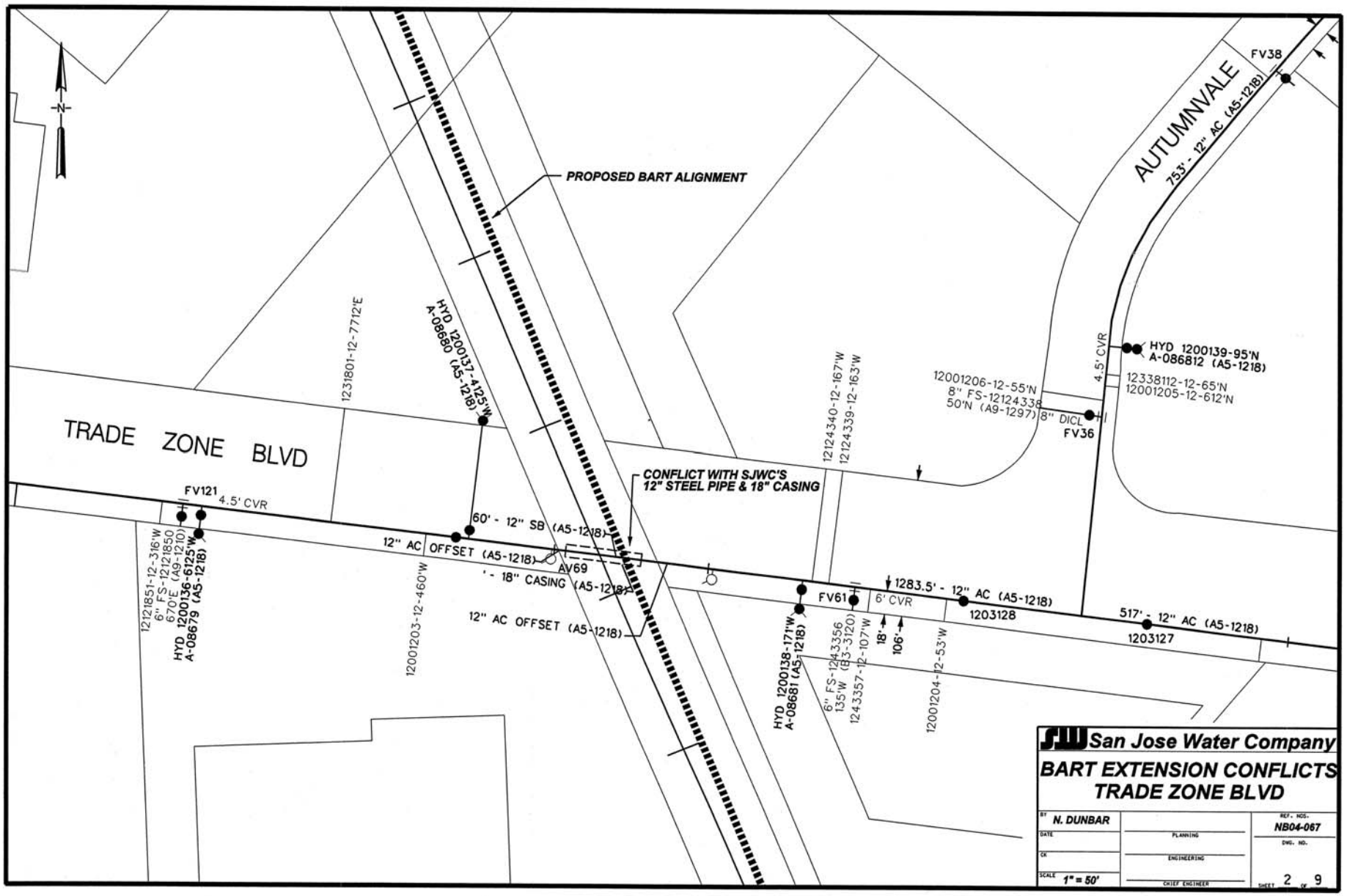
Sincerely,

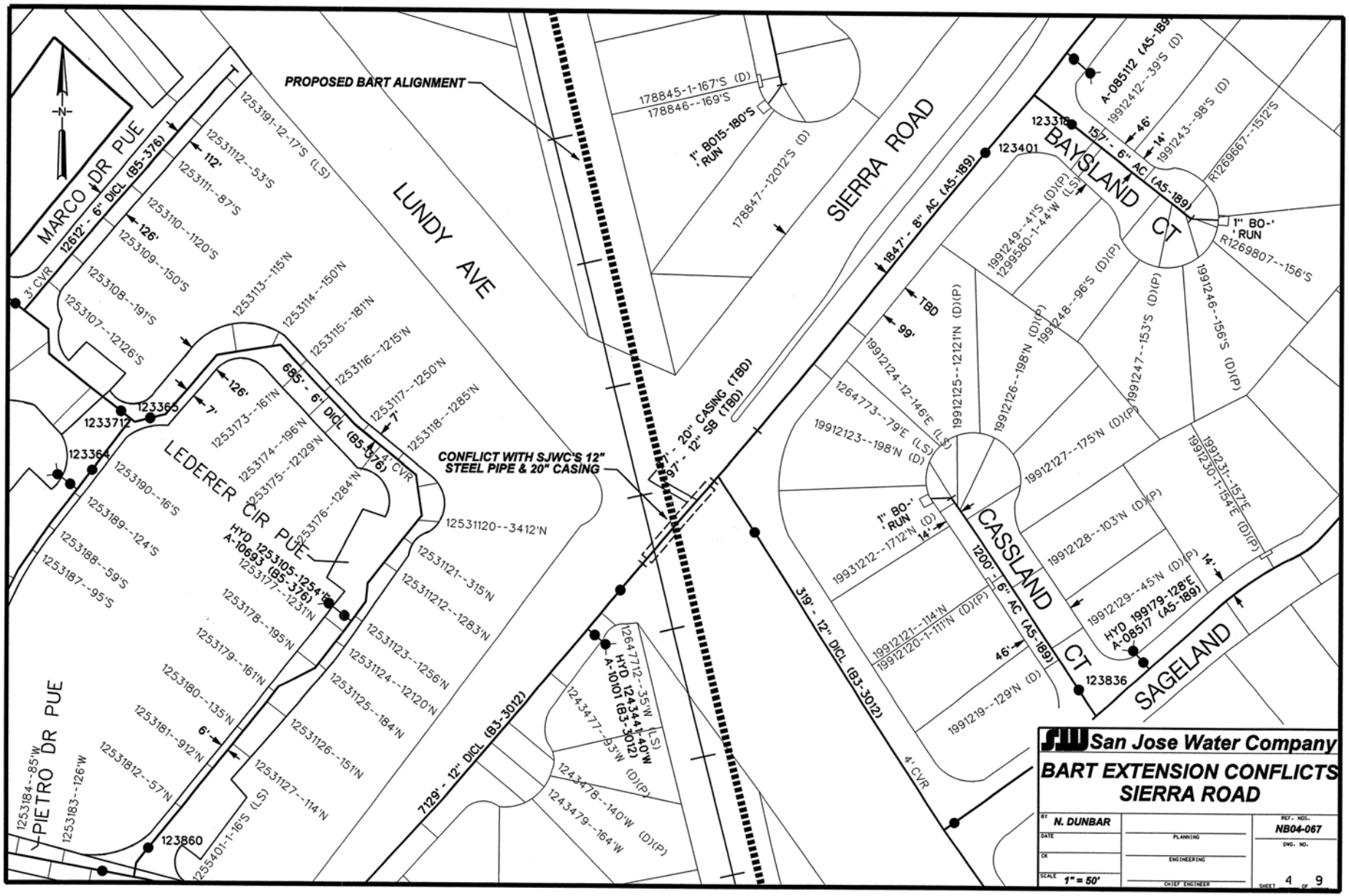
Bill Tuttle, P.E.
Engineering Unit Manager

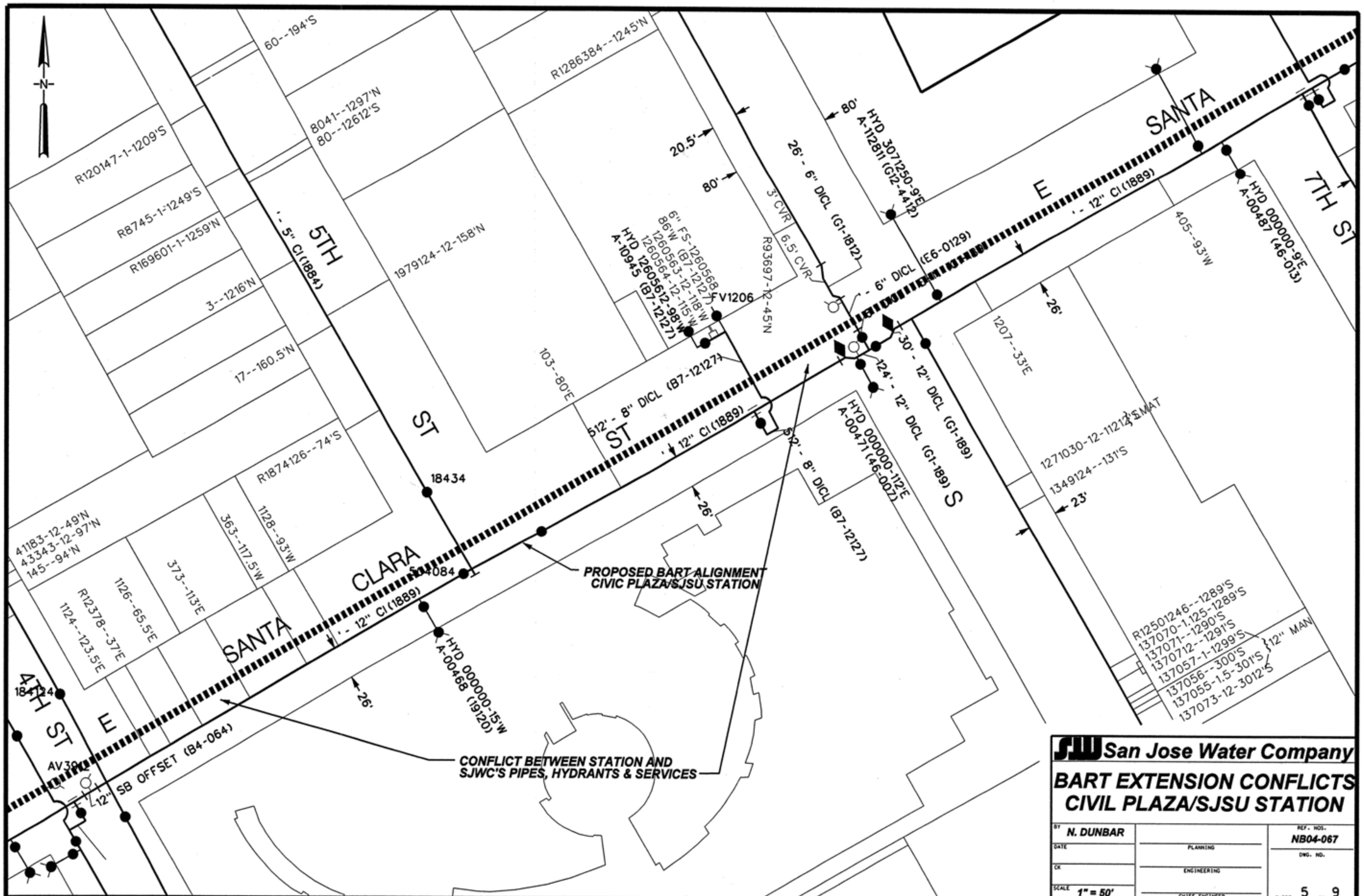
cc: Wayne Warren, SJWC
Ed Mello, SJWC
Janelle McCombs, SJWC

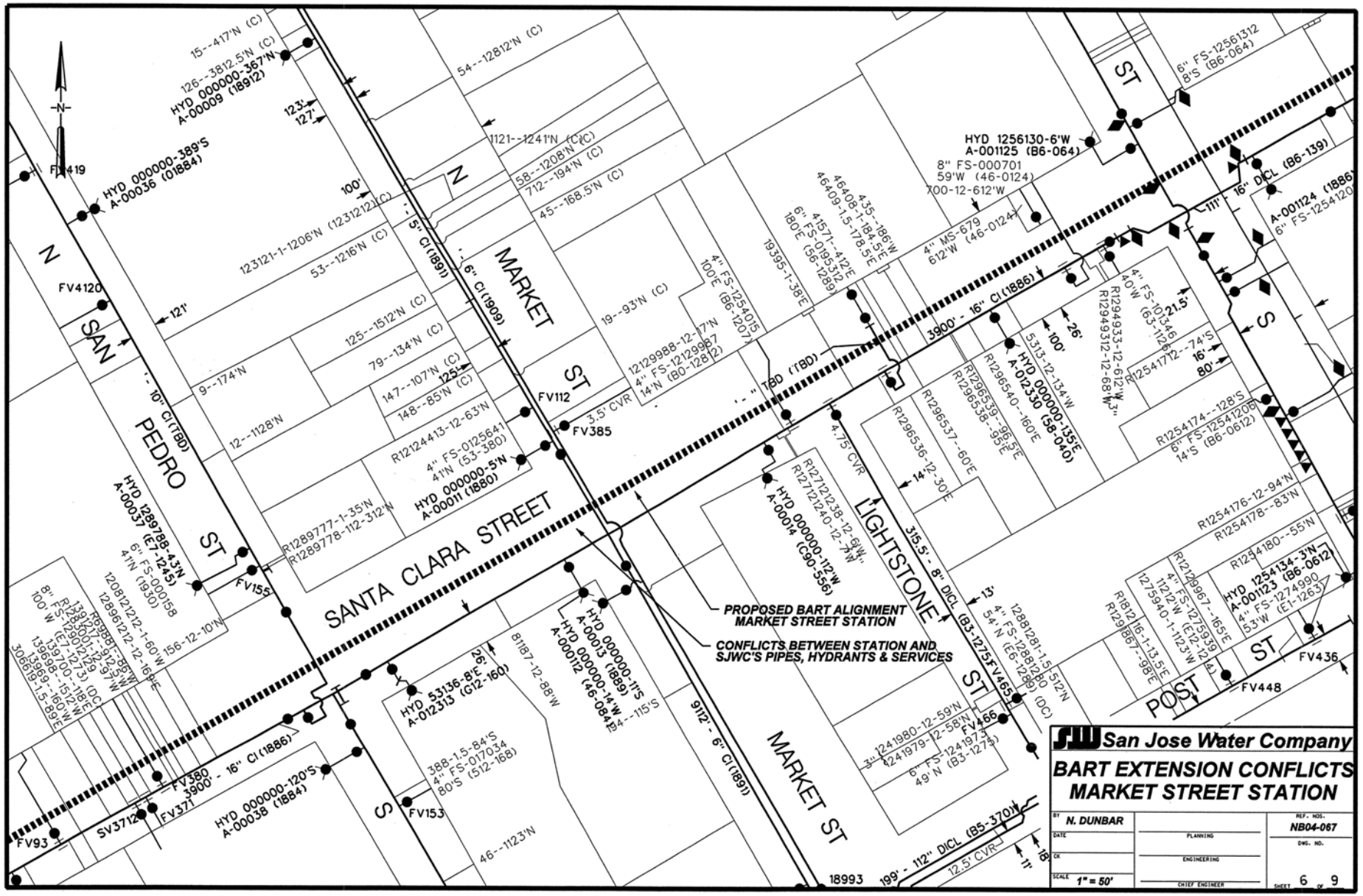
Encl.
W:/CAD_Group/Projects/NB/2004/N4-067 BART/Documentation/N4-067 BART Comment Letter.doc

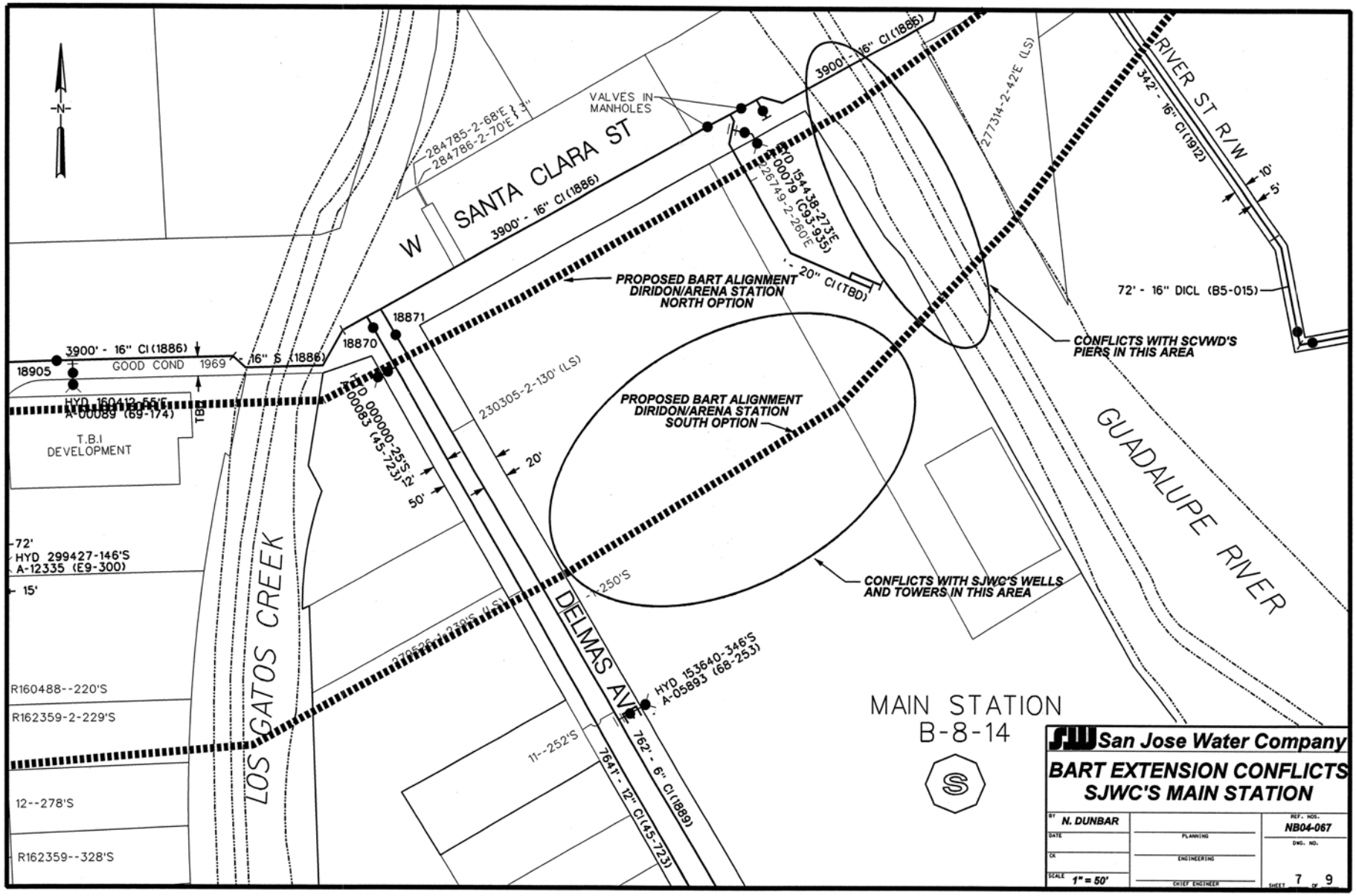

OPERATIONAL ZONE VALVE SJ31C -OPEN-
CAPITOL AVE
LUNDY PL
OV14
1201277
42" SCVWD MILPITAS PIPELINE
688' - 12.75" CCCL (63-154) GOOD COND 1969
100' - 10" DICL (B4-12312)
1410' - 12.75" SOMCL (69-162)
CONFLICT WITH SJWC'S 12" STEEL PIPE
PROPOSED BART ALIGNMENT
TS999
MA999
FV1212
San Jose Water Company
BART EXTENSION CONFLICTS LUNDY PLACE
N. DUNBAR
NB04-067
1" = 50'
SHEET 1 OF 9

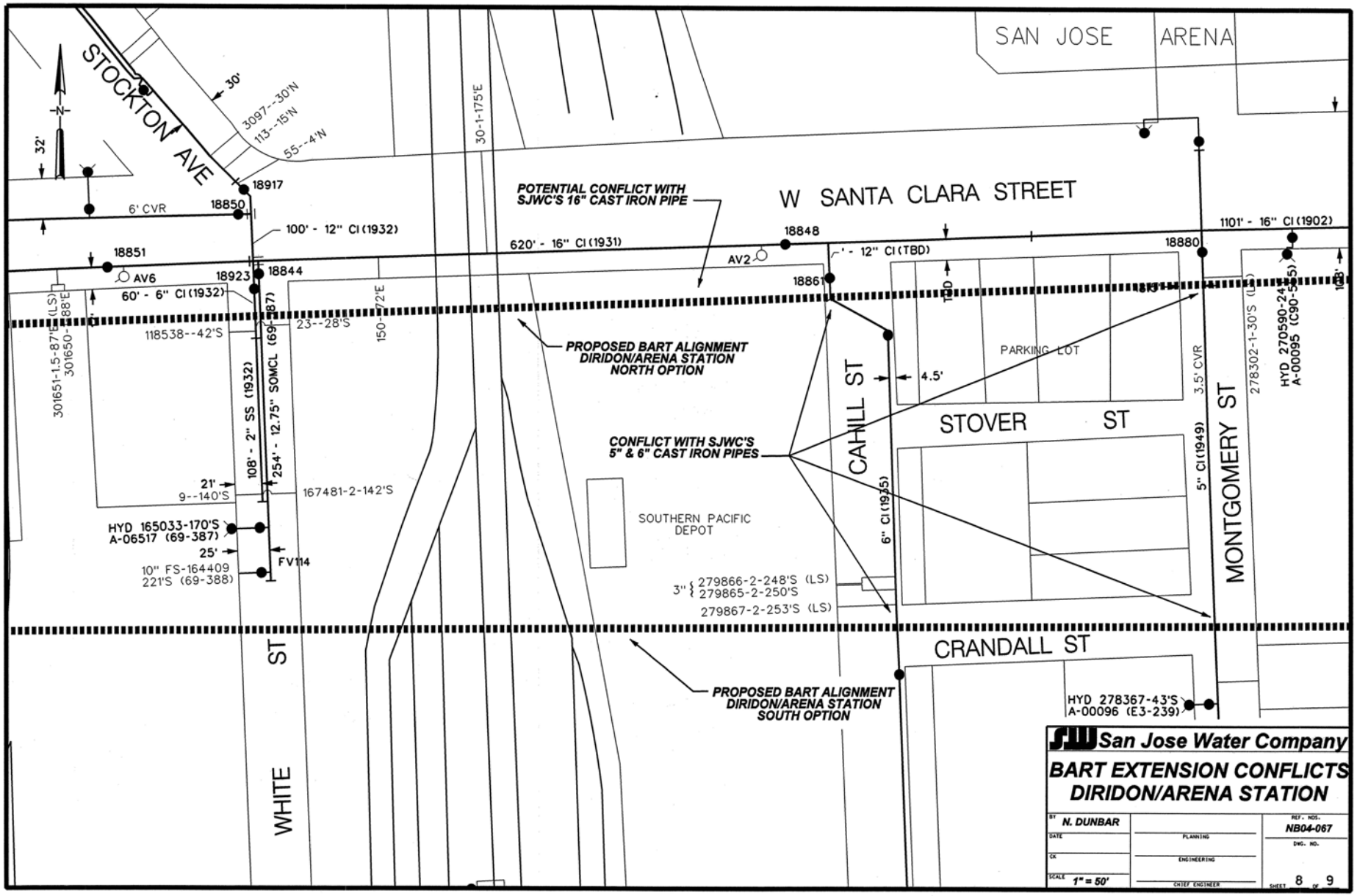

PROPOSED BART ALIGNMENT
TRADE ZONE BLVD
AUTUMNVALE
753' - 12" AC (A5-1218)
FV38
HYD 1200139-95'N
A-086812 (A5-1218)
12338112-12-65'N
12001205-12-612'N
4.5' CVR
12001206-12-55'N
8" FS-12124338
50'N (A9-1297)
8" DICL
FV36
12124340-12-167'W
12124339-12-163'W
1231801-12-7712'E
HYD 1200137-425'W
A-08680 (A5-1218)
CONFLICT WITH SJWC'S
12" STEEL PIPE & 18" CASING
FV121
4.5' CVR
60' - 12" SB (A5-1218)
12" AC OFFSET (A5-1218)
AV69
' - 18" CASING (A5-1218)
12" AC OFFSET (A5-1218)
1283.5' - 12" AC (A5-1218)
1203128
517' - 12" AC (A5-1218)
1203127
FV61
6' CVR
18'
106'
12121851-12-316'W
6" FS-12121850
670'E (A9-1210)
HYD 1200136-6125'W
A-08679 (A5-1218)
12001203-12-460'W
HYD 1200138-171'W
A-08681 (A5-1218)
6" FS-1243356
135'W (B3-3120)
1243357-12-107'W
12001204-12-53'W
San Jose Water Company
BART EXTENSION CONFLICTS
TRADE ZONE BLVD
BY N. DUNBAR
DATE
CK
SCALE 1" = 50'
PLANNING
ENGINEERING
CHIEF ENGINEER
REF. NOS. NB04-067
DWG. NO.
SHEET 2 OF 9

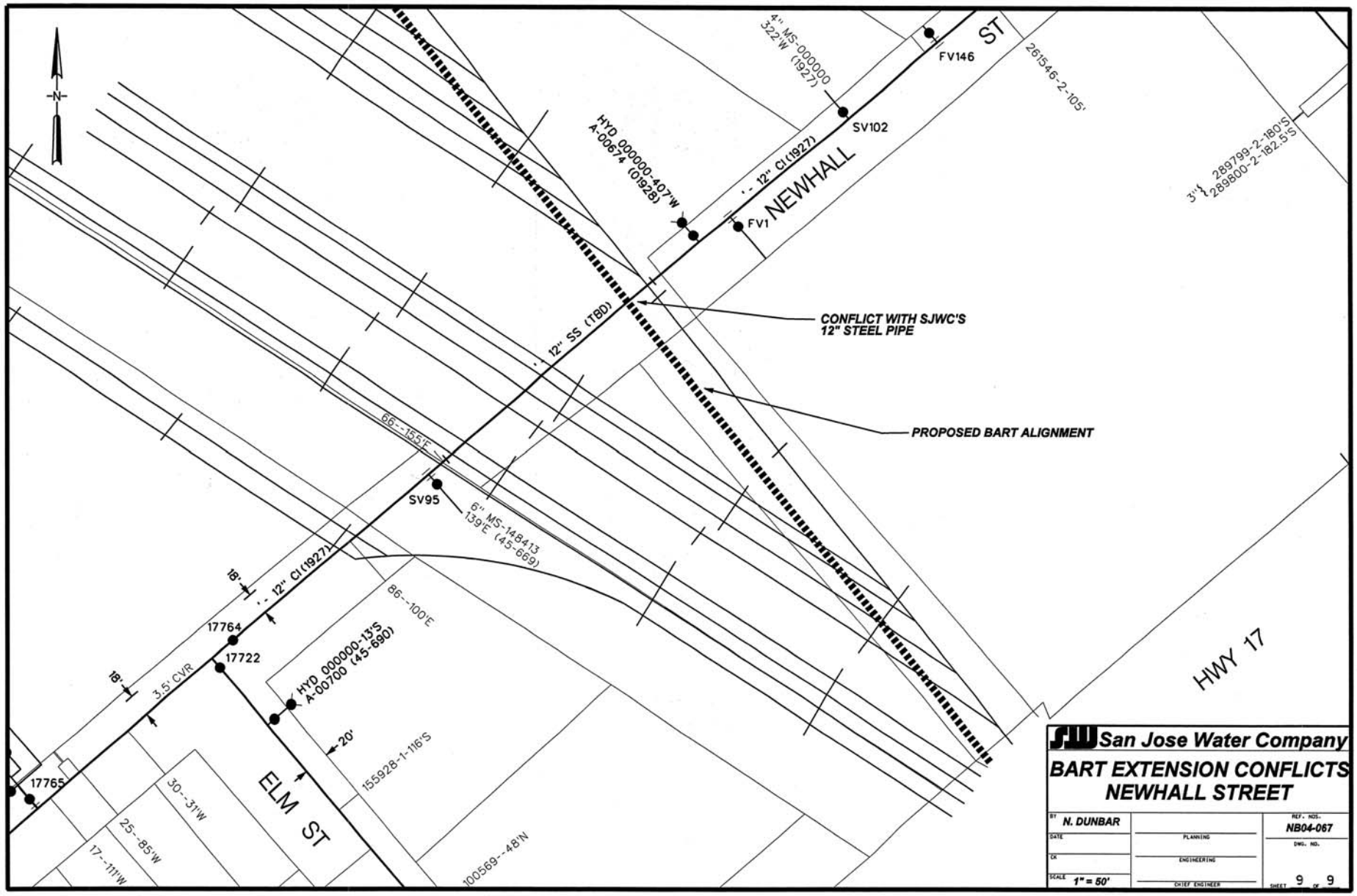

PROPOSED BART ALIGNMENT
LUNDY AVE
SIERRA ROAD
MARCO DR PUE
LEDERER CIR PUE
PIETRO DR PUE
BAYSLAND CT
CASSLAND CT
SAGELAND
12612' - 6" DICL (B5-376)
685' - 6" DICL (B5-376)
7129' - 12" DICL (B3-3012)
1847' - 8" AC (A5-189)
157' - 6" AC (A5-189)
1200' - 6" AC (A5-189)
319' - 12" DICL (B3-3012)
97' - 12" SB (TBD)
97' - 20" CASING (TBD)
CONFLICT WITH SJWC'S 12" STEEL PIPE & 20" CASING
HYD 1253105-1254'E A-10693 (B5-376)
HYD 124344-140'W A-10101 (B3-3012)
HYD 19179-128'E A-08517 (A5-189)
A-085112 (A5-189)
123860
123836
123401
San Jose Water Company
BART EXTENSION CONFLICTS
SIERRA ROAD
N. DUNBAR
NB04-067
1" = 50'
4 9


N
5TH ST
7TH ST
4TH ST
E SANTA CLARA ST
PROPOSED BART ALIGNMENT CIVIC PLAZA/SJSU STATION
CONFLICT BETWEEN STATION AND SJWC'S PIPES, HYDRANTS & SERVICES
12" CI (1889)
512' - 8" DICL (B7-12127)
HYD 000000-15'W A-00468 (19120)
HYD 000000-112'E A-00471 (46-007)
HYD 000000-9'E A-00487 (46-013)
HYD 3071250-9'E A-112811 (G12-4412)
26' - 6" DICL (G1-1812)
30' - 12" DICL (G1-189)
124' - 12" DICL (G1-189)
FV1206
18434
504084
12" SB OFFSET (B4-064)
San Jose Water Company
BART EXTENSION CONFLICTS
CIVIL PLAZA/SJSU STATION
N. DUNBAR
NB04-067
1" = 50'
SHEET 5 OF 9


SANTA CLARA STREET
MARKET ST
PEDRO ST
LIGHTSTONE
POST ST
PROPOSED BART ALIGNMENT
MARKET STREET STATION
CONFLICTS BETWEEN STATION AND
SJWC'S PIPES, HYDRANTS & SERVICES
San Jose Water Company
BART EXTENSION CONFLICTS
MARKET STREET STATION
N. DUNBAR
NB04-067
1" = 50'
6 9


N
W SANTA CLARA ST
3900' - 16" CI (1886)
VALVES IN MANHOLES
284785-2-68'E
284786-2-70'E
3900' - 16" CI (1886)
277314-2-42'E (LS)
RIVER ST R/W
342' - 16" CI (1912)
10'
5'
HYD 154438-273'E A-00079 (69-935)
226749-2-260'E
20" CI (TBD)
PROPOSED BART ALIGNMENT DIRIDON/ARENA STATION NORTH OPTION
72' - 16" DICL (B5-015)
CONFLICTS WITH SCVWD'S PIERS IN THIS AREA
18871
18870
3900' - 16" CI (1886)
18905
GOOD COND 1969
16" S (1886)
HYD 160412-55'E A-00089 (69-174)
T.B.I
T.B.I DEVELOPMENT
TBD 000000-255'S A-00083 (45-723)
12'
50'
230305-2-130' (LS)
20'
PROPOSED BART ALIGNMENT DIRIDON/ARENA STATION SOUTH OPTION
GUADALUPE RIVER
72'
HYD 299427-146'S A-12335 (E9-300)
15'
250'S
CONFLICTS WITH SJWC'S WELLS AND TOWERS IN THIS AREA
LOS GATOS CREEK
DELMAS AVE
HYD 153640-346'S A-05893 (68-253)
R160488--220'S
R162359-2-229'S
11'--252'S
764' - 12" CI (45-723)
762' - 6" CI (1889)
MAIN STATION
B-8-14
12--278'S
R162359--328'S
San Jose Water Company
BART EXTENSION CONFLICTS
SJWC'S MAIN STATION
BY N. DUNBAR
DATE
CK
SCALE 1" = 50'
PLANNING
ENGINEERING
CHIEF ENGINEER
REF. NOS. NB04-067
DWG. NO.
SHEET 7 OF 9


SAN JOSE ARENA
STOCKTON AVE
W SANTA CLARA STREET
POTENTIAL CONFLICT WITH SJWC'S 16" CAST IRON PIPE
PROPOSED BART ALIGNMENT DIRIDON/ARENA STATION NORTH OPTION
CONFLICT WITH SJWC'S 5" & 6" CAST IRON PIPES
PROPOSED BART ALIGNMENT DIRIDON/ARENA STATION SOUTH OPTION
CAHILL ST
STOVER ST
MONTGOMERY ST
CRANDALL ST
WHITE ST
PARKING LOT
SOUTHERN PACIFIC DEPOT
18917
18850
18851
18923
18844
18848
18880
18861
AV6
AV2
6' CVR
100' - 12" CI (1932)
620' - 16" CI (1931)
1101' - 16" CI (1902)
60' - 6" CI (1932)
118538--42'S
108' - 2" SS (1932)
254' - 12.75" SOMCL (69-387)
167481-2-142'S
HYD 165033-170'S
A-06517 (69-387)
10" FS-164409
221'S (69-388)
FV114
6" CI (1935)
5" CI (1949)
3.5' CVR
4.5'
279866-2-248'S (LS)
279865-2-250'S
279867-2-253'S (LS)
HYD 278367-43'S
A-00096 (E3-239)
HYD 270590-24'S
A-00095 (C90-595)
San Jose Water Company
BART EXTENSION CONFLICTS
DIRIDON/ARENA STATION
N. DUNBAR
NB04-067
1" = 50'
8 9


N
4" MS-000000
322'W (1927)
FV146
ST
261546-2-105'
HYD 000000-407'W
A-00674 (01928)
SV102
12" CI (1927)
NEWHALL
FV1
289799-2-180'S
289800-2-182.5'S
3"
CONFLICT WITH SJWC'S
12" STEEL PIPE
12" SS (TBD)
PROPOSED BART ALIGNMENT
66--155'E
SV95
6" MS-148413
139'E (45-669)
18'
12" CI (1927)
86--100'E
17764
17722
HYD 000000-13'S
A-00700 (45-690)
18'
3.5' CVR
20'
155928-1-116'S
17765
ELM ST
30--31'W
25--85'W
17--111'W
100569--48'N
HWY 17
San Jose Water Company
BART EXTENSION CONFLICTS
NEWHALL STREET
BY N. DUNBAR
DATE
CK
SCALE 1" = 50'
PLANNING
ENGINEERING
CHIEF ENGINEER
REF. NOS.
NB04-067
DWG. NO.
SHEET 9 OF 9

RESPONSE TO COMMENT LETTER P58

San Jose Water Company (April 5, 2004)

P58.1 *Both the Diridon/Arena Alignment and Station North and South Options' tunnel segments would be in conflict with the Army Corps of Engineer's newly installed Guadalupe River drilled pier erosion control wall (5-foot diameter drilled piers to depths below the tunnel bores). The North Option would result in one tunnel bore penetrating the drilled pier wall, while the South Option would result in both tunnel bores penetrating the pier wall. Prior to the tunnel boring machines reaching this location, the drill pier wall(s) would need to be removed and relocated.*

On May 26, 2004, the Silicon Valley Rapid Transit Corridor Policy Advisory Board recommended the Diridon/Arena Alignment and Station – South Option as part of the Locally Preferred Alternative. This option was selected because it has better connectivity to Diridon Station, light rail transit, buses and the future high sped rail; it has improved joint development/value-capture for VTA and Caltrain owned property; it allows better integration into high-density development proposed in the Diridon/Arena Strategic Development Plan; it provides the greatest flexibility in managing construction impacts to the Caltrain tracks; and the station is further from the HP Pavilion allowing better dispersal of special event crowds between the HP Pavilion and the BART Diridon/Arena Station. VTA staff also notes that the City of San Jose, which approved the PD Zoning approvals, does not believe that the BART Alternative presents significant issues in terms of current or future development of the property (reference email dated June 15, 2004 from Hans Larsen, City of San Jose to Bill Tuttles San Jose Water Company).

P58.2 *VTA will coordinate with the San Jose Water Company during the Preliminary Engineering and Final Design phases of the project regarding utility interruption and utility relocation during construction to minimize impacts to utilities to the maximum extent practicable. VTA will coordinate with Wayne Warren as requested. Sections 4.19.13.2 Design Requirements and Best Management Practices for Utilities Impacts, and 4.19.3.3, Mitigation Measures for Utilities Impacts, address utility impacts during construction and the commitment to coordinate and work with local businesses to minimize impacts.*

P58.3 *Utility relocations are of concern and are addressed in several locations in the EIS/EIR including Section 4.19.2.5, Utility Relocations; Section 4.19.13.2 Design Requirements and Best Management Practices for Utilities Impacts, and Section 4.19.13.3, Mitigation Measures for Utilities Impacts. VTA will coordinate with the San Jose Water Company and other utility providers during the Preliminary Engineering and Final Design phases of the project regarding utility interruption and relocation during construction to minimize impacts to utilities to the maximum extent practicable.*

P58.4 *Tunnel boring machines will be used to mine the BART Alternative tunnels. These machines excavate the tunnel face using a wheel or cutter-head that cuts the full tunnel diameter in a rotary fashion. These machines typically operate at speeds in the range of 3 to 5 revolutions per minute and hence do not produce vibrations that represent a risk to underground facilities. In addition, the depth of the tunnels (depth of cover) will be selected to provide an adequate clearance between such facilities and the tunnel alignment. Where this is not possible due to the depth of the facility or alignment requirements, site-specific vibration reduction techniques will be developed, proposed, and discussed with the facility owner and implemented as appropriate. Also refer to response P58.2.*

This page intentionally left blank.

P59

-----Original Message-----
From: Alex Marthews [mailto:alex@preservation.org]
Sent: Wednesday, May 12, 2004 1:07 PM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject: EIR comments from the Preservation Action Council of San Jose

Dear Mr. Fitzwater,

Please find attached the comments of the Preservation Action Council of San Jose. We are mailing today an identical copy on our letterhead, which we would prefer you to use in the EIR, but this will make certain that you do receive our comments in some form.

Thank you,

Alex Marthews
Executive Director
Preservation Action Council of San Jose.

Mr. Tom Fitzwater
Santa Clara Valley Transportation Authority
Environmental Planning Department
3331 North First Street
San Jose, CA 95134.

COMMENTS OF THE PRESERVATION ACTION COUNCIL ON THE DRAFT EIR FOR THE BART TO SAN JOSE PROJECT:

Dear Mr. Fitzwater,

Thank you for including the Preservation Action Council of San José in the environmental review process for BART to San José. We have now reviewed all of the Technical Memorandum, and we have the following comments to offer about its evaluation of historic resources.

NEPA and CEQA

This project is intended to be carried out in compliance with both NEPA and CEQA. One key difference between the two is that, while NEPA requires evaluation only of properties that are either on or eligible for the National Register of Historic Properties, CEQA classes anything that is on or eligible for the California Register as well as historic structures whose demolition would constitute a significant impact. Even properties of local significance may be considered as historic structures, unless an explicit finding is made that, on the preponderance of evidence, the structure is not historic enough (see CEQA Guidelines s. 15064.5(a)(1) and (b)(1)).

P59.1

The historic evaluation as it currently stands mostly satisfies the requirements of NEPA, but it does not satisfy or address the requirements of CEQA. We ask that this deficiency be thoroughly addressed in the final EIR. If it is not, there is a high probability that the final EIR will be legally inadequate, and will therefore not be certified.

P59.1 (cont.)

Even for the properties that you do include, there are a large number of inconsistencies and omissions that need to be addressed.

Inconsistencies

There are a large number of cases that we have found, where the information in the Primary Records does not tally with the information presented in Tables 1-5 in Volumes I-II. In many cases, there may be logical reasons for these differences, but we are bringing them to your attention so that they may be reconciled in future drafts.

P59.2

Primary Records	Tables
64-66 W. Santa Clara St.	62-66 W. Santa Clara St.
184-198 W. Santa Clara St. and 14-16 S. Almaden Ave.	184-194 W. Santa Clara St. and 14-16 S. Almaden Ave.
40 S. Montgomery St. and 55 S. Autumn St.	40 S. Montgomery St.
656 Stockton Ave.	656-664 Stockton Ave.
690 Stockton Ave.	690-698 Stockton Ave.
1325 and 1347 E. Julian St.	1325-1347 E. Julian St.
262-270 N. 27th St.	262, 264, 270 N. 27th St.
872, 874, 876 E. Santa Clara St.	872-876 E. Santa Clara St.
17-25 E. Santa Clara St. is classified as a code 6	17-25 E. Santa Clara St. is eligible for the National Registry
81 W. Santa Clara St. is classified as a code 4S	81 W. Santa Clara St. is classified as a code 3S
15 S. First St. is classified as a code 4S7	15 S. First St. is classified as a code 6
301 E. Santa Clara St. is classified as a code 5S1	301 E. Santa Clara St. is classified as a code 6
304 E. Santa Clara St. is classified as a code 5S1	304 E. Santa Clara St. is classified as a code 6
19 S. 1st St. is classified as a code 5S1	19 S. 1st St. is classified as a code 6

Omissions

We at PAC*SJ have access to the City of San José's historic inventory, and in several cases their records differ from yours. The examples we have found are listed here.

91 E Santa Clara St. is accurately stated in your memorandum to be ineligible for the National Register. However, the City's records show that it is eligible for the California Register, which means that according to CEQA it should be included in your analysis.

101-109 E Santa Clara St. in your memorandum is said to be ineligible for the National Register. The City's records show that it is eligible for both the National and the California Registers. As such, it should certainly be included in your analysis. P59.3

142-150 E Santa Clara St. is located in the provided tables, but its Primary Record is not included in Volumes I-II.

We can only speak authoritatively about omissions within the limits of the City of San José. There may well be omissions in other cities, and we encourage JRP Historical Consulting Services to thoroughly review the historic resources along the route in the light of City and County records.

If you have questions about any aspect of our analysis, you are more than welcome to call me at (408) 998-8105, or email me at alex@preservation.org.

Yours truly,

Alex Marthews,
Executive Director.

-----Original Message-----
From: Alex Marthews [mailto:alex@preservation.org]
Sent: Wednesday, May 12, 2004 4:55 PM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject: EIR comments from the Preservation Action Council of San Jose: Addendum

Dear Mr. Fitzwater,

As an addendum to our comments, you should know that PAC*SJ has served as Section 106 monitor for the River Street Development Project over a period of ten years. We have experience in that task, and we feel that it would be more than appropriate, if you were willing, for us to serve as Section 106 monitors for the BART to San Jose project. P59.4

Thank you,

Alex Marthews
Executive Director
Preservation Action Council of San Jose

RESPONSE TO COMMENT LETTER P59

Preservation Action Council of San Jose (May 12, 2004)

P59.1 *In the Historic Resources Evaluation Report (HRER), the technical report prepared for this project and submitted to the state Historic Preservation Officer (SHPO), JRP Historical Consulting Services (JRP) evaluated the potential historic significance of all 250 buildings, structures, objects, sites, and districts that were located within the Area of Potential Effects (APE) and that dated to 1962 or before. The evaluations addressed each resource by applying the significance criteria of both the California Register of Historical Resources (CRHR), and National Register of Historic Places (NRHP). Both programs recognize local, state, and national levels of significance, and JRP included review of local inventories of historic resources to identify local historic status, if any. (Also refer to response to Comment L5.2). The evaluations submitted in the HRER and summarized in the EIS/EIR are, therefore, legally adequate and are presented below to help clarify the CEQA analysis.*

Section 4.6, Cultural and Historic Resources, correctly states that there are 21 historic properties within the APE. All 21 of these properties are historic properties under the NEPA. These properties are also considered historical resources for the purposes of CEQA and are treated as such in the EIS/EIR. These 21 properties include 19 individual buildings, as well as a multi-component property (the Santa Clara Station Depot (also referred to as the Santa Clara Caltrain Station), which is considered to be a district property at the local level), and a district (the San Jose Downtown Commercial Historic District).

At the time the Draft EIS/EIR was prepared, four buildings appeared to be eligible for the CRHR but not the NRHP. The Final EIS/EIR, Section 4.6.4.1, Existing Conditions, under the subheading Baseline and BART Alternatives, and Table 4.6-4, Historic Properties That Do Not Appear Eligible for Listing in the NRHP, but Appear Eligible to be Considered Historic Resources Under CEQA, have been revised to reflect that at least eight buildings appear to be eligible for the CRHR but not the NRHP. This correction will capture the current status of the resources, namely, that these resources appear to be eligible for the CRHR, and that the State Historic Preservation Officer (SHPO) found that these properties did not appear to be eligible for the NRHP. These buildings, therefore, are considered to be historical resources for the purposes of CEQA, but are not historic properties under NEPA.

More than 200 of the surveyed properties did not appear to meet the eligibility criteria for either the CRHR or NRHP. As such, they are not subject to impacts analysis under CEQA, or effects analysis under NEPA. JRP presented explicit conclusions that demonstrated that the preponderance of evidence showed that these resources did not meet the significance criteria for the CRHR and the NRHP, and/or did not retain historic integrity, and thus could not be considered historical resources for the purposes of CEQA. The evaluations and conclusions were presented on Department of Parks and Recreation Form 523 (DPR523 forms) that document the evidence and analysis. The DPR523 forms are included in the HRER. The conclusions of the evaluations were summarized and presented in the EIS/EIR.

P59.2 *The information provided for the 250 buildings and structures documented on DPR523 forms and itemized in the tables in the HRER is based on various sources of information, many of which conflict with each other. JRP compared all known property identifiers and*

reported the most inclusive street numbers, the most recent parcel numbers, and the most recent historic status. JRP assigned a resource number and provided the address and parcel number information for every recorded property, and included the resource name, if appropriate, and other location information required on a DPR523 form. A response to each of the 14 specific comments are provided in the table below. The most common causes of variation between the information on the DPR523 forms and the tabulated lists of surveyed properties are as follows:

- *The street numbers posted on a given building often do not match the legal "situs" address in the records of the County Assessor.*

- *Identifying information often changes over time and this is especially true for street numbers and assessor parcel numbers (APN). JRP included information wherever possible from previous surveys, county records, city directories, or other sources to document these changes.*

- *Other agencies and consultants had surveyed several of the buildings in the five years before the current survey. JRP reproduced those forms for the current survey. It would be inappropriate to alter the property information provided in these recent forms that were authored by others. If information in addition to that on the previous form was available, JRP reported the inclusive range of information (street numbers, building names, parcel numbers, historic status).*

A few of these comments are related to differing historic status reported on the forms and in the tables of the HRER prepared by JRP. The HRER was dated January 2003 and the SHPO concurred with its conclusions in two letters dated June 9, and July 9, 2003 (see Appendix C). Because the SHPO concurred with nearly all of JRP's conclusions regarding the 250 resources surveyed (including many of the evaluation conclusions recently prepared by other consultants), the historic status of these properties can be correctly reported in subsequent environmental documents and the Final EIS/EIR. Specific concurrence or non-concurrence is detailed in the table below. It is possible that the local status of surveyed properties may have changed since the date of the HRER. Changes in this status, specifically designation of properties as a City of San Jose Landmark (and therefore historical resources under CEQA), will be reported in any subsequent references to these resources.

Production of revised DPR523 forms to reflect the minor changes suggested in this comment does not appear to be necessary. However, the corrected identifiers should be used in all references to these properties in subsequent environmental documents.

Comment	***Response***
Difference in street numbers on forms and tables *(64-66 or 62-66) W. Santa Clara Street*	*This building has historically been known as 64-66 W. Santa Clara and county property records carry it as 62 W. Santa Clara. This building should be referred to as 62-66 W. Santa Clara to reconcile these references.*

Comment	***Response***
Difference in street numbers on forms and tables *(184-198 or 184-194) W. Santa Clara Street and 14-16 S. Almaden Avenue*	*The 3 buildings on this parcel have historically been known as 184 W. Santa Clara, and 190-198 W. Santa Clara, and 14-16 S. Almaden. County property records show the parcel collectively as 18 S. Almaden. These buildings should be referred to in the most inclusive manner: 184-198 W. Santa Clara and 14-18 S. Almaden.*
Difference in addresses on forms and tables *(40 S. Montgomery St and 55 S. Autumn Street vs. 40 S. Montgomery St.)*	*This comment is incorrect because both addresses are listed in both the form and the table. (The resource consists of a complex of buildings located on 3 legal parcels.)*
Difference in street numbers on forms and tables *(656 or 656-664) Stockton Avenue*	*This comment is incorrect because the full address range is listed on both the form and the table. The form reports the unit letters (664A-664G and 664H-664M), in addition to the building at 656 Stockton, but this is additional, not conflicting, information about the 3 buildings on the lot.*
Difference in street numbers on forms and tables *(690 or 690-698) Stockton Avenue*	*This comment is incorrect because the full address range is listed on both the form and the table. The two buildings on this parcel have carried either 690 or 698 Stockton Avenue as their address over the years. County records show only "Stockton Ave," with no number. The buildings were vacant at the time of survey. The inclusive range of "690-698" shown on the tables, and the additional information on the form ("690 and/or 698 Stockton Ave") is not in conflict.*
Difference in street numbers on forms and tables *(1325 & 1347 or 1325-1347) E. Julian St.*	*Neither reference is incorrect, however, for consistency the more inclusive address (1325-1347 E. Julian St.) should be used to refer to this resource.*
Difference in street numbers on forms and tables *(262-270 or 262, 264, 270) N. 27th St.*	*Neither reference is incorrect, however, for consistency the more inclusive address (262-270 N. 27th St.) should be used to refer to this resource.*
Difference in street numbers on forms and tables *(872, 874, 876 or 872-876) E. Santa Clara St.*	*The form correctly reports both the range of addresses and the individual historic addresses. The more inclusive address (872-876 E. Santa Clara St.) should be used to refer to this resource.*

Comment	***Response***
Difference in historic status code for 17-25 E. Santa Clara Street. *Primary Record shows property classified as a code 6. Tables show property is eligible for the National Registry.*	*SHPO stated on July 9, 2003 that this building is not eligible for the NRHP; this concurrence is included in Appendix C of the EIS/EIR. The City of San Jose considers its City Landmark properties to be historical resources under CEQA, but this building is not a City Landmark. This building is, however, identified by the City as a Structure of Merit and as a locally significant historic building. This building is considered a historic resource for the purposes of CEQA and should be referred to as status code "5S3." Table 4.6-4: Historic Properties that do not Appear Eligible for Listing in the NRHP, But Appear Eligible to be Considered Historic Resources under CEQA, in the EIS/EIR has been updated to include this property.*
Difference in historic status code for 81 W. Santa Clara Street. *Primary Record shows property classified as a code 4S. Tables show it classified as a code 3S.*	*SHPO stated on June 9, 2003 that this building is eligible for the NRHP under Criterion C (architecture). This concurrence is included in Appendix C of the EIS/EIR. The Final EIS/EIR will refer to this property as "determined eligible" for the NRHP, or status code "2." Table 4.6-3: Historic Properties Listed in the NRHP, Eligible for Listing in the NRHP, or Appearing Eligible for Listing in the NRHP, in the EIS/EIR has been revised to update the NR Status Code for this property.*
Difference in historic status code for 15 S. First Street. *Primary Record shows property classified as a code 4S7. Tables show it classified as a code 6.*	*SHPO concurred on June 9, 2003 with JRP's conclusion that this building does not retain enough integrity to meet the criteria for listing on the NRHP; this concurrence was included in Appendix C of the EIS/EIR. The updated evaluation prepared by JRP in 2002 determined that this building does not appear to be eligible for listing in the NRHP nor does it appear to be a historical resource for the purposes of CEQA. The updated evaluation form is included in the HRER. The City of San Jose considers its City Landmark properties to be historical resources under CEQA, but this building is not a City Landmark. Both the CRHR and NRHP programs require that current integrity (not possible future restoration) be considered in evaluating eligibility. This building should be referred to as a "found not eligible for NRHP, CRHR or local designation through survey evaluation," or status code "6Z."*

Comment	***Response***
Difference in historic status code for 301 E. Santa Clara Street. *Primary Record shows property classified as a code 5S1. Tables show it classified as a code 6.*	*SHPO concurred on June 9, 2003 with JRP's conclusion that this building does not meet the criteria for listing on the NRHP; this concurrence was included in Appendix C of the EIS/EIR. The updated evaluation prepared by JRP in 2002 determined that this building does not appear to be eligible for listing in the NRHP nor does it appear to be a historical resource for the purposes of CEQA. The updated evaluation form is included in the HRER. The City of San Jose considers its City Landmark properties to be historical resources under CEQA, but this building is not a City Landmark. This building should be referred to as a "found not eligible for NRHP, CRHR or local designation through survey evaluation," or status code "6Z."*
Difference in historic status code for 304 E. Santa Clara Street. *Primary Record shows property classified as a code 5S1. Tables show it classified as a code 6.*	*SHPO concurred on June 9, 2003 with JRP's conclusion that this building does not meet the criteria for listing on the NRHP; this concurrence was included in Appendix C of the EIS/EIR. The updated evaluation prepared by JRP in 2002 determined that this building does not appear to be eligible for listing in the NRHP nor does it appear to be a historical resource for the purposes of CEQA. The updated evaluation form is included in the HRER. The City of San Jose considers its City Landmark properties to be historical resources under CEQA, but this building is not a City Landmark. This building should be referred to as a "found not eligible for NRHP, CRHR or local designation through survey evaluation," or status code "6Z."*
Difference in historic status code for 19 S. First St. *Primary Record shows property classified as a code 5S1. Tables show it classified as a code 6.*	*SHPO concurred on June 9, 2003 with JRP's conclusion that this building does not meet the criteria for listing on the NRHP; this concurrence was included in Appendix C of the EIS/EIR. The updated evaluation prepared by JRP in 2002 determined that this building does not appear to be eligible for listing in the NRHP nor does it appear to be a historical resource for the purposes of CEQA. The updated evaluation form is included in the HRER. The City of San Jose considers its City Landmark properties to be historical resources under CEQA, but this building is not a City Landmark. This building should be referred to as a "found not eligible for NRHP, CRHR or local designation through survey evaluation," or status code "6Z."*

P59.3 *None of the examples listed in this comment were omitted from the historic architectural survey for this project. JRP included each of these properties in this survey, identified the past and current evaluation status for each property, and provided an explicit conclusion regarding each property's apparent historic significance. JRP also described*

its inventory and research methodology in the HRER. This effort included careful and thorough review of city and county government inventories and previous surveys throughout the project area. JRP Historical Consulting Services (JRP) reviewed existing information from local, state, and federal inventories and surveys as part of the historic resources identification process for the SVRTC project. JRP reviewed the NRHP, the CRHR, the California Historical Landmarks, and the California Points of Historic Interest lists to identify known historic properties within the architectural Area of Potential Effects (APE). JRP also examined previous historic resource inventory and evaluation surveys and reports, including the City of San Jose's historic resources inventory and landmark listings. There has long been a strong historic preservation presence in San Jose, as well as Santa Clara County, and JRP found many historic resource inventory and evaluation records for properties within the APE, particularly those located in or near downtown San Jose. JRP principals and staff also met and corresponded with Courtney Damkroger, San Jose Historic Preservation Officer, and her staff to discuss the identification of historical resources in the city. JRP located many previous studies at the City of San Jose Public Library, the City of San Jose Planning Department Historic Preservation Office, and the archives of "History San Jose" at Kelly Park. Most of the properties outside San Jose had not been previously surveyed, although JRP did contact each city and county within the project area as part of the identification and data collection process. JRP also reviewed previously conducted cultural resources reports for areas in and near the APE on file with the California Historical Resources Information System Northwest Information Center at Sonoma State University.

The information related to the historic status and significance analysis of the three properties listed in this comment is re-stated below for clarity.

91 E. Santa Clara St. (APN 467-21-005). F. Maggi and C. Duval surveyed this building in 2000 and JRP prepared an update of the DPR523 form in 2002 as part of this project. The 2000 form recognized that the building had potential significance, but also had lost historic integrity. JRP prepared an update of this form to provide a conclusion regarding both NRHP and CRHR eligibility status. JRP's update noted that the City of San Jose listed the building as a "Structure of Merit" and that it was eligible for CRHR as of October 2002. Nevertheless, it does not appear that this building retains sufficient integrity for eligibility on the NRHP. Half of the building was demolished in the 1960s and the original exterior finish has been covered in stucco. The SHPO concurred with JRP's findings on June 9, 2003. This concurrence was included in Appendix C of the EIS/EIR.

101-109 E. Santa Clara St. (APN 467-20-072). W. Hill and G. Laffey surveyed this building in 1998 and JRP prepared an update of the DPR523 form in 2002 as part of this project. The 1998 form recognized that the building was probably not eligible for the CRHR. JRP prepared an update of this form to provide a conclusion regarding both NRHP and CRHR eligibility status. JRP concluded in its update that the building lacked historic significance under all criteria of the NRHP and CRHR. The SHPO concurred with JRP's findings on June 9, 2003. This concurrence was included in Appendix C of the EIS/EIR.

142-150 E. Santa Clara St. (APN 467-23-035). The comment states that the record for this building was not included, however, this is incorrect. This building is a contributing element of the San Jose Downtown Commercial Historic District, which is listed on the NRHP. The property appears as Map Reference #12-10 in the HRER. A copy of the entire district nomination form is also included in the HRER. The SHPO concurred that this building remained listed on the NRHP. This concurrence was included in Appendix C

of the EIS/EIR.

P59.4 *The Section 106 monitor will be selected through VTA's procurement process. To register as a Prospective Vendor, go to www.VTA.org, click on "Procurement," and follow the instructions on "How to Become a Vendor." VTA publishes all solicitation information in the online Procurement site. Companies or individuals wishing to receive notification of relevant solicitations, or to subscribe as Prospective Vendor for solicitations can do so through this online system. Most support documents are available for download through this system, making this the most convenient way to subscribe to and track VTA solicitations. Another way to become a Prospective Vendor for work you are interested in bidding or proposing on is to look in the Mercury News for "Notice to Bidders/Proposers" advertisements. Prospective Vendors may also attend pre-bid conferences to meet with and explore opportunities to team with other consultants.*

This page intentionally left blank.

P60

SAN JOSE DOWNTOWN ASSOCIATION

28 N. FIRST STREET
SUITE 1000
SAN JOSE, CA 95113
TEL: 408-279-1775
FAX: 408-279-1904
WWW.SJDOWNTOWN.COM

May 14, 2004

Tom Fitzwater
Santa Clara Valley Transportation Authority
Environmental Planning Department
3331 North First Street
San Jose, CA 95134

RE: BART Extension to Milpitas, San Jose and Santa Clara Draft EIS/EIR Report

Dear Mr. Fitzwater,

After review of the of the BART extension to Milpitas, San Jose and Santa Clara Draft EIS/EIR Report, the San Jose Downtown Association (SJDA) has the following comments:

GENERAL COMMENTS:
SJDA has been an early and active supporter of bringing BART Downtown, but we are disturbed to find that both the analysis and mitigations offered in the draft EIR are inadequate. In general, the EIR seems to "average out" the level of construction impacts along the corridor and primarily offers "one size fits all" mitigations.

To be adequate, the EIR should list additional specific required mitigations, not just generalized Design Requirements and Best Management Practices, for areas with the most severe construction impacts. The Downtown San Jose commercial core is one of the areas that requires specific mitigations to deal with unique urban circumstances. Downtown will have greater construction impacts, and of twice the duration, than any other area in the BART corridor. Table 1.5-2, Table 6.2-2 and the text of the EIR do not offer adequate required mitigation to reduce the identified "significant" impacts to "less than significant" in Downtown. P60.1

NEEDED CHANGES:

Table 1.5-2: *Summary of Construction Impacts, Design Requirements/Best Management Practices, and Proposed Mitigation Measures alternatives.*
Although the text of the EIR calls for the development of a Construction Impact Mitigation Plan (CIMP), it is not listed as a specific required mitigation in this Table (or in Table 6.2-2). Both Table 1.5-2 and Table 6.2-2 should list preparation of the CIMP as a required mitigation, and should require that a sub-set of the CIMP be developed specifically for the Downtown San Jose commercial core. The CIMP should be incorporated into the final EIR. P60.2

Table 1.5-2 says that, in areas that are noise and vibration sensitive, quieter alternatives to pile driving "may" be used where geological conditions permit. As the entire Downtown commercial core is a noise and vibration sensitive area, the EIR should require that quieter alternatives to pile driving "will" be used where geological conditions permit. P60.3

In addition, the Table states that "relocation and disturbance of utilities will result in *possible* disruption of service." The nature of relocating utilities guarantees the disruption of service and the EIR wording should be changed to reflect this. Utility disruption has a severe effect on the business community. P60.4

Table 6.2-2: *Summary of Impacts and Proposed Mitigation for the SVRTC Baseline and BART alternatives.*
In Table 6.2-2, Section 4.19 states that "construction *could* affect access by pedestrians and bicyclists to business and residences adjacent to the construction areas." The Table classifies this as a "significant" impact. Yet the mitigation section is unusual because it states that no mitigation is required for this "significant impact." Instead of required mitigations, the Table offers "Design Requirements and Best Management practices" as the mechanism to change the "significant" impact to "less than significant." Design Requirements and Best Management practices are the most basic legal requirements for any construction project covered by an EIR. Their use is a basic assumption. The EIR is unclear which ones will apply and offers no evidence that they would be sufficient to change the classification to "less than significant." P60.5

The experience in Downtown San Jose with the Transit Mall construction proved that a customized mitigation plan for access to businesses must be developed. This plan is needed to prevent business failures due to inconvenient customer access. Further analysis of pedestrian access must be done (see below), and the EIR Table must be changed in the final EIR to list required mitigations identified in the CIMP. Even the most enlightened effort may not be enough to reduce this impact to "less than significant." It is a serious omission to have not included required mitigations in the draft EIR.

Similarly, Table 6.2-2 also states that there will be "minor temporary inconvenience to local businesses from additional parking demand", yet classifies this impact as "significant". That is because this impact is severe at the area around the HP Pavilion, a commercial enterprise where parking will be disrupted for four-and-one half-years. As with the access impact above, the EIR states that this impact can also be decreased from "significant" to "less than significant" through "Design Requirements and Best Management practices." The report determines that no mitigation is required for this "significant impact," even though there are many possible mitigations. This is another substantial omission in the EIR document that must be corrected in the final EIR. P60.6

ADDITIONAL ANALYSIS:

Sidewalk Disruption

Section 3.4-26 states that construction would occur "within the 100-foot-wide public right of way of East/West Santa Clara Street which, includes the 68-foot-wide street and 16-foot-wide sidewalks on each side." Additional analysis is needed to uncover the impacts of construction under and through sidewalks, especially as it affects access to businesses. Construction of the Transit Mall discovered that many basements of older buildings protrude into the public right of way under the sidewalk and may require basement reconstruction. In addition, there is no analysis on whether there will be construction of BART supporting structures, such as station entrances, vents or equipment at street level in the sidewalk right-of way, which also has the potential to limit access. P60.7

Crossover Location

Section 6.2.3.3 states that "detours and street traffic during the cut and cover construction of the underground stations would result in significant unavoidable adverse effects on intersection operations at virtually every major intersection in the downtown area" which would last three-and-a-half to four years. Using this as the background, the creation of a Downtown crossover will unnecessarily add to an already significant impact. The EIR fails to provide any analysis as to why the Downtown alternatives were chosen and the impacts of each alternative. The EIR should also include an analysis of at least one alternative crossover location sufficiently removed from the impacted Downtown area. P60.8

Future Development

The EIR should contain analysis on the combined effect of the vent and the adjacent traction power station on the "future Symphony Hall" site shown in Figure A-34 and Figure B-28. What will be the effect on a future performance venue? Will the traction power station add an unacceptable level of noise and vibration? Will the central placement of the vent on the site impact future design possibilities? Can the vent be relocated to the periphery of the site? P60.9

Laydown Areas
The EIR only designates currently vacant properties as "laydown areas." Since the actual construction of BART may not begin for some time, will there be any restrictions placed on the development of these identified sites? If the designated "laydown areas" develop, what is the alternative plan? In addition, all of the EIR designated "laydown areas" currently supply off street paid parking. What alternative parking areas have been identified?

P60.10

P60.11

Vent Placement and Design
The EIR contains no analysis of the impact of the station vent structures on current or future buildings Downtown or analysis for alternative locations. Additionally, there is no indication of vent size or design, therefore there is no way to gauge the visual impact of the vents.

P60.12

P60.13

Parking
The EIR should contain a more complete analysis of construction impacts of the proposed Park and Ride garages on HP Pavilion operations. This analysis should include the identification of temporary parking alternatives as well as mitigation for noise, vibration and access to HP Pavilion for it's normal programming. Since the HP Pavilion is a publicly owned building, the EIR should contain additional information regarding potential "special parking policies and arrangements" (Section 4.2.4.3) affecting future HP Pavilion patron parking.

P60.14

Unresolved Station Location and Alignment Issues
Because there are unresolved issues on station entrances, access points, pedestrian tunnels, etc., there is no analysis of their individual impacts on businesses and properties. The EIR should contain a mechanism for public input and information prior to the start of the preliminary engineering phase.

P60.15

ADDITIONAL MITIGATIONS:
The EIR is deficient in identifying mitigations for the following significant impacts:

Loss of Access to Businesses and Residences
The EIR states that "access by pedestrians and bicyclists to business and residences adjacent to the construction area" is a "significant impact" yet states that no mitigation is required. Possible mitigations for a significant impact is a requirement of EIRs and specific mitigations should be incorporated into Table 6.2-2. Possible mitigations are listed on page 4.19-2 where it states that a Construction Impact Mitigation Plan (CIMP) will be developed prior to construction.

P60.16

Specific CIMP for Downtown
Because of the significant impact construction will have on the twelve blocks of the Downtown commercial core, a separate CIMP must be developed specifically for

P60.17

Downtown San Jose. This CIMP should contain the elements listed on pages 4.19-2 to 4.19-4 and should include additional elements specific to Downtown issues. Major elements of that plan should be incorporated into the final EIR as a required mitigation. Mitigations should be developed to provide financial compensation for direct revenue loss if such losses occur. Additional noise mitigation beyond the use of sound barriers, and construction work schedules that are sensitive to business needs should also be developed in the required mitigation plan.

P60.17 cont

Downtown Field Office

On page 4.19-3, the EIR recommends establishing an information field office along the alignment. Due to the severity of construction impact on Downtown, a field office should be located between the Civic Plaza and Diridon stations.

P60.18

OTHER COMMENTS:

SJDA recommends Option M-1B over M-1A as the preferred location for an entrance to the Market Street Station. This option will not cause an adverse affect to the San Jose Downtown Commercial Historic District.

P60.19

Thank you for this opportunity to comment on the BART Extension EIS/EIR. We look forward to the successful construction of BART in our Downtown and will continue to follow this process with great interest.

Sincerely,

Scott Knies
Executive Director

RESPONSE TO COMMENT LETTER P60

San Jose Downtown Association (May 14, 2004)

P60.1 *Table 6.2.2, Summary of Impacts and Proposed Mitigation for the SVRTC Baseline and BART Alternatives, actually states that, "Temporary full closures and long-term partial street closures for cut-and-cover construction and grade separations would cause unavoidable adverse traffic impacts during construction." While design requirements and best management practices provide substantial mitigation, these impacts are still identified as significant and unavoidable because of the duration and magnitude of the construction activities in the downtown area. VTA will work closely with the San Jose Downtown Association throughout the Preliminary Engineering, Final Design, and construction phases of the project to address the concerns and minimize traffic and parking impacts during the construction of the BART Alternative. Prior to construction, VTA will prepare a detailed Traffic Control Plan and Construction Impact Mitigation Plan (CIMP) to reduce impacts during construction.*

Section 4.19.2.1, Pre-construction Activities, identifies a comprehensive program of pre-construction and construction period activities including the components of the CIMP to address the concerns of the business community and other stakeholders with the construction effort. These activities are a part of the project description and are therefore a requirement of the project. In addition, the City of San Jose requires, by ordinance, the development of a CIMP for their review and approval for a construction project of this magnitude. The San Jose Downtown Association, as a key stakeholder, will have input into the CIMP.

P60.2 *The CIMP is discussed and described in Section 4.19.2.1, Pre-construction Activities. All of the activities described are part of the project and there do not need to be listed as mitigation measures. Also refer to response P60.1.*

P60.3 *Construction noise and vibration varies greatly depending on the construction process, type and condition of equipment used, and layout of the construction site. Many of these factors are traditionally left to the contractor's discretion, which makes it difficult to accurately estimate levels of construction noise. At this stage of a project, guidelines are given on controlling noise and vibration from construction. Because detailed construction plans are not available and specific construction equipment types and scenarios for construction have not been determined, only a general assessment of impacts and mitigation measures can be given. A number of mitigation measures are outlined in the document and shall be incorporated into the construction process to help minimize the noise impacts during construction. These will be refined during Preliminary Engineering and Final Design as more information is made available regarding construction processes and types of equipment to be used on the project.*

P60.4 *The text in Table 1.5-2, Summary of Construction Impacts, Design Requirements/Best Management Practices, and Proposed Mitigation Measures, under the impact category of Utilities, has been revised to delete the word "possible." VTA will coordinate with the San Jose Downtown Association the during Preliminary Engineering and Final Design phases of the project so as to minimize impacts to utilities during construction to the maximum extent practicable.*

P60.5 *Unlike some other environmental documents, this EIS/EIR has taken a more proactive approach to reducing environmental impacts. Section 4.19.2.1, Pre-construction*

Activities, under the subheading Pre-Construction Business Survey, states: "The survey would assist in: (a) the identification of possible techniques for use during construction to maintain critical business activities, (b) the analysis of alternative access routes for customers and deliveries to these businesses, (c) the development of traffic and detour plans, and (d) the final determination of construction practices." Section 4.19.3.11, Design Requirements and Best Management Practices for Pedestrians and Bicyclists Impacts, states that "Data gathered from these interviews will be used to develop worksite traffic control and pedestrian and bicyclist access plans. Among other elements, these plans will identify alternate access to maintain critical business activities." The worksite traffic control and pedestrian and bicycle access plans will be incorporated by reference into the CIMP.

In addition, Section 4.19.3.11 describes several specific design requirements and best management practices that will be implemented to address the needs of pedestrians and bicyclists. These include requiring contractors to maintain adequate pedestrian and bicyclist access in construction areas and providing additional signage. VTA will include these actions in the CIMP for the project.

P60.6 *According to the Diridon/Arena Strategic Development Plan, the City of San Jose and the San Jose Arena Management (Arena management) have an agreement under which "the City will actively pursue best efforts to achieve and maintain at least 6,350 off-site parking spaces within one-half mile of the West Santa Clara entrance of the Arena, of which approximately one-half of such spaces will be within one-third mile of the West Santa Clara entrance of the Arena. Such off-site parking spaces will be available to Arena patrons after 6:30 p.m. on weekdays and a reasonable time before, during and after events on weekends. The current parking inventory within one-half mile is 11,032 spaces."*

VTA will work with the City of San Jose, the Arena management, Peninsula Corridor Joint Powers Board (JPB) for Caltrain, landowners in the area, and others to ensure that parking spaces displaced by the BART construction during the construction period do not result in the provision of fewer than 6,350 off-site parking spaces within one-half mile of the Arena (now named HP Pavilion), with no less that 3,175 spaces within one-third mile of the Arena after 6:30 p.m. on weekdays and a reasonable time before, during and after events on the weekend.

Parking displacement during construction would include approximately 450 spaces west of the Arena to accommodate the construction of 2,200 parking spaces to address the park-and-ride demand associated with the proposed BART Diridon/Arena Station. Once completed, it is estimated that at least 70% of those spaces would be vacant after 6:30 PM weekdays. Those spaces could be made available to the Arena. The specific arrangement for the use of those spaces and any resulting parking fees would be negotiated between VTA, the City of San Jose, and the Arena management at a later date.

Currently, through an agreement with the JPB, the Arena also has permission to use the spaces on the south side of West Santa Clara Street on property owned by the JPB and VTA for Arena events. The parking charges collected from these spaces are shared, in accordance with that agreement, between the JPB, VTA, and the Arena management. VTA and the JPB are under contractual requirement to have these spaces available to the Arena in the longer term.

The need for replacement Cahill lot parking south of West Santa Clara Street during

construction is addressed by building the South Parking Structure on property south of San Fernando Street. This structure would accommodate up to 1,000 spaces. These spaces would be within approximately 1,400 feet of the Arena, with a substantial number of them available after 6:30 PM on weekdays. Once the BART Diridon/Arena Station and North Parking Structure are completed, this parking would address the long-term needs of the Diridon/Arena Strategic Plan development. Preliminary Engineering and Final Design will continue to refine these plans.

As described in the EIS/EIR, VTA will work with the City of San Jose to develop a comprehensive CIMP for the BART construction. As noted in Section 4.19.2.1, Pre-construction Activities, the CIMP will include a pre-construction business survey to ensure an understanding of the delivery, vehicle and pedestrian access needs of all businesses in Downtown San Jose including the Arena. At that time detailed plans to address the vehicle, pedestrian, and parking needs of the Arena will be developed in coordination with the City of San Jose and Arena management. Additional design requirements and best management practices and mitigations to address vehicular, pedestrian, and parking concerns associated with the construction are described in Sections 4.19.3.2 through 4.19.3.12.

P60.7 *As described in Section 4.19.2.1, Pre-construction Activities, a Pre-Construction Building Data Survey will be completed. As a part of this, a comprehensive Basement Survey will be completed during Preliminary Engineering. This information will feed into the development of the CIMP to address the needs of businesses and property owners, pedestrians, and bicyclists.*

Potential vent structure, station entrance, and equipment locations are described in Section 3.4.4.2, Station Locations, and Section 3.4.6.1, BART Alternative Ancillary Facilities. In addition, the locations are shown on alignment and station graphics included in Appendices A and B of the EIS/EIR. The construction of those various elements is discussed in Section 4.19.2.3, Location and Construction of Guideway Types, Stations, and Other Facilities.

P60.8 *BART Standards require a crossover within the tunnel segment to provide for single-tracking capability during emergency situations. Emergency conditions may include, but not be limited to:*

- *An emergency medical situation on a train or on the trackway,*
- *A train breakdown,*
- *A police action on a train or in a station,*
- *Emergency maintenance on the trackway, or*
- *Other events that may require shut down of operations on a portion of the BART trackway within the tunnel segment.*

The crossover facilitates trains alternating use of the one remaining operating track (single-tracking). To ensure consistent operations throughout the BART system, the operating train headways in the downtown San Jose segment must be addressed. During normal operations, the downtown San Jose segment will have six-minute average headways in each direction. The emergency operating plan for the downtown San Jose segment includes turning all of the Richmond-San Jose Trains at Berryessa Station, and reducing the downtown headways and the required passing capacity by one-half. The remaining trains must be able to pass the single-track segment in no more than six

minutes to maintain the 12 minute overall headway (e.g., six minutes for the east bound train to pass, six minutes for the westbound train to pass, six minutes for the next east bound train, six minutes for the next west bound train, etc.). In order for this to occur, the crossover location must allow the travel time between crossovers to be six minutes or less. The crossover location in the tunnel that facilitates this operating requirement is the West of Civic Plaza/SJSU Station Crossover Option location. The West of Market Street Station Crossover Option location does not meet these operational requirements. In addition, crossovers can't be placed in a curved track section. Placement of the crossover west of the Market Street Station in combination with the recommended Diridon/Arena Alignment and Station South Option would put the crossover in a curved track segment in violation of BART Standards. Crossover locations east of Civic Plaza/SJSU Station do not meet the six-minute operational requirement. Crossover locations west of the Diridon/Arena Station do not meet the six-minute operational requirement, and include significant curved trackway segments.

P60.9 *As quantified in Section 4.3.3.1, Noise Impacts, none of the ventilation shafts generate noise levels in excess of 50 dBA and they all meet the FTA and BART noise criteria. Therefore, noise levels would be no greater than for vehicles traveling on Santa Clara Street. The downtown traction power substation would be located underground in the tunnel portion of the BART Alternative. Therefore, noise from this source would not impact the future Symphony Hall site. A building such as a symphony hall would be designed to keep outside noises from intruding into the performance areas. If the building is designed appropriately to provide insulation from noise from a downtown urban area, noise from vent shafts and traction power substations will also be properly mitigated. No additional mitigation would be required for this site.*

P60.10 *Acquisition of property needed for the project will not begin until after the EIR is certified by VTA's Board of Directors if only local funds are used. If federal funds are to be used, acquisition could not occur until after FTA issues the Record of Decision on the EIS. At this time, no constraints have been placed on property proposed for acquisition by the project.*

P60.11 *If the currently identified staging areas were not available at the time of construction, alternative locations would need to be investigated. Also refer to response P60-10.*

P60.12 *Analysis of the potential impacts of vent structures is included in Sections 4.13.3.1, Noise Impacts, subheading Tunnel Ventilation Shafts; Section 4.14, Security and System Safety, subsection 4.14.3.2, Design Requirements and Best Management Practices; and Section 4.17, Visual Quality and Aesthetics, subsection 4.17.3.1, Impacts, subheading Landscape Unit 6 – East Santa Clara Street to I-880.*

P60.13 *The ventilation structures for the downtown San Jose segment are shown in Appendix B, BART Alternative Station Design Options. Figures B-28 and B-29 show the site plan and longitudinal section for the Civic Plaza/SJSU Station and Figures B-31 and B-32 show the site plan and longitudinal section for the Market Street Station.*

Descriptions of the ventilation structures and the related urban streetscape for the two downtown stations are provided in Section 4.17, Visual Quality and Aesthetics, subheading Landscape Unit 6 - East Santa Clara Street to I-880.

For the Civic Plaza/SJSU and Market Street Stations, the ventilation structures' footprint areas will be approximately 20 x 35 feet, and approximately 10 to 15 feet in height. However, the final configuration and size of each ventilation structure will be a function

of the specific design issues at each site. The following text has been added to Section 3.4.6.1, BART Alternative Ancillary Facilities, subheadings Subway Support Facilities and Ventilation Structures, after the first sentence.

> *Ventilation structures would typically be approximately 20 x 35 feet in size and 10 to 15 feet in height. However, each ventilation structure's final configuration and size would be a function of the specific design issues at each site.*

P60.14 *Refer to response P60.6 regarding parking impact to the HP Pavilion.*

Construction noise and vibration are addressed in Section 4.19.11, Noise and Vibration. The HP Pavilion events are held within the arena that, in itself, provides substantial exterior to interior noise reduction. In addition, most of the events occur during the evenings when construction activities would not take place. Therefore, the activities within the arena would not be exposed to significant noise or vibration impacts from construction or long-term operation of the BART Alternative.

P60.15 *Station entrances are discussed in Section 4.14, Security and System Safety, subsection 4.14.3.1, Impacts; Section 4.15, Socioeconomics, subheading Residential and Non-Residential Relocation and Tunnel Easement Impacts; Section 4.17, Visual Quality and Aesthetics, subsection 4.17.3.1, Impacts, Landscape Unit 6 – East Santa Clara Street to I-880; and Section 7.4, Affected Section 4(f) Properties. Also, see Figure 4.17-28 for a view of the BART Civic Center/SJSU Station from the corner of East Santa Clara Street and 4th Street. The decisions on the final station entrance locations will be made during Preliminary Engineering. Meetings with key stakeholders, including the Downtown Business Association, downtown business and property owners, and other concerned parties will be held prior to the selection of the final station entrance locations.*

P60.16 *Refer to response P60.5. No mitigation is required because of the design requirements and best management practices that are incorporated as part of the project. In addition, the CIMP referenced is also a requirement of the project.*

P60.17 *Refer to response P60.1 regarding the CIMP. A CIMP will be developed for the City of San Jose that will address and also focus on the downtown area. A separate CIMP is not necessary. VTA will work with the various stakeholders in Downtown San Jose to minimize effects on the businesses during construction. As stated in Section 4.15, Socioeconomics, subsection 4.15.3.2, Design Requirements and Best Management Practices, VTA will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 in terms of financial compensation. Section 4.19.11.2, Design Requirements and Best Management Practices for Noise Impacts, addresses noise related construction impact of the project. In addition, the project will comply with the construction time limits placed by each jurisdiction unless waived.*

P60.18 *VTA intends to have a field office in the downtown area. The specific location will reflect the needs of the project.*

P60.19 *At its May 26, 2004 meeting, the Silicon Valley Rapid Transit Corridor Policy Advisory Board eliminated station entrance option M-1A from further consideration due to the historic classification of the existing structure. Although still in the San Jose Downtown Commercial Historic District, entrance M-1B will continue to be considered through Preliminary Engineering and Final Design unless a decision is made to drop this portal from further consideration.*

P61

-----Original Message-----
From: John & Irene Sampson [mailto:ij2sampson@juno.com]
Sent: Thursday, May 13, 2004 10:01 PM
To: SVRTC.DEIS-EIRcomments@vta.org
Subject: EIS/EIR Rapid Transit Corridor

May 13, 2004

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

From: The League of Women Voters of the Bay Area

Dear Mr. Fitzwater:
The League of Women Voters of the Bay Area, an inter-League organization of twenty-one local leagues in the nine Bay Area counties supports efficient, interconnected, multi-modal, convenient, equitable, safe, and cost-effective transportation planned in concert with land use and air and water quality.

In March of 2002, in connection with the scoping for the EIS/EIR on the Silicon Valley Rapid Transit Corridor--BART Extension to Milpitas, San Jose, and Santa Clara, CA, we asked that alternatives to the "Preferred Investment Strategy" be evaluated and include standard rail, commuter rail, light rail, and express bus service. We are disappointed with the minimal attention which was given to these alternatives in the Draft EIS/EIR which is now under review. We believe, as we did two years ago, that evaluation of these alternatives would help facilitate the wisest choice for the region and hope that they might still be given more consideration.

P61.1

Sincerely,
Irene Sampson
Transportation Chr., League of Women Voters of the Bay Area
ij2sampson@juno.com

I have attached our letter of comments for the 2002 Scoping session.

March 29, 2002

Ms. Lisa Ives, Project Manager
Santa Clara Valley Transportation Authority
3331 North First Street, Bldg. B
San Jose, CA 95134-1906

Re: Scoping for Environmental Impact Statement/Environmental Impact Report on the Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, CA

Dear Ms. Ives:
The League of Women Voters of the Bay Area, an inter-League organization of twenty-one local Leagues in the nine Bay Area counties supports efficient, interconnected, multi-modal, convenient, equitable, safe, and cost-effective transportation planned in concert with land use and air and water quality.

In order to build the most effective regional transportation system alternative transportation investments need to be evaluated. Alternatives to the "Preferred Investment Strategy" would be expected to include standard rail, commuter rail, light rail, and express bus service.

Standard Rail Alternative: An obvious standard rail alternative for evaluation would be increased service on the Capitol Corridor line on improved tracks with both express and additional local service to more stations. Connection with the ACE train and BART anticipated at Union City should be part of this alternative. Added trains, new platforms and other equipment should be consistent with world-best for ease of boarding by pedestrians, bicycles, wheelchairs and strollers. Space for station access by buses and shuttles would be more than typical suburban BART stations. For service from Diridon Station to the City of Santa Clara, Caltrain service would be improved to the same standard rather than building a parallel, separate system as proposed in BART preferred alternative.

P61.2

Commuter Rail Alternatives: Evaluate two commuter rail alternatives. 1) The commuter rail line that was planned by VTA to connect to BART at their Union City Station and 2) commuter rail that would begin at a new BART-Regional Rail transfer station at Shinn (Fremont) and use the same right of way as the "Preferred Investment Strategy" to Diridon Station. In both cases, the commuter rail would be an updated 21st-century Caltrain-like system. That is, it would have full electrification, upgraded tracks and new state-of-the-art equipment. The frequency of service would be the same as proposed for BART but also include express service since it can accommodate it. After tunneling through Downtown San Jose to Diridon Station rather than creating a redundant service to Santa Clara which is already served by commuter rail, assume the same full electrification, upgrade of tracks and new state-of-the-art equipment for the Caltrain service to Santa Clara.

Light Rail Alternative: A motivating force in the BART to San Jose project was to get workers to Silicon Valley despite mounting congestion and housing prices. The light rail alternative should therefore include redevelopment of underutilized land in the light rail corridors for housing with commercial and cultural amenities attractive to people working in Silicon Valley. Seamless light rail connections to Capitol Corridor/ Ace service at Diridon Station and Great America as well as to the Airport should be included to make efficient use of this already extensive system.

Commuter Bus Alternative: Bus systems now available that cut loading time with translink fare systems, wider doors, folding seats and also cut running time with signal preemption and separate bus lanes or queue-jump pockets offer an alternative that should also be evaluated. Bus routing methods used in San Diego to link major destinations could increase the volume of San Jose's current system of free shuttles to major employers cost-effectively and come on line the soonest.

P61.2 (cont.)

To evaluate the alternatives include the following comparisons:

- Total cost, including financing costs.
- Cost/new rider.
- Travel times.
- Time frame—beginning of service.
- Effect on air quality with the different time frames.
- Potential to accommodate future high speed rail.
- Impact of construction on adjacent communities.

Comparisons should evaluate alternatives over 5, 10, 20 and 30 years for cost and ridership as well for environmental impacts. Public resources for improving transit use in conjunction with efficient land use are limited. Cost-effectiveness is vital to assessing cumulative environmental effects.

To assess alternatives on achieving maximum environmental benefits with limited transit funds, Federal New Starts Project Justification Criteria should be applied:

- mobility improvements;
- environmental benefits;
- operating efficiencies;
- cost-effectiveness
- transit-supportive existing land use, policies and future patterns

This EIS/EIR addresses only part of the "Silicon Valley Rapid Transit Corridor" which includes the entire corridor from Fremont to Santa Clara. Since this is disconnected from the Fremont to Warm Springs EIS/EIR, it is difficult to make an informed decision.

Please do include our concerns in this EIS/EIR. We believe this will help facilitate the wisest choice for the region.

RESPONSE TO COMMENT LETTER P61

The League of Women Voters of the Bay Area (May 13, 2004)

P61.1 *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. The results of the MIS/AA are summarized in Section 3.6.1, Alternatives Evaluated During Major Investment Study/Alternatives Analysis. The original 11 alternatives were narrowed to six alternatives including; Alternative 1, Baseline Alternative; Alternative 2, Busway on the former UPRR Alignment; Alternative 3, Commuter Rail Alternative on the Alviso Alignment; Alternative 5, Commuter Rail Alternative on the former UPRR Alignment; Alternative 9, LRT (light rail transit) on the former UPRR Alignment; and Alternative 11, BART on the former UPRR Alignment. The pros and cons of each of these alternatives were identified and considered. The MIS/AA quantified the differences among these alternatives and provided composite ratings of the overall goal achievement. 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, Alternatives Considered and Withdrawn, regarding the alternatives evaluated in the MIS/AA and eliminated from further consideration.*

P61.2 *The MIS/AA addressed standard/commuter rail alternatives (Alternative 3, Commuter Rail Alternative on the Alviso Alignment; Alternative 4, Commuter Rail Alternative on the former Southern Pacific Railroad (SPRR) Alignment; and Alternative 5; Commuter Rail Alternative on the former UPRR Alignment), light rail alternatives (Alternative 6, Diesel Light Rail Alternative on the former SPRR Alignment; Alternative 7, Diesel Light Rail Alternative on the former UPRR Alignment; Alternative 8, Light Rail (electric-powered) Alternative on the former SPRR Alignment; and Alternative 9 Light Rail (electric-powered) Alternative on the former UPRR Alignment). and a commuter bus alternative (Alternative 2, Busway Alternative on the former UPRR Alignment). The MIS/AA provided a preliminary screening of these alternatives and a more detailed analysis of the six alternatives mentioned in response P61.1. The decision process to select the Locally Preferred Alternative is described in Section 3.6.1, Alternatives Evaluated During Major Investment Study/Alternatives Analysis, and Section 3.6.2, Alternatives Carried Forward into the Draft EIS/EIR. Additional supporting background information is found in the MIS/AA.*