Appendix A

Biological Database Query

CNDDB Query

California Department of Fish and Game
Natural Diversity Database
BART Hayward
CNDDB Query for the Newark and Hayward 7.5 minute USGS topographic quadrangles

	Scientific Name/Common Name	Element Code	Federal Status	State Status	GRank	SRank	CDFG or CNPS
1	***Accipiter striatus*** sharp-shinned hawk	ABNKC12020			G5	S3	
2	***Agelaius tricolor*** tricolored blackbird	ABPBXB0020			G2G3	S2	SC
3	***Antrozous pallidus*** pallid bat	AMACC10010			G5	S3	SC
4	***Aquila chrysaetos*** golden eagle	ABNKC22010			G5	S3	
5	***Ardea herodias*** great blue heron	ABNGA04010			G5	S4	
6	***Astragalus tener var. tener*** alkali milk-vetch	PDFAB0F8R1			G1T1	S1.1	1B.2
7	***Athene cunicularia*** burrowing owl	ABNSB10010			G4	S2	SC
8	***Atriplex joaquiniana*** San Joaquin spearscale	PDCHE041F3			G2	S2	1B.2
9	***Balsamorhiza macrolepis var. macrolepis*** big-scale balsamroot	PDAST11061			G3G4T2	S2.2	1B.2
10	***Centromadia parryi ssp. congdonii*** Congdon's tarplant	PDAST4R0P1			G4T3	S3.2	1B.2
11	***Charadrius alexandrinus nivosus*** western snowy plover	ABNNB03031	Threatened		G4T3	S2	SC
12	***Circus cyaneus*** northern harrier	ABNKC11010			G5	S3	SC
13	***Danaus plexippus*** monarch butterfly	IILEPP2010			G5	S3	
14	***Dendroica petechia brewsteri*** yellow warbler	ABPBX03018			G5T3?	S2	SC
15	***Elanus leucurus*** white-tailed kite	ABNKC06010			G5	S3	
16	***Eumops perotis californicus*** western mastiff bat	AMACD02011			G5T4	S3?	SC
17	***Fritillaria liliacea*** fragrant fritillary	PMLIL0V0C0			G2	S2.2	1B.2
18	***Geothlypis trichas sinuosa*** saltmarsh common yellowthroat	ABPBX1201A			G5T2	S2	SC
19	***Helianthella castanea*** Diablo helianthella	PDAST4M020			G3	S3.2	1B.2
20	***Holocarpha macradenia*** Santa Cruz tarplant	PDAST4X020	Threatened	Endangered	G1	S1.1	1B.1
21	***Lasiurus cinereus*** hoary bat	AMACC05030			G5	S4?	
22	***Lasthenia conjugens*** Contra Costa goldfields	PDAST5L040	Endangered		G1	S1.1	1B.1
23	***Laterallus jamaicensis coturniculus*** California black rail	ABNME03041		Threatened	G4T1	S1	

	Scientific Name/Common Name	Element Code	Federal Status	State Status	GRank	SRank	CDFG or CNPS
24	***Masticophis lateralis euryxanthus*** Alameda whipsnake	ARADB21031	Threatened	Threatened	G4T2	S2	
25	***Melospiza melodia pusillula*** Alameda song sparrow	ABPBXA301S			G5T2?	S2?	SC
26	***Microcina lumi*** Lum's micro-blind harvestman	ILARA47050			G1	S1	
27	***Monardella villosa ssp. globosa*** robust monardella	PDLAM180P7			G5T2	S2.2	1B.2
28	***Neotoma fuscipes annectens*** San Francisco dusky-footed woodrat	AMAFF08082			G5T2T3	S2S3	SC
29	***Northern Coastal Salt Marsh***	CTT52110CA			G3	S3.2	
30	***Oncorhynchus mykiss irideus*** steelhead - central California coast DPS	AFCHA0209G	Threatened		G5T2Q	S2	
31	***Plagiobothrys glaber*** hairless popcorn-flower	PDBOR0V0B0			GH	SH	1A
32	***Potamogeton filiformis*** slender-leaved pondweed	PMPOT03090			G5	S1S2	2.2
33	***Rallus longirostris obsoletus*** California clapper rail	ABNME05016	Endangered	Endangered	G5T1	S1	
34	***Rana draytonii*** California red-legged frog	AAABH01022	Threatened		G4T2T3	S2S3	SC
35	***Reithrodontomys raviventris*** salt-marsh harvest mouse	AMAFF02040	Endangered	Endangered	G1G2	S1S2	
36	***Riparia riparia*** bank swallow	ABPAU08010		Threatened	G5	S2S3	
37	***Sorex vagrans halicoetes*** salt-marsh wandering shrew	AMABA01071			G5T1	S1	SC
38	***Sternula antillarum browni*** California least tern	ABNNM08103	Endangered	Endangered	G4T2T3Q	S2S3	
39	***Streptanthus albidus ssp. peramoenus*** most beautiful jewel-flower	PDBRA2G012			G2T2	S2.2	1B.2
40	***Valley Needlegrass Grassland***	CTT42110CA			G1	S3.1	

USFWS Query

U.S. Fish & Wildlife Service
Sacramento Fish & Wildlife Office

Federal Endangered and Threatened Species that Occur in or may be Affected by Projects in the Counties and/or U.S.G.S. 7 1/2 Minute Quads you requested

Document Number: 100907030728

Database Last Updated: April 29, 2010

Quad Lists

Listed Species

Invertebrates

Branchinecta lynchi
vernal pool fairy shrimp (T)

Lepidurus packardi
vernal pool tadpole shrimp (E)

Fish

Acipenser medirostris
green sturgeon (T) (NMFS)

Hypomesus transpacificus
delta smelt (T)

Oncorhynchus kisutch
coho salmon - central CA coast (E) (NMFS)

Oncorhynchus mykiss
Central California Coastal steelhead (T) (NMFS)
Central Valley steelhead (T) (NMFS)
Critical habitat, Central California coastal steelhead (X) (NMFS)

Oncorhynchus tshawytscha
Central Valley spring-run chinook salmon (T) (NMFS)
winter-run chinook salmon, Sacramento River (E) (NMFS)

Amphibians

Ambystoma californiense
California tiger salamander, central population (T)

Rana draytonii
California red-legged frog (T)
Critical habitat, California red-legged frog (X)

Reptiles

Masticophis lateralis euryxanthus
Alameda whipsnake [=striped racer] (T)
Critical habitat, Alameda whipsnake (X)

Birds

Charadrius alexandrinus nivosus
western snowy plover (T)

Pelecanus occidentalis californicus

California brown pelican (E)

Rallus longirostris obsoletus

California clapper rail (E)

Sternula antillarum (=Sterna, =albifrons) browni

California least tern (E)

Mammals

Reithrodontomys raviventris

salt marsh harvest mouse (E)

Proposed Species

Amphibians

Rana draytonii

Critical habitat, California red-legged frog (PX)

Quads Containing Listed, Proposed or Candidate Species:

HAYWARD (447A)

NEWARK (447D)

County Lists

No county species lists requested.

Key:

(E) *Endangered* - Listed as being in danger of extinction.

(T) *Threatened* - Listed as likely to become endangered within the foreseeable future.

(P) *Proposed* - Officially proposed in the Federal Register for listing as endangered or threatened.

(NMFS) Species under the Jurisdiction of the National Oceanic & Atmospheric Administration Fisheries Service. Consult with them directly about these species.

Critical Habitat - Area essential to the conservation of a species.

(PX) *Proposed Critical Habitat* - The species is already listed. Critical habitat is being proposed for it.

(C) *Candidate* - Candidate to become a proposed species.

(V) Vacated by a court order. Not currently in effect. Being reviewed by the Service.

(X) *Critical Habitat* designated for this species

Important Information About Your Species List

How We Make Species Lists

We store information about endangered and threatened species lists by U.S. Geological Survey 7½ minute quads. The United States is divided into these quads, which are about the size of San Francisco.

The animals on your species list are ones that occur within, **or may be affected by** projects within, the quads covered by the list.

- Fish and other aquatic species appear on your list if they are in the same watershed as your quad or if water use in your quad might affect them.
- Amphibians will be on the list for a quad or county if pesticides applied in that area may be carried to their habitat by air currents.
- Birds are shown regardless of whether they are resident or migratory. Relevant birds on the

county list should be considered regardless of whether they appear on a quad list.

Plants

Any plants on your list are ones that have actually been observed in the area covered by the list. Plants may exist in an area without ever having been detected there. You can find out what's in the surrounding quads through the California Native Plant Society's online Inventory of Rare and Endangered Plants.

Surveying

Some of the species on your list may not be affected by your project. A trained biologist and/or botanist, familiar with the habitat requirements of the species on your list, should determine whether they or habitats suitable for them may be affected by your project. We recommend that your surveys include any proposed and candidate species on your list. See our Protocol and Recovery Permits pages.

For plant surveys, we recommend using the Guidelines for Conducting and Reporting Botanical Inventories. The results of your surveys should be published in any environmental documents prepared for your project.

Your Responsibilities Under the Endangered Species Act

All animals identified as listed above are fully protected under the Endangered Species Act of 1973, as amended. Section 9 of the Act and its implementing regulations prohibit the take of a federally listed wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such animal.

> Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR §17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures:

- If a Federal agency is involved with the permitting, funding, or carrying out of a project that may result in take, then that agency must engage in a formal consultation with the Service.

  During formal consultation, the Federal agency, the applicant and the Service work together to avoid or minimize the impact on listed species and their habitat. Such consultation would result in a biological opinion by the Service addressing the anticipated effect of the project on listed and proposed species. The opinion may authorize a limited level of incidental take.

- If no Federal agency is involved with the project, and federally listed species may be taken as part of the project, then you, the applicant, should apply for an incidental take permit. The Service may issue such a permit if you submit a satisfactory conservation plan for the species that would be affected by your project.

  Should your survey determine that federally listed or proposed species occur in the area and are likely to be affected by the project, we recommend that you work with this office and the California Department of Fish and Game to develop a plan that minimizes the project's direct and indirect impacts to listed species and compensates for project-related loss of habitat. You should include the plan in any environmental documents you file.

Critical Habitat

When a species is listed as endangered or threatened, areas of habitat considered essential to its conservation may be designated as critical habitat. These areas may require special management considerations or protection. They provide needed space for growth and normal behavior; food, water, air, light, other nutritional or physiological requirements;

cover or shelter; and sites for breeding, reproduction, rearing of offspring, germination or seed dispersal.

Although critical habitat may be designated on private or State lands, activities on these lands are not restricted unless there is Federal involvement in the activities or direct harm to listed wildlife.

If any species has proposed or designated critical habitat within a quad, there will be a separate line for this on the species list. Boundary descriptions of the critical habitat may be found in the Federal Register. The information is also reprinted in the Code of Federal Regulations (50 CFR 17.95). See our Map Room page.

Candidate Species

We recommend that you address impacts to candidate species. We put plants and animals on our candidate list when we have enough scientific information to eventually propose them for listing as threatened or endangered. By considering these species early in your planning process you may be able to avoid the problems that could develop if one of these candidates was listed before the end of your project.

Species of Concern

The Sacramento Fish & Wildlife Office no longer maintains a list of species of concern. However, various other agencies and organizations maintain lists of at-risk species. These lists provide essential information for land management planning and conservation efforts. More info

Wetlands

If your project will impact wetlands, riparian habitat, or other jurisdictional waters as defined by section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act, you will need to obtain a permit from the U.S. Army Corps of Engineers. Impacts to wetland habitats require site specific mitigation and monitoring. For questions regarding wetlands, please contact Mark Littlefield of this office at (916) 414-6580.

Updates

Our database is constantly updated as species are proposed, listed and delisted. If you address proposed and candidate species in your planning, this should not be a problem. However, we recommend that you get an updated list every 90 days. That would be December 06, 2010.

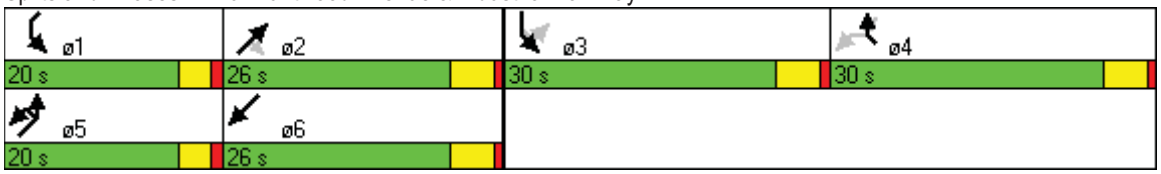
Appendix B

Traffic Data Sheets

Lane Group	SBL2	SBL	SBR	NWL	NWR	NWR2	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations												
Volume (vph)	75	287	84	119	67	80	72	481	308	164	670	39
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		0%		0%				0%			0%	
Storage Length (ft)		0	0	0	0		0		0	0		0
Storage Lanes		1	0	2	1		1		1	1		0
Taper Length (ft)		25	25	25	25		25		25	25		25
Satd. Flow (prot)	1703	3230	0	3298	1386	1524	1703	3406	1524	1703	4835	0
Flt Permitted	0.153	0.961		0.686			0.950			0.950		
Satd. Flow (perm)	274	3230	0	2361	1386	1503	1702	3406	1497	1703	4835	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		28				88			428		10	
Link Speed (mph)		30		30				30			30	
Link Distance (ft)		519		676				559			453	
Travel Time (s)		11.8		15.4				12.7			10.3	
Lane Group Flow (vph)	96	478	0	171	76	88	96	534	428	213	784	0
Turn Type	Perm				custom	custom	Prot		Perm	Prot		
Protected Phases		3			4		5	2		1	6	
Permitted Phases	3			4		4			2			
Total Split (s)	30.0	30.0	0.0	30.0	30.0	30.0	20.0	26.0	26.0	20.0	26.0	0.0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Act Effct Green (s)	26.2	26.2		14.0	14.0	14.0	10.6	20.0	20.0	15.0	27.0	
Actuated g/C Ratio	0.29	0.29		0.15	0.15	0.15	0.12	0.22	0.22	0.16	0.30	
v/c Ratio	1.22	0.51		0.47	0.36	0.29	0.48	0.71	0.65	0.76	0.55	
Control Delay	207.8	28.9		40.3	40.4	10.4	47.4	39.6	8.4	56.4	30.2	
Queue Delay	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Total Delay	207.8	28.9		40.3	40.4	10.4	47.4	39.6	8.4	56.4	30.2	
LOS	F	C		D	D	B	D	D	A	E	C	
Approach Delay		58.8		32.5				27.7			35.8	
Approach LOS		E		C				C			D	

Intersection Summary			
Area Type:	Other		
Cycle Length: 106			
Actuated Cycle Length: 91.3			
Control Type: Actuated-Uncoordinated			
Maximum v/c Ratio: 1.22			
Intersection Signal Delay: 37.0		Intersection LOS: D	
Intersection Capacity Utilization 54.0%		ICU Level of Service A	
Analysis Period (min) 15			

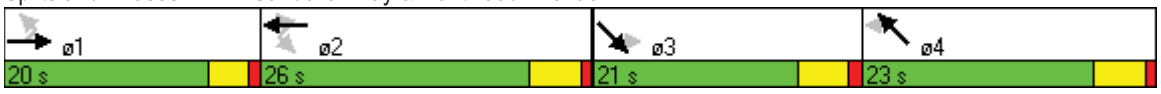
Splits and Phases: 20: Huntwood Avenue & Industrial Parkway



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	SEL	SET	SER	NWL	NWT	NWR
Lane Configurations												
Volume (vph)	3	0	0	12	0	27	85	767	5	1	231	29
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		0%			0%			0%			0%	
Storage Length (ft)	0		0	0		0	0		0	0		0
Storage Lanes	0		0	0		1	0		0	0		0
Taper Length (ft)	25		25	25		25	25		25	25		25
Satd. Flow (prot)	0	1626	0	0	1626	1455	0	3232	0	0	4521	0
Flt Permitted					0.752			0.537			0.918	
Satd. Flow (perm)	0	1712	0	0	1282	1455	0	1744	0	0	4154	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)						40		1			41	
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		197			250			676			632	
Travel Time (s)		4.5			5.7			15.4			14.4	
Lane Group Flow (vph)	0	8	0	0	16	40	0	1139	0	0	342	0
Turn Type	Perm			Perm		Perm	Perm			Perm		
Protected Phases		1			2			3			4	
Permitted Phases	1			2		2	3			4		
Total Split (s)	20.0	20.0	0.0	26.0	26.0	26.0	21.0	21.0	0.0	23.0	23.0	0.0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Act Effct Green (s)		6.9			7.4	7.4		17.4			10.0	
Actuated g/C Ratio		0.14			0.15	0.15		0.35			0.20	
v/c Ratio		0.03			0.08	0.16		1.85			0.39	
Control Delay		21.0			22.2	10.6		405.7			17.1	
Queue Delay		0.0			0.0	0.0		0.0			0.0	
Total Delay		21.0			22.2	10.6		405.7			17.1	
LOS		C			C	B		F			B	
Approach Delay		21.0			13.9			405.7			17.1	
Approach LOS		C			B			F			B	

Intersection Summary			
Area Type:	Other		
Cycle Length: 90			
Actuated Cycle Length: 49.2			
Control Type: Actuated-Uncoordinated			
Maximum v/c Ratio: 1.85			
Intersection Signal Delay: 303.5		Intersection LOS: F	
Intersection Capacity Utilization 44.7%		ICU Level of Service A	
Analysis Period (min) 15			

Splits and Phases: 21: Sandoval Way & Huntwood Avenue

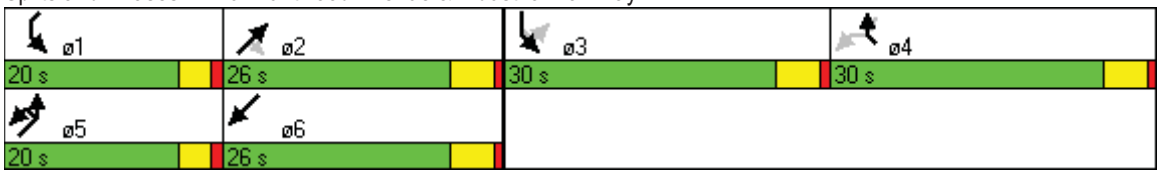


Lane Group	SBL2	SBL	SBR	NWL	NWR	NWR2	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations												
Volume (vph)	75	287	84	121	67	81	72	481	314	166	670	39
Satd. Flow (prot)	1703	3230	0	3294	1386	1524	1703	3406	1524	1703	4835	0
Flt Permitted	0.153	0.961		0.684			0.950			0.950		
Satd. Flow (perm)	274	3230	0	2354	1386	1503	1702	3406	1497	1703	4835	0
Satd. Flow (RTOR)		28				89			436		10	
Lane Group Flow (vph)	96	478	0	174	76	89	96	534	436	216	784	0
Turn Type	Perm				custom	custom	Prot		Perm	Prot		
Protected Phases		3			4		5	2		1	6	
Permitted Phases	3			4		4			2			
Total Split (s)	30.0	30.0	0.0	30.0	30.0	30.0	20.0	26.0	26.0	20.0	26.0	0.0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Act Effct Green (s)	26.2	26.2		14.2	14.2	14.2	10.6	20.2	20.2	15.1	27.3	
Actuated g/C Ratio	0.29	0.29		0.15	0.15	0.15	0.12	0.22	0.22	0.16	0.30	
v/c Ratio	1.23	0.51		0.48	0.36	0.29	0.49	0.71	0.65	0.77	0.54	
Control Delay	209.1	29.2		40.5	40.3	10.4	47.6	39.5	8.5	57.3	30.2	
Queue Delay	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Total Delay	209.1	29.2		40.5	40.3	10.4	47.6	39.5	8.5	57.3	30.2	
LOS	F	C		D	D	B	D	D	A	E	C	
Approach Delay		59.3		32.6				27.6			36.0	
Approach LOS		E		C				C			D	

Intersection Summary

Cycle Length: 106
Actuated Cycle Length: 91.8
Control Type: Actuated-Uncoordinated
Maximum v/c Ratio: 1.23
Intersection Signal Delay: 37.1 — Intersection LOS: D
Intersection Capacity Utilization 54.1% — ICU Level of Service A
Analysis Period (min) 15

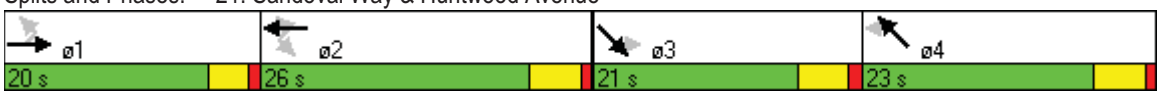
Splits and Phases: 20: Huntwood Avenue & Industrial Parkway



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	SEL	SET	SER	NWL	NWT	NWR
Lane Configurations												
Volume (vph)	3	0	0	12	0	30	93	767	5	1	231	29
Satd. Flow (prot)	0	1626	0	0	1626	1455	0	3232	0	0	4521	0
Flt Permitted					0.752			0.540			0.917	
Satd. Flow (perm)	0	1712	0	0	1282	1455	0	1754	0	0	4150	0
Satd. Flow (RTOR)						44		1			41	
Lane Group Flow (vph)	0	8	0	0	16	44	0	1149	0	0	342	0
Turn Type	Perm			Perm		Perm	Perm			Perm		
Protected Phases		1			2			3			4	
Permitted Phases	1			2		2	3			4		
Total Split (s)	20.0	20.0	0.0	26.0	26.0	26.0	21.0	21.0	0.0	23.0	23.0	0.0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Act Effct Green (s)		6.9			7.4	7.4		17.4			10.0	
Actuated g/C Ratio		0.14			0.15	0.15		0.35			0.20	
v/c Ratio		0.03			0.08	0.17		1.85			0.39	
Control Delay		21.0			22.2	10.4		408.1			17.1	
Queue Delay		0.0			0.0	0.0		0.0			0.0	
Total Delay		21.0			22.2	10.4		408.1			17.1	
LOS		C			C	B		F			B	
Approach Delay		21.0			13.5			408.1			17.1	
Approach LOS		C			B			F			B	

Intersection Summary	
Cycle Length: 90	
Actuated Cycle Length: 49.2	
Control Type: Actuated-Uncoordinated	
Maximum v/c Ratio: 1.85	
Intersection Signal Delay: 305.1	Intersection LOS: F
Intersection Capacity Utilization 44.9%	ICU Level of Service A
Analysis Period (min) 15	

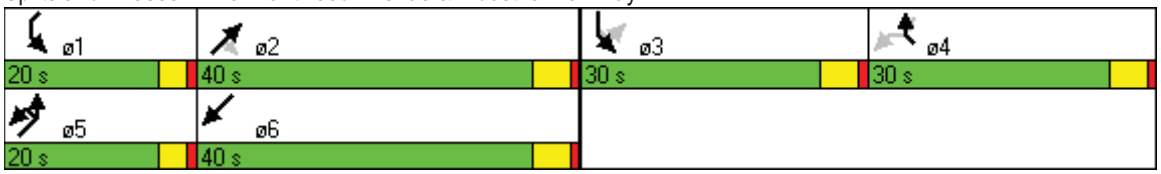
Splits and Phases: 21: Sandoval Way & Huntwood Avenue



Lane Group	SBL2	SBL	SBR	NWL	NWR	NWR2	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations												
Volume (vph)	69	147	80	345	323	328	251	988	129	108	613	105
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		0%		0%				0%			0%	
Storage Length (ft)		0	0	0	0		0		0	0		0
Storage Lanes		1	0	2	1		1		1	1		0
Taper Length (ft)		25	25	25	25		25		25	25		25
Satd. Flow (prot)	1736	3223	0	3321	1413	1553	1736	3471	1553	1736	4824	0
Flt Permitted	0.154	0.967		0.634			0.950			0.950		
Satd. Flow (perm)	281	3223	0	2172	1413	1553	1727	3471	1553	1736	4824	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		61				360			146		43	
Link Speed (mph)		30		30				30			30	
Link Distance (ft)		519		676				559			453	
Travel Time (s)		11.8		15.4				12.7			10.3	
Lane Group Flow (vph)	88	287	0	562	315	360	335	1098	179	140	816	0
Turn Type	Perm				custom	custom	Prot		Perm	Prot		
Protected Phases		3			4		5	2		1	6	
Permitted Phases	3			4		4			2			
Total Split (s)	30.0	30.0	0.0	30.0	30.0	30.0	20.0	40.0	40.0	20.0	40.0	0.0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Act Effct Green (s)	26.0	26.0		26.0	26.0	26.0	16.0	36.0	36.0	13.6	33.6	
Actuated g/C Ratio	0.22	0.22		0.22	0.22	0.22	0.14	0.31	0.31	0.12	0.29	
v/c Ratio	1.42	0.38		1.17	1.01	0.58	1.42	1.03	0.31	0.70	0.58	
Control Delay	294.3	32.4		138.1	99.5	8.1	249.1	77.0	9.6	68.6	35.7	
Queue Delay	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Total Delay	294.3	32.4		138.1	99.5	8.1	249.1	77.0	9.6	68.6	35.7	
LOS	F	C		F	F	A	F	E	A	E	D	
Approach Delay		93.9		90.4				105.3			40.5	
Approach LOS		F		F				F			D	

Intersection Summary			
Area Type:	Other		
Cycle Length: 120			
Actuated Cycle Length: 117.7			
Control Type: Actuated-Uncoordinated			
Maximum v/c Ratio: 1.42			
Intersection Signal Delay: 85.1		Intersection LOS: F	
Intersection Capacity Utilization 71.5%		ICU Level of Service C	
Analysis Period (min) 15			

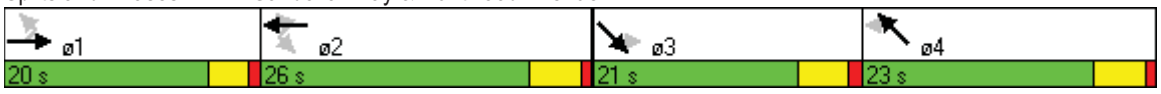
Splits and Phases: 20: Huntwood Avenue & Industrial Parkway



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	SEL	SET	SER	NWL	NWT	NWR
Lane Configurations												
Volume (vph)	6	0	4	21	1	82	44	362	4	1	971	18
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		0%			0%			0%			0%	
Storage Length (ft)	0		0	0		0	0		0	0		0
Storage Lanes	0		0	0		1	0		0	0		0
Taper Length (ft)	25		25	25		25	25		25	25		25
Satd. Flow (prot)	0	1656	0	0	1694	1509	0	3348	0	0	4825	0
Flt Permitted					0.723			0.537			0.938	
Satd. Flow (perm)	0	1721	0	0	1278	1509	0	1807	0	0	4526	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		4				121		1			4	
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		197			250			676			632	
Travel Time (s)		4.5			5.7			15.4			14.4	
Lane Group Flow (vph)	0	20	0	0	29	121	0	545	0	0	1223	0
Turn Type	Perm			Perm		Perm	Perm			Perm		
Protected Phases		1			2			3			4	
Permitted Phases	1			2		2	3			4		
Total Split (s)	20.0	20.0	0.0	26.0	26.0	26.0	21.0	21.0	0.0	23.0	23.0	0.0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Act Effct Green (s)		7.5			8.1	8.1		17.2			19.3	
Actuated g/C Ratio		0.13			0.14	0.14		0.29			0.33	
v/c Ratio		0.09			0.17	0.39		1.03			0.83	
Control Delay		22.6			26.7	10.1		74.3			26.6	
Queue Delay		0.0			0.0	0.0		0.0			0.0	
Total Delay		22.6			26.7	10.1		74.3			26.6	
LOS		C			C	B		E			C	
Approach Delay		22.6			13.4			74.3			26.6	
Approach LOS		C			B			E			C	

Intersection Summary			
Area Type:	Other		
Cycle Length: 90			
Actuated Cycle Length: 59.2			
Control Type: Actuated-Uncoordinated			
Maximum v/c Ratio: 1.03			
Intersection Signal Delay: 38.9		Intersection LOS: D	
Intersection Capacity Utilization 47.6%		ICU Level of Service A	
Analysis Period (min) 15			

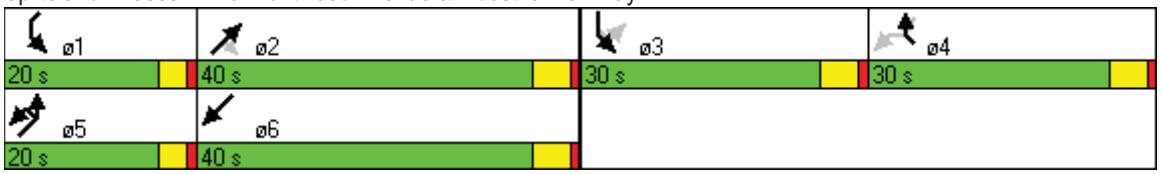
Splits and Phases: 21: Sandoval Way & Huntwood Avenue



Lane Group	SBL2	SBL	SBR	NWL	NWR	NWR2	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations												
Volume (vph)	69	147	80	325	323	322	251	988	125	107	613	105
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		0%		0%				0%			0%	
Storage Length (ft)		0	0	0	0		0		0	0		0
Storage Lanes		1	0	2	1		1		1	1		0
Taper Length (ft)		25	25	25	25		25		25	25		25
Satd. Flow (prot)	1736	3223	0	3311	1413	1553	1736	3471	1553	1736	4824	0
Flt Permitted	0.154	0.967		0.638			0.950			0.950		
Satd. Flow (perm)	281	3223	0	2177	1413	1553	1727	3471	1553	1736	4824	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		61				354			142		43	
Link Speed (mph)		30		30				30			30	
Link Distance (ft)		519		676				559			453	
Travel Time (s)		11.8		15.4				12.7			10.3	
Lane Group Flow (vph)	88	287	0	546	303	354	335	1098	174	139	816	0
Turn Type	Perm				custom	custom	Prot		Perm	Prot		
Protected Phases		3			4		5	2		1	6	
Permitted Phases	3			4		4			2			
Total Split (s)	30.0	30.0	0.0	30.0	30.0	30.0	20.0	40.0	40.0	20.0	40.0	0.0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Act Effct Green (s)	26.0	26.0		26.0	26.0	26.0	16.0	36.0	36.0	13.5	33.6	
Actuated g/C Ratio	0.22	0.22		0.22	0.22	0.22	0.14	0.31	0.31	0.11	0.29	
v/c Ratio	1.42	0.38		1.13	0.97	0.57	1.42	1.03	0.30	0.69	0.58	
Control Delay	292.4	32.4		125.1	90.2	8.1	249.0	76.9	9.6	68.5	35.7	
Queue Delay	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Total Delay	292.4	32.4		125.1	90.2	8.1	249.0	76.9	9.6	68.5	35.7	
LOS	F	C		F	F	A	F	E	A	E	D	
Approach Delay		93.4		81.9				105.5			40.5	
Approach LOS		F		F				F			D	

Intersection Summary			
Area Type:	Other		
Cycle Length: 120			
Actuated Cycle Length: 117.6			
Control Type: Actuated-Uncoordinated			
Maximum v/c Ratio: 1.42			
Intersection Signal Delay: 82.5		Intersection LOS: F	
Intersection Capacity Utilization 70.9%		ICU Level of Service C	
Analysis Period (min) 15			

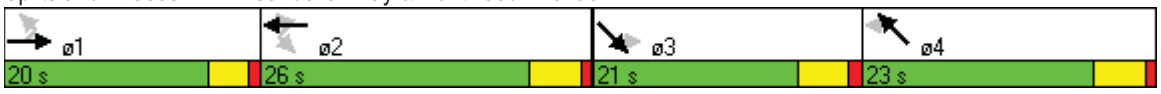
Splits and Phases: 20: Huntwood Avenue & Industrial Parkway



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	SEL	SET	SER	NWL	NWT	NWR
Lane Configurations												
Volume (vph)	6	0	4	21	1	56	39	362	4	1	971	18
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		0%			0%			0%			0%	
Storage Length (ft)	0		0	0		0	0		0	0		0
Storage Lanes	0		0	0		1	0		0	0		0
Taper Length (ft)	25		25	25		25	25		25	25		25
Satd. Flow (prot)	0	1656	0	0	1694	1509	0	3348	0	0	4825	0
Flt Permitted					0.719			0.554			0.938	
Satd. Flow (perm)	0	1721	0	0	1271	1509	0	1864	0	0	4526	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		4				82		1			4	
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		197			250			676			632	
Travel Time (s)		4.5			5.7			15.4			14.4	
Lane Group Flow (vph)	0	20	0	0	29	82	0	538	0	0	1223	0
Turn Type	Perm			Perm		Perm	Perm			Perm		
Protected Phases		1			2			3			4	
Permitted Phases	1			2		2	3			4		
Total Split (s)	20.0	20.0	0.0	26.0	26.0	26.0	21.0	21.0	0.0	23.0	23.0	0.0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Act Effct Green (s)		7.4			7.9	7.9		17.2			19.2	
Actuated g/C Ratio		0.13			0.13	0.13		0.29			0.33	
v/c Ratio		0.09			0.17	0.30		0.99			0.83	
Control Delay		22.4			27.0	10.5		61.5			26.3	
Queue Delay		0.0			0.0	0.0		0.0			0.0	
Total Delay		22.4			27.0	10.5		61.5			26.3	
LOS		C			C	B		E			C	
Approach Delay		22.4			14.8			61.5			26.3	
Approach LOS		C			B			E			C	

Intersection Summary			
Area Type:	Other		
Cycle Length: 90			
Actuated Cycle Length: 59			
Control Type: Actuated-Uncoordinated			
Maximum v/c Ratio: 0.99			
Intersection Signal Delay: 35.6		Intersection LOS: D	
Intersection Capacity Utilization 47.5%		ICU Level of Service A	
Analysis Period (min) 15			

Splits and Phases: 21: Sandoval Way & Huntwood Avenue



Appendix C

Responses to Comments

Appendix C
Comment and Responses

C.1 INTRODUCTION

This section contains each comment letter and written responses to the individual comments in each letter. This section also includes comments made to the court reporter and the transcripts of speakers at the two public hearings on the Draft IS/MND, and the responses to these comments. Specific comments have been bracketed and enumerated in the margin of the letter or transcript. Responses to each of these comments follow each letter in this Section. Each commentor has been assigned a discrete comment letter number. For the most part, the responses provide explanatory information or additional discussion of text in the Draft IS/MND. In some instances, the response supersedes or supplements the text of the Draft IS/MND for accuracy or clarification. New text that has been added to the Draft IS/MND is indicated with underlining. Text that has been deleted is indicated with ~~strikethrough~~. These changes have also been reflected in the Final IS/MND.

C.2 LIST OF COMMENTORS

During the public comment period, written comments were received from 6 public agencies (State, regional, and local) and 2 individuals. Comments were also received orally from members of the public during the December 15, 2010 and January 20, 2011 public hearings.

Letter 1A Scott Morgan, Director, Governor's Office of Planning and Research, State Clearing House Planning Unit

Letter 1B Scott Morgan, Director, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

Letter 2 Brian Wines, Water Resources Control Engineer, California Regional Water Quality Control Board, San Francisco Bay Region

Letter 3 Roy Molseed, Senior Environmental Planner, Santa Clara Valley Transportation Authority

Letter 4 David Rizk, Development Services Director, City of Hayward

Letter 4A Hugh Murphy, Hazardous Materials Program Coordinator, Fiora Chen, Fire Protection Engineer, Charmaine Giel, Fire Marshall, Hayward Office of the Fire Marshall

Letter 5 Joan Malloy, Economic & Community Development Director, City of Union City

Letter 6 Charlie Cameron

Letter 7 Anonymous Comment

PH1 BART Public Hearing on December 15, 2010

PH2 BART Public Hearing on January 20, 2011

Letter 1A Scott Morgan, Director, Governor's Office of Planning and Research, State Clearing House Planning Unit

Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit

Cathleen Cox
Acting Director

Letter 1A

January 4, 2011

Ellen Smith
San Francisco Bay Area Water Transit Authority
300 Lakeside Drive, 16th Floor
Oakland, CA 94612

Subject: Hayward Maintenance Complex Project
SCH#: 2010122013

Dear Ellen Smith:

1A-1 The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on January 3, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

email Scott w/ 2 changes. 1/14
Resent 1/18

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH#	2010122013
Project Title	Hayward Maintenance Complex Project
Lead Agency	San Francisco Bay Area Water Transit Authority
Type	MND Mitigated Negative Declaration
Description	The proposed Hayward Maintenance Complex project (proposed project) would consist of acquisition and improvements to three properties on the west side of the existing Hayward Yard and the construction of additional storage tracks for a maximum of 250 vehicles on undeveloped BART property on the east side of the Hayward Yard. The project site is zoned for industrial uses and the proposed activities would be consistent with this zoning designation.

Lead Agency Contact

Name	Ellen Smith
Agency	San Francisco Bay Area Water Transit Authority
Phone	510-287-4758 *Fax*
email	
Address	300 Lakeside Drive, 16th Floor
City	Oakland *State* CA *Zip* 94612

Project Location

County	Alameda
City	Union City
Region	
Lat / Long	37° 36' 55.2" N / 122° 2' 39.1" W
Cross Streets	Whipple Road and Sandoval Way
Parcel No.	475-002-1000-8000, 475-002-100-700, 475-005-000-101, 475-002-100-600
Township	4S *Range* 2W *Section* 1,2,12 *Base*

Proximity to:

Highways	I-880
Airports	Hayward Air Terminal
Railways	Union Pacific
Waterways	Old Alameda Creek, Ward Creek, and Dry Creek
Schools	Hillview Crest Elem, Bernard-Whita MS, Treeview Elem,
Land Use	Industrial in City of Hayward; Light Industrial in Union City

Project Issues	Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian
Reviewing Agencies	Resources Agency; Department of Fish and Game, Region 3; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; Public Utilities Commission; State Lands Commission
Date Received	12/03/2010 *Start of Review* 12/03/2010 *End of Review* 01/03/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.

Letter 1A Scott Morgan, Director, Governor's Office of Planning and Research, State Clearing House Planning Unit

1A-1 This letter acknowledges the receipt of the Hayward Maintenance Complex Project IS/MND by the State Clearinghouse, and its distribution to State agencies for review. No response is necessary.

Letter 1B Scott Morgan, Director, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

JERRY BROWN
GOVERNOR

Letter 1B

February 14, 2011

Ellen Smith
San Francisco Bay Area Rapid Transit District
300 Lakeside Drive, 16th Floor
Oakland, CA 94612

Subject: Hayward Maintenance Complex Project
SCH#: 2010122013

Dear Ellen Smith:

The enclosed comment (s) on your Mitigated Negative Declaration was (were) received by the State Clearinghouse after the end of the state review period, which closed on February 11, 2011. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

1B-1 The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2010122013) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH#	2010122013
Project Title	Hayward Maintenance Complex Project
Lead Agency	Bay Area Rapid Transit District
Type	**MND** Mitigated Negative Declaration
Description	NOTE: Extended Review per lead The proposed Hayward Maintenance Complex project (proposed project) would consist of acquisition and improvements to three properties on the west side of the existing Hayward Yard and the construction of additional storage tracks for a maximum of 250 vehicles on undeveloped BART property on the east side of the Hayward Yard. The project site is zoned for industrial uses and the proposed activities would be consistent with this zoning designation.

Lead Agency Contact

Name	Ellen Smith
Agency	San Francisco Bay Area Rapid Transit District
Phone	510-287-4758 *Fax*
email	
Address	300 Lakeside Drive, 16th Floor
City	Oakland *State* CA *Zip* 94612

Project Location

County	Alameda
City	Union City
Region	
Lat / Long	37° 36' 55.2" N / 122° 2' 39.1" W
Cross Streets	Whipple Road and Sandoval Way
Parcel No.	475-002-1000-8000, 475-002-100-700, 475-005-000-101, 475-002-100-600
Township	4S *Range* 2W *Section* 1,2,12 *Base*

Proximity to:

Highways	I-880
Airports	Hayward Air Terminal
Railways	Union Pacific
Waterways	Old Alameda Creek, Ward Creek, and Dry Creek
Schools	Hillview Crest Elem, Bernard-Whita MS, Treeview Elem,
Land Use	Industrial in City of Hayward; Light Industrial in Union City

Project Issues	Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian
Reviewing Agencies	Resources Agency; Department of Fish and Game, Region 3; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; Public Utilities Commission; State Lands Commission
Date Received	12/03/2010 *Start of Review* 12/03/2010 *End of Review* 02/11/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.

Letter 1B Scott Morgan, Director, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

1B-1 This comment acknowledges that the review period for the Hayward Maintenance Complex Project IS/MND was extended to February 11, 2011. No response is necessary.

Letter 2 **Brian Wines, Water Resources Control Engineer, California Regional Water Quality Control Board, San Francisco Bay Region**

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

JERRY BROWN
GOVERNOR

January 11, 2011

Letter 2

hmc
1 sttrd
comment letter

Ellen Smith
San Francisco Bay Area Water Transit Authority
300 Lakeside Drive, 16th Floor
Oakland, CA 94612

Subject: Hayward Maintenance Complex Project
SCH#: 2010122013

Dear Ellen Smith:

The enclosed comment (s) on your Mitigated Negative Declaration was (were) received by the State Clearinghouse after the end of the state review period, which closed on January 3, 2011. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2010122013) when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

California Regional Water Quality Control Board
San Francisco Bay Region

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
http://www.waterboards.ca.gov/sanfranciscobay

Linda S. Adams
Acting Secretary for Environmental Protection

Edmund G. Brown, Jr.
Governor

late
clear
1/3/11
e

January 11, 2011
CIWQS Place ID No. 760773

Sent via electronic mail: No hardcopy to follow

San Francisco Bay Area Rapid Transit District
300 Lakeside Drive, 16th Floor
Oakland, CA 94612

Attn: Ellen Smith (510-287-4758) (esmith1@bart.gov)

Re: Comments on the Draft Initial Study / Mitigated Negative Declaration for the Hayward Maintenance Complex Project, San Francisco Bay Area Rapid Transit District
SCH No.: 2010122013

Dear Ms. Smith:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciate the opportunity to review the December 2010 *Draft Initial Study / Mitigated Negative Declaration for the Hayward Maintenance Complex Project, San Francisco Bay Area Rapid Transit District* (IS/MND). The San Francisco Bay Area Rapid Transit District (BART) is proposing to construct a maintenance facility with capacity for 250 vehicles on land in the cities of Hayward and Union City (Project). Water Board staff have the following comments on aspects of the Project, as presented in the ISMND, which may impact waters of the State.

Comment 1
Request for Clarification of Potential Impacts to Drainages and Wetlands at the Project Site

2-1a Text in several sections of the ISMND refers to potential impacts to drainages and wetlands at the Project site. It is not clear from the current text of the ISMND how many drainages or wetlands would actually be impacted by the current design of the Project. Page 18 of the ISMND contains the following text:

> Drainage – A combination of pipes and open drainage would replace an existing open culvert along portions of the eastern and western perimeters of the expansion area.

2-1b The paragraph extending from the bottom of page 49 to the top of page 50 contains the following text:

> Two potential wetlands occur adjacent to the east side expansion area. The first occurs along a narrow, artificial drainage channel that follows the western edge of the site adjacent to the eastern edge of the BART tracks. The majority of this channel contains no wetland vegetation or other wetland characteristics. However, the segment of this potential wetland, covering approximately 0.01 acre, contains wetland vegetation, although

2-1b Con't

no surface water was present. The second potential wetland is the approximately 1.2-acre depression north of the project site. No other federally jurisdictional wetlands or "waters of the State" occur in the project area. Under current project designs of Phase 2, both the drainage channel and the approximately 1.2-acre wetland north of the project site would be avoided.

Text on page 75 states:

> The majority of the project site is within the historic Ward Creek watershed and the track extension southeast of Whipple Road is within the Dry Creek watershed. The majority of the project site runoff flows northwest to on-site retention areas, an engineered channel system at Industrial Boulevard (Alameda Flood Control and Water Conservation District [ACFCWCD] Line D channel) that comprises the historic Ward Creek drainage system, or to a 1.2-acre wetland north of the proposed train storage area.

2-1c

Water Board staff are asking for clarification of the relationship between the "existing open culvert along portions of the eastern and western perimeters of the expansion area" and the "artificial drainage channel that follows the western edge of the site adjacent to the eastern edge of the BART tracks". It is not clear whether or not these sentences refer to the same drainage feature at the Project site. As Water Board staff pointed out in our letter of comment on the 2009 Draft Programmatic Environmental Impact Report for the Bart to Livermore Extension (DPEIR)[1].

> The Water Board usually asserts jurisdiction over roadside drainages. Even if these features have relatively low habitat value, they do provide water quality benefits to stormwater runoff through both infiltration in the substrate and filtration by vegetation. Vegetated ditches also help to counteract the hydromodification associated with the creation of impervious surfaces upgradient from the ditches.

2-1d

In general, the Water Board asserts jurisdiction over any channel with a supporting watershed. This is especially true where an engineered channel has taken the place of an existing, natural channel and the channel is tributary to an identified creek system, as the text from page 75 of the ISMND indicates may be true at the Project site. Jurisdiction over channels is also not dependent on the presence of wetland indicators within the channels. BART should contact Water Board staff to determine the jurisdictional status of the drainages at the Project site. If these features are jurisdictional, then the ISMND should be revised to include proposed mitigation measures for impacts to these drainages. Such mitigation measures should provide compensation for impacted stormwater treatment capacity in the impacted drainages.

2-1e

If mitigation is necessary, proposed mitigation measures should be presented in sufficient detail for readers of the ISMND document to evaluate the likelihood that the proposed remedy will actually reduce impacts to a less than significant level. CEQA requires that mitigation measures

[1] The DPEIR correctly identified surface waters as "improved flood control or drainage channels, canals, intermittent/ephemeral river and stream channels, . . . permanent river and stream channels; impoundments such as ponds, lakes, and reservoirs; and wetlands.

2-1e Con't

for each significant environmental effect be adequate, timely, and resolved by the lead agency. In an adequate CEQA document, mitigation measures must be feasible and fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4). Mitigation measures to be identified at some future time are not acceptable. It has been determined by court ruling that such mitigation measures would be improperly exempted from the process of public and governmental scrutiny which is required under the California Environmental Quality Act.

Comment 2
Required Permits and Approvals, Pages 24 and 25.
The discussion of permits and approvals that may be necessary for the Project does not consider the potential presence of waters other than wetlands that may be subject to jurisdiction as waters of the State at the Project site. If the channels at the Project site are jurisdictional, permits will be needed from the Water Board before these features can be impacted. Water Board staff recommend adding the following text to this section of the ISMND:

2-2

> The Water Board has regulatory authority over wetlands and waterways under both the federal Clean Water Act (CWA) and the State of California's Porter-Cologne Water Quality Control Act (California Water Code, Division 7). Under the CWA, the Water Board has regulatory authority over actions in waters of the United States, through the issuance of water quality certifications (certifications) under Section 401 of the CWA, which are issued in combination with permits issued by the Army Corps of Engineers (ACOE), under Section 404 of the CWA. When the Water Board issues Section 401 certifications, it simultaneously issues general Waste Discharge Requirements (WDRs) for the project, under the Porter-Cologne Water Quality Control Act. Activities in areas that are outside of the jurisdiction of the ACOE (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high water mark) are regulated by the Water Board, under the authority of the Porter-Cologne Water Quality Control Act. Activities that lie outside of ACOE jurisdiction may require the issuance of either individual or general WDRs from the Water Board.

Comment 3
Section 9, Hydrology and Water Quality, Pages 75 - 87.
Text in Section 9 of the ISMND acknowledges that the Project must comply with the post-construction stormwater treatment requirements in the Municipal Regional Permit (MRP) that was adopted by the Water Board in October of 2009. However, the ISMND does not identify the treatment measures that BART intends to implement at the Project site to comply with the requirements of the MRP.

2-3

Effective post-construction stormwater treatment typically requires that an area equivalent to between 3 and 4 percent of the impervious surfaces in the watershed be set aside for treatment measures. Since BART has already developed the basic site layout for the Project, BART should already be including stormwater treatment measures in the site plans at this stage of facility design. At relatively undeveloped sites, stormwater best management practices (BMPs) should

2-3 Con't

consist of either landscape-based treatment devices, such as vegetated swales, detention basins, or bio-retention cells, or low impact design (LID) practices (e.g., pervious pavements, rainwater collection cisterns, etc.). In general, the use of mechanical separators or media filters is discouraged, because these devices require much more rigorous oversight and maintenance than landscape-based treatment devices or LID practices. Mechanical separators and media filters also do very little to mitigate the impacts of hydromodification in comparison with landscape-based treatment devices.

Also, at sites that require CWA Section 401 Water Quality Certification and/or WDRs from the Water Board, the Water Board has authority to approve post-construction stormwater management plans. Therefore, if waters of the State will be impacted by the Project, stormwater management plans for the Project must be acceptable to the Water Board. Water Board review will evaluate impacts on water quality, as well as hydromodification, if the site is an area subject to hydromodification control requirements. If the Water Board requires revisions of the proposed designs, those revisions will be made conditions of the certification and/or WDRs.

We encourage BART to contact Water Board staff to discuss potential waters of the State at the Project site before the ISMND is finalized. If you have any questions, please contact me at (510) 622-5680, or via e-mail at bwines@waterboards.ca.gov.

Sincerely,

Brian K. Wines

Brian Wines
Water Resources Control Engineer
South and East Bay Watershed Section

cc: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (state.clearinghouse@opr.ca.gov)
USACE, San Francisco District, Attn: Regulatory Branch, 1455 Market Street, San Francisco, CA 94103–1398 (cameron.l.johnson@usace.army.mil, jane.m.hicks@usace.army.mil)
CDFG, Central Coast Region, Attn: Marcia Grefsrud, P.O. Box 47, Yountville CA 94599 (mgrefsrud@dfg.ca.gov)

Letter 2 **Brian Wines, Water Resources Control Engineer, California Regional Water Quality Control Board, San Francisco Bay Region**

2-1a The commentor requests clarification on the various drainages/wetlands/ditches identified in the Draft IS/MND. The text on page 18 identified by the commentor refers to features at the proposed Phase 2 east side expansion area. Refer to Figure C-1, regarding the location of the drainage areas within the project area, the three drainages within the project site have been labeled as drainages A, B, and C for clarification in this discussion. An open ditch is located along the eastern edge of the east side train storage area, and is also adjacent to the west side of the UPPR tracks (drainage feature labeled as "C" in Figure C-1). The proposed project would not directly affect this eastern drainage ditch, since the proposed project would include fencing and a retaining wall along the eastern edge of the developed area. The fence and retaining wall would separate the developed area from the eastern drainage ditch. Open ditches and culverts are also located along the western portion of the project site (drainage labeled as "B" in Figure C-1). As proposed, the affected open ditches and culverts along the western portion of the project site would be routed through a pipe. There would also be a drainage feature adjacent to the eastern side of the Phase 1 expansion area, which could be affected by the proposed project (drainage labeled as "A" in Figure C-1).

2-1b The commentor requests clarification of the two potential wetlands in the Draft IS/MND text starting on the bottom of page 49 and continuing to page 50 and how they relate to the drainages described in the Project Description portion of the Draft IS/MND. The first potential wetland identified on these pages is the western drainage ditch (drainage B) described on page 18 of the Project Description as clarified above under Response 2.1. The second potential wetland identified is a 1.2-acre depression immediately north of the project site (north of the east side expansion area) and was not identified on page 18 of the Project Description. The first potential wetland, so described because it contained wetland vegetation, would not be directly affected, since the proposed project would include fencing and a retaining wall that would separate the developed area from the wetland. The project limits and extent of development were specifically modified early in the planning efforts by BART to avoid the second potential wetland at the north end of the proposed train storage area.

2-1c The commentor also requests clarification about the different drainages described on page 75 of the Draft IS/MND. The text explains that runoff from the site flows into three areas.

- The first area includes on-site retention areas and refers to all ditches and other depressional runoff storage areas that exist on the Hayward Maintenance Complex project site (inclusive of Phase 1 and Phase 2 and including drainage features A, B, and C).

***Source*:** Atkins, 2011.

FIGURE **C-1**
Drainage

- The second area to receive project site runoff is the engineered channel system at Industrial Boulevard, which is an off-site channel system that would not be directly affected by the proposed project. Drainage to this system would be through underground pipes, although it is possible that on-site ditches and retention features also drain to the underground pipes that discharge to the Line D channel. Because this second system would not be modified by the proposed project and is not a biological feature that could be affected by the proposed project, it was not mentioned in either the project description or biological resources discussion.

- The third area to receive project site runoff is the 1.2-acre potential wetland north of the proposed east side train storage area. While this potential wetland is not on the project site and therefore not mentioned in the Project Description, it is a biological resource in the project vicinity. Consequently, this third area refers to the same 1.2-acre depressional potential wetland identified in the biological resources discussion.

This commentor notes that it usually asserts jurisdiction over roadside drainages. While these ditches are not roadside ditches (they are mostly unvegetated ditches along the rail lines), they likely receive runoff from paved areas and other areas that may result in polluted runoff. As noted by the commentor, roadside ditches potentially can provide water quality benefits through infiltration and filtration of pollutants in runoff water; however, the amount of treatment that could occur cannot be accurately identified. As noted in the Draft IS/MND on the bottom of page 77 through the top of page 78, the proposed project would comply with all substantiative requirements of the Municipal Regional Permit (MRP), and would be required to implement operational controls to protect water quality. The MRP requirements include the implementation of Low Impact Development (LID) stormwater quality best management practices (BMPs). The Draft IS/MND further provides information on the minimum LID practices required, which include treatment of all runoff from the water quality storm event (identified in MRP Provision C.3.d.) for the proposed project's affected drainage area with LID treatment measures such as harvesting and re-use, infiltration, evapotranspiration, or biotreatment. Therefore, the proposed project would provide additional water quality treatment via LID practices to offset any loss of water quality treatment function from those areas where open ditches would be piped. As such, the proposed project would not substantially increase the potential for pollutants in stormwater runoff and water quality impacts would be less than significant. Additionally, the project site is not located in an area where alterations in runoff could result in hydromodification effects in any of the downstream drainages to which the project site discharges (refer to the MRP Attachment B, http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/muni/mrp/Final%20TO%20HM%20Maps.pdf, Alameda Permittees' HM Map). As such, potential alterations in stormwater runoff to or from these ditches would not result in hydrograph modification effects.

Furthermore, as stated on page 80 of the Final IS/MND, BART would also be required to obtain coverage under the statewide Industrial General Permit. Industrial facility operators must comply with all of the conditions of the Industrial General Permit, including preparation of an operational Stormwater Pollution Prevention Plan (SWPPP) emphasizing BMPs. Preparation and implementation of a SWPPP for coverage under the Industrial General Permit would ensure that the proposed project would not substantially increase the potential for water quality impairment compared to existing conditions and would ensure that impacts are less than significant.

2-1d The commentor notes that it asserts jurisdiction over any channel with a supporting watershed, in particular an engineered channel that has taken the place of an existing, natural channel and is tributary to an identified creek system. While the southern tip of the project site, south of Whipple Road, is part of the Dry Creek watershed, there are no drainage ditches associated with that portion of the project site. Accordingly, this comment is relevant only to the drainage conditions associated with the project site north of Whipple Road. The text on page 75 of the Final IS/MND, referred to in this portion of the comment, notes that the majority of project site's discharge is to an historic drainage system. This drainage system is a highly modified urban catchment. The Ward Creek and Dry Creek Watershed Map[1] and Alameda Creek Lower Watershed Historical Relief Map[2] indicate that Ward Creek did not have a defined channel in the historic baylands area, which includes the project site and downstream. The existing Ward Creek channel is shown on the Ward Creek and Dry Creek Watershed Map; however, this map also does not indicate that the project site is directly or indirectly a tributary to the existing natural Ward Creek channel. Overall, based on these maps of the historic system, it is unlikely that on-site drainage ditches have taken the place of existing natural channels. It is also unlikely that the project site drainage is connected to existing natural channels that are tributary to an identified creek system. The project site drainage is only tributary to the Old Alameda Creek engineered channel just before it enters the highly modified salt evaporators area, which discharges to the engineered Old Alameda Channel prior to discharge to the San Francisco Bay. Therefore, the supporting watershed for the drainage ditches on the majority of the project site, which could be affected by the proposed project, is limited to the project site itself. Consequently, it is unlikely that there is a nexus for Regional Water Quality Control Board jurisdiction over the on-site ditches. However, in the event that, during the permitting phase, it is determined that the Regional Water Board has jurisdiction over these drainages, then BART will obtain the requisite permits (see text added in Response 2-3).

---

1 Janet M. Sowers, 1999, Ward Creek & Dry Creek Watershed Map, The Oakland Museum of California Available at: http://museumca.org/creeks/1320-OMWard.html#

2 Janet M. Sowers, 1999, Creek & Watershed Map of Fremont & Vicinity, The Oakland Museum of California Available at: http://museumca.org/creeks/MapFre.html

BART will contact Regional Water Board staff prior to project implementation to confirm the jurisdictional status of drainages at the project site; in particular, whether the drainages that could be affected by the proposed project (primarily drainage features B and A because drainage feature C would be avoided) are part of the historic drainage system for which the Regional Water Board would exert jurisdiction. If jurisdictional drainages are identified, then BART would have to comply with existing regulations and obtain Waste Discharge Requirements (WDR) from the Regional Water Board. In addition, as noted on page 50 of the Final IS/MND, Mitigation Measure BIO-1 requires no significant changes to pre-project hydrology, water quality, or water quantity in any wetland or other water of the U.S. that is affected by the project. No additional mitigation measures are necessary.

The commentor also suggests that mitigation measures should provide compensation for impacted stormwater treatment capacity in the impacted drainages. In response to this comment, as noted above, at best, few on-site drainage ditches would be directly impacted by the proposed project. Site development could reduce the on-site stormwater treatment capacity when these features are conveyed through pipes. However, as described in the Final IS/MND, pages 77-80, the proposed project would comply with the substantative requirements of the MRP and Industrial General Permit, including implementation of LID practices and an operational SWPPP. Implementation of LID practices and the SWPPP would reduce the potential for pollutants in stormwater runoff from the project site. Furthermore, routing stormwater runoff through pipes at the locations where drainage ditches and channels would be impacted by the proposed project would reduce the potential for polluted runoff to directly enter these drainage features; they would be closed to direct surface runoff from adjacent areas. Therefore, although less runoff potentially could be treated by these features (less infiltration and vegetation filtration), there would also be less polluted runoff directly transmitted through the features. Thus, the combination of LID practices, the industrial SWPPP, less polluted runoff directly entering the former open drainages would result in a less-than-significant net impact on pollutants in stormwater runoff transmitted further downstream.

As such, the net effect of the proposed project (potential increase in pollutants because of impacted drainage features minus the potential for pollutant reductions from implementation of LID practices and the SWPPP) would result in less-than-significant impacts on polluted runoff. No additional mitigation measures or compensation are necessary.

2-1e The commentor notes that courts have ruled that identification of CEQA mitigation measures should not be improperly deferred to a future time. However, cases such as California Native Plant Society v. City of Rancho Cordova,172 Cal.App.4th 603 (2009) clearly establish that when a public agency has evaluated the potentially significant impacts of a project and has identified measures that will mitigate those

impacts, the agency does not have to commit to a specified mitigation measure in the CEQA document, so long as it commits to mitigating the significant impacts of the project. Moreover, CEQA Guidelines § 15126.4(a)(1)(B) permits lead agencies to "specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way." The Draft IS/MND, pages 49-50 and 75-86, contains such identified mitigation measures and performance standards relating to protection of wetlands and drainages, and BART is committed to their implementation to mitigate significant impacts.

2-2 Please refer to Response 2-1d regarding the potential that on-site drainage ditches may be jurisdictional.

The Draft IS/MND, pages 44-47, discusses the regulatory framework and authority of the commentor and other agencies over both federally jurisdictional wetlands and waters of the State. Additional detail regarding actions not part of the project (e.g., filling federally jurisdictional wetlands, or impacting isolated wetlands, vernal pools or stream banks) is not necessary. Although it is not expected that on-site drainage ditches and channels would be considered jurisdictional, page 25 of the Final IS/MND, under the "Required Permits And Approvals," has been revised to acknowledge that if "waters of the State" are identified on the project site, in addition to already identified potential wetlands, and that if the proposed project would impact these water features, Waste Discharge Requirements (WDR) from the Regional Water Board would be required.

2-3 This comment notes that the Draft IS/MND does not identify the specific post-construction stormwater treatment measures that BART intends to implement at the project site to comply with the requirements of the MRP. Preliminary drainage plans have not yet been prepared and it would be impractical to identify treatment measures until such plans have been prepared. Nevertheless, the MRP requires specific LID practices that would reduce the potential for pollutants in stormwater runoff. These requirements are listed on page 78-80 of the Final IS/MND.

This comment also notes that at relatively undeveloped sites, BMPs should consist of either landscape-based treatment devices, such as vegetated swales, detention basins, or bio-retention cells or LID practices (e.g., pervious pavement, rainwater collection cisterns, etc.), and that the use of mechanical separators or media filters is discouraged. The commentor's suggestions and information are noted and will be taken into consideration as the design plans evolve. Furthermore, specific minimum LID practices are already required for compliance with the MRP.

This comment further notes that at sites that require Section 401 Water Quality Certification and/or WDRs from the Regional Water Board, the Board has the authority to approve post-construction stormwater management plans. As previously discussed, the proposed project would not impact federally jurisdictional waters and would not,

therefore, be subject to the requirement for a Section 401 Water Quality Certification. Also, as discussed under Response 2-1d, the potential for jurisdictional "waters of the State" is not likely, however, if such waters are identified, WDRs would be required from the Regional Water Board and BART would have to comply with the WDR conditions. Furthermore, as discussed under Response 2-1c, the project site is not located within an area subject to hydromodification control requirements and would not discharge to drainages deemed susceptible to hydromodification.

In response to Comments 2.1 through 2.3, above, from the RWQCB, revisions to the text in the Final IS/MND are made to clarify drainages and to clarify proposed project effects on drainage features. In addition, if the drainages that are proposed to be modified by the project (drainages A and B as shown in Figure C-1) are identified as "waters of the State", disturbance of these features (e.g., routing through pipes, culvert replacement, modifications to beds and/or banks) would require an individual WDR from the Water Board. However, since the proposed project would not alter or fill drainage C, designation of this drainage as a "water of the State" would not require an individual WDR and compliance with the Construction General Permit would ensure that construction activities associated with Phase 2 would not substantially affect drainage C. Text in the Final IS/MND is revised to clarify these conditions and which drainages would be affected by the proposed project.

Page 17, second paragraph under the heading "HMC Access Tracks (West and South of BART Yard Tracks)" is revised as follows:

> To provide the correct grade, a retaining wall with associated excavation would be required along the west side of the tracks from approximately 400 feet north of Whipple Road to a point approximately 650 feet south of Whipple Road (see the construction scenario below). A combination of pipes, culverts, and open drainages would replace a portion of an existing open culvert/ditch along portions of the drainage between the BART mainline tracks and the west side expansion area.

Page 18, eighth bullet, is revised as follows:

- Drainage – A combination of pipes and open drainage would replace an existing open culvert/ditch along portions of the drainage to the west of the east side storage area ~~the eastern and western perimeters of the expansion area~~. No construction activities or permanent alteration of the drainage to the east of the east side storage area would be expected.

Text on page 25 is revised as follows:

> The proposed project is also subject to National Pollutant Discharge Elimination System (NPDES) stormwater control requirements pursuant to the Federal Clean Water Act. The project must obtain coverage under the State Water Resources Control Board's NPDES General Permits for Industrial and Construction Stormwater Discharges and approval of its Stormwater Pollution Prevention Plan by the San Francisco Bay Regional Water Quality

Control Board (RWQCB). If waters of the State are identified on the project site, and if the proposed project would impact these water features, Waste Discharge Requirements (WDR) from the RWQCB would be required.

Text on page 50 is revised as follows:

c. Less than Significant with Mitigation Incorporated. No potential waters of the U.S. or waters of the State ~~wetlands~~ occur in the west side expansion area, so no impacts on waters of the U.S. or the State ~~wetlands resources~~ would occur as a part of Phase 1 of the project. However, an open ditch is adjacent to the Phase 1 expansion area and would be affected by the proposed project. While this drainage is not federally jurisdictional, if this drainage is identified as a water of the State, an individual WDR or waiver of a WDR from the RWQCB would be required for activity within or alteration of the drainage feature.

Text on page 50, fourth paragraph, is revised as follows:

Under current project designs of Phase 2, ~~both~~ the drainage channel east of the east side storage area and the approximately 1.2–acre wetland north of the project site would be avoided. However, the project could disturb these wetlands during construction or change the hydrology, water quality, or water quantity in those wetlands after the project's completion, thus resulting in an indirect effect. The loss of wetlands or other waters of the U.S. is a potentially significant impact. Additionally, portions of the drainage channel west of the east side storage area would be piped or otherwise altered. If this drainage is identified as a water of the State, an individual WDR or waiver of a WDR from the RWQCB would be required for activity within or alteration of the drainage feature.

A sentence is added to the text on page 75, last paragraph, as follows:

The relevant water quality standards are listed in the Basin Plan.[3] The applicable waste discharge requirements for the Hayward Yard are contained in the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (SWRCB Order No. 97-03-DWQ, NPDES No. CAS000001 [Industrial General Permit]) and the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (SWRCB Order No. 2009-0009-DWQ, NPDES No. CAS000002 [Construction General Permit]), adopted September 2, 2009. In addition, the SWRCB adopted a Municipal Regional Permit (MRP) in October 2009 that consolidates individual municipal stormwater permits (from 77 permittees) into one regional Bay Area permit to ensure a consistent level of implementation and reporting of stormwater runoff control and management. Additionally, individual Waste Discharge Requirements (WDR) may be applicable for activity within or alteration of on-site ditches if they are identified as waters of the State.

[3] California Regional Water Quality Control Board, San Francisco Bay Region. 2007. *Water quality standards in the San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan)*. Incorporating all amendments approved by the Office of Administrative Law as of January 18, 2007.

An additional paragraph is added on page 80 following the second full paragraph:

> If any altered drainage features are identified as waters of the State, a Report of Waste Discharge would have to be submitted to the RWQCB. The RWQCB would issue an individual WDR that would specify conditions and BMPs to ensure protection of water quality and hydrology within these drainages. The RWQCB may also issue a waiver of a WDR if the RWQCB determines that the proposed activities and alterations would not substantially affect water quality and hydrology.

Letter 3 **Roy Molseed, Senior Environmental Planner, Santa Clara Valley Transportation Authority**

Letter 3

SANTA CLARA
Valley Transportation Authority

January 19, 2011

San Francisco Bay Area Rapid Transit District
P.O. Box 12688
Oakland, CA 94604-2688

Attention: Ellen Smith

Subject: Hayward Maintenance Complex Project

Dear Ms. Smith:

3-1 Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Initial Study/Negative Declaration for the Hayward Maintenance Complex Project located south of Industrial Parkway. We have no comments at this time.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

Roy Molseed
Senior Environmental Planner

BART1001

3331 North First Street · San Jose, CA 95134-1906 · Administration 408.321.5555 · Customer Service 408.321.2300

Letter 3 Roy Molseed, Senior Environmental Planner, Santa Clara Valley Transportation Authority

3-1 This comment acknowledges that the Santa Clara Valley Transportation Authority (VTA) has reviewed the Draft IS/MND for the Hayward Maintenance Complex Project, and that they have no comments at this time. No response is necessary.

Letter 4 David Rizk, Development Services Director, City of Hayward

CITY OF
HAYWARD
HEART OF THE BAY

Letter 4

February 10, 2011

San Francisco Bay Area Rapid Transit District
Attention: Ellen Smith
300 Lakeside Drive, 16th Floor
Oakland, CA 94612

Re: City of Hayward Responses to the Hayward Maintenance Complex Project Draft Initial Study/Mitigated Negative Declaration

Dear Ms. Smith:

Thank you for the opportunity to comment on the Hayward Complex Project Initial Study/Mitigated Negative Declaration (IS/MND). Hayward staff appreciates the multiple opportunities that BART staff has provided local elected officials, residents, staff, and concerned citizens to comment on this project and the IS/MND, including during public meetings on October 21 and December 15, 2010 in Union City, a work session before Hayward City Council on December 14, 2010, and an additional public meeting at Hayward Park Baptist Church on January 20, 2011.

4-1 The primary concerns of staff and residents relate to potential visual and noise impacts associated with the proposed Phase II two track "flyovers" and the BART vehicles and associated lighting regarding the proposed storage tracks in the northeastern portion of the BART complex property. Given portions of the BART maintenance property where these improvements are proposed are in relatively close proximity to the rear of Carroll Avenue properties and living areas (including bedrooms), the sensitivity to additional noise and new lighting, particularly during evening hours, is high.

4-2 City staff would agree that the proposed eastside storage area and tracks would be consistent with the other uses that exist at the Hayward Yard. However, the new storage tracks and associated lighting (though proposed to be shielded), with vehicles being stored on those tracks, would be in an area that currently is undeveloped, which would be seen from the back yards of some of the Carroll Avenue and other properties to the east. Also, the raised flyover tracks would provide new views of BART vehicles moving, though at slow speeds, on such trucks. Therefore, as indicated by the Hayward City Council, Hayward staff requests that BART implement screening measures as part of the project to help reduce the impacts of these improvements. Such measures could include installing

Development Services Department

777 B Street, Hayward, CA 94541-5007
Tel: 510/583-4234 Fax: 510/583-3650 TDD: 510/247-3340 Website: www.hayward-ca.gov

4-2 Con't trees or shrubs planted along the eastern perimeter of the BART property in the area, providing a solid screen within the perimeter fence, and/or directing new lights towards the west and/or heavily shielding them and directing them downward as much as possible.

4-3 Regarding noise, the Draft Mitigated Negative Declaration/Initial Study on page 97 states, "North of Whipple Road, the project would slightly increase the cumulative noise levels at nearby single-family residences due to trains on the aerial flyover. However, the increase would be below the threshold for moderate impacts. As a result, BART operations on the aerial guideway would be less than significant." The document also states on page 98 that, "Due to BART operations on the proposed storage tracks and other tracks associated with it, there would be a slight increase in noise levels for nearby residences, between 0.1 and 1.1 dBA over the existing ambient noise. Because the increase would not exceed the threshold of significance for these residences, the impact would be less than significant." Based on the data provided by BART, staff agrees with the analysis presented on noise impacts, but again stresses the higher sensitivity of residents, particularly if such activities are conducted during evening hours. The City would request that such operations be limited as much as possible to the daytime.

4-4 Finally, related to BART staff's January meeting with Hayward Fire Department staff, the items outlined in the attached January 31, 2011 letter from the Hayward Fire Department will need to be addressed as the project develops.

Hayward staff looks forward to continuing to work with you to address concerns of residents, including those associated with existing lighting at the Maintenance Yard. Should you have any questions, please do not hesitate to contact me at david.rizk@hayward-ca.gov or at (510-583-4004).

Sincerely,

David TGL

David Rizk, AICP
Development Services Director

Cc: Fran David, City Manager
Charmaine Giel, Hayward Fire Marshall

Attachment:
January 31, 2011 Letter from the Hayward Fire Department

Department of Community and Economic Development
777 B Street, Hayward, CA 94541-5007
Tel: 510/583-4242 Fax: 510/583-3650

Letter 4 David Rizk, Development Services Director, City of Hayward

4-1 The commentor indicates that its primary concerns relate to potential visual and noise impacts from the proposed Phase 2 flyovers and the storage tracks to residents along Carroll Avenue that would be adjacent to these proposed facilities. Please refer to Response 4-2, below, regarding potential visual impacts, and Response 4-3, below, regarding potential noise impacts associated with the proposed project.

4-2 The commentor is concerned that the proposed storage tracks and associated lighting would be in an area that is currently undeveloped and would be visible for residents along Carroll Avenue from their backyards. The commentor also requests that BART implement screening measures, such as trees and shrubs, along the eastern perimeter of the project site in order to reduce potential visual impacts from the proposed project. The proposed storage tracks in the east side expansion area would result in changes to the site conditions and there would be new elements that alter the visual setting, as indicated on page 28 of the Final IS/MND. However, as also noted on page 28, because the proposed features of the project would be similar to those of the existing uses, views of the maintenance yard expansion area would be similar to those of the existing uses at the Hayward Yard.

The commentor also notes that the raised flyover tracks would be visible from the adjacent residential areas. Views of the southern flyover are shown in Figures 7 through 9 of the Final IS/MND, and as described on page 29, the southern flyover would be at approximately the same elevation as the Whipple Road overpass, and would not become a visually significant element because the existing elevation of the BART mainline tracks is below that of the residential areas to the east. As also described on pages 29 and 34 of the Final IS/MND, the maximum height of the northern flyover would be approximately the same as the southern flyover, and the northern flyover would also be visible from residential areas to the east. As part of this response to comment, a visual simulation of the northern flyover has been provided in Figure C-2, to show that the northern flyover would be visible from the residences along Carroll Avenue, but would not become a significant visual element.

As indicated on pages 34-35 of the Final IS/MND, construction of the two flyovers would result in nightlight and glare similar to that contributed by existing BART tracks and passing trains. New exterior light associated with the proposed project would be provided on 15- to 18-foot-high poles. As described in the Final IS/MND, these light poles (which would be shorter and so less visible than those at the existing Hayward Yard) would be provided with shielding so that the light would be directed downward to reduce light and glare on the surrounding uses, as requested by the commentor. Furthermore, as noted in the Final IS/MND, existing views in the project vicinity, such as those from the residential areas along Carroll Avenue, are limited. As such, the

ATKINS

FIGURE **C-2**
Photo Simulation of Phase 2 Storage Tracks and North Flyover Looking Southwest from Carroll Avenue Backyards

Source: BART, 2011.

introduction of new lighting from the proposed project would not be noticeably different than existing light conditions.

For these reasons, the Final IS/MND determined that implementation of the proposed project would have a less-than-significant visual and light and glare impacts on surrounding uses. The additional screening with trees and shrubs as proposed by the commentor would not be necessary. Moreover, the installation of trees and shrubs along this boundary would create maintenance problems because branches and leaves could fall onto the tracks and third rail.

4-3 The commentor agrees with the conclusions of the Draft IS/MND regarding noise impacts from the proposed flyover and storage tracks. However, the City also requests that BART operations should be limited as much as possible to daytime hours, emphasizing the higher sensitivity of receptors during evening hours. Because of the nature of the proposed uses at the site, some train movements and operations at the facility would need to occur during the evening and early morning hours. However, it is important to note that the methodology employed to analyze the potential noise impacts of the proposed project uses an A-weighted 24-hour sound level (referred to as L_{dn}) that is adjusted by a 10 decibel (dB) increase for all noise which occurs during the nighttime hours from 10:00 p.m. to 7:00 a.m. when sensitivity to noise is heightened. In addition, the Federal Transit Administration (FTA) standards that BART uses for residential uses (FTA Land Use Category 2) recognize that occupants sleep in these particular land uses, and thus the standards are already protective of residents. As shown in Table 12 on page 100 of the Final IS/MND, the increase in noise from the proposed project, using the L_{dn} metric, would be below the FTA thresholds of significance for residential uses.

4-4 See responses to the Hayward Fire Department letter that follows (Responses 4A-1 through 4A-3).

Letter 4A **Hugh Murphy, Hazardous Materials Program Coordinator, Fiora Chen, Fire Protection Engineer, Charmaine Giel, Fire Marshall, Hayward Office of the Fire Marshall**

HAYWARD FIRE DEPT.

Letter 4A

OFFICE OF THE FIRE MARSHAL

Administration
777 B Street
Hayward, CA 94541
510.583.4930

Headquarters
22700 Main Street
Hayward, CA 94541

Station 2
360 W. Harder Road
Hayward, CA 94544

Station 3
31982 Medinah Street
Hayward, CA 94544

Station 4
27836 Loyola Ave.
Hayward, CA 94545

Station 5
28595 Hayward Blvd.
Hayward, CA 94542

Station 6
1401 W. Winton Ave.
Hayward, CA 94545

Station 7
28270 Huntwood Ave.
Hayward, CA 94544

Station 8
25862 Canyons Pkwy.
Hayward, CA 94552

Station 9
24912 Second Street
Hayward, CA 94541

January 31, 2011

Ellen M. Smith
San Francisco Bay Area Rapid Transit District (BART)
300 Lakeside Drive, 21st Floor, PO Box 12688
Oakland, CA 94604-2688

Subject: South Hayward BART Maintenance Yard Expansion
150 Sandoval Way, Hayward

Dear Ms. Smith:

Thank you and your staff for meeting with us over the planned expansion of the South Hayward BART Maintenance Yard. The following are our preliminary comments given the information provided:

4A-1

Additional Information

- During our meeting your staff indicated that once the facility is converted for BART purposes that it will transfer to BART as the authority having jurisdiction. We are requesting information as to the detail of that authority.

Proposed Development

- Provision for the full recovery of costs for the Hayward Fire Department for time associated with the project including: meetings, plan reviews, inspections, training and pre-fire planning for the City of Hayward Fire Department.
- Building and operations shall be subject to the full requirements of the Hayward Fire Department including the California Fire Code as amended by the City of Hayward Fire Department, Hazardous Materials Storage Ordinance and National Fire Protection Association Standards.
- Operational permits shall be maintained for the various operations at the facility including but not limited to: "High Piled Storage," "Cutting and Welding," etc.
- Hazardous materials permits, fees and a Hazardous Materials Business Plan (HMBP) shall be obtained and maintained for new businesses or BART operations subject to the City of Hayward and Certified Unified Program Agency (CUPA) requirements.
- Access roads shall comply with the width, weight load and turn around standards for the City of Hayward Fire Department.
- Hydrants shall be installed at a spacing and design per the City of Hayward Fire Department.
- Gates and locks shall comply with the City of Hayward standards.
- Addressing and lighting shall be required appropriate for emergency responders.

4A-2

Fire Prevention
City Hall Office: 777 B Street, Hayward, California 94541 • 510-583-4900 • 510-583-3641, fax

- Proof shall be submitted to ensure that the occupancy classification of the buildings or areas of the building are appropriate to the hazards of the use of the building. This would include providing a completed Hayward Fire Department "Chemical Inventory Packet," and type of high piled storage, etc.
- A fire protection and emergency plan shall be submitted to ensure that adequate extinguishing, fire protection systems, sensors and alarms are in place in the event of fire or hazardous materials releases.
- Aboveground flammable and combustible liquid storage tanks are prohibited in the City of Hayward. An alternate means of protection request can be submitted for possible relief from this prohibition.
- If contamination is discovered during the Phase 1 or subsequent investigation, then this shall be reported to the Hayward Fire Department Hazardous Materials Office.

4A-2 Con't

<u>Existing Warehouses</u> (After purchase but before use by BART for their operation.)

- Building and operations shall be subject to the full requirements of the Hayward Fire Department including the California Fire Code, Hazardous Materials Storage Ordinance and
- Hazardous materials permits, fees and Hazardous Materials Business Plans shall be maintained for existing businesses and shall be obtained for new businesses or operations subject to the City of Hayward and Certified Unified Program Agency requirements.
- At the time of closure of regulated hazardous materials operation, the closure shall be done in accordance with the requirements of the Hayward Fire Department.
- If these facilities will be demolished, appropriate permitting shall be required and opportunities shall be offered for training by the Hayward Fire Department.

4A-3

If you have any questions, please feel free to contact us at (510) 583-4900.

Sincerely,

Hugh Murphy
Hazardous Materials Program Coordinator

Flora Chen
Fire Protection Engineer

Charmaine Giel
Fire Marshal

Cc: Miles Perez, Hazardous Materials Investigator
David Rizk, Development Services Director
Rick Rattray, BART

Letter 4A Hugh Murphy, Hazardous Materials Program Coordinator, Fiora Chen, Fire Protection Engineer, Charmaine Giel, Fire Marshall, Hayward Office of the Fire Marshall

4A-1 BART will comply with all applicable codes. Following the anticipated property purchase, but before initiation of the west side expansion program and conversion to BART use, any continuing operations by remaining tenants would remain under the authority of the City of Hayward and would continue to abide by Hayward's regulations and permit process. Once BART converted that space to a BART-related use, BART would take over jurisdiction of the property and use.

4A-2 The Hayward Fire Department is a first responder for many emergency issues at the Hayward Yard, and BART currently is cooperating with the Fire Department on safety, access, and hazardous materials issues at the existing yard. BART will continue to cooperate with the Department, including compliance with all applicable permits and prohibitions, for the expanded facilities comprising the Hayward Maintenance Complex. One exception, and an item that may require additional discussion, is the prohibition of above ground flammable liquid storage tanks. BART is considering the installation of one 1,000 gallon (maximum) lubrication oil tank inside the M&E building (southernmost warehouse) and one 1,000 gallon diesel fuel tank outside the M&E building. As noted in the comment, an "alternate means of protection request" can be submitted for possible relief from this prohibition.

4A-3 As noted in Response 4A-1 above, the City of Hayward will retain authority over the purchased properties until BART converts them for its own use. BART will cooperate with the City to implement the actions listed in Comment 4A-3.

Letter 5 **Joan Malloy, Economic & Community Development Director, City of Union City**

Letter 5

34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA 94587
(510) 471-3232

February 11, 2011

Ellen Smith
San Francisco Bay Area Rapid Transit District
P.O. Box 12688
Oakland, CA 94604-2688

Subject: Draft Initial Study and Mitigated Negative Declaration for Hayward Maintenance Complex Project – *City of Union City Comments*

Dear Ms. Smith,

Thank you for providing the City of Union City with the opportunity to submit comments on the Draft Initial Study and Mitigated Negative Declaration for the Hayward Maintenance Complex Project, December 2010. The City of Union City supports the BART system and operation expansion and associated maintenance and storage facilities expansion to serve the new fleet.

In reviewing the documents, the City of Union City has the following comments:

1. General Comments

Please note the following errors in the document and make necessary modifications to the corresponding environmental impact analysis (See attached General Plan land use map and Zoning Map for reference):

5-1
- The zoning for the BART project site within Union City is RM 2500 (Multi-Family Residential). [Pages 1, 38, 88]

5-2
- The General Plan land use designation for the BART project site within the City of Union City is Residential (10 to 17 dwelling units per acre). [Page 88]

5-3
- The single family residential homes to the east of the Union Pacific Rail Road (UPRR) tracks, north of Whipple Road, and on Edna Court, Fay Court, Ithaca Street, Kathy Court, Marge Court and Wendy Court, are within Union City and not Hayward as shown. [Pages 7 (Figure 3), 27, 73]

5-4 ▪ The residential neighborhood south of Whipple Road and between the UPRR tracks and BART tracks are not "two-story apartments and condominiums" as stated on Page 27. The homes on Adana Terrace, Alicante Terrace, Boyle Street, Burgas Terrace, Calle La Mirada Common, Cantana Terrace, Carrara Terrace, La Bella Terrace, La Bonita Terrace, La Brea Terrace, La Sierra Terrace, La Vita Terrace, Lisbon Terrace, Los Padres Terrace, Messina Terrace, Montoya Terrace, and 11th Street are two-story single-family residences. Additionally, *Dry Creek Park*, a City tot-lot and park facility is located on 11th Street and *Dry Creek*, crosses under the BART tracks at the southern end of the project site. [Pages 27, 38]

5-5 ▪ Describe how 5,000 CY of dirt will be transferred from the project area south of Whipple Road to the M&E Storage Area. A temporary construction road or ramp may be required. What will be the traffic impact on Whipple Road (approximately 1,000 truck trips)? Also, will the stockpile be permanent or will the dirt be utilized for another purpose? [Page 21 – Retaining Wall]

5-6 ▪ Alameda County Flood Control District's unpaved embankment along Dry Creek is referred to as "service road along dry creek." This embankment is too narrow and unstable for heavy machinery and trucks. This route should not be considered an alternative access point. [Page 24 – Access]

2. Aesthetics

5-7 ▪ Flyover
  - Residents to the north of Whipple Road and to the east of UPRR have wood fencing approximately six feet tall. Screening of the southern flyover may not be sufficient. Union City encourages a landscape treatment along the eastern property line of the project site as a mitigation measure to ensure there is no significant visual impact.

5-8 ▪ Sound wall
  - The visual impact analysis of the sound walls is inadequate. Please provide a photo simulation of the sound wall installation as seen from Calle La Mirada Common, *Dry Creek Park*, Whipple Road (looking southeast) and 11th Street. Please provide a photo simulation of Phase I completion (SW01 and SW02) and Phase II completion (SW03 and SW04).

5-9 ▪ Whipple Road Frontage
  - Typical of any new development in the Union City, relocation and undergrounding of existing utility poles is required as part of the right-of-way dedication on Whipple Road (also see Transportation and Traffic comments).

5-10
  - Union City encourages the installation of landscaping along Whipple Road to screen the project site.

5-11
  - There is an existing row of coast redwoods north of Whipple Road in the west side expansion area that visually screen the industrial buildings from Whipple Road. Union City is requesting a mitigation measure be added requiring new trees to be planted along the perimeter of the proposed six-acre storage and

5-11 Con't staging yard to provide visual screening. It is a standard requirement in Union City to screen all outdoor storage.

3. Air Quality
   - Operations
     - The project description of the East Side Train Storage Area on page 18 mentions the installation of a "traction power substation." The power substation is included in the Noise impact analysis of this document, however, the operational emissions from this power substation appears to have been omitted from the Air Quality impact analysis. (5-12)

4. Biological Resources
   - *Dry Creek* at the southern end of the project area is included in the Hydrology impact analysis; however, the creek appears to have been omitted in the riparian impact analysis on Page 49. (5-13)

5. Green House Gas Emissions
   - Operations
     - The project description for the East Side Train Storage Area on page 18 mentions the installation of "traction power substation." As noted above, the power substation is included in the Noise impact analysis of this document, but the operational emissions appear to have been omitted from the Green House Gas Emissions impact analysis (5-14)

6. Hazards and Hazardous Materials
   - *Dry Creek Park* and *Decoto Plaza*, Union City park facilities should be included in Figure 10 and the analysis on page 73. (5-15)

7. Land Use and Planning
   - The General Plan designation of the project site south of Whipple Road is R10-17, Residential (10 to 17 dwelling units per acre), and the land use impact analysis on Page 88 should be revised accordingly. (5-16)
   - Include the impact of the East Side Train Storage Area on the residential homes to the east of the UPRR tracks in Discussion (a) on Page 87. (5-17)

8. Noise and Vibration
   - Flyover
     - What is the noise impact from the use of the flyovers? What are the hours in which the flyovers would be utilized? (5-18)
   - Sound wall (5-19)
     - Include the projected sound level after mitigating sound wall installation in Page 97, Table 10.
     - Although the analysis states that the "final height and location of sound walls would be determined during final design," the heights of the proposed sound (5-20)

5-20 Con't

walls and the proximity to the existing sound walls as portrayed on Page 99, Figure 14 – Conceptual Cross-Sections for Proposed Sound Walls under Phase I are of concern.

5-21

- Measures for on-going maintenance of the narrow corridor created by the two sound walls must be implemented. Concerns include vagrancy, graffiti, weeds, trash, and the need for police surveillance.

5-22

- It is unclear from the project description and conceptual design if the existing chain link fences with the cyclone barbed wires are to remain or be removed. Please include the location of the chained link fence in Figure 14.

5-23

o The City strongly urges the implementation of Mitigation NO-2, which states that building and sound insulation improvements will be made to residences on a case by case basis when noise levels exceed 45 dBA L_{dn} after sound wall installation.

▪ Construction

5-24

o The project description on Page 24, Flyover states: "Pile driving *may* be required…" Is there an alternative to pile driving?

- What is the estimated peak noise impact by pile driving activity?
- What is the duration of the impact by pile driving activity?

5-25

o City of Union City General Plan Health and Safety Element table HS-2 shows that noise range above 75 dBA L_{dn} is "unacceptable" in a residential area.

5-26

o Construction activity on-site shall comply with Section 9.40.053 of the Union City Municipal Code, and is limited to the following hours:

Monday through Friday -	*8:00 a.m. to 8:00 p.m.*
Saturday -	*9:00 a.m. to 8:00 p.m.*
Sundays & Holidays -	*10:00 a.m. to 6:00 p.m.*

Twenty-four hour operation on weekends will require notification to impacted residents as well as a presentation to the City Council of Union City.

5-27

o Extended-stay hotel service should be offered to families with small children, the elderly or anyone who requests it throughout the duration of the pile driving and heavy equipment activity. The extent in area, duration, and noise impact do not seem to be clearly articulated, especially during the night time hours when noise impacts will be significant and must be mitigated.

9. Transportation and Traffic

5-28

▪ Background – Whipple Road is the shortest and most direct connection between I-880 and Mission Boulevard (State Route 238). Approximately 2,400 linear feet of Whipple Road are located in Hayward and 11,000 linear feet are located in Union City. Whipple Road consists of 2-lanes in each direction from I-880 to Central Avenue and then decreases to 1-lane in each direction from Central Avenue to

5-28 Con't

Mission Blvd. This area is highly congested and because of the existing at-grade rail traffic, it can be unsafe during heavy traffic flows. It is anticipated that the existing bridge over the BART tracks, which is wide enough to accommodate only 1-lane in each direction, will eventually be widened/replaced via a regional project that would realign the centerline of Whipple Road.

5-29

When new projects are reviewed in Union City it is typical that the project will make all required frontage improvements. In this regard, Union City requests that the following requirements be included in the project description or Mitigation Measure TR-2 to create safe vehicle and pedestrian movements:

- Dedicate sufficient right-of-way along the entire Whipple Road frontage to accomplish the eventual widening of Whipple Road for public highway purposes.
- Install a median turning-lane, going east bound on Whipple Road into the West Side Expansion Area, to allow turning vehicles and trucks to wait out oncoming traffic prior to making the turn and to allow traffic that is behind to continue east-bound. To enable this installation and to allow for enough space for vehicle stacking, pavement widening and realignment of the driveway should also be considered.

5-30

- Install acceleration and deceleration lanes at Whipple Road (including curb, gutter and sidewalk) along the entire frontage of the BART properties connecting to the bridge. To the extent possible, the location of these improvements must be consistent with the future ultimate right-of-way and street width for Whipple Road.

5-31

- Construction Vehicle Traffic – The "truck route" designation on Whipple Road ends at Central Avenue. For the proposed project, Union City will allow the "truck route" designation to be extended to the BART properties during construction.

5-32

The following requirements should be incorporated into the project description or Mitigation Measure TR-1 so that the project is consistent with local standards:

- The portion of Whipple Road between Mission Boulevard (Route 238) and Railroad Avenue shall not be used by construction vehicles or for hauling dirt and other materials.
- Construction vehicle movement (truck access and lane closure) that impacts the flow of traffic on Whipple Road will not be allowed during commute hours and shall be limited to between 9:00 a.m. and 3:30 p.m.
- Flag persons shall be employed to facilitate construction vehicle access to the project site from Whipple Road.

5-33

5-34 Lastly, the mitigation requirements for this project will require working closely with City staff and impacted neighbors. Union City requests that when a construction calendar is known, that BART hold regular, on-going meetings with the City and the community to facilitate information and coordination.

Again, thank you for the opportunity to provide comments. If you have any questions, please feel free to call me at (510) 675-5327.

Sincerely,

Joan Malloy
Economic & Community Development Director
City of Union City

cc: Larry Cheeves, City Manager
Mintze Cheng, Public Works Director

Letter 5 Joan Malloy, Economic & Community Development Director, City of Union City

5-1 The zoning designation identified in the Draft IS/MND for the portion of the project site within Union City is revised to Multi-Family Residential (RM 2500), and is reflected in the Final IS/MND on page 89. Please refer to Response 5-16, below, for further detail.

5-2 The land use designation identified in the Draft IS/MND for the portion of the project site within Union City is revised to Residential (10 to 17 dwelling units per acre), and is reflected in the Final IS/MND on page 89. Please refer to Response 5-16 below for further detail.

5-3 In response to the comment, references to the residential uses east of the Union Pacific Rail Road (UPRR) tracks, north of Whipple Road and on Edna Court, Fay Court, Ithaca Street, Kathy Court, Marge Court, and Wendy Court are changed in the Final IS/MND to reflect that these areas are within the City of Union City.

Figures 3, 6, 10, and 15 on pages 7, 30, 70, and 123, respectively, have been updated in the Final IS/MND to reflect the correct City boundary for the City of Union City.

In addition, the text on page 27 of the Final IS/MND is revised with the addition of a new sentence to follow the second full paragraph:

> Union City extends north of Whipple Road east of the UPRR tracks and includes single-family homes on Edna Court, Fay Court, Ithaca Street, Kathy Court, Marge Court, and Wendy Court.

5-4 The description of the residential neighborhood south of Whipple Road and between the UPRR tracks and BART tracks is changed in the Final IS/MND to characterize the housing type as "two-story single-family residences." In addition, the description and location of Dry Creek and Dry Creek Park provided in this comment is noted as correct.

The text on page 27 of the Final IS/MND is revised as follows:

> The City of Union City Decoto neighborhood is south of Whipple Road in the area proposed for track modifications. The portion of the neighborhood between the BART mainline and the eastern UPRR tracks consists of two-story ~~apartments and condominiums~~ single-family residences. Whipple Road borders this neighborhood to the north, Railroad Avenue and the UPRR rail line to the east, and the south end of the project trackwork borders this neighborhood to the west. A sound wall separates the residential structures from the BART tracks.

5-5 Approximately 5,000 cubic yards of material will be removed to allow construction of a retaining wall and connecting track north and south of Whipple Road west of the mainline BART tracks. BART intends to minimize the amount of excavation to the extent feasible. In addition, to limit the amount of material off-hauled, some of the excavated material may be used to level the M&E outdoor storage yard in the new HMC expansion area north of Whipple Road. Nevertheless, an estimate of 5,000 cubic yards, or approximately 384 truckloads (assuming a maximum capacity of 15 cubic yards per truck and a 15 percent compaction rate), is conservatively used for purposes of the impact analysis. Excavated material from south of Whipple Road could be transported north of Whipple Road via a temporary truck ramp under Whipple Road along the west side of the mainline tracks. If this proves infeasible, trucks carrying excavated material would cross Whipple Road, subject to measures in the Construction Phasing and Traffic Management Plan (Mitigation Measure TR-1), which the contractor would develop in consultation with Union City and Hayward. As described in the Final IS/MND, the traffic management plan would, to the maximum practical extent, include haul routes agreed to by the Cities of Union City and Hayward and would identify construction activities that must take place during off-peak hours due to concerns regarding traffic safety or congestion. As noted in the Final IS/MND on page 124, construction of the project is estimated to generate approximately 100 to 105 truck trips per day during each phase of construction, which would include the truck trips to remove material south of Whipple Road. The existing warehouse facilities generate approximately 225 truck trips per day. Therefore, the proposed project's construction-related truck trips would likely be less than the existing warehouse truck activity.

5-6 The service road along Dry Creek is owned by the Flood Control District, and is one of three potential points of access to the BART corridor for construction equipment. In cooperation with the property owner, it may be possible to improve the roadway, and stabilize the bank if necessary, to ensure suitable access for construction. If access via the service road is not feasible, other potential access points for construction can be used and were evaluated in the Final IS/MND.

5-7 The commentor expresses concern regarding the visual impact of the southern flyover to residents north of Whipple Road and to the east of the UPRR tracks. Section 1, Aesthetics, of the Final IS/MND describes the visual impacts associated with both the northern and southern flyovers. Although the southern flyover would be visible from the residential area to the east of the project site, it would be consistent with the visual appearance of the existing rail infrastructure and overall visual character of the Hayward Maintenance Yard. The visual analysis presented in the Final IS/MND explains that the existing views of the project site and surrounding industrial and warehouse buildings are not considered to be of high scenic quality and do not feature a significant visual resource. The southern flyover would be visible from the residences to the east, it would alter the visual setting, and it would affect views across the rail lines and maintenance yard. However, these changes to the existing visual conditions

would not substantially detract from the visual quality of character of the area or substantially alter a scenic view. Therefore, implementation of the proposed project, including the southern flyover, would not have a significant impact on visual resources or adversely change the existing visual character of the project area. Since there would not be a significant visual impact, mitigation measures, such as screening views of the yard, would not be necessary.

5-8 In response to this comment, visual simulations of proposed sound walls (SW01 through SW04) are provided in Figures C-3 to C-6. The visual simulations show the proposed sound walls as seen from Calle La Mirada Common, Dry Creek Park, Whipple Road, and 11th Street. The proposed sound walls would be installed between the BART tracks and the existing sound walls along the properties east of the BART tracks. As described on page 28 of the Final IS/MND, sound wall (SW01), located near 11th Street and Boyle Street, would be approximately 4 feet higher than the existing 9-foot sound wall. Sound wall (SW02), located near Alicante Terrace and Carrara Terrace, would be approximately one to two feet higher than the existing 7-foot sound wall. Sound walls (SW03 and SW04), proposed under Phase 2, would be approximately one to two feet higher than the existing 7-foot sound wall. Furthermore, as demonstrated by the visual simulations in Figures C-3 to C-6, construction of the proposed sound walls would not result in visual obstruction of any significant views, and would be consistent with the existing visual character of the areas in which they would be installed. Therefore, the visual effect of the sound walls would be less than significant, as described in the Final IS/MND.

5-9 The city boundary between the cities of Union City and Hayward is along the north side of Whipple Road. The property to be acquired and improved for the HMC project is located north of Whipple Road in the City of Hayward. The only project-related improvements in Union City are a retaining wall, switches, and proposed sound walls in the existing BART corridor south of Whipple Road. In addition, BART is exempt from local building and zoning codes and General Plans under state law (Government Code section 53090 and 53091).

5-10 As indicated above, BART is not subject to Union City land use and zoning policies which may apply to private development. Nevertheless, as part of the project design, BART will be providing trees for visual screening from Whipple Road. In addition, the coast redwoods in the west side expansion area constitute “protected trees” and thus as noted in the Final IS/MND would be replaced as mitigation. Mitigation Measure BIO-4 in the Final IS/MND requires BART to replace “protected trees” that are to be removed during construction at a 1:1 ratio.

Existing Condition

Proposed Condition

ATKINS

FIGURE **C-3**

View Looking West from Calle La Mirada

***Source*:** BART, 2011.

Existing Condition

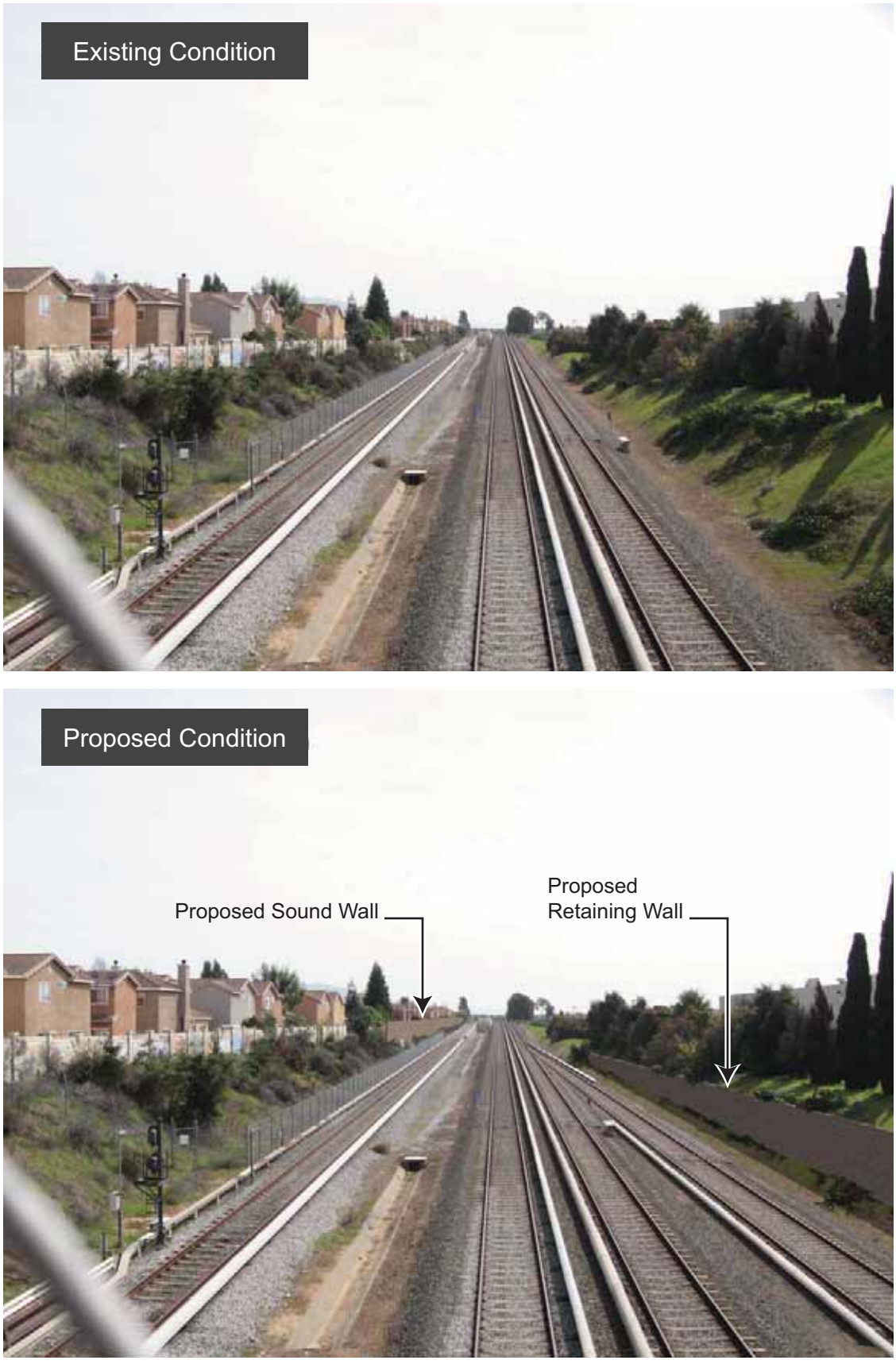
Proposed Condition

ATKINS

FIGURE **C-4**

View Looking Southwest from Dry Creek Park

***Source*:** BART, 2011.



ATKINS

FIGURE **C-5**

View Looking Southeast from Whipple Road

***Source*:** BART, 2011.

ATKINS

FIGURE **C-6**

View Looking Southwest from 11th Street

***Source*:** BART, 2011.

5-11 There is an existing row of redwood trees located along the south side of the warehouses west of the BART tracks. These trees will be removed in order to provide the outdoor storage area for the M&E building. However, these coast redwoods are considered "protected trees," and as noted in the Final IS/MND, they would be replaced as required by Mitigation Measure BIO-4. As noted in Response 5-10 above, the landscape screening along Whipple Road is currently being designed.

5-12 The commentor notes that Section 2, Air Quality, of the Draft IS/MND does not identify the proposed traction power substation as a potential source of air pollution. The traction power substation serves as an intermediary power transformer between the PG&E transmission lines and the power required by BART operations. The traction power substation does not generate power or have power generation capabilities; it is an electric to electric transfer. Therefore, there would be no air pollutant emissions associated with the traction power substation.

5-13 The portion of Dry Creek that crosses the BART tracks is in a concrete lined channel. The closest vegetation within the riparian corridor is northeast of the project area approximately 50 feet north of the edge of the railroad overcrossing. Construction of the proposed project would include trackwork within the existing BART track area, and would not require the removal of vegetation within the riparian corridor; therefore, the project would not have any impacts to biological resources within the creek.

5-14 The commentor notes that Section 7, Greenhouse Gas Emission, of the Draft IS/MND does not identify the traction power substation as a potential source of greenhouse gas emissions. Please refer to Response 5-12, above, for a description of the traction power substation. For the same reasons described above, there would be no greenhouse gas emissions associated with the traction power substation.

5-15 The commentor requests that Dry Creek Park and Decoto Plaza be included in Figure 10 and added to the analysis on page 73 of Section 8, Hazards and Hazardous Materials, of the Draft IS/MND. In response to the comment, Figure 10 on page 70 has been updated in the Final IS/MND to show the location of the two facilities identified by the commentor. However, consistent with the CEQA Guidelines Environmental Checklist, the analysis on page 73 specifically identifies schools and airports and separately considers the potential for hazardous materials-related impacts at those locations. Hazardous materials impacts to other locations, including the recreational areas identified in the comment, are included in the general analysis on pages 67-71.

5-16 The commentor notes that the Union City General Plan land use designation for the project site south of Whipple Road is Residential (R10-17), and requests that the Draft IS/MND be revised accordingly. In response to this comment, the Final IS/MND includes the corrected General Plan designation for lands within Union City's

jurisdiction, and the land use impact discussion referenced by the commentor on page 88 of the Draft IS/MND is revised as follows:

b. No Impact. Even though this section describes the proposed project's consistency with local policies, California Government Code Section 53090 exempts rapid transit districts like BART from complying with local land use plans, policies, and zoning ordinances. Information from the local policy documents is presented here for informational purposes.

The City of Hayward General Plan designates the project site including both the west side and east side expansion areas as an Industrial Corridor, which allows planned business and industrial parks along with supporting office and commercial uses.[53] The project site is also zoned as Industrial by the City of Hayward. The proposed project's maintenance and vehicle storage areas would be consistent with the land use plan designations and zoning. Therefore, there would be no impact to applicable adopted plans.

The Union City General Plan designates the portion of the project area south of Whipple Road as Residential (R10-17) ~~Light Industrial, which provides space for manufacturing and industrial uses which evidence no or very low nuisance characteristics~~.[54] The trackwork area south of Whipple Road is also zoned Residential by the City of Union City. ~~Rail and truck facilities are also allowed under this designation.~~[54] However, the portion of the project area that the City identifies as "residential" is, in fact, limited to the existing BART trackway, where modifications to the tracks are required to allow BART trains to switch from the mainline to the maintenance area. Typically, local jurisdictions utilize land use designations and/or zoning districts that allow for public utilities, railroad rights-of-way, flood control channels, and other types of infrastructure. In this case, neither the Union City General Plan nor Zoning Ordinance provide land use designations or districts for these uses. Instead, infrastructure uses throughout the Union City have been given whatever General Plan designation and zoning the adjacent land uses happen to have. This practice results in the anomalous designation and zoning of the existing BART mainline tracks and UPRR rail line right-of-way for "residential use." However, the existing land use for BART tracks is, in fact, not residential and the proposed project would not involve any use within Union City that is outside the existing use. Moreover, as noted above, BART is in any event exempt by State law from municipal General Plans and zoning ordinances. Accordingly, this inconsistency with Union City's General Plan and zoning ordinance is not considered to constitute a significant land use impact. ~~The project site is zoned as Industrial by the City of Hayward and the trackwork area south of Whipple Road is zoned Light Industrial by the City of Union City. The proposed project's maintenance and vehicle storage areas would be~~

~~consistent with the land use designations and zoning. Therefore, there would be no impact to applicable adopted plans.~~

---

[53] City of Hayward, *City of Hayward General Plan*, Amended 2006, Appendix C: General Plan Land Use Map, pg. C-3. http://gis.hayward-ca.gov/pdf-maps/COH_General_Plan.pdf

[54] City of Union City, *2002 General Plan Policy Document*, http://www.union-city.ca.us/pdf_large/_general_plan02/land%20use%_204%20updated%20to%20AG-05-04,%20AG-01-05.pdf, accessed August 10, 2010.

~~[54] City of Union City, *2002 General Plan Policy Document*, http://www.union-city.ca.us/pdf_large/_general_plan02/land%20use%_204%20updated%20to%20AG-05-04,%20AG-01-05.pdf, accessed August 10, 2010.~~

In addition, items 5 and 6 on page 1 of the Final IS/MND are revised as follows:

5. General Plan Designation: *Industrial Corridor* in City of Hayward; ~~Light Industrial~~*Residential* in Union City

6. Zoning: *I* (Industrial) in City of Hayward; ~~ML~~ RM 2500 (~~Light Industrial~~Multi-Family Residential) in Union City

5-17 The commentor requests that impact discussion under Checklist Item (a) in Section 10, Land Use and Planning, of the Draft IS/MND include a more detailed analysis of the east side train storage area on residential areas east of the UPRR tracks. Checklist Item (a) refers to the potential for the project to physically divide an established community. As explained on page 88 of the Final IS/MND, the east side expansion area is currently undeveloped and bound by the existing UPRR rail lines to the east and the BART mainline to the west, where the UPRR rail lines currently act as a dividing line between the residential area east of the project site and the industrial uses west of the project site. Since these uses are already divided, the addition of the east side storage area within this area would not further divide the area, and there would be no impact.

5-18 As described in Section V, Project Description, of the Final IS/MND, the flyovers would be used to connect the east side storage areas to the mainline tracks. During normal operations, trains would be dispatched from the east side storage tracks in the morning and returned at the end of the operating day. However, since operational activities at the Hayward Maintenance Complex would be 24 hours a day, depending on BART's operational and maintenance needs, train movements could occur during any hour of the day or night.

However, as described in the Final IS/MND, page 99, based on analysis in the Noise and Vibration Technical Report, the trains on the aerial flyovers would only slightly increase the cumulative noise levels at nearby single-family homes north of Whipple Road. The highest noise level increase identified in the Final IS/MND from all the

improvements north of Whipple Road, including the northern and southern flyovers, was 1.1 dBA for residents along Carroll Avenue. However, this increase would be below the threshold for Moderate Noise Impact of 1.2 dBA. As a result, no significant noise impacts are expected from BART operations on the aerial guideway and therefore, no mitigation measures would be needed.

5-19 In response to this comment, Table 10 and Table 11 are revised in the Final IS/MND to include the estimated residual impact after sound wall mitigation and illustrates that sound walls would reduce noise levels to less-than-significant levels. Table 10 and Table 11 on pages 98 and 99, respectively, are revised as follows:

Table 10
Noise Impacts from Phase 1 South of Whipple Road

Location	Distance[1] (ft)	Ambient Level (L_{dn}/L_{eq})[2]	FTA Criteria[3] M / S	Projected L_{dn}/L_{eq} (dBA)[2,4]	Increase (dBA)	Projected L_{dn} (dBA) After Mitigation[5]	Impact Before Mitigation /Impact After Mitigation (Number of Buildings with Impact)
11th Street between Stone Street and Boyle Street	135 xo	60	2.0/5.0	62	2.0	---	Less than Significant
11th Street and Boyle Street	140 xo	60	2.0/5.0	63	2.7	62	Potentially Significant (3)/Less than Significant
Dry Creek Park	120 xo	60	4.6/9.0	63	2.8	---	Less than Significant
La Brea Terrace	75	62	1.7/4.4	64	1.6	---	Less than Significant
Alicante Terrace	75 xo	62	1.7/4.4	65	2.7	64	Potentially Significant (7)/Less than Significant
Carrara Terrace	80 xo	62	1.7/4.4	64	2.0	63	Potentially Significant (7)/Less than Significant
Messina Terrace	85	62	1.7/4.4	63	0.5	---	Less than Significant
La Bonita Terrace	90	63	1.6/4.1	63	0.0	---	Less than Significant

Source: Wilson, Ihrig & Associates, Inc., 2010.

Notes:

1. Distance from residential land use to centerline of nearest track. If the track involves a crossover switch, the distance is measured to the crossover which is designated as "xo."
2. L_{dn} is the metric for FTA Category 2 sensitive receptors. L_{eq} is the metric for FTA Category 3 sensitive receptors.
3. Threshold increase in decibels for (M)oderate and (S)evere impacts.
4. Projected noise includes noise levels from future BART trains on mainline, crossover, and test track.
5. As shown in Table 13 of this document.

Table 11
Noise Impacts from Phase 2 South of Whipple Road

Location	Distance[1] (ft)	Ambient Level (L_{dn}/L_{eq})[2]	FTA Criteria[3] M / S	Projected L_{dn}/L_{eq} (dBA)[2,4]	Increase (dBA)	Projected L_{dn} (dBA) After Mitigation[5]	Impact Before Mitigation /Impact After Mitigation (Number of Buildings with Impact)
11th Street between Stone Street and Boyle Street	135 xo	60	2.0/5.0	61	1.4	---	Less than Significant
11th Street and Boyle Street	140 xo	60	2.0/5.0	62	1.7	---	Less than Significant
Dry Creek Park	120 xo	60	4.6/9.0	62	1.8	---	Less than Significant
La Brea Terrace	75 xo	62	1.7/4.4	67	4.7	64	Potentially Significant (9)/ Less than Significant
Alicante Terrace	75 xo	62	1.7/4.4	64	1.5	---	Less than Significant
Carrara Terrace	80 xo	62	1.7/4.4	65	2.5	63	Potentially Significant (6)/ Less than Significant
Messina Terrace	85 xo	62	1.7/4.4	63	1.4	---	Less than Significant
La Bonita Terrace	90 xo	63	1.6/4.1	63	0.4	---	Less than Significant

Source: Wilson, Ihrig & Associates, Inc., 2010.

Notes:

1. Distance from residential land use to centerline of nearest track. If the track involves a crossover switch, the distance is measured to the crossover which is designated as "xo."
2. L_{dn} is the metric for FTA Category 2 sensitive receptors. L_{eq} is the metric for FTA Category 3 sensitive receptors.
3. Threshold increase in decibels for (M)oderate and (S)evere impacts.
4. Projected noise includes noise levels from future BART trains on mainline, crossover, and test track.
5. As shown in Table 14 of this document.

5-20 As stated on page 102 of the Final IS/MND, the final height and location of the sound walls have yet to be determined. Nevertheless, in order to provide effective mitigation sufficient to reduce noise impacts to less than significant, the sound walls need to interrupt the line of sight between the receivers (the residential land uses) and the noise source (BART vehicles, tracks, and maintenance activities). To achieve this level of mitigation, the height of the sound walls depends on their location and the elevation of the ground relative to the affected land uses. The visual analysis in the Final IS/MND, pages 26-34, considers the sound walls, based on conceptual designs, and demonstrates that their impact would be less than significant. The determination of sound wall heights in the Final IS/MND are based on detailed calculations documented in the Noise and Vibration Report and based on topographical data of the area. The methodology for determining the sound wall heights in the Noise and Vibration Report is consistent with FTA guidelines and at least as effective as those used in other BART projects. The conclusion of less-than-significant visual impacts is further supported by the visual simulations requested in Comment 5-8 and included in Figures C-3 to C-6.

While the commentor's concern is noted, the comment provides no specific information to suggest that the visual analysis or conclusions are erroneous.

5-21 BART acknowledges the need for the sound wall design to minimize potential weeds, trash, graffiti, and vagrancy. BART intends to work with the City of Union City and local homeowners to achieve a design that would restrict access between the existing and proposed sound walls.

5-22 BART protects the perimeter of its property with a chain link fence topped with barbed wire or razor wire. A sound wall would negate the need for the chain link fence along the property line, though it may still need to be employed in certain places to close narrow gaps between proposed BART sound walls and homeowner walls.

5-23 The comment encourages implementation of Mitigation Measure NO-2. As provided in Mitigation Measure NO-2, BART will evaluate operational noise levels on a case by case basis and, where existing building construction and sound walls are not sufficient to attain an interior noise level of Ldn 45 dBA or lower at the upper stories of residential buildings, will implement a program of building sound insulation improvement.

5-24 Please refer to Table 16, Projected Construction Noise Impacts – Phase 2 in the Final IS/MND, for a summary of the projected noise levels from heavy equipment construction and track installation without noise control on various receptor locations. Pile driving is anticipated only for the flyovers in Phase 2. As described on page 103 of the Final IS/MND, construction of the flyovers would involve the use of sonic or vibratory pile drivers that produce lower noise levels than conventional pile driving equipment. Under normal soil conditions, pile driving for each of the flyovers could last approximately 1 month and would also be subject to operational needs of the yard.

Noise levels for pile driving equipment were estimated based on the FTA Guidance Manual. Peak noise levels from sonic or vibratory pile drivers are approximately 96 dBA at a distance of 50 feet, compared to the peak noise level from typical impact pile driving equipment, which can be up to 101 dBA at a distance of 50 feet. Nevertheless, vibratory pile driving, associated with the proposed project, is expected to exceed the FTA noise criterion for residential receptors within 140 feet of operation during daytime hours. Based on the alignment for the flyovers, pile driving would occur at least 300 feet from the residential homes, and would therefore result in less-than-significant noise impacts associated with pile driving. As noted in the Final IS/MND, no nighttime construction activities would occur north of Whipple Road where the flyovers are proposed. Furthermore, implementation of Mitigation Measure NO-3 would ensure that BART incorporates noise reduction best management practices into construction activities, thereby reducing any potentially significant construction noise impacts from construction activities other than pile driving to a less-than-significant level. Mitigation Measure NO-3 includes a provision giving residents the option of

sleeping in hotel rooms at BART expense for the duration of nighttime construction in areas where construction noise is expected to exceed the FTA criterion.

5-25 BART is exempt by State law from local General Plans and their requirements, including General Plan Health and Safety Elements. Note, however, that if the City of Union City's General Plan Health and Safety Element were applicable, Table HS-2 identifies a land use compatibility standard for exterior noise levels, which typically apply to long-term daily noise exposure levels, not short-term construction noise. As shown in the Final IS/MND, pages 94-100, operational noise effects of the proposed project together with ambient noise will remain less than 75 dBA.

5-26 The commentor references Section 9.40.053 of the Union City Municipal Code. This section does not prescribe noise standards or hours, but instead exempts construction during specified hours from other City requirements, provided that the construction activities are authorized by valid City permit and meet specified noise limitations. In addition, Section 9.40.060 authorizes permits allowing exceptions to these, and any other, provisions in the "Community Noise" chapter of the Municipal Code. While BART will obtain and comply with all applicable permits, it does not appear that BART, as a public agency, is subject to the City's noise permitting requirements. In any case, for CEQA purposes, construction noise is analyzed in detail on pages 102-108 of the Draft IS/MND and Mitigation Measure NO-3 is included to ensure that construction noise impacts remain less than significant.

5-27 As provided in Mitigation Measure NO-3, when nighttime or 24-hour construction will be required, BART shall give residents located in areas where construction is expected to exceed the FTA criterion the option of sleeping in hotel rooms at BART's expense for the duration of the nighttime construction.

5-28 The background information on Whipple Road provided in the comment is acknowledged. Union City staff has indicated that there is a conceptual plan for the eventual widening of Whipple Road in the project vicinity from two lanes to four lanes. The plan is in the Transportation Element of the City's General Plan, but it is not yet funded or been accepted as part of the Countywide Transportation Plan. The city estimates that the road widening could take place in 5 to 10 years.[4]

5-29 As noted in Response 5-9 above, HMC improvements in Union City are within the existing BART corridor and not along the Whipple Road street frontage. In addition, as noted above, BART is not subject to local land use and zoning policies, such as dedication requirements, which may apply to private development. However, after receiving this comment, BART staff consulted with Public Works staff in Union City who alerted BART to the potential future widening of Whipple Road through the project area and requested that no permanent improvements be made along the

[4] Telephone conversation with Mintze Cheng, Union City Public Works Director, March 14, 2011.

proposed project frontage that would preclude a future road widening. BART is currently investigating a street frontage design that may accomplish that goal.

5-30 The commentor requests a median left-turning lane be added to eastbound Whipple Road into the west side expansion area. As shown in Section 16, Transportation/Traffic, of the Final IS/MND, trip generation and distribution associated with the proposed project indicate that there would be a reduction of daily trips accessing the site via Whipple Road, including the eastbound left-turn movement from Whipple Road, because of the removal of the existing industrial and warehousing businesses to accommodate the proposed project. BART is, however, considering whether to make this improvement to improve existing conditions. If constructed, the improvement would provide a beneficial impact to the existing traffic conditions.

5-31 As noted under Response 5-30, implementation of the project would result in an overall reduction in trips on Whipple Road and the project access intersection at Whipple Road. BART is, however, considering whether to make this improvement to improve existing conditions. If constructed, the improvement would provide a beneficial impact to the existing traffic conditions.

5-32 The commentor notes that the City's truck route designation on Whipple Road ends prior to the project site at Central Avenue, but that the City will allow the truck route designation to be extended to the project site during construction. BART appreciates the City's cooperation. As provided in Mitigation Measure TR-1, construction haul routes shall be specified by agreement with the Cities of Union City and Hayward to the maximum practical extent.

5-33 BART is not subject to Union City land use and zoning standards and policies which may apply to private development However, BART will coordinate with Union City during construction to ensure that project construction traffic does not unduly affect traffic along Whipple Road, as provided in Mitigation Measure TR-1 which requires that BART to consult with the City in developing a Construction Phasing and Management Plan. Mitigation Measure TR-1 includes specifying haul routes and identifying construction activities that must take place during off-peak traffic hours.

5-34 BART agrees that working closely with City staff and neighbors will facilitate implementation of the mitigation measures identified in the Final IS/MND. BART will contact the City to initiate a regular meeting process once the construction schedule is established.

Letter 6 Charlie Cameron

AYWARD EXPANSION PROJECT ON TRACK

Letter 6

JIM STEVENS/STAFF

BART has plans to expand its service facility north of Whipple Road in Hayward. The work would begin in 2013 and the yard would be renamed the Hayward Maintenance Complex.

pansion of
RT facility
increased ridership
cted because of a continued
em expansion, BART is looking
crease the capacity and
tions at its maintenance
in south Hayward.

BART seeking a bigger yard

By Eric Kurhi
ekurhi@bayareanewsgroup.com

HAYWARD — With ridership expected to increase and additional stations in the works, BART is looking to expand its mile-long maintenance facility in south Hayward to include warehouses and more tracks for storing and inspecting trains. The yard would be renamed the Hayward Maintenance Complex.

The current 88-acre site stretches from Fairway Park to the Union City border, directly west of the Union Pacific Railroad tracks. The project would involve widening it to incorporate four warehouses to the west that currently are privately owned, and building the storage and inspection site east on unused land already owned by BART. It would include two elevated flyover sections to more efficiently move cars off and on the main rails.

While an initial study found there weren't any significant impacts from the project that could not be mitigated, residents in the area said they do have some concerns.

"I would like to talk to them about the lights," said Evelyn Cormier, whose Carroll Avenue house is across the street from the facility, which operates 24 hours a day. "The lights are bright — it would be nice if they could figure out a way to shield them. But if it doesn't get any noisier, (current noise is) not a big problem. I've lived with it for many years."

Mimi Bauer of the Fairway Park Neighborhood Association said she's seen light mitigations that work and would like to learn more about noise levels.

She added that she sees benefits in the project as well.

"The jobs it would create is a big plus," she said. "It would be great

See BART, Page 4

IF YOU GO

WHAT: Community meeting on proposed BART maintenance yard expansion

WHEN: 6:30 p.m. Jan. 20

WHERE: Fairway Park Baptist Church, 425 Gresel St.

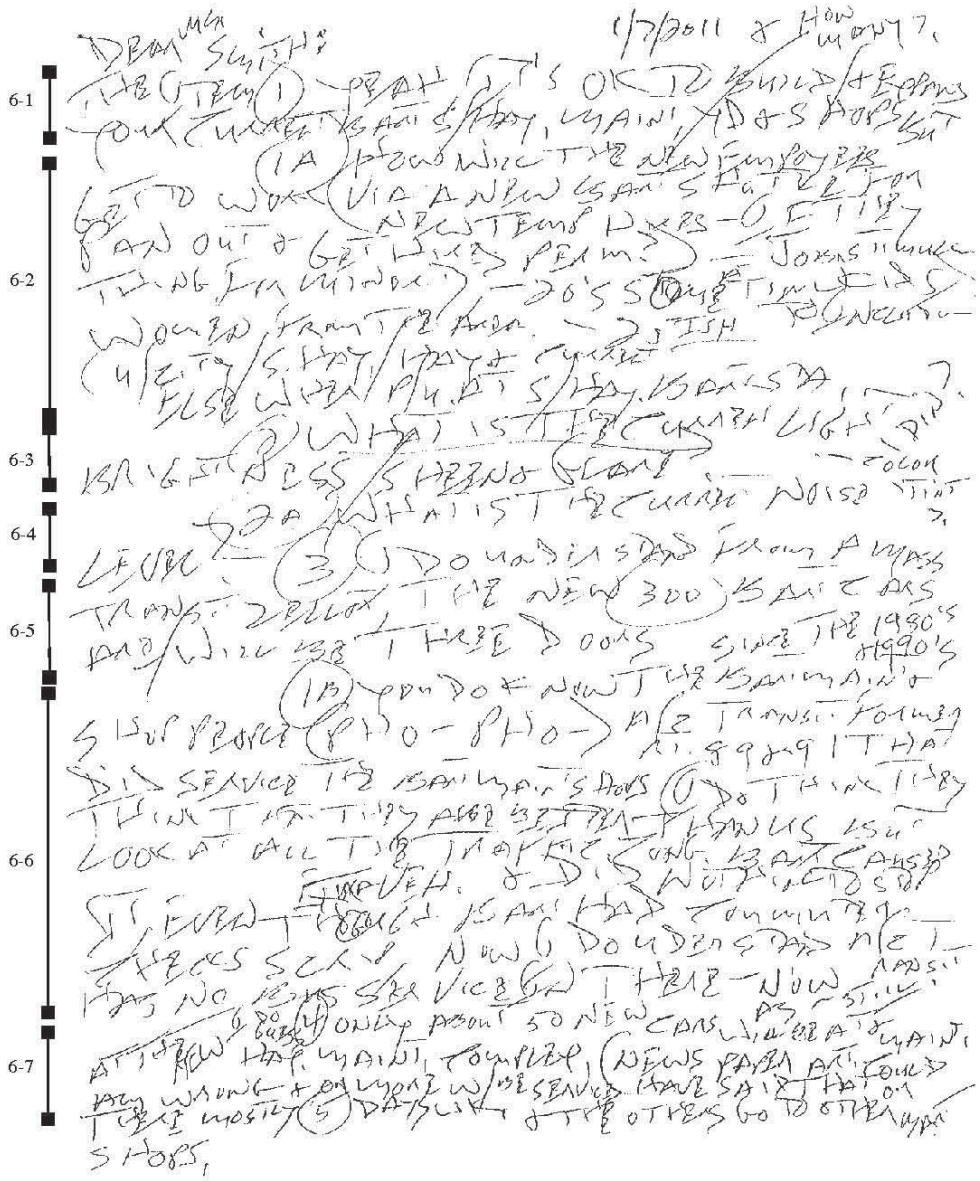
The public is invited to send written comments to BART at P.O. Box 12688, attn. Ellen Smith, Oakland, CA 94604-2688. They can be e-mailed to esmith1@bart.gov and faxed to 510-464-7673. They will be accepted until Feb. 11.

OVER.

CHARLIE CAMERON
P.O. BOX 55
HAYWARD, CA
94543

Charlie Cameron

Letter 6



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688
Oakland, CA 94604-2688
(510) 464-6000

2011

Mr. Charlie Cameron
PO Box 55
Hayward, CA 94543

January 14, 2011

RE: Your letter to BART regarding the proposed Hayward Maintenance Complex Project

Dear Mr. Cameron:

I have received your letter to BART dated January 7, 2011 regarding the proposed Hayward Maintenance Complex project. Unfortunately, I cannot read your letter. You could call me and you could read your letter to me, or you could come to the public hearing meeting we are hosting next Thursday, January 20, 2011, at the Fairway Park Baptist Church, 425 Gresel Street, Hayward. The meeting will run from 6:30 to 8 pm. I look forward to hearing from you.

I am available at 510.287.4758.

Thank you.

Ellen M. Smith
HMC Planning Manager

www.bart.gov

Letter 6 - Translation

Dear Ms. Smith:

6-1 The Item (1) Yeah it's OK to build and expand your current BART South Hayward Maintenance Yard and Shops but

6-2 (1A) How will the new (and how many) employees get to work via a new BART shuttle for new temp hires – (unreadable)Pan out and get hired perm? – Job stimulus thing for Minor and women from the area> - 20's - 25ish something kids to include (unreadable) Union City/South Hayward/Hayward and current

Else when P/u (pick-up?) at South Hayward BART Station

6-3 (2) What is the current light brightness/sheen and glare? - color tint

6-4 (2A) What is the current noise level?

6-5 (3) Do you (unreadable) from a mass transit (unreadable) the new 300 BART cars are/will be three doors

6-6 (1B) You do know the (-since the 1980's and 1990's) BART Maintenance Shop Project (Pho- Pho-) A/C Transit former Route 89 and 91 that did service the BART Maintenance Shops (I do think they think that they are better than us but look at all the traffic long BART cars (unreadable) And did nothing to stop it, even though BART had commuter checks (unreadable) now I do understand A/C Transit has no bus service there – Now as – still

6-7 (4) Only about 50 new cars will be at maintenance at the new Hayward Maintenance Complex (newspaper article could have said that or (?) am wrong and only one would be serviced there mostly 5 days week and the other go to other maintenance shops

Letter 6 Charlie Cameron

6-1 The commentor's support for the project is noted. This comment does not address the adequacy of the Draft IS/MND or the proposed project's compliance with CEQA. Accordingly, no further response is necessary.

6-2 The commentor requests more information about employment and employee trips to the site. As noted on page 19 of the Final IS/MND, the proposed project would be an expansion of the existing Hayward Yard, and some of the employees that would work in the Hayward Maintenance Complex would be current BART employees that would be relocated to the Hayward Yard while others would be new employees. As described in the Final IS/MND, of the 350 employees projected to work at the Hayward Maintenance Complex, 215 employees would be new employees to the site. The demographics and location of the employees that would be hired for work at the Hayward Maintenance Complex is unknown at this time.

The proposed project would not include a new shuttle for employees; however, as noted on page 16 of the Final IS/MND, Phase I of the proposed project would include a station platform along the BART mainline tracks, where BART would provide regularly scheduled stops for BART employees to access the Hayward Yard. As noted in the Transportation Section, on page 121 of the Final IS/MND, it is assumed that 20 percent of all the employees working at the Hayward Yard, including new Hayward Maintenance Complex employees and existing employees at the Hayward Yard, would use the new programmed station stop to commute to and from work.

6-3 The commentor requests clarification regarding the current light brightness, color tint, and glare of the project site. As described in Section 1, Aesthetics, of the Final IS/MND, existing nightlight and glare in the surrounding area is substantial and is primarily cast by security lighting for the maintenance yard and industrial buildings. Light sources beyond the site include roadway light fixtures along the Whipple Road overpass and vehicle lights, and other outdoor lighting from nearby industrial and residential uses. Typically, outdoor lighting is characterized by incandescent bulbs, which tend to cast a yellow tint.

6-4 The commentor requests clarification regarding the existing noise level at the project site. As identified in Section 12, Noise and Vibration, of the Final IS/MND, ambient noise measurements were taken from various locations surrounding the project site. The existing noise level varies between locations and is dependent on a number of factors including distance from the project site and the presence of objects that can absorb or reflect noise (e.g.. walls, buildings, thick vegetation, etc.). Please refer to Tables 10, 11, and 12 on pages 98, 99, and 100 of the Final IS/MND, respectively, for the ambient noise levels recorded during the noise analysis. In general, noise levels for residents south of Whipple Road ranged from 60 dBA to 63 dBA at the locations

measured. For residents near the northeastern portion of the project site, noise levels ranged from 67 dBA to 70 dBA at the locations measured.

6-5 BART is currently designing new BART cars which will have three doors per side. However, the redesigned cars will not be available before 2017.

6-6 AC Transit may have had bus routes along Whipple Road in the past, but the only bus line currently operating on Whipple Road is Route 2 of Union City Transit. The closest AC Transit line operating in the project vicinity is the Route 68, which operates on Huntwood Avenue and is within walking distance of the existing Hayward Shop to the west (via Sandoval Way).

6-7 Phase 1 of the HMC project includes a new vehicle overhaul shop on the expanded west side of the Hayward Maintenance Yard and a vehicle inspection facility for new cars on the existing east side of the yard. Phase 2 of the HMC project includes storage for up to 250 cars on a currently undeveloped eastern portion of the yard. The Hayward Yard will continue to operate seven days a week, though the work schedule for the new overhaul shop and other expanded facilities has not been determined.

Letter 7 Anonymous Comment

Letter 7

Anonymous Comment on HMC Project

Voice mail left at Wilson-Ihrig Associates on December 21, 2010

7-1 I'm a resident of Carroll Avenue in Hayward, where you recently are doing a BART Hayward Maintenance Complex noise and vibration technical report, and I just have some issues with some of the no impact zones for some of the phases. I don't see how some of your measurements are even possible, especially over a 5-day period in September. I just wondered if your noise calculations took into account that some of the ambient noise in the neighborhood is already caused by BART. I'm looking to get a sound wall—a permanent sound wall--set up before construction begins and then left in place after. Your pile driver statistics are just ridiculous. I hope you have a very good vacation. You should see what it's like living behind this yard, but— Thank you for your time.

Letter 7 Anonymous Comment

7-1 The commentor requests clarification regarding the methodology employed in the noise and vibration technical report prepared for the proposed project. As indicated in the Final IS/MND, page 93, and discussed in more detail in the BART – Hayward Maintenance Complex Noise and Vibration Technical Report, FTA noise criteria allow less project-generated noise in areas with high existing noise levels, and ambient noise was taken into account in the Final IS/MND analysis. However, please note that mitigation for the proposed project is required to address only noise generated by the project, not noise that already exists.

Ambient noise measurements were obtained at four locations between September 15 and September 20, 2009. Long-term noise measurements were obtained by means of calibrated, precision, logging sound level meters over a 6-day period. The purpose of the field measurements was to evaluate the existing environmental conditions in the project area in order to establish a baseline for the noise and vibration analysis. Ambient noise measurements took into account, and were dominated by, BART train passbys, local traffic, and train noise from the nearby UPRR freight/Amtrak track.

The commentor also requests that a sound wall be set up prior to construction and left in place after. The commentor notes that he is a resident on Carroll Avenue in Hayward, which is north of Whipple Road. As noted on page 100 of the Final IS/MND, operational noise from the facilities proposed north of Whipple Road would result in noise levels below the thresholds of significance, and would have less-than-significant noise impacts on the adjacent residents. Therefore, no mitigation is required for operational noise generated by the proposed project. In addition, although there would be construction noise in the area north of Whipple Road, particularly during Phase 2, as outlined in Table 16 of the Final IS/MND, construction noise impacts for this area would be considered less that significant.

The commentor also questions the pile driver statistics used in the Draft IS/MND. These statistics are based on the use of sonic or vibratory pile drivers, which BART has committed to using for the proposed project. Sonic or vibratory pile drivers in general produce lower noise levels than conventional impact pile drivers. The statistics were derived from the Federal Transit Administration's Transit Noise and Vibration Impact Assessment, May 2006, and are based on measured data from similar construction equipment.

PH1 **BART Public Hearing on December 15, 2010**

Public Hearing 1

In The Matter Of:

BART HEARING

December 15, 2010

Clark Reporting & Video Conferencing
2140 Shattuck Ave. Ste. 405
Berkeley, CA 94704
www.clarkdepos.com

Original File 12-15-10.txt
Min-U-Script®

Bay Area Rapid Transit

Hayward Maintenance Complex (HMC)

Public Hearing

on

Draft Initial Study/Mitigated Negative Declaration

Wednesday, December 15, 2010

7:00 p.m.

New Haven Adult School

Union City, CA

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BY: JUDY LARRABEE, SHORTHAND REPORTER

CLARK REPORTING AND VIDEOCONFERENCING

2140 SHATTUCK AVENUE, SUITE 405

BERKELEY, CALIFORNIA 94704

(510) 486-0700

PROCEEDINGS

MS. SMITH: I'm Ellen Smith from BART Planning. Don Dean is our environmental consultant. Ric Rattray is our project manager; Walter Gonzales is from Government Community Relations. Judy is our court reporter, and she will record your comments.

We're here to talk about the proposed Hayward Maintenance Center, the transformation of our Hayward yard into what we call the Hayward Maintenance Center. So we're here to hear what you have to say about our environmental document. So we'll tell you the purpose of the meeting, describe the project, and then take your public comments.

What we're talking about is what we call a Draft Initial Study Mitigated Neg Dec. A Mitigated Neg Dec is the type of document you can do under CEQA when you expect no impacts from your project that cannot be mitigated below a level of significance. This document has been available to the public since December 3rd at City Hall's library and the BART Web site, and everything we're doing is in compliance with CEQA, the California Enviromental Quality Act --

We looked at 17 environmental issues, and

those are listed over here from asthenics to utility. We looked both at Phase One and Phase Two work. We looked at both the construction period and operations period, and we believe that all of those impacts from those types of activities can be mitigated to below a level of significance.

We've done quite a bit of public outreach on this project. We had a meeting in this very room, basically us and Simon from the Tri-City Voice on October 21st. For that we did a three-language announcement: Spanish, English and Tagalog, mailed to 5,200 addresses. We distributed that flyer to 25 local agencies and organizations. We had an e-mail announcement by BART, I believe, to the cities. At least the City of Hayward also sent that out to their neighborhood group. And then we printed that information online and in the media.

In November we announced the arrival of our draft document for public review. We sent a five-language mailer: Korean, Spanish, Tagalog, Chinese, and Vietnamese to the same 5,200 addresses, so it should have covered all occupants as well as all owners. December 3rd that document became available, and then last night we were at the Hayward City Council meeting where we talked

about the document and the process.

This is an aerial map of our project. The elements are primarily -- keep in mind this project is proposed. The elements are proposed to be maintenance and warehouse reuse along here, and then storage tracks on the northeast corner. There's associated track work, and there's an associated vehicle inspection building as well. But those are the main elements of the work for the project.

Why are we doing this project? There's three reasons. BART ridership is going up primarily because of natural growth in our expansion projects. We're going eastward in Contra Costa County, southward towards San Jose and eastward to Livermore and the Oakland airport connector. So our ridership is going up.

Secondly, our fleet is growing. We have 659 BART vehicles now, and we're going up to 1,000 vehicles.

And third, we are instituting a strategic maintenance plan. So we've got more riders, more cars, and a better way of taking care of those vehicles. Together those require use of the Hayward Maintenance Complex upgrade in the Hayward

yard.

The benefits of this project include greater vehicle mobility, more service, improved rider amenities, and better on-time service.

ANONYMOUS AUDIENCE MEMBER: What about the 700 existing vehicles? Where will you be repairing those vehicles? PH1-1

MS. SMITH: We have four yards at BART: Daly City, Richmond, Concord, and Hayward. So we do that -- it's distributed throughout those yards right now. We want to bring it back to Hayward and expand the facilities here. There's no more territory --

MR. RATTRAY: Let me explain. We actually have the primary repair, which is at these BART yards at night, and we have certain activities going on there. But the fleet-wide activities like the scheduled five-year overhaul and all the component repair and all the warehousing needs to be centralized.

Right now our warehouses are spread around. We don't have an overhaul facility, and Hayward has the only existing component for repair, and it's very small and it's dedicated to the existing fleet. As we build more vehicles with a mixed

fleet, we need more space.

MS. SMITH: The yard is 88 acres now. It employs 280 people over a 24-hour period. It's been in operation since about 1970. It started service in '72.

There will be two phases, assuming this project goes forward. One is the proposed maintenance the warehouse uses, and the second part of Phase One is the proposed vehicle and inspection building on the east side. That's just east of our current driveway in from Whipple Avenue.

If we move ahead with this project, we are proposing to purchase four industrial buildings in this area, tear down the northern-most of them, rebuild it as an overhaul shop, and then reuse the existing three buildings that are about 120,000 square feet each.

Those are the Phase One elements. The overhaul shop is the first one which will be taken down because we need the tracks to come in at the appropriate angle. Component repair at the central warehouse expands the shop and storage, enhances the east-side vehicle inspection and adds switches on the north and south, which is where two tracks come together or diverge.

Phase Two is further in the future. Proposed storage tracks. The most important part of Phase Two is storage for up to a maximum of 250 vehicles in the northeast corner of the yard. Again, switches and additional tracks and the possibility of two fly-over facilities.

Funding. Phase One, groundbreaking could be in 2013 if we have approval of the BART board and we find the resources to purchase the property and move ahead. Phase Two dates are uncertain. The funding for both of those elements is still to be determined.

Possible impacts associated with this work are by phase, by construction, and by operation.

Traffic noise and vibration associated with construction. Traffic would be almost exclusively off and on Whipple Road. Noise and vibration is associated with equipment putting in new tracks.

Operations period impacts would be noise and vibration, again, and visual changes.

As I said, we expect all of these impacts will be able to be mitigated to a less-than-significant level. Noise, we would install sound walls. For vibration, we would install insulating material under the new track, probably shredded tires. And

for visual changes, we do not think that that rises to the level of significance. Those include the possible fly-overs in Phase Two and additional lighting, shielded, so the light goes down, and removal of some trees.

Ongoing activities. The environmental analysis is available for comment now. We are seeking Phase One funding, and Ric is completing his design.

Comments. Opportunities to comment: The October 21st outreach meeting, the comment meeting today, and then we can receive comments in writing by fax, by e-mail or by letter through January 14th.

Since the visual impacts can't explain noise and vibration to you, we can show you some visual impacts. The fly-overs would we located -- this is the first and more likely fly-over, southern. This is the northern fly-over, up there.

Let me show you what this area looks like now. You're standing on the Whipple Road bridge, looking towards the north. This is what you see today. This is what a fly-over could look like. It has to be high enough to cross over a BART train, just about 10 feet above top of rail, and then probably

another four feet or so to create that bridge, that fly-over bridge.

If you are in the neighborhood over on Carroll Avenue, which is in Hayward looking to the southwest, this is what you see today. This is what they propose fly-over.

The third one is if you were on Carroll Avenue looking south, you would see this today and possibly see this in the future.

So we can take your comments here. You can speak to the court reporter if you prefer not to speak up or you can send any information to me by mail. All comments will be reviewed in our process.

The next step we've got is starting 2011 we will complete our 42-day comment period January 14th. The BART board will consider this project for advancement probably in April. We are working to complete design. We are working to secure funding. We would like to acquire property, and then we would construct in phases.

Any thoughts or comments on the environmental document? Okay.

PH1-2 ANONYMOUS AUDIENCE MEMBER: I have one question. Where would you be getting the funding,

PH1-2 Con't

exactly? What sources would you be looking at?

THE REPORTER: Sir, would you state your name for the record?

ANONYMOUS AUDIENCE MEMBER: I wish to remain confidential.

MS. SMITH: We are looking at all sources right now. We're looking at regional funds; we're looking at state funds. We're looking at anything we can find. We don't have our funding put together.

MR. RATTRAY: We haven't reached out to very many people. We're trying to craft some preliminary funding. I'm sure we will be reaching out.

MS. SMITH: Okay. Thanks for coming. We appreciate your interest.

(The hearing concluded at 7:10 p.m.)

---oOo---

REPORTER'S CERTIFICATE

I, JUDITH L. LARRABEE, a Hearing Shorthand Reporter in the State of California duly authorized to administer oaths, hereby certify:

That the proceedings therein were taken down in shorthand by me, a disinterested person, at the time and place therein stated, that the proceedings were thereafter reduced to typewriting, by computer, under my direction and supervision, and that the foregoing is a full, true and correct transcript of the proceedings therein to the best of my ability.

IN WITNESS WHEREOF, I have hereunto set my hand on this 21st day of December, 2010.

_____

Judith Larrabee, Shorthand Reporter

PH1 BART Public Hearing on December 15, 2010

PH1-1 Maintenance and repair of existing vehicles is distributed between BART's four maintenance facilities: Hayward, Daly City, Concord, and Richmond. Hayward Yard performs a greater percentage of the maintenance than the other yards, because the Hayward Yard has a parts warehouse and can provide accident and component repair, which is not available at other yards. Currently, approximately 35 percent of BART maintenance is conducted at the Hayward Yard. The remainder is divided between the Daly City, Concord, and Richmond yards.

PH1-2 The commentor questions the sources of funding for the proposed project. This comment does not pertain to the proposed project's compliance with CEQA or the adequacy of the Draft IS/MND. As such, no response is necessary. However, a response was provided during the BART public hearing; see page 10 of the public hearing transcript.

PH2 BART Public Hearing on January 20, 2011

Public Hearing 2

In The Matter Of:

BART HEARING

January 20, 2011

Clark Reporting & Video Conferencing
2140 Shattuck Ave. Ste. 405
Berkeley, CA 94704
www.clarkdepos.com

Original File bart1.20.11.txt
Min-U-Script®

BAY AREA RAPID TRANSIT DISTRICT

PROPOSED HAYWARD MAINTENANCE COMPLEX

PUBLIC COMMENT MEETING

THURSDAY, JANUARY 20, 2011

FAIRWAY PARK BAPTIST CHURCH

425 GRESEL STREET

HAYWARD, CA

REPORTED BY: FREDDIE REPPOND

Clark Reporting & Videoconferencing
2140 Shattuck Ave., Ste. 405
Berkeley, CA 94704
510.486.0700

Thursday, January 20, 2011 6:50 o'clock p.m.

---o0o---

P R O C E E D I N G S

PRESENTATION

ELLEN SMITH: Good evening. I'm Ellen Smith from BART.

I want to say I'm so pleased that we have so many people here for our discussion tonight. I won't start our presentation for a few more minutes, because we have Freddie, our court reporter here. If somebody wants to give a comment, we can have it at any time during the conversation or also given right now to Freddie; and he will record that. All of the comments that are given are put together and given to our board as they make a decision on how to advance the project or if to advance the project. So if anybody wants a minute to talk to Freddie, we can do that. And if nobody wants to talk to Freddie in private, we can just start the meeting

Okay. Does everybody want to hear more about this project? Okay.

Thank you so much for being here. As I said, I'm Ellen Smith from the BART planning department and I'm the planning manager for this project.

This is Walter Gonzalez, who is from our

government and community relations department, so he knows a lot about every aspect of BART.

This is Ric Rattray in the back, the tall, handsome gentleman. He told me to say that. He's in our engineering group and he's the lead engineer on this project; he's the project manager.

And Don Dean is our environmental consultant, helps us to put together the environmental aspects on this project.

I'd like to introduce David Rizk and have him introduce two City Council members from the City of Hayward.

DAVID RIZK: Thank you. I also want to say, before I introduce the Council members, that BART staff, both Don and Ellen, have been very cooperative in terms of getting the word out. We've had a couple of meetings. I think the last one was in Union City. And I appreciate having a meeting here in Hayward. I appreciate everyone coming out.

Our two council members tonight are Marvin Peixoto and Barbara Halliday. You may know them. We did have a meeting that Ellen and Don attended and made a presentation before the City Council on December 14th, which was the day before the meeting in Union City. So I appreciate BART's staff efforts and you for attending

tonight.

MS. SMITH: And Joan Malloy from the City of Union City.

Okay. As I said, we're going to talk about a proposed BART project, not yet in the works, and to hear your comments. All the comments that are heard here tonight or that are sent to me via email or fax or a letter will be put together into a report that goes to the BART board in about April, when they consider whether or not to advance this project.

The purpose of the meeting is to first describe the project as we know it at this point and to hear your comments on it and to let you know what the next steps will be.

What we have done is created a draft initial study mitigated negative declaration. So you've probably heard of an EIR, which is an environmental impact report, an environmental study on our project where there are impacts that cannot be mitigated. In this case the impact of this project, both Phase 1 and Phase 2, we believe can be mitigated to below a level of significance. Therefore, it is a smaller environmental document. So when we say an ISMND, that is the environmental document we're talking about. The draft is available to the public. It's been out since

December 3rd. It's available on the BART Website. We have a couple of copies here. We can send you either a CD or a hard copy of it if you would like us to so you can review that document in more detail. Everything we're doing on this project is in compliance with CEQA, the California Environmental quality Act. We did an analysis of all -- can we turn the lights down just a little bit?

We looked at 17 types of environmental issues, from the aesthetics to utilities. And those are listed up here. Aesthetics, agriculture and forestry, air quality, biology, cultural resources, geology and soils, greenhouse gasses, hazardous materials, hydrology and water quality, land use, mineral resources, noise and vibration, population, housing, public services, recreation, transportation, traffic, utilities, and community services. So all those were evaluated for the proposed project.

We looked at Phase 1. There are some environmental impacts. But in each case they were reviewed and determined that they will be fully mitigated, which means kept to a low level of significance. And the mitigation, which is the way we can keep those impacts from becoming significant, are built into the project. They're not optional. They're

written in as we will -- for instance, construction activity. We will replace those trees. So those mitigations are built into the project. We cannot not do them if we do the project.

We did some outreach on this project. This is the third public meeting we have had. The first one was in October. We presented the project design at that point and asked people what did you think about it. We sent out a three-language announcement to 5,200 addresses. In November we announced that the draft environmental document was available. We tried to send a five-language mailer; and actually our mail house messed up. We couldn't actually figure out happened, but it was actually a citizen who saw us at the City Council meeting, alerted the City Council, called in -- they were watching the TV -- and said, I never got such an announcement and I live in the neighborhood and I want to know more about it. So it was that that alerted us to the fact that 3,000 mailers that we thought had gone out had not gone out. So in order to remedy that, we did have the public comment meeting the next day, but we didn't have much attendance. So we extended the comment period to February 11th and we added this comment meeting.

And we're so pleased that there are more

people here. We send a three-language flyer to 5,200 addresses. I think we have a graphic just to show the territory that received the mailer this time, because we really do want to hear from the public and have that information available to us as we make a decision.

What is the project? We are looking at taking the Hayward yard and turning it into what we call the Hayward maintenance complex. There's two phases to it. Phase I, we are proposing to acquire those industrial buildings that are on that private drive. This is Whipple right here. There's a private drive in here. There's big blue industrial buildings there. We are proposing to acquire those, take down the northernmost one, put up another building at a slight angle, and then reuse the other buildings that are there right now. In addition, there's a small blue building -- I think it's blue -- over here just north of Whipple on the east side. And we would enlarge that. So that is the Phase I work.

We are proposing, if we find funding, which we do not yet have, to have a groundbreaking for that in 2013. If we are successful with the funding and that goes forward, a future phase would be to put more storage tracks here on the northeast area. This is BART property now. We wouldn't need to acquire anything, but

it's undeveloped. So we would put storage tracks here and possibly two flyover tracks, which are elevated tracks here and down at the south end just north of Whipple.

BART opened in 1972, so we opened this yard in 1970. It's about a 88-acre facility now. We have several other BART yards, one in Concord, one at Daly City, one in Richmond. We cannot expand any of those. They are very compact. And in this case we have an opportunity to acquire property immediately adjacent to us without too much impact on residential properties -- we are talking about Phase I on the west side -- and provide access to the property that we need to serve the public in the future. What we do with this yard now is some maintenance of BART vehicles, some modification of vehicles, storage of materials, train storage, and employee training. We have about 280 employees at the BART yard now over a 24-hour cycle.

There are three reasons why we are proposing to do this project. One of those is expansion projects. Warm Springs, which is under construction now, going from Fremont down towards the county line; Oakland airport connector, connecting the airport to our Coliseum station; eBART, which is under construction, eastward from Pittsburg/Bay Point ten miles; and BART to

San Jose, the Berryessa phase. So all these things mean that the number of BART riders is expected to expand in the future. Our typical ridership in a day is approaching 400,000. So we expect to have additional riders in the future. And this yard would help us with that.

The second reason is we are acquiring more BART cars in the future. We currently have 669 vehicles. We will be expanding to 1,000 to serve those additional riders. We are expecting the new vehicles to begin to arrive in 2017. That expanding fleet requires better maintenance and storage facilities.

And the third reason is we are entering into a maintenance process that we call the strategic maintenance plan. We want to be able to take care of our vehicles better. We don't want to wait until they break down. We want to have scheduled maintenance that require specialized facilities that we would put here at the Hayward maintenance complex.

The benefit of turning the Hayward yard into the Hayward maintenance complex is: Greater vehicle reliability, more service for our riders, longer and more frequent trains, improved rider amenities, and better on-time service. So all good things for the public, whether you ride BART or you don't ride BART and

your neighbors ride BART, which helps you on the roads.

So our planned phasing. As I said, it's westside property reuse from the industrial uses that are in those two buildings now and the eastside vehicle inspection area being enlarged. Phase II would be the eastside storage and access tracks.

This just shows what's going on. We are not in negotiations with those property owners yet. We are hoping to acquire it. As I said, the whole project is proposed. Acquisition would be in the future and funding is yet to be determined.

Just really quickly, in the Phase I elements what we would do with those properties: an overhaul, a compound repair shop, a central warehouse, enlarged shop and storage, enhanced vehicle inspection, and switches north and south of Whipple road.

We are seeking funding now. We are considering state, regional, and local funds. We are not, of course, going to ask the City of Hayward or Union City to participate in this project. If funding is secured, we could begin work on this phase in 2013.

Phase II has a proposed storage and transfer tracks up here on the north side, and possible flyovers. We had a question at the Hayward City Council meeting as to what a flyover would look like if we were on Carroll

Avenue. So we put this photo simulation together. This is a series of photos taken by a person with his back to the fence -- this person right here -- his back to the fence on Carroll Avenue. And what you would see that would be different would be the tops of BART trains right here in storage. And if we did the north flyover, you would see an elevated train over here. The flyover lifts the train over the track facilities. So that's what would be different from those homes.

Same thing: Storage and switches. Phase I groundbreaking could be 2013. Phase II dates are not set at all. Funding for both phases is yet to be determined.

Possible impacts from both phases: During construction there would be traffic noise and vibration. The traffic would be primarily trucks off and on Whipple Avenue. During the operations phase, it could be noise and vibration and visual changes. We do expect to be able to mitigate all these impacts to below a level of significance. An example of a visual change in Phase I would be removal of some trees on the west side. We would replace those trees. That's how we would have an impact and then mitigate it. The eastside elevated flyover, there would be more tracks and more lighting for security.

What we are doing right now is environmental analysis, asking the public to give us their thoughts on it. We are determining the impact and mitigation. We are seeking Phase I funding and we are completing design work on that.

This is our third comment meeting tonight. And we are seeking comments through February 11th in writing. So you can give them to Freddie tonight. You can write on your comment card. You can mail that to me. You can email me to let me know of any comments you have.

We're available to hear your thoughts and questions.

UNIDENTIFIED MEMBER OF THE PUBLIC: Where is the money going to start coming from -- the federal government, state government, private donations, pass a tin can as we leave?

MS. SMITH: We are looking at local. We are looking at regional. We have a couple of BART projects going on that are funded with bridge tolls, for instance. That's regional money managed by Metropolitan Transportation Commission. We will look to the state. We will see if there's federal money. We'll look at all partners who would benefit from it.

PH2-1

UNIDENTIFIED MEMBER OF THE PUBLIC: I think

BART, for us -- my wife and I -- it's wonderful. Anything you guys can do to expand it and get more cars off the freeway is money well spent.

MS. SMITH: Okay. Thank you.

UNIDENTIFIED MEMBER OF THE PUBLIC: How much money are we talking about here -- Phase 1, Phase 2?

RIC RATTRAY: Phase I and Phase 2 combined, about $500 million. Phase I, with the property acquisition included, is just over 300. So we get a lot of money that we need to pull together just to do Phase I. Phase 2 is a lot of money. So we are working on it. I think there's clearly some benefit to the VTA. We are negotiating with them to participate in this with us.

PH2-1 Con't

MS. SMITH: VTA is Santa Clara County Extension.

MR. RATTRAY: That's going to provide some of the funds. And we're working diligently to try and find other sources.

UNIDENTIFIED MEMBER OF THE PUBLIC: Is this something that could get scored through MTC for the project or the projects that it would get favorable scoring to garner some funds?

MS. SMITH: We are hoping. It's on the transportation improvement list, so it's going through there. We did try and seek federal funds last year, two

times -- what's called the TIGER grants; and it was not successful. So we are hoping that we are able to tell a story about the improvements to the transportation system in the area and that that would bring some money our way.

MR. RATTRAY: When we did apply for those stimulus funds, MTC was supportive.

UNIDENTIFIED MEMBER OF THE PUBLIC: Would this project impact any of those other things -- the BART extension, the connector to Oakland Airport? Would it impact any of those projects that you have in mind in terms of funding to ridership? PH2-2

MS. SMITH: This would support all of those extensions.

UNIDENTIFIED MEMBER OF THE PUBLIC: But it wouldn't take money away from them?

UNIDENTIFIED MEMBER OF THE PUBLIC: No, no. Those guys are committed. I think we have eBART up on there, Oakland Airport connector, the possibility of going to Livermore and Berryessa. We cannot shift money around in that sense, so this would support those and not be funded by them.

UNIDENTIFIED MEMBER OF THE PUBLIC: So you can have Phase I without Phase II? If you find the funding for Phase I, you'll go ahead with this? PH2-3

MR. RATTRAY: Oh, absolutely.

PH2-3 Con't

UNIDENTIFIED MEMBER OF THE PUBLIC: And if Phase II never happens, unfortunate, but --

MR. RATTRAY: We designed it so that they're independent of each other: Phase I is the one that's more important. You see, we have all these cars coming and we don't have anywhere to maintain them at this point. So Phase I is a priority.

UNIDENTIFIED MEMBER OF THE PUBLIC: The reality is that it will be really tough to get this money. And what's the scenario where the money is not

PH2-4

obtained for this expansion? Of those four projects, which ones will not go forward as a result of not getting this money? Obviously, you're here to expand. But if you don't get it, what falls off the table?

MS. SMITH: None of those four does.

MR. RATTRAY: There's some prioritization amongst the four. But we believe we are going to get enough money to acquire the property and then Building No. 3, which is components repair. That's what we need when we get the vehicles, because we have to store the additional components for two fleets. So we do Building No. 3 as one of the first priorities.

The warehouse doesn't take a lot of money in improvements. Of course, we're paying a lot of money to

lease warehouses. So we may do the warehouse, since it will benefit it in other ways by having that done. So that leaves the two buildings at the end. And most likely the last one would be the teardown and the rebuild. That probably isn't needed as quickly. So that's -- but the idea is that we figure out how to fund all of them.

UNIDENTIFIED MEMBER OF THE PUBLIC: The expansion to Berryessa is going to require a lot of hardware. And if this doesn't happen-- is that still going to happen?

PH2-5

MS. SMITH: We are optimistic that this is going to happen.

UNIDENTIFIED MEMBER OF THE PUBLIC: How many calendar days to complete Phase I once you get the go-ahead and have the money?

MR. RATTRAY: That's hard to answer, because it depends if we do it all at once. At this point we are really very preliminary in the design and engineering and constructibility. Most likely it's going to be phased based on funding. My preference would be to do it all at once. It would be more economical, but it may not be doable.

PH2-6

UNIDENTIFIED MEMBER OF THE PUBLIC: One year? Two year? Three years?

MR. RATTRAY: If we were to do it all at once, I'd say two and a half years.

UNIDENTIFIED MEMBER OF THE PUBLIC: Does anybody know how many jobs this would bring in -- the Phase I? PH2-7

MR. RATTRAY: When it's in operation -- Don, do you happen to remember that? I think I told Mimi it was a couple of hundred.

DON DEAN: I think it's more than a couple of hundred. It's in our environmental document. The number is not on the tip of my tongue. But some of the jobs that are currently at Hayward yard would transfer to these new warehouses that we're talking about. And then there would be some new jobs overall. So the number of employees at Hayward yard would go up, probably by a couple of hundred. If somebody has their document, they can look through it and find that number.

UNIDENTIFIED MEMBER OF THE PUBLIC: I'm just thinking it has on there transportation, traffic, that you have -- what might need to be mitigated is just construction-related, but I don't see anything there for when everything is operational -- the issue of the increased traffic to the neighborhood of a couple of hundred people coming to work here. And was there any consideration of that? PH2-8

MR. DEAN: We did do a traffic analysis; and we looked at the number of vehicles. We don't think the total vehicle count is going to change that much. And, certainly, the road system can handle it. We will probably want to do a reconfiguration of that driveway off of Whipple to make it a little safer connection. One of the things we will do: The driveway from Whipple will go all the way through the BART property and come out at the industrial end of the property.

MS. SMITH: Here's where we'll put the additional employee parking. So it would be off of Whipple on the west side.

MR. RATTRAY: And there will be multiple shifts. It's not one shift. So you're looking at a couple of hundred people over three shifts. So it's pretty dispersed.

PH2-9 UNIDENTIFIED MEMBER OF THE PUBLIC: You've got a couple of situations with that property, especially on the Whipple side. There used a middle school there, which had horrible congestion problems. and you have the railroad tracks there. And it's when you don't want to be stopped that the train comes. It's a freight train at five miles per hour and it's a three-mile-long train. It always happens that way. And although that school is closed now for a middle school, there are about three

small private schools that are renting that space from the school district. So there are students there. And there is a number of people in the community that are actively seeking to have that school reopened as a middle school. So who knows? By 2013 or '14, if this project goes and you're up and running right where you're going to have the traffic, construction and then later on people, you could have a ton of kids and a ton of people carpooling their kids, in addition to the railroad track.

PH2-9 Con't

MR. RATTRAY: And what middle school is that?

UNIDENTIFIED MEMBER OF THE PUBLIC: It's called Barnard White. And it's New Haven School District. So that's just something to keep on your radar.

UNIDENTIFIED MEMBER OF THE PUBLIC: What's going to be stored in the warehouse? What's this warehouse for?

MR. RATTRAY: BART has all kinds of parts and -- I can't tell you everything that's in it -- but lots of train parts. It's mostly train equipment.

PH2-10

UNIDENTIFIED MEMBER OF THE PUBLIC: So the best I can get here is stuff?

MR. RATTRAY: Yeah. I'm not an expert on what's in the warehouse. What's your concern?

UNIDENTIFIED MEMBER OF THE PUBLIC: We have a lot of problems with BART. We're backed right up. A few years ago -- well, it's every time you build something back there, every time there's construction.

PH2-11 A few years ago we got over run with mice.

MS. SMITH: Are you sure they were our mice?

UNIDENTIFIED MEMBER OF THE PUBLIC: We've had opossum, we've had skunks. Every time there's any kind of construction going on back there, everything comes our way. I am not real happy to hear that you're going to increase the lights back there, because, frankly, we

PH2-12 sleep at night. And you're going to run three shifts. I don't think that's a good thing. I don't think that's to my advantage.

UNIDENTIFIED MEMBER OF THE PUBLIC: We have three shifts now. And he's right. We also have tons of lights. They are unbelievable.

PH2-13 UNIDENTIFIED MEMBER OF THE PUBLIC: During the summer, you look up at the lights and there's this massive ball of insects flying around it. And everything is coming our way.

UNIDENTIFIED MEMBER OF THE PUBLIC: And we have dogs back there also. Our dogs are -- anything

PH2-14 that comes across that fence is right in our yard, right there.

UNIDENTIFIED MEMBER OF THE PUBLIC: Or under our house. So we are just letting you know, once you guys do construction back there, the varmints just move.

UNIDENTIFIED MEMBER OF THE PUBLIC: We don't have any other neighbors that I see that's familiar on our street.

UNIDENTIFIED MEMBER OF THE PUBLIC: Well, they progress up into the neighborhood. The varmints just don't stay at Carroll.

PH2-14 Con't

UNIDENTIFIED MEMBER OF THE PUBLIC: And it's always after you guys are building something back there.

UNIDENTIFIED MEMBER OF THE PUBLIC: Anything moves back there, we get it.

So maybe if we can give you the termite bill -- the rat bill, the BART bill.

UNIDENTIFIED MEMBER OF THE PUBLIC: Get some cats.

UNIDENTIFIED MEMBER OF THE PUBLIC: Is there any way of shielding those big tall lights there? Two of them shine right in my bedroom window. They're pretty bright. Fortunately, I have shutters on my windows and I can close them up. Those things are incredibly bright. If you could just figure out some way to shield that light from hitting us all in the face.

PH2-15

MR. DEAN: One thing we can say is that for Phase II for the storage yard, the lights are all designed to have the downward shielding to focus the light downward.

UNIDENTIFIED MEMBER OF THE PUBLIC: How far are these lights going to be from the fence?

PH2-16

MR. RATTRAY: Which fence?

UNIDENTIFIED MEMBER OF THE PUBLIC: Our fence on Carroll.

MR. RATTRAY: Probably close to a couple of hundred feet. But if the lights we're talking about are lower lights --

UNIDENTIFIED MEMBER OF THE PUBLIC: If you're to have three shifts, you're going to want to light it up so the trucks can get in. Stuff is going to go on all night.

PH2-17

MR. RATTRAY: Phase I and Phase II are different. Phase I is where there's three shifts. That's in the existing warehouse. That's on the other side of BART main line.

UNIDENTIFIED MEMBER OF THE PUBLIC: It's just the number of people and trucks you're going to be bringing in is going to be increased.

PH2-18

UNIDENTIFIED MEMBER OF THE PUBLIC: What you say is that there will be about 350 employees. 135

PH2-19

PH2-19 Con't

would be existing employees. And 215 employees would be new employees to the site. Would they be BART employees already or old people or new people you're going to hire?

MS. SMITH: It's not determined.

PH2-20

UNIDENTIFIED MEMBER OF THE PUBLIC: So, as a goodwill gesture, can someone go to contact Hayward yard and check with them about the lights that they have currently and see if they can be corrected to be similar to the lights you're proposing be baffled?

MR. RATTRAY: Get them to shield it somehow?

UNIDENTIFIED MEMBER OF THE PUBLIC: That would be really nice. Pass the word on to them now.

MR. RATTRAY: Find out how to get that done.

MS. SMITH: Okay.

PH2-21

UNIDENTIFIED MEMBER OF THE PUBLIC: Where does the electrical come from -- the high voltage come from that supplies your line? I was told years ago it came right down over our high wire.

MS. SMITH: No. It's a thousand volts.

MR. RATTRAY: 35 KB comes in at the substation.

MS. SMITH: It's not sent through residential neighborhoods. It's all within our corridor.

UNIDENTIFIED MEMBER OF THE PUBLIC: I've been

told by PG&E that the lines that are going down here do affect you guys somewhat. They are part of your line. There's a higher voltage. Comes right down Purcell.

PH2-21 Con't

MS. SMITH: That must be something other than the power for the trains.

UNIDENTIFIED MEMBER OF THE PUBLIC: It is a source of power for you guys only.

MS. SMITH: Okay. Other thoughts?

UNIDENTIFIED MEMBER OF THE PUBLIC: A spinoff on the lighting: Let's talk about noise. So these cars as they come in -- the automobiles -- the workers. So, first of all, it's going to operate twenty-four hours/seven days a week. The next is cars are going to be coming and going on shifts. So when they go outside they are going to be hitting their auto unlock so the cars will be beeping, locks will be beeping. BART also has a sound when it comes into a station. So is that sound going to be beeping as they move cars back and forth -- because any truck, any equipment has to have that bell or a beeper for OSHA. So every time a truck backs up, you're going to hear a beep, even if it's a pickup truck. So this is going to be going on twenty-four hours seven days a week.

PH2-22

And, in addition, typically a site this large, workers will carry some kind of a radio. So you have

PH2-22 Con't

the radio going off all the time.

And sometimes outdoor speakers make an announcement. So are there going to be any outdoor speakers throughout the facility?

And then any work that's done on the car -- to any equipment -- so if they're taking off the wheels or the tires, that's pretty hard. That's some pretty big equipment that you need to be pounding on that stuff to get it apart. So exactly what is this noise profile throughout the twenty-four hours a day seven days a week? How is that being mitigated?

MS. SMITH: We think that the design of the facility will keep the noise below a threshold of significance. We've done a noise study in some detail. We know where we would be putting sound walls in. Those sound walls are located south of Whipple Avenue; and they're shown in the drawings behind you. So that is how we expect to mitigate the noise associated with the trains.

Now, the train storage on the east side, that would all be movement at low speed. There won't be any BART-speed activity on those storage tracks. And the flyover also will be at much lower speeds.

Trucks beeping? Possible. I mean it's employment. That's simply what happens when we do work.

It affects people.

UNIDENTIFIED MEMBER OF THE PUBLIC: So early in the morning -- and I know what he's talking about. Early in the morning, like 4:30, 5:30 in the morning, you hear backing up of cars. And BART is not even out there now. They've got people that are working in those warehouses that we hear 4:30, 5:30 in the morning. So if we have a complaint, we just call BART and tell them what's going on?

MS. SMITH: We're here to hear your comments.

MR. RATTRAY: We looked at a lot of types of uses that are currently going on there; and we don't PH2-23 think we will have anything more significant. Might even be less significant than what's currently there.

UNIDENTIFIED MEMBER OF THE PUBLIC: In the summertime the cement factory right there on Whipple -- I could hear them beeping.

UNIDENTIFIED MEMBER OF THE PUBLIC: Sure. And we're right there on Carroll. She is not. We are right there. That's our main concern -- our lack of sleep. 4:30 in the morning is pretty tough. And you can hear that sometimes two or three days a week. So BART's going to have operations for seven. I understand where he's coming from. That's a lot of noise back there. A lot.

UNIDENTIFIED MEMBER OF THE PUBLIC: And, also, I thought there were studies done on the freeway sound walls. And, yes, it prevents the sound from directly to the people on the other side of the sound wall. But it was my understanding the sound bounces off the wall and has a tendency to go even further than if you did not have the sound wall. So what's the theory on that? And have you done a sound profile?

PH2-23 Con't

MS. SMITH: Yes. We have a sound study. In fact, it's available on the BART Website. You go to bart.gov/hmc, you can find what we call related documents. There's a detailed noise and vibration report on there.

UNIDENTIFIED MEMBER OF THE PUBLIC: And is there a noise profile with color contour on the DV?

PH2-24

MS. SMITH: Yes.

UNIDENTIFIED MEMBER OF THE PUBLIC: There are existing walls there now, are there not?

MS. SMITH: Not sound.

MR. RATTRAY: We're proposing to put walls where noise is identified. I believe, if there are existing walls, we are just going to make them a little bit higher.

PH2-25

UNIDENTIFIED MEMBER OF THE PUBLIC: South of Whipple it's just a sound wall.

PH2-25 Con't

UNIDENTIFIED MEMBER OF THE PUBLIC: That's where you're proposing a new wall, right?

MR. RATTRAY: Right.

MS. SMITH: And in Phase II.

UNIDENTIFIED MEMBER OF THE PUBLIC: How high are those walls now and how high will they be?

MR. RATTRAY: I can't tell you the height. I think they will be three feet higher.

MR. DEAN: That sounds about right. I'm just guessing. I'm not sure I want to guess. They are somewhere in the neighborhood of ten to twelve, currently. Then the BART wall probably be about three feet higher than that.

PH2-26

UNIDENTIFIED MEMBER OF THE PUBLIC: I've been in the maintenance yard building where they do the chewing of the wheels. And you were asking about the noise of them working on the cars. They actually work on the cars inside; and if you're outside you can't hear them working on it. And they go into pits underneath the trains and work on all the wheels and the mechanisms in the pits underneath it. So if you're outside, right outside the building, you can't really hear, even. So it's maybe the backing up of the cars outside you might hear. But you're going to hear that from all the other businesses in the business park anyhow, because we do

PH2-26 Con't

live in an area where there's a business park. But we just don't want so much super extra noise.

PH-27

UNIDENTIFIED MEMBER OF THE PUBLIC: Does maintenance for the cars go on 24 hours a day there?

MS. SMITH: It can.

UNIDENTIFIED MEMBER OF THE PUBLIC: I mean now.

MR. RATTRAY: I think there's small amounts of work at night.

PH2-28

UNIDENTIFIED MEMBER OF THE PUBLIC: When the new complement of cars come, will there be more work going on in the sense of 24 hours a day or just a day shift and a minimal amount on the midnight shift?

MR. RATTRAY: Pretty much the profile is less on the evening shifts.

MS. SMITH: As we receive the new vehicles, they won't all be arriving at once. There will be small numbers of new vehicles arriving and going through testing and profiling.

PH2-29

UNIDENTIFIED MEMBER OF THE PUBLIC: On your diagram over here it seems like you're wanting more space for storage of all these cars and, of course, the maintenance of them. And of the Hayward yard, what's the percentage of maintenance that's done there versus Richmond and other sites that you mentioned where they

PH2-29 Con't

do work? Is there more done here?

MS. SMITH: In the future, when we get to the strategic maintenance program, there will be more done here than at the other sites. We have Concord, Daly City, and --

MR. RATTRAY: The new overhaul shop is scheduled to take every train in a five-year cycle. They will have it there for about two weeks for scheduled overhaul. So trains will come in and stay for two weeks and then they'll be replaced with another. Twelve bays in there. So basically, if you say twelve bays in two weeks, basically it will be one train that relocates in and out every day.

UNIDENTIFIED MEMBER OF THE PUBLIC: When you have your San Jose extension, I'm assuming that it will go all the way around San Jose and back up the Peninsula?

MS. SMITH: There's two phases. One goes to Berryessa and the other goes to Santa Clara County, up towards the University. We are not going to take out Caltrain.

PH2-30

UNIDENTIFIED MEMBER OF THE PUBLIC: But once you get down to -- San Jose seems to have miles and miles of everything down there, meaning land. So could you expand more down there --

MR. RATTRAY: At the end of the line there, where you have a big shop and yard facility planned, they're looking at one originally at the end of Berryessa. However, we are working with them so that those funds go towards this project instead of building something there that doesn't give us the full utilization that we need. We would rather them build everything at the end of the line in Santa Clara. So there's a significantly large yard proposed at the end of the line in the next phase of VTA's Santa Clara station. They'll have a big yard down at the end there.

MS. SMITH: Other comments?

UNIDENTIFIED MEMBER OF THE PUBLIC: The thing that bothers me is that, once this is done, if changes need to be made, they won't be. This lady just told you she has lights in her bedroom window. Did anybody take her name? Did anybody get a phone number? Did anybody have a suggestion? I mean it's just -- what's going to happen is it's going to stop right as soon as you guys get what you want.

PH2-31

MS. SMITH: Walter Gonzales can take any comment on a topic other than the environmental document that we have out for this proposed project. So this woman or anybody else --

WALTER GONZALES: Talk to me afterwards.

MS. SMITH: He's got a card. He's got an email. He'll be pleased to respond.

MR. GONZALES: So what Ellen is here to do is to talk about this project and take all your comments. When she's done, if there's anyone who wants to visit with me, please free to do so.

UNIDENTIFIED MEMBER OF THE PUBLIC: How come you don't have lights on that list?

PH2-32

MS. SMITH: We have visual.

UNIDENTIFIED MEMBER OF THE PUBLIC: It's not aesthetics.

MR. DEAN: We did talk about lights. And we thought the most important issue regarding lights was the storage tracks on the east side in Phase II. And we purposely tried to keep those light heights down. The lights you see, for instance, in the photo montage, those are 40 feet tall. Those are the ones probably that this lady is speaking about that. The lights that are proposed for the storage tracks are much lower. They're more like 12 to 18 feet. And we are trying to shield those for energy conservation so the light goes where it's supposed to go and also to prevent the visual glare on the neighbors.

UNIDENTIFIED MEMBER OF THE PUBLIC: It can't be 12 feet. You can't drive a truck under it.

PH2-33

MR. RATTRAY: We're lighting the area between the tracks and the storage yard.

MS. SMITH: A BART train is ten feet high -- ten feet above the top of the rail.

MR. RATTRAY: And there are no trucks driving in that area.

MS. SMITH: Other comments?

UNIDENTIFIED MEMBER OF THE PUBLIC: I'd like to stay on the sound here. So you have a public document -- public review copy, do not remove. I can live with that. You have this information available in other places. But I thought this is supposed to be kind of open, free information. Now you're sending me to the BART Website on the noise profile --

PH2-34

MS. SMITH: You can take that.

UNIDENTIFIED MEMBER OF THE PUBLIC: -- when, in fact, it does not have the noise profile.

So we are talking about BART transparency here. It's nice to have a gathering, nice to call people together, nice to see old friends. But the real issue here is noise and the real issue is the lighting problem and you still haven't addressed it.

MS. SMITH: I'm here to hear comments and to provide information. So I can provide, actually, a hard copy or a CD of that document if you don't want to get

it off the BART Website. That's very specific to noise and vibration. So that is publicly available since December 3rd. So we are offering that for people who are able to look in detail at the noise and vibration profile. I'd be happy to take comments on it.

UNIDENTIFIED MEMBER OF THE PUBLIC: It sounds like the solution to everybody's problem is to cover the entire yard, the whole facility. PH2-35

MS. SMITH: Okay.

UNIDENTIFIED MEMBER OF THE PUBLIC: And what was the permit process for installing the lights that are there right now? What did you have to go through to get those? PH2-36

MR. RATTRAY: Those have been in there since 1970.

UNIDENTIFIED MEMBER OF THE PUBLIC: But they're brighter now than they ever were before. PH2-37

MR. RATTRAY: I respect that. I understand that. Mimi knows how to get hold of me. I've known Mimi for 17 years. But that's something we can follow up. It's unrelated to this project.

But the -- so the existing ones I can't give you specifics on tonight. The new project we are definitely designing them to be lower, lower intensity, spotted on the cart paths. So I think those are not

going to be an issue. I do understand. I can see from here the other ones are big, tall lights, like on a football field. But I can't address those. I'm not prepared to tonight, but I can request BART to look into and it to make that a project to deal with it.

UNIDENTIFIED MEMBER OF THE PUBLIC: Will the noise of construction of Phase I or Phase II be any more than it is now?

PH2-38

MS. SMITH: The construction?

UNIDENTIFIED MEMBER OF THE PUBLIC: Or afterward. The operations -- more the operations.

MR. RATTRAY: Most of the noise would come with the switches in here as part of Phase 2, which is all south of Whipple. But that's where we have the mitigation measures with the sound wall. The existing shops, when they're done, there's not going to be any more noise than there currently is. The main noise right now from the BART trains is, I would presume, with the speed. We don't affect that with this project.

UNIDENTIFIED MEMBER OF THE PUBLIC: That's nothing with the noise we hear all day long. We're used to those trains going back and forth.

PH2-39

MR. RATTRAY: But there's nothing we do that makes that worse. Ours will be incidental background that you can't even tell, relatively.

UNIDENTIFIED MEMBER OF THE PUBLIC: I don't know if it affects you or not, but Amtrak, UP, and others are proposing to actually reactivate the main WP line, which is on the west side.

MR. RATTRAY: The spur over there?

UNIDENTIFIED MEMBER OF THE PUBLIC: Yeah.

MR. RATTRAY: Yeah. It serves Pacific Pipe, I think.

UNIDENTIFIED MEMBER OF THE PUBLIC: Yeah. And the other industrial area on the west side there. They're talking about reopening that and actually making it one-way traffic using on that way and on the existing one the other way. Has that been checked into or anything that could affect your doing that?

PH2-40

MR. RATTRAY: We are aware that they had an environmental document for a project there with the spur track. And it's really independent of and does not affect us, as far as we know.

UNIDENTIFIED MEMBER OF THE PUBLIC: What about on the north end there, which might affect you somewhat on that area?

MR. RATTRAY: Well, they would have to get permits to fly over our right-of-way.

UNIDENTIFIED MEMBER OF THE PUBLIC: I think they're planning to split it, basically, and use it

so -- where the existing tunnel is. Where BART and the other goes, I think they're talking about going sideways there and actually making it one way on the west side and then on the east side --

MR. RATTRAY: I don't know the specifics. I know they did an environmental with the spur track behind the warehouse building.

PH2-40 Con't

UNIDENTIFIED MEMBER OF THE PUBLIC: You don't think that will affect you at all in that regard?

MR. RATTRAY: I don't think so. It's not going to affect our operations. It might mean that, if they get that three-mile train going on that track, you can't get there as quickly.

MS. SMITH: Thank you for that comment.

UNIDENTIFIED MEMBER OF THE PUBLIC: With traditional trains, when they couple, there's a real vibration about a quarter of a mile away. Especially at night, they have a lot of heavy freight. Is that going to be an issue on Phase 2 with the storage? I mean is that traditionally BART trains coupling together? Is there a vibration issue?

PH2-41

MR. DEAN: I've never heard of that as a BART issue. I understand it's a freight train issue. I'm not aware --

MS. SMITH: We make and break our -- some

trains -- during the day. And it would not be any different from what we do now, which is definitely not a quarter-of-a-mile away vibration problem.

MR. RATTRAY: I've never heard of it being an issue. I don't think we can address it specifically. Never heard of it before.

UNIDENTIFIED MEMBER OF THE PUBLIC: I heard you mention earlier that there was possibly in Santa Clara of a similar type of project as this one. Now, is there any sort of kind of conflicts between that one happening and this one happening? You guys want this one versus that one?

PH2-42

MS. SMITH: This one is preferable and earlier. The yard we're talking about is at the end of Santa Clara. It's in a future phase of an extension down there. So it's not on the horizon. To preclude this one.

UNIDENTIFIED MEMBER OF THE PUBLIC: So is that one funded -- the Santa Clara? That one is already in the process?

MR. RATTRAY: No, not at all. That would be an end-of-line primary yard, like at Concord or Daly City. All the functions here are kind of centralized functions for the district.

MS. SMITH: If there's no other comments,

Freddie's available for anything that you'd want to provide to him other than what you've said here. We are so glad you could come tonight. And we'll stick around for a while and talk further if you'd like to. Thank you very much.

COMMENT MADE DIRECTLY TO COURT REPORTER

JIM GILMORE: We seem to have a communications problem. This was the first notification I got of anything going on about this yard. This last mailing that just came out, this one back in November or whatever, I never saw that. This was the first one that we just got the other day, the first notification I've seen in regards to what's proposed on the Hayward yard. And the newspaper is not necessarily the best way to notify people; and the mail sometimes can get a little dicey itself.

PH2-43

[Public comments ended at 7:43 p.m.]

STATE OF CALIFORNIA)
COUNTY OF SAN FRANCISCO)

CERTIFICATE OF REPORTER

I, FREDDIE REPPOND, a duly authorized Shorthand Reporter and licensed Notary Public, do hereby certify that on the date indicated herein that the above proceedings were taken down by me in stenotype and thereafter transcribed into typewriting and that this transcript is a true record of the said proceedings.

IN WITNESS WHEREOF I have hereunto set my hand on this 1st day of February, 2011.

_____

FREDDIE REPPOND

2140 Shattuck Ave., Ste. 405
Berkeley, CA 94704
510.486.0700

PH2 BART Public Hearing on January 20, 2011

PH2-1 The commentor questions the sources of funding for the proposed project and expresses support for expansion of BART services. This comment does not pertain to the proposed project's compliance with CEQA or the adequacy of the Draft IS/MND. As such, no response is necessary. However, a response was provided during the BART public hearing; see pages 12-16 of the public hearing transcript.

PH2-2 The commentor questions whether the proposed project would have funding and/or ridership impacts on other BART projects such as other BART extensions or the Oakland Airport Connector. This project would not take funding or riders from other projects Moreover, as stated in the Final IS/MND, page 3, the proposed project would help meet future maintenance needs associated with service expansions and additional riders as well as regional population growth.

PH2-3 The commentor questions whether Phase I of the proposed project can be implemented without implementation of Phase II. As stated in the Final IS/MND, page 20, each component of the proposed project could be constructed independently of the others, and Phase 1 and Phase 2 could be separated by many years.

PH2-4 Please see response to comment PH2-1.

PH2-5 The commentor questions whether the Santa Clara Valley Transportation Authority's project to extend BART service to Berryessa will proceed if the proposed Hayward Maintenance Complex (HMC) project does not proceed. As discussed in the Federal Transit Administration's Record of Decision (ROD) for the Berryessa Extension Project, "Maintenance facilities would be located at the existing BART Hayward Yard and Shops Facility. The existing primary shop building would be modified to handle the [Berryessa] Project, including constructing additional lifts. Therefore, no additional buildings are planned to accommodate this [Berryessa] Project. In addition, no new storage tracks would be required as a result of this project." The primary shop modifications necessary to serve the Berryessa project are currently undergoing final design and will be constructed independently of the HMC project. Accordingly, the Berryessa project could operate even if the HMC project evaluated in this IS/MND is not constructed. Nevertheless, as discussed in the Final IS/MND, page 3, the HMC project, including additional buildings and new storage track, is intended to accommodate future maintenance needs attributable to both regional ridership growth and BART extensions, including the Berryessa project as well as other projects.

PH2-6 This comment pertains to the duration of time required for completion of Phase 1 of the project. As stated on page 21 of the Final IS/MND, Phase 1 could be completed in approximately 36 months if funding is available.

PH2-7 As described on page 116, Population and Housing, of the Final IS/MND, the proposed project would require 350 employees for operation of Phase 1 and Phase 2. It is estimated that of the 350 required employees, 135 employees would be existing employees at the current Hayward Yard and 215 employees would be new employees to the site.

PH2-8 Potential traffic impacts related to operation of the proposed project are addressed in the Section 16, Transportation/Traffic, of the Final IS/MND. As identified in Table 23 on page 121 of the Final IS/MND, operation of the proposed project would result in a reduction of 314 daily vehicle trips compared to the existing uses at the Hayward Yard and existing uses in the westside expansion area.

PH2-9 The traffic analysis included in the Final IS/MND used traffic counts and data obtained from the City that included existing uses in the vicinity of the project site, including any tenants at the Barnard-White Middle School. As part of the Final IS/MND, the New Haven School District was contacted regarding future plans for the Barnard-White Middle School, and according to the New Haven School District it is unknown whether the middle school will be reopened in the future.[5] At this time it would be speculative to address potential cumulative traffic-related impacts associated with the Barnard-White Middle School.

PH2-10 The commentor requests clarification with regard to the contents of the proposed warehouse. As identified on page 15, Proposed Project Characteristics, of the Final IS/MND, the Central Warehouse would be the parts and logistics center for an on-demand warehousing center.

PH2-11 The comment states that previous construction activities at the Hayward Yard have resulted in the dispersion of small animals from the BART property to the surrounding neighborhood. BART is not aware of this happening in the past. However, if it did occur, it is unlikely to reoccur with Phase 1 of the proposed project, as Phase 1 is the acquisition of an existing developed industrial area and its conversion to a similar use. The 6-acre undeveloped area of Phase 1 proposed for the Maintenance and Engineering (M&E) outdoor storage area along the west-side driveway is mowed, disked, and highly disturbed. Most of the vegetation is ornamental. Therefore it provides minimal habitat, and construction in this area is not expected to displace large numbers of animals. Phase 2 would grade a 20-acre undeveloped area along in the northeast corner of the Hayward Yard. Although it is disked on an annual basis, it contains patches of woody vegetation that are left largely undisturbed, and grading this area could displace wildlife. Although displacement of urban wildlife is not considered a significant biological impact, BART would make pest control services available to residents near the grading area for two months following commencement of grading.

[5] Telephone conversation between PBS&J and the New Haven School District, October 18, 2010.

PH2-12 The commentor expresses concern regarding the increase in lighting associated with the proposed project and the operation of three shifts at the project site. As described on page 8 of the Final IS/MND, the Hayward Yard currently operates 24 hours per day. This proposed project would not change this schedule, which was assumed to continue for purposes of the impact analyses in the Final IS/MND. As described on page 34 of the Final IS/MND, there are existing sources of night light from the project site onto surrounding uses. The Final IS/MND determined that construction of the two flyovers would result in a similar level of night light as compared to existing conditions. In addition, new exterior light associated with the proposed project would be provided on 15- to 18-foot-high poles, which would be shorter than the existing 40-foot-high poles and shielded to direct the light downward, in order to minimize the adverse effect of additional lighting. As a result, the Final IS/MND concluded that impacts related to light and glare at night would be less than significant.

PH2-13 As the commentor states, under existing conditions, there are three operating shifts at the project site. See Final IS/MND, page 8. Additionally, the commentor states that the existing Hayward Yard has a substantial amount of lighting. These comments pertain to existing conditions at the project site and do not pertain to the proposed project's compliance with CEQA or the adequacy of the Draft IS/MND. See Response PH2-12 above regarding the proposed project's effect on night light at surrounding uses.

PH2-14 Please see Response PH2-11 above.

PH2-15 The commentor refers to the existing lights at the project site. This comment refers to an existing condition and does not pertain to the proposed project's compliance with CEQA or the adequacy of the Draft IS/MND. As such, no response is necessary.

PH2-16 The commentor requests clarification regarding the distance between the proposed lights on the project site and the fence along Carroll Avenue. The lighting for the train storage yard has not been designed. The worst case situation would be lights placed along the BART property line, which is approximately 130 feet from the backyard fences of residents along Carroll Avenue, although the distance may end up being greater. In any case, the design would incorporate shielding to prevent spillover of light beyond the BART property.

PH2-17 The Hayward Yard currently operates 24 hours per day. Truck activity largely would be limited to the west side of the yard and the warehouses in the proposed expansion area. The proposed train storage area along the east side of the BART property would have a single interior access road, but would not have any truck-related activities.

PH2-18 This comment states that implementation of the proposed project would increase the number of employees and truck traffic at the project site. The proposed project would require 350 employees for operation of Phase 1 and Phase 2. It is estimated that of the

350 required employees, 135 employees would be existing employees at the current Hayward Yard and 215 employees would be new employees to the site. The existing warehouse facilities generate approximately 225 daily truck trips associated with delivery and pick-up services. During operation, the overall daily vehicle trip rate for the proposed project would be reduced by 314 trips, including truck trips, as identified in Table 23 of the Final IS/MND. Therefore, during operation of the proposed project, there would be a reduction of vehicle and truck trips compared to existing conditions.

PH2-19 The commentor requests clarification regarding the source of new employees at the proposed Hayward Maintenance Complex. As noted on page 19 of the Final IS/MND, some of the new employees for the project may be current BART employees who would be relocated to the Hayward Yard as BART functions are consolidated at Hayward; others would be new employees.

PH2-20 This comment pertains to existing lighting at the Hayward Yard. This comment refers to an existing condition and does not pertain to the proposed project's compliance with CEQA or the adequacy of the Draft IS/MND. As such, no response is necessary.

PH2-21 The commentor requests clarification regarding the source of electricity for the site. The electric power is conveyed through the BART corridor and not through the residential neighborhoods.

PH2-22 The commentor expresses concern regarding operational noise impacts and mitigation related to motor vehicles, radios and outdoor speakers, and BART vehicle maintenance occurring at the project site 24-hours a day. As described on page 8 of the Final IS/MND, Hayward Yard currently operates 24 hours a day, 365 days a year. The discussion of operational noise impacts in the Final IS/MND is based on the same schedule and includes some of the noise sources mentioned by the commenter and other sources such as train movements and the traction power substation. Many of the sources described by the commentor will be located inside the new maintenance building. There are no outdoor speakers at the existing Hayward Yard, and are not proposed to be included under the proposed project; therefore, these sources are not included in the noise analysis. Noise associated with the increase in employment at the site, such as from radios, parked cars, or cars traveling to and from the site, was not considered in this analysis. Such noise events may be audible at a distance, but are of short duration and do not add substantial sound energy to the total noise exposure level. Such short duration, low energy events in general do not contribute significantly to daily noise exposure. The employment increase would generally be associated with the west side expansion area on the opposite side of the project site from the residential uses. There would be an increase in activities at the east side storage area; however, because this would be primarily for storage of trains, the largest noise source would be from train movements that are documented in the noise analysis in the Final IS/MND. In addition, the proposed new parking for the project would

only be included in the west side expansion area, and, as shown in Table 23 on page 121 of the Final IS/MND, the project would result in less vehicle trips to and from the site than under existing conditions; therefore, noise impacts from vehicles would be less than significant. BART vehicle maintenance would also be concentrated in the west side expansion area, and would be enclosed within the proposed maintenance buildings. Noise from these maintenance activities was included in the analysis shown in Table 12 on page 100 of the Final IS/MND.

As described on page 99 of the Final IS/MND, operation of the facilities on the north side of Whipple Road would not result in significant noise impacts and so no mitigation is necessary. Significant operational noise impacts have been identified for areas south of Whipple Road related to new crossover switches on the BART mainline. Mitigation Measures NO-1 and NO-2 on page 102 of the Final IS/MND would reduce these impacts to a less-than-significant level.

PH2-23 Existing ambient noise and the effects of sound walls are included in the noise analysis in the Final IS/MND and described in further detail in the noise and vibration study conducted for the proposed project, which is available for review on BART's website at www.bart.gov/hmc, through the link for "Related Documents to the IS/MND". The noise and vibration analysis assessed noise impacts to the areas closest to the project, following standard noise analysis methodology. Noise reflecting from sound walls to more distant areas can occur under very specific physical and environmental conditions. However, since noise dissipates with distance, long-range propagation of noise is rarely an issue and is not expected to be significant under conditions at the project site. The comments regarding noise from existing warehouse operations do not pertain to the proposed project's compliance with CEQA or the adequacy of the Draft IS/MND. As such, no further response is necessary. Also, please refer to Response PH2-24 regarding noise profiles.

PH2-24 The commentor is requesting a color contour noise profile. Contour profiles of projected noise were not created for this project. However, the Final IS/MND provides extensive quantitative analysis of existing and projected noise levels during operation in Tables 10 through 12.

PH2-25 In order to mitigate noise impacts below the threshold of significance, BART would install sound walls at locations where the Draft IS/MND determined that the proposed project would result in significant noise impacts. The locations of proposed sound walls are shown in Figure 13 on page 97 of the Final IS/MND. In addition, Figure 14 provided on page 101 of the Final IS/MND, shows the cross-sectional view of the proposed sound walls in relation to the BART mainline track and test track at the project site. Existing walls in the area are approximately 7 feet tall, as measured from the base of the wall. As identified in Table 13 on page 103 of the Final IS/MND, Sound Wall 01 would be approximately 10 feet tall and Sound Wall 02 would be

approximately 13 feet tall. [6] Furthermore, according to Table 14 on page 103 of the Final IS/MND, the proposed minimum height for Sound Wall 03 and Sound Wall 04 would be approximately 9 feet and 14 feet in height, respectively.[7] Implementation of these sound walls would provide approximately 10 decibels of noise attenuation, which would be sufficient to reduce noise impacts to a less-than-significant level.

PH2-26 The commentor correctly notes that the proposed maintenance activities associated with operation of the proposed project would primarily occur within maintenance buildings. These maintenance buildings would be located in the west side expansion area, west of the BART mainline tracks, a substantial distance from the residential neighborhoods east of the project site. Because maintenance and train-repair activities would occur inside of these maintenance buildings the associated noise would be shielded by the building walls. As noted on page 99 of the Final IS/MND, operational activities north of Whipple Road, including the west side expansion area and associated maintenance activities, would be below the FTA thresholds of significance.

PH2-27 This comment pertains to train maintenance and whether maintenance activities may occur 24 hours a day. As stated on page 8 of the Final IS/MND, maintenance activities currently occur and would continue to occur 24 hours a day.

PH2-28 When new BART cars begin to arrive for acceptance, BART expects activity to be similar to activity during the previous car rehabilitation program, which operated one shift. There is the chance that critical work stations may operate two shifts, but the HMC shops would be predominately one shift. Maintenance activity during late night hours (midnight shift) is predominately track maintenance, and the new car program would not substantially affect that activity.

PH2-29 The commentor requests clarification regarding the percentage of maintenance activities that occur at the Hayward Yard compared to other maintenance sites such as Richmond. Hayward Yard does a greater percentage of the maintenance than the other yards, because the Hayward Yard has a parts warehouse and can provide accident and component repair, which is not available at other yards. Currently, approximately 35 percent of BART maintenance is conducted at the Hayward Yard. The remainder is divided between the Daly City, Concord, and Richmond yards.

PH2-30 This comment pertains to the proposed extension of BART to San Jose. The Santa Clara Valley Transportation Authority (VTA) project to extend BART south into Santa Clara is a separate project. As described in VTA's EIR and Supplemental EIRs for that project, the second phase of the VTA project will extend to San Jose and Santa Clara, and includes a separate maintenance facility that will be constructed in Santa Clara. However, since the first phase of that project will only extend to Berryessa,

[6] Approximate height from BART top-of-rail.
[7] Approximate height from BART top-of-rail.

expanding maintenance capacity in the San Jose - Santa Clara area is not a feasible alternative to expansion at Hayward Yard at this time.

PH2-31 BART is committed to carrying out mitigation measures to reduce impacts to less than significant levels as described in the Final IS/MND, and will adopt a Mitigation Monitoring and Reporting Program, together with the Final IS/MND. The comment regarding existing lighting refers to an existing condition and does not pertain to the proposed project's compliance with CEQA or the adequacy of the Draft IS/MND, to which no response is necessary.

PH2-32 Impacts related to light and glare are included in Section 1, Aesthetics, of the Final IS/MND, consistent with the environmental checklist form provided in Appendix G to the State CEQA Guidelines. Specifically, the potential for the proposed project to result in adverse effects related to light and glare is evaluated under Checklist Item (d).

PH2-33 The commentor suggests that 12-foot-tall lights would not be tall enough to allow truck traffic to pass underneath. There will be no truck traffic within the area where 12-foot-tall lights will be installed, between the existing tracks and the storage yard.

PH2-34 As noted in the BART public hearing transcript both the Draft IS/MND and the Noise and Vibration Technical Report are available on BART's website at www.bart.gov/hmc, through the link for "Related Documents to the IS/MND". The noise profiles for existing noise levels are included in Appendix A of the Noise and Vibration Technical Report. In addition, these documents are available for public review at BART's offices.

Impacts related to noise and lighting generated by the proposed project are addressed in the Final IS/MND sections on Noise and Vibration and Aesthetics, as well as in Responses PH2-12 through PH2-13, PH2-16 through PH2-17, PH2-20, PH2-22 through PH2-26, PH2-28, PH2-32, and PH2-33.

PH2-35 The commentor suggests that the entire project site be enclosed to reduce impacts related to noise and light. Impacts identified in the IS/MND related to noise and light can be mitigated to less-than-significant with substantially less costly measures that have been demonstrated to be effective. The suggested alternative to enclose the Hayward Maintenance Complex would be a structural and design challenge since load bearing columns to support the roof would need to avoid the trackwork and the shape of the yard is not regularly shaped. Also, the noise impacts are largely associated with the special trackwork needed to allow trains to switch between the mainline and the storage and/or maintenance tracks. South of Whipple Road, the proposed trackwork occurs in a confined area making a structure infeasible. Finally, a structure enclosing the storage yard alone would be approximately 165 feet by 3,100 feet, which would be significantly larger in scale and mass than surrounding buildings. The costs of such a structure would be prohibitively costly and result in significant visual quality impacts.

Moreover, construction-related impacts from noise, air quality, and traffic to haul in additional materials would likely be significant.

PH2-36 This comment pertains to the permitting process for the existing lights at the Hayward Yard. This comment does not address the adequacy of the Draft IS/MND or the proposed project's compliance with CEQA. As such, no further response is necessary.

PH2-37 This comment pertains to the brightness of the existing lights at the Hayward Yard. This comment does not address the adequacy of the Draft IS/MND or the proposed project's compliance with CEQA. As such, no further response is necessary.

PH2-38 As described on page 99 of the Final IS/MND, operation of the facilities on the north side of Whipple Road would increase noise levels above existing conditions, but the increase would be less than significant when compared to the FTA significance thresholds. As such, no mitigation is necessary for areas north of Whipple Road. Significant noise impacts have been identified for areas south of Whipple Road related to new crossover switches on the BART mainline. Mitigation Measures NO-1 and NO-2 on page 102 of the Final IS/MND would reduce these impacts to a less-than-significant level.

PH2-39 This comment pertains to noise generated by operation of the existing Hayward Yard. This comment does not address the adequacy of the Draft IS/MND or the proposed project's compliance with CEQA. As such, no further response is necessary.

PH2-40 The Final IS/MND on pages 126-127 addresses the Capital Corridor Program and improvements and service changes proposed for the UPRR rail corridor along the west side of the HMC project site, and considers the potential for cumulative impacts together with the proposed project. The improvements proposed under the Capital Corridor Program include changes to the Whipple Road grade crossing. As noted in the Final IS/MND, the proposed project would not result in significant cumulative impacts or conflicts at the UPRR grade crossing.

PH2-41 Unlike heavy freight trains, the coupling or de-coupling of BART trains does not generate substantial vibration. BART trains have couplings that are well lubricated and the train cars are relatively light weight, which results in less vibration than would be expected for a heavy freight train. Furthermore, coupling and de-coupling activities occur on an ongoing basis now.

PH2-42 Please see Response PH2-30 above. As described in the Santa Clara Valley Transportation Authority's EIR and Supplemental EIRs, the second phase of the BART extension to San Jose and Santa Clara is not yet funded, but will include a separate maintenance facility serving that project, to be constructed in Santa Clara. The proposed Hayward Maintenance Complex project would serve system-wide needs of the future BART fleet and has a different purpose than an end-of-line yard in Santa

Clara to serve that extension. Accordingly, the construction of the proposed project would not preclude a future maintenance expansion in Santa Clara.

PH2-43 The Draft IS/MND was published on December 3, 2010 and was made available to the public on that date. BART provided notice of availability of the Draft IS/MND by newspaper publication and mailings to the local neighborhood. When it became apparent that some of the mailings were not reaching the local community, BART extended the comment period for the IS/MND, added a second public comment meeting, and sent out an additional round of mailings and notifications. Copies of the document were available for review on the BART website at www.bart.gov/hmc and at the main libraries in Hayward and Union City, as well as BART offices.

Appendix D

Staff-Initiated Text Changes

Appendix D
Staff-Initiated Text Changes

D.1 INTRODUCTION

This section consists of text and graphics changes to the IS/MND made as a result of changes initiated by BART staff to correct any inaccuracies, clarify text, or update information in the IS/MND. These changes primarily include revisions to the noise analysis to reflect the correct FTA criterion for impacts to residences associated with nighttime construction. The project description and noise analysis have been updated to reflect that BART would install the recommended sound walls (SW01, SW02, and SW03) prior to the start of track construction. The project description has also been updated to reflect that construction would occur mostly during the daytime hours for the areas north of Whipple Road; however, there would be some minor activities at the staging areas during the nighttime hours. A 50-foot buffer zone of no activities would be required along the eastern property line to maintain construction activities below the nighttime noise criteria.

The following revisions are organized by their order in the IS/MND. The page number, and when appropriate paragraph and sentence, of where the change(s) to the IS/MND start is noted, and new text is underlined, while deleted text is denoted with ~~strikethrough~~.

D.2 STAFF-INITIATED TEXT CHANGES

Page 3, second paragraph, second sentence, is revised as follows:

> Over the next 30 years, BART will require additional vehicles to meet future demand associated with regional population growth, service expansions for the Warm Springs and Silicon Valley/San Jose extension projects, and additional riders from the Oakland Airport Connector, and eBART~~, and Livermore~~ projects.

Footnote 3 on page 8 is revised as follows:

> There are two sets of Union Pacific tracks that run north-south in the project vicinity. One set is immediately adjacent to the Hayward Yard on the east and the second set is approximately 1,100~~850~~ feet to the west of the first.

Page 16 under "Sound Walls" is revised as follows:

> Along the east side of the BART corridor south of Whipple Road, BART would install three of the four sound walls (SW01, SW02, and SW03) recommended to mitigate operational noise to the adjacent residential uses prior to the start of track construction, in order to reduce impacts from construction noise ~~existing sound walls may be raised or new sound walls constructed, as necessary~~. The recommended fourth sound wall (SW04) is not required for noise mitigation

until Phase 2. See Section 12, Noise and Vibration, and Figure 13 and Figure 14 of this document for more detail regarding the proposed new sound walls.

Page 20, first paragraph, is revised as follows:

The proposed project would require two different approaches to construction. The areas north of Whipple Road provide sufficient area and access to allow traditional construction methods. Construction north of Whipple Road would also occur mostly during the daytime hours; however, there would be some activities at the staging areas during the nighttime hours. A 50-foot buffer of no construction activities would be established along the eastern property line to maintain construction activities below the nighttime noise criteria. Construction of the crossovers and switches south of Whipple Road must take place in a narrow corridor adjacent to an active BART line. The constrained access creates additional challenges not present in the construction areas north of Whipple Road. Potential construction scenarios for both areas are discussed below. Final details of project construction will be determined by BART during final design.

Page 21, seventh paragraph, is revised as follows:

Sound Walls. In order to reduce impacts from construction noise along the east side of the BART corridor south of Whipple Road, BART would install the sound walls (SW01, SW02, and SW03), which are required to mitigate operational noise to the adjacent residential uses, prior to the start of track construction. See Section 12, Noise and Vibration, for more detail regarding the proposed new sound walls.

Page 23, first full sentence, is revised as follows:

Construction of this project is anticipated to begin~~occur~~ in ~~early~~ 2011 and to last for approximately 6 months.

Page 34, Item d, last paragraph, fifth sentence is revised as follows:

Existing nightlight and glare in the surrounding area is substantial and is primarily cast by security lighting for the maintenance yard and industrial buildings.

Page 67, second paragraph, first sentence, is revised as follows:

Currently, the main Hayward Yard stores chemicals associated with day-to-day maintenance and train-washing and cleaning operations, including hydraulic/motor oil; solvents; lubricant grease; chemicals such as sodium hydroxide, sulfuric acid, trichlorofluoromethane~~trichlorofouromethane~~, chlorodifluoromethane~~chlorodiflouromethane~~, among others; train batteries; oxygen and compressed nitrogen; and paints and varnishes.

Page 69, first paragraph, sixth sentence, is revised as follows:

ChemCentral reported soil and groundwater contamination from VOCs, including trichloroethene, tetrachloroethene~~tetrachlorothene~~, cis-1,2 dichloroethene, 1,1,1-

trichloroethane~~1,1,1 trichloroethane~~, 1,1-dichloroethene~~1,1 dichloroehtene~~, benzene, toluene, ethyl benzene, xylenes, acetone, and methyl ethyl ketone.

Page 89, Item d, last paragraph, the following sentence is added before the last sentence:

As noted in Section 12, Noise and Vibration, and above under Checklist Item b., there would be additional noise and vibration from the trackwork south of Whipple Road; however, with mitigation measures proposed in Section 12, impacts would be reduced to less than significant.

Page 102, last paragraph, the following is added after the fourth sentence:

As noted in the Project Description, in order to reduce impacts from construction noise, BART would install three of the four sound walls (SW01, SW02, and SW03) recommended to mitigate operational noise to the adjacent residential uses prior to the start of track construction. The recommended fourth sound wall (SW04) is not required for noise mitigation until Phase 2, and is not included in the construction analysis.

Page 107, first paragraph, is revised as follows:

During Phase 1, the typical noise levels from heavy equipment would range from 53~~54~~ to 72 dBA at the location of sensitive receptors. As presented in Table 15, with the existing and proposed sound walls at Innovation Homes,[63] residences would experience less-than-significant construction noise impacts. Additionally, residences along 11th Street would experience less-than-significant noise impacts during construction of Phase 1.

Page 107, second paragraph, is revised as follows:

During Phase 2, the use of heavy equipment during construction would also generate potentially significant ~~less-than-significant~~ impacts on residences in the Innovation Homes development, specifically along Messina Terrace and La Bonita Terrace~~and along Ithaca Street and Carroll Avenue~~.

Page 107, third paragraph, is revised as follows:

The use of ballast tamping and ballast regulators (for track installation) would result in less-than-significant ~~generate potentially significant~~ noise impacts during Phase 1 at all residences~~three single family homes along 11th Street, nine residences along Alicante Terrace, and eight residences along Carrara Terrace during nighttime construction~~. ~~These homes would experience noise levels up to 77 dBA.~~ During Phase 2, activities involving track installation would be carried out at night and temporary impacts would occur for residences within 75~~190~~ feet. An estimated 15~~32~~ single-family homes at the Innovation Homes development could be significantly impacted by nighttime construction.

Page 107, fifth paragraph, is revised as follows:

Pile driving is expected to exceed the FTA noise criterion for residential receptors within 140 feet of operation during daytime hours. If pile driving is scheduled at night (between the hours

of 10:00 p.m. to 7:00 a.m.) the area of impact could be extended up to 420~~240~~ feet from the alignment right-of-way. However, since no nighttime work would be conducted north of Whipple Road for Phase 2, based on the alignment for the flyovers, which are approximately 300 feet ~~pile driving would occur 400 feet~~ or more from the residential homes, the impact would be less than significant.~~which would result in a less-than-significant impact.~~

Page 107, sixth paragraph, is revised as follows:

Staging areas are proposed on the expansion area and on the existing storage area south and west of the project site. Noise from the staging areas would potentially cause a significant impact for homes within 70 feet of the staging area's property line during daytime hours and 200~~110~~ feet during nighttime. Some of the residential homes that are located along Ithaca Street (specifically on Margo Court, Edna Court, Wendy Court, Fay Court, and Kathy Court) are located approximately 150 feet from the southeast staging area. To ensure that those homes do not experience significant nighttime noise impacts, a buffer zone of approximately 50 feet will be maintained where no noise-generating activity would be permitted during nighttime construction. The buffer zone would extend along the property line within the BART property and would be sufficiently wide to ensure that a minimum of 200 feet is maintained between the staging area and the nearby homes. ~~The closest homes to either staging area would be at least 150 feet from the nearest property line. As a result,~~ With implementation of the buffer zone, construction noise impacts from the staging areas would be less than significant.

Tables 15 and 16 on pages 104 and 105 are revised as follows:

Table 15
Projected Construction Noise Impacts – Phase 1

Location	Distance to Construction (ft)		Criteria		Projected Noise Levels from Heavy Equipment Construction and Track Installation Without Noise Control, L_{eq} (dBA)[1]									
					Heavy Equipment					Track Installation				
							Impact Type					Impact Type		
	Nearest	Farthest	Day	Night	Nearest	Farthest	Day	Night	# Impacts	Nearest	Farthest	Day	Night	# Impacts
11th Street between D Street and Stone Street	500	500	80	70~~75~~	62	62	LTS	LTS	0	66	66	LTS	LTS	0
11th Street between Stone Street and Boyle Street	400	400	80	70~~75~~	64	64	LTS	LTS	0	68	68	LTS	LTS	0
11th Street and Boyle Street	150	300	80	70~~75~~	64~~72~~	64~~66~~	LTS	LTS	0	62~~77~~	56~~71~~	LTS	LTS~~PS~~	0~~3~~
La Brea Terrace	170	550	80	70~~75~~	63~~64~~	53~~54~~	LTS	LTS	0	61~~69~~	50~~59~~	LTS	LTS	0
Alicante Terrace	85	550	80	70~~75~~	69~~70~~	53~~54~~	LTS	LTS	0	67~~75~~	50~~59~~	LTS	LTS~~PS~~	0~~9~~
Carrara Terrace	85	500	80	70~~75~~	69~~70~~	54~~55~~	LTS	LTS	0	67~~72~~	51~~60~~	LTS	LTS~~PS~~	0~~8~~
Messina Terrace	120	250	80	70~~75~~	67	61	LTS	LTS	0	65~~72~~	59~~66~~	LTS	LTS	0
La Bonita Terrace	150	350	80	70~~75~~	65	58~~65~~	LTS	LTS	0	63~~70~~	56~~63~~	LTS	LTS	0
Ithaca Street between Whipple Road and Carroll Avenue	540	650	80	70~~75~~	61	59	LTS	LTS[2]	0	66	64	LTS	LTS[2]	0
Carroll Avenue between Troy Place and Gresel Street	540	650	80	70~~75~~	61	59	LTS	LTS[2]	0	66	64	LTS	LTS[2]	0
Carroll Avenue between Gresel Street and Becker Place	540	650	80	70~~75~~	61	59	LTS	LTS[2]	0	66	64	LTS	LTS[2]	0
Carroll Avenue between Becker Place and Fairway Street	660	660	80	70~~75~~	59	59	LTS	LTS[2]	0	64	64	LTS	LTS[2]	0
Carroll Avenue north of Fairway Street	660	660	80	70~~75~~	59	59	LTS	LTS[2]	0	64	64	LTS	LTS[2]	0

Source: Wilson, Ihrig & Associates, Inc., 2010.

Notes:

Day: from 7 am to 10 pm.

Night: from 10 pm to 7 am.

Impacts = # of residences affected

PS: Potentially Significant Impact

LTS: Less than Significant Impact

1. Includes the effects of existing sound walls and new project sound walls SW01, SW02, and SW03 implemented at the start of construction. See Figure 13 for location of sound walls.
2. Includes a 50-foot buffer of no construction activities north of Whipple Road along the eastern property line to maintain construction activities below the nighttime noise criteria.

Table 16
Projected Construction Noise Impacts - Phase 2

Location	Distance to Construction (ft)		Criteria		Projected Noise Levels from Heavy Equipment Construction and Track Installation Without Noise Control, L_{eq} (dBA)[1]													
					Heavy Equipment									Track Installation				
							Impact Type					Impact Type				Impact Type		
	Nearest	Farthest	Day	Night	Nearest	Farthest	Day	Night	# Impacts	Distance to Pile Driving	Level	Day	Night	Nearest	Farthest	Day	Night	# Impacts
11th Street between D Street and Stone Street	500	500	80	70~~75~~	62	62	LTS	LTS	0	2600	55	LTS	N/A[4]	66	66	LTS	LTS	0
11th Street between Stone Street and Boyle Street	320	320	80	70~~75~~	66	66	LTS	LTS	0	2400	55	LTS	N/A[4]	70	70	LTS	LTS	0
11th Street and Boyle Street	350	500	80	70~~75~~	57~~65~~	54~~62~~	LTS	LTS	0	2200	56	LTS	N/A[4]	54~~69~~	51~~66~~	LTS	LTS	0
La Brea Terrace	75	250	80	70~~75~~	70~~71~~	60~~61~~	LTS	LTS	0	1500	59	LTS	N/A[4]	68~~76~~	57~~66~~	LTS	LTS	0
Alicante Terrace	180	300	80	70~~75~~	63~~64~~	58~~59~~	LTS	LTS	0	1300	61	LTS	N/A[4]	60~~69~~	56~~64~~	LTS	LTS~~PS~~	0~~9~~
Carrara Terrace	80	300	80	70~~75~~	70~~71~~	58~~59~~	LTS	LTS	0	1000	63	LTS	N/A[4]	67~~76~~	56~~64~~	LTS	LTS~~PS~~	0~~8~~
Messina Terrace	60	300	80	70~~75~~	73	59	LTS	PS~~LTS~~	7~~0~~	600	67	LTS	N/A[4]	71~~78~~	57~~64~~	LTS	PS	7
La Bonita Terrace	60	250	80	70~~75~~	73	61	LTS	PS~~LTS~~	8~~0~~	400	71	LTS	N/A[4]	71~~78~~	59~~66~~	LTS	PS	8
Ithaca Street between Whipple Road and Carroll Avenue	150	400	80	70~~75~~	72	64	LTS	N/A[3] ~~LTS~~	0	400	71	LTS	N/A[3,4]	77	68	LTS	N/A[2]	0
Carroll Avenue between Troy Place and Gresel Street	150	350	80	70~~75~~	72	65	LTS	N/A[3] ~~LTS~~	0	400	71	LTS	N/A[3,4]	77	69	LTS	N/A[2]	0
Carroll Avenue between Gresel Street and Becker Place	200	300	80	70~~75~~	70	66	LTS	N/A[3] ~~LTS~~	0	300	73	LTS	N/A[3,4]	74	71	LTS	N/A[2]	0
Carroll Avenue between Becker Place and Fairway Street	150	400	80	70~~75~~	72	64	LTS	N/A[3] ~~LTS~~	0	350	72	LTS	N/A[3,4]	77	68	LTS	N/A[2]	0
Carroll Avenue north of Fairway Street	150	350	80	70~~75~~	72	65	LTS	N/A[3] ~~LTS~~	0	1400	60	LTS	N/A[3,4]	77	69	LTS	N/A[2]	0

Table 16
Projected Construction Noise Impacts - Phase 2

Source: Wilson, Ihrig & Associates, Inc., 2010.

Notes:

Day: from 7 am to 10 pm.

Night: from 10 pm to 7 am.

Impacts = # of residences affected

PS: Potentially Significant Impact

LTS: Less than Significant Impact

N/A: Not Applicable. Since track installation would not affect the mainline and would be conducted during the daytime, no nighttime noise impacts have been evaluated.

1. Includes the effect of existing sound walls and new project sound walls SW01, SW02, and SW03 implemented at the start of construction. See Figure 13 for location of sound walls.
2. Since track installation activities in this area would not affect the mainline and would thus be conducted during the daytime, no nighttime noise impact has been evaluated.
3. No nighttime work would be conducted north of Whipple Road.
4. No pile driving would be conducted at night for the flyover construction.

Mitigation Measure TR-1.1 on page 125 is revised as follows:

TR-1 *Construction Phasing and Traffic Management Plan.* BART will ensure that a Construction Phasing and Traffic Management Plan is developed and implemented by the contractor. The plan shall define how traffic operations, including construction equipment and worker traffic, are managed and maintained during each phase of construction. The plan shall be developed in consultation with the cities of Union City and Hayward, BART, and Union City Transit Bus Lines. To the maximum practical extent, the plan shall include the following measures:

a~~d~~) Specify predetermined haul routes from staging areas to construction sites and disposal areas by agreement with the cities of Union City and Hayward prior to construction. The routes shall follow streets and highways that provide the safest route and avoid congested intersections to the extent feasible.

b~~e~~) Identify construction activities that, due to concerns regarding traffic safety or congestion, must take place during off-peak hours.

c~~d~~) Identify a telephone number that the public can call for information on construction scheduling, phasing, and duration, as well as for complaints. Such information shall also be posted on BART's website.

Page 132, second paragraph, fourth sentence, is revised as follows:

However, the schedule for construction of the bridge retrofit project is anticipated to begin~~occur~~ in ~~early~~ 2011 and to last for approximately 6 months,