

Appendix C. CEQA Comment Letters

The Capitol Corridor Joint Powers Authority is committed to ensuring that information is available in appropriate formats to meet the requirements of persons with disabilities. Should you require one of the referenced documents or need a file in an alternative format, please email info@SouthBayConnect.com.

From: [Steven Turner](#)
To: [South Bay Connect](#)
Subject: RE: South Bay Connect - Notice of Availability of Draft Environmental Impact Report
Date: Wednesday, May 29, 2024 6:30:09 PM
Attachments: [image001.png](#)
[image002.png](#)

None - question

Thank you for the notice.

On the website- there are direct mailer materials. Has the direct mailer been sent? If so, when and to whom was it sent?

1-1

Thanks,
Steven



Steven Turner
Community Development Director | Community Development Department

From: South Bay Connect <info@southbayconnect.com>
Sent: Wednesday, May 29, 2024 1:56 PM
Subject: South Bay Connect - Notice of Availability of Draft Environmental Impact Report

ALERT: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report to City of Newark IT Help Desk if found suspicious.



Notice of Availability of Draft Environmental Impact Report

Capitol Corridor Joint Powers Authority (CCJPA), the lead agency for the California Environmental Quality Act (CEQA), is issuing this Notice of Availability of a draft Environmental Impact Report (EIR) and virtual public meetings for the proposed South Bay Connect Project (Project). The proposed Project would relocate Capitol Corridor passenger rail service to the existing Union Pacific Railroad Coast Subdivision between Oakland and Newark to improve operational efficiency and reliability. The proposed Project also includes constructing a new passenger rail station on the Coast Subdivision at the existing Ardenwood Park-and-Ride to serve southern Alameda County passengers and facilitate connections to existing transbay transit services. The draft EIR describes the proposed Project and evaluates the potential environmental impacts associated with both the Project and the "no project" alternative.

PUBLIC COMMENT PERIOD: MAY 29 - JULY 15, 2024

During the 45-day comment period, the public is encouraged to provide input on the draft EIR (southbayconnect.com). All input received will be documented and addressed in the final EIR, which is anticipated to be completed by late 2024.

Virtual Public Meetings

Two virtual public meetings are being offered for you to learn more about the proposed Project and provide formal comments on the draft EIR. Spanish and Mandarin Chinese interpreters will be available, as well as a court reporter to take your comments. Individuals will be allotted three minutes to provide verbal comments.

WEDNESDAY, JUNE 12, 2024 | 6-8 P.M.

Zoom: bit.ly/SBC_EIR_Meeting
Telephone: (669) 900-6833
Meeting ID: 948 0626 0719
Passcode: 609064

THURSDAY, JUNE 20, 2024 | 6-8 P.M.

Zoom: bit.ly/SBC_EIR_Meeting2
Telephone: (669) 900-6833
Meeting ID: 966 2867 9863
Passcode: 280963

For accessibility accommodations, please call (510) 244-3667 or email info@southbayconnect.com. Deaf, hard of hearing, or speech impaired users may contact the California Relay Service TTY/TDD and/or Voice Line at 1-800-735-2929 or 711.

CCJPA Board Meeting

The public may also provide verbal comments at the CCJPA Board Meeting on June 26, 2024, beginning at 10 a.m. at the BART Headquarters (2150 Webster St, Oakland, CA). An option for public participation will be available via teleconference. Visit capitolcorridor.org/ccjpa-board for meeting information.

COMMENTS SUBMITTAL

Written comments must be received by 5 p.m. PDT July 15, 2024, via the following options:

Website: southbayconnect.com

Email: info@southbayconnect.com

Phone: (510) 244-3667

Mail: Capitol Corridor Joint Powers Authority
Attn: South Bay Connect DEIR
2150 Webster St, 3rd Floor
Oakland, CA 94612

From: [Ryan O'Keefe](#)
To: [Teurn, Tammy](#)
Subject: New South Bay Connect Comment
Date: Wednesday, June 12, 2024 10:31:55 AM

You don't often get email from zohoadmin.southbayconnect.com@viazohocrm.com. [Learn why this is important](#)

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

New South Bay Connect Comment

Name:

James Richardson

Email:

otownraiders@hotmail.com

Phone:

(510) 332-2619

Organization:

ZIP Code:

94541

Subject:

Draft EIR South Bay Connect

Comment:

Comment on Section 3.14 Noise & Vibration

Why are there no mentions of Alameda County General Plans for Noise/vibration? Why are there no comments from Alameda County residents? There are comments from residents of all of the Cities but not the County residents.

5-1

Additional comments:

1) I live next to the tracks in Cherryland and I can tell you that at freight engines and the commute trains engines are completely different, the freight engines are much louder and cause the most vibrations. Vibrations are varied depending on the speed of the engines. Those driven by an engineer treating the engine like a sports car almost tears the house off of the foundations. Slow moving trains leaving north from Hayward are quiet and there are no vibrations. Heavily laden tanker cars, rock/coal cars cause the most movement. Empty trains are noisier but cause less vibrations. Some car hauling cars are very quiet.

5-2

2) Not all passenger trains are 4 car, the Starlights are 9 cars.

5-3

3) The project has budget of \$198 million. CC says they have 921,000 annual riders or 2500 a day and only take in 38% of their operating expense. The Sac/Oak to San Jose is not one of

5-4

their to 3 routes. Jus because you can get this money do we really want to spend this kind of money on a project that will save a few hours for a few riders? I think there's more bang for the buck somewhere else.

5-4 cont.

From: [Ryan O"Keefe](#)
To: [Teurn, Tammy](#)
Subject: New South Bay Connect Comment
Date: Wednesday, June 12, 2024 10:31:52 AM

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CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

New South Bay Connect Comment

Name:

Wendell Arnold

Email:

wendellca@gmail.com

Phone:

(510) 468-1558

Organization:

ZIP Code:

94560

Subject:

SOUTH BAY CONNECT PROJECT

Comment:

Sea Level Rise:

It appears as if your own reports mirror my own research in that this route is supposed to go through an area that is, theoretically, going to be under water in 50 years. Why would you do this when the existing route seems to do a better job of avoiding this issue? Are we that desperate to spend tax payer money that we are willing to waste money on a project that will literally be underwater (as opposed to most government projects that are just figuratively underwater)?

And the poor citizens who are about to have their houses be taken over by rising sea levels, what do they get as a parting gift? Regular train service (and the accompanying train whistle) through their backyards. Thanks, as long as someone's commute is theoretically reduced by 13 whole minutes and we get to literally throw a ton of government money down the storm drain, I guess it will all be worth it.

Noise:

7-1

As mentioned above, you are proposing to move a commuter train right through residential neighborhoods. This puts a significant burden on the residents that live in those neighborhoods.

7-2

From: [Ryan O"Keefe](#)
To: [Teurn, Tammy](#)
Subject: New South Bay Connect Comment
Date: Wednesday, June 12, 2024 10:31:53 AM

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CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

New South Bay Connect Comment

Name:

Jahnvi Ahya

Email:

ahyajahnvi@gmail.com

Phone:

669-285-9961

Organization:

ZIP Code:

Subject:

Receive project related updates | 11-1

Comment:

From: [Ryan O'Keefe](#)
To: [Teurn, Tammy](#)
Subject: New South Bay Connect Comment
Date: Wednesday, June 12, 2024 10:32:02 AM

None - question

You don't often get email from zohoadmin.southbayconnect.com@viazohocrm.com. [Learn why this is important](#)

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New South Bay Connect Comment

Name:

Bruce Vitek

Email:

bs.vitek@sbcglobal.net

Phone:

(510) 366-8353

Organization:

ZIP Code:

94536

Subject:

Niles Junction and Industrial Parkway details

Comment:

I'm interested in more details regarding Niles Junction & Industrial Parkway parts of the project. Please direct me to where to find the details for the current plan proposals. Hopefully these will be covered in the Virtual Public Meetings

12-1

From: [Art Widener](#)
To: info@southbayconnect.com
Subject: Draft Environmental Impact Report
Date: Wednesday, June 5, 2024 1:05:19 PM

Will freight trains be confined to the Niles Subdivision, or will they also use the Coast Subdivision?

14-1

From: [Steve Wilson](#)
To: info@SouthBayConnect.com
Subject: Copy Draft EIR (available here: <https://southbayconnect.com/resources.html>)
Date: Thursday, June 6, 2024 9:18:53 PM

Hi there,

I would really like to read the draft EIR in its entirety...in context...without having to click on a separate link for every little section. Is a single PDF available for the Draft DIR in its entirety?

Thanks, Steve Wilson

15-1

From: [Ryan O'Keefe](#)
To: [Teurn, Tammy](#)
Subject: New South Bay Connect Comment
Date: Wednesday, June 12, 2024 10:31:51 AM

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

New South Bay Connect Comment

Name:

Thom

Email:

Suebee1962@att.net

Phone:

Organization:

ZIP Code:

94580

Subject:

Property values

Comment:

Have you done a study on the effects of property values going down? Have you done studies on the addition of pollution? The noise and smell from the trains currently using the tracks is bad enough. We do not support this idea that you all have apparently passed without much notice to the home owners.

16-1

From: [Dave Robinson](#)
To: info@southbayconnect.com
Subject: Comment on South Bay Connect plan
Date: Saturday, June 8, 2024 8:32:33 PM

Please ensure that the plan includes rehabilitation of the abandoned stations as a productive resource such as park land or housing rather than fencing them off or otherwise leaving them with obsolete structures subject to the forces of urban decay.

22-1

From: [Ryan O'Keefe](#)
To: [Teurn, Tammy](#)
Subject: New South Bay Connect Comment
Date: Wednesday, June 12, 2024 10:31:53 AM

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New South Bay Connect Comment

Name:

Singh

Email:

ambit-soother.0g@icloud.com

Phone:

Organization:

ZIP Code:

Subject:

Train horn noise

Comment:

Increase in passenger trains will lead to more frequent train horn noise, throughout the day in Newark. These are already too loud near the crossings. And more trains due to this project will just add to the horn noise.

24-1

From: [Piet Bess](#)
To: info@southbayconnect.com
Subject: Loss of Hayward service
Date: Sunday, June 9, 2024 6:13:17 AM

Who is a contact person at Hayward city government re the realignment of CC service? | 25-1

From: [Ryan O'Keefe](#)
To: [Teurn, Tammy](#)
Subject: New South Bay Connect Comment
Date: Wednesday, June 12, 2024 10:31:56 AM

You don't often get email from zohoadmin.southbayconnect.com@viazohocrm.com. [Learn why this is important](#)

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New South Bay Connect Comment

Name:

Jan Jergus

Email:

janjergus@gmail.com

Phone:

Organization:

ZIP Code:

94587

Subject:

Draft EIR comment

Comment:

Hi, I'd like to comment on the draft EIR, section 3.14.7 (noise mitigation measures), subsection MM NOI-2 (Creation of Noise Quiet Zones).

I noticed that the Smith Street intersection in Union City is not included as a proposed quiet zone, even though all nearby intersections are included. Can you please add the Smith Street intersection to the list of proposed quiet zones? There are many residences near this intersection (including right next to the train tracks), as well as 2 large public schools. Thanks!

33-1

From: [Ryan O'Keefe](#)
To: [Teurn, Tammy](#)
Subject: New South Bay Connect Comment
Date: Wednesday, June 12, 2024 6:08:08 PM

Noise/Vibration

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New South Bay Connect Comment

Name:

Leah Burns

Email:

leahburns786@gmail.com

Phone:

Organization:

ZIP Code:

Subject:

Reducing Vibrations and Noise

Comment:

36-1

Questions/High level comments:

- Quantify existing vibration levels through measurement data rather than just stating significant vibration sources exist. The proposal focuses more on noise impacts and mitigation, but does not provide as much detail on the vibration assessment and mitigation plan
- It mentions potential vibration impacts near new crossovers/turnouts, but a more thorough vibration analysis for the entire corridor is warranted.
- The proposal does not mention any plans for long-term monitoring of noise and vibration levels after project implementation.
- Explain further the assumptions made for construction scenarios (equipment usage, schedule, simultaneous operations etc.)
- Discuss the models or calculation methods used beyond just referencing FTA guidance.
- Provide the specific noise level thresholds that constitute moderate and severe impacts per FTA criteria.
- Explain if supplemental local noise criteria are being applied in addition to FTA criteria.

Additionally, please add the following strategies to reduce vibration and noise:

Install vibration isolation measures:

- Use ballast mats or resilient rail fasteners or under-sleeper pads to absorb vibrations from the track structure.
- Install sub-ballast mats or rubber shoes under the concrete ties.
- Use floating slab track or similar isolated track system by an elastomeric pad, to reduce ground-borne vibrations and to decouple the rails from the ground
- Implement rail dampers, which are devices attached to the rail that absorb vibration energy
- Trench the track by constructing a concrete subway structure or soil trench to create a vibration path discontinuity.

36-2

Construct trenches or barriers:

- Dig trenches parallel to the tracks and fill them with re-compressed soil or other damping material to block propagation of vibration waves.
- Install underground vibration screening walls made of special absorbing materials.
- Increase the sound wall height along the track alignment throughout the new route
- Use noise barrier walls or earth berms along the rail corridor to block line-of-sight noise propagation
- Install sound absorption materials like acoustical paneling on the barrier walls to reduce reflected noise.

36-3

Maintenance and operational changes:

- Maintain tracks regularly by grinding down defects and uneven rail surfaces that can increase vibration.
- Enforce speed and horn restrictions for trains near residential areas including freight trains
- Use newer rail vehicles with improved suspension systems that generate less vibration including freight trains.
- Implement rail lubrication systems to reduce wheel-rail interaction noise.
- Perform weekly to monthly track inspections and maintenance to address any issues that could lead to increased vibrations.

36-4

Homes

- Compensate and provide the homeowners sound insulation upgrades to reduce interior noise levels including but not limited to windows, doors, wall insulation etc.
- Provide an option to install vibration isolation systems for building foundations to prevent vibration transmission into the structure.

36-5

From: [Vincent Yu](#)
To: info@southbayconnect.com
Subject: Concerns Regarding Community Disruption from South Bay Connect Project
Date: Wednesday, June 12, 2024 8:41:30 PM

To whom it may concern,

I am writing to express my deep concerns regarding the South Bay Connect project, specifically its impact on our residential areas. The proposed new transportation lines cross through dense residential zones, which could lead to significant disruptions in our daily lives. The noise, increased traffic, and potential compulsory property acquisitions are troubling.

41-1

The community's well-being and the integrity of our neighborhood must be prioritized. I urge a thorough reevaluation of the project route to minimize its impact on residential communities. Engaging with the residents to explore alternatives or modifications that would be less disruptive would also be greatly appreciated.

41-2

Thank you for considering these concerns. I look forward to your response and a constructive dialogue on how we can better align this project with the needs and values of our community.

Sincerely,

Vincent

From: [Edwards, Dawn](#)
To: [Teurn, Tammy](#)
Cc: [Alley, Lisa Marie](#); [Savage, Max](#); [Bashore, Joe](#)
Subject: FW: Capitol Corridor route change Draft EIR
Date: Tuesday, June 18, 2024 9:08:33 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

Hi Tammy –

Can you please file below as a comment in Zoho? (LMA may have already asked, but making sure).

Dawn Edwards

M 360.460.9581

hdrinc.com/follow-us

From: Ben Tripousis <btripousis@HNTB.com>

Sent: Tuesday, June 18, 2024 8:41 AM

To: Edwards, Dawn <Dawn.Edwards@hdrinc.com>

Cc: Arsenijevic, Jelica <jelica.arsenijevic@hdrinc.com>; Michael Brown - OAK <mibrown@HNTB.com>; Serge Stanich <sstanich@HNTB.com>; Carie Montero <cmontero@HNTB.com>; Alley, Lisa Marie <lisamarie.alley@hdrinc.com>

Subject: FW: Capitol Corridor route change Draft EIR

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Hi Dawn,

Here are some initial comments from the City of Fremont in response to my question about local noise guidelines. As the emails point out they will be submitting a formal comment by 7/15. Please let me know if you have any questions. Thanks.

Ben

Ben Tripousis, AVP, MPA
Senior Project Manager

HNTB CORPORATION

1732 N. First Street, #400 | San Jose, CA 95112 | hntb.com

Tel (408) 326-9266 Cell (408) 234-9275 Email btripousis@hntb.com

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From: Jim Pierson <JPierson@fremont.gov>
Sent: Monday, June 17, 2024 2:20 PM
To: Ben Tripousis <btripousis@HNTB.com>
Subject: Fwd: Capitol Corridor route change Draft EIR

External Email: Use caution when clicking on links, replying, or opening attachments.

Hi Ben. Hope you're enjoying your time with your mom. Here's the response from our Planning Manager about Fremont noise standards. It's also a bit of a preview on some of our comments on the DEIR.

See you on the 2nd.

Jim

Sent from my iPhone

Begin forwarded message:

Jim Pierson
EXECUTIVE SPECIAL ASSISTANT

City of Fremont | Public Works
39550 Liberty St., Fremont, CA 94538
(510) 494-4772 | JPierson@fremont.gov



From: Joel Pullen <JPullen@fremont.gov>
Date: June 17, 2024 at 10:29:09 AM PDT
To: Jim Pierson <JPierson@fremont.gov>
Subject: Re: Capitol Corridor route change Draft EIR

Jim,

Yes. This section of the draft EIR:

<https://www.southbayconnect.com/documents/Individual%20Resource%20File>

[s%20for%20Ch.%203.14%20Noise%20and%20Vibration_MASTER.pdf](#)

...goes through federal, state, and each city's noise standards, including Fremont, and discusses the unique standards for each. It reverts to FRA and FTA standards for planning but also says they intend to comply with local standards for anything outside of their ROW. It's a little unclear to me to what extent they intend to follow local standards, and they're missing some info. For example, they found Newark's construction hours, but not ours, and their analysis of our Noise standards is incomplete. Do they intend to follow local construction hours, for example, or not? Are there any sound walls being built or improved? Are they needed anywhere they don't currently exist? This document is over 1,000 pages long, with 12 appendices to boot, so we're still going through it, but we'll have some comments about noise and other topics.

Thanks,

Joel

Joel Pullen, AICP
PLANNING MANAGER

City of Fremont | Community Development
39550 Liberty St., Fremont, CA 94538
(510) 494-4436 | JPullen@fremont.gov
[Facebook](#) | [X](#) | [Instagram](#) | [Nextdoor](#) | [Newsletter](#) | [Website](#) | [MyFremont](#)

On Jun 12, 2024, at 8:01 PM, Jim Pierson <JPierson@fremont.gov> wrote:

Joel. Quick question from the Capitol Corridor staff. Does Fremont have more stringent noise requirements than standard state/federal?
Sent from my iPhone

Jim Pierson
EXECUTIVE SPECIAL ASSISTANT

City of Fremont | Public Works
39550 Liberty St., Fremont, CA 94538
(510) 494-4772 | JPierson@fremont.gov



On Jun 12, 2024, at 2:02 PM, Joel Pullen

<JPullen@fremont.gov> wrote:

Hans and Jim,

I think the short outline for this briefing would be something like the following.

Explain the project generally, including:

- You heard about this a year or two ago; now they're back with the draft environmental done
- Regional project with the goal of faster Oakland to San Jose trips by 13 minutes
- ACE/CC ridership/changes; quantify impact on "Niles Subdivision" including Centerville
- Diverts westward in Oakland and creates a new Ardenwood station on "Coast Subdivision" in Ardenwood, which we would have to plan around in the future as a new TOD
- That it's generally good for Fremont in terms of passenger service access, and not so much for cities like Hayward and Union City.

48-4

Summarize for Council our planned feedback, and that we plan to send a letter with policy and environmental feedback by the 7/15 deadline, including:

- We want SBC to engage the community working group (Jim's comment)
- We want them to consider impacts on and pay for the environmental mitigations needed, such as quiet zones, as well as impacts like noise and vibration along the railroad tracks during construction and operation, and covering growth inducing impacts around the new transit station [I'll be expanding on and sending these]
- You will hear community concerns about something not a part of the project—how freight figures in/concerns about volume of hazmat being moved through parts of Fremont [characterize issue]
- We will give them a letter by 7/15 deadline, and residents are likely to reach out in connection with CCJPA meetings planned for virtual meetings on 6/12 and 6/20, and the 6/26 CCJPA Board meeting

48-5

I highlighted the parts that relate to CDD, which really isn't much, so just want to check whether we're essential to the briefing. I feel like it's mainly a regional transportation project and Dan and I don't have much to contribute at this point.

Thoughts? Is PW ok handling?

Joel

Joel Pullen, AICP
PLANNING MANAGER

City of Fremont | Community Development
39550 Liberty St., Fremont, CA 94538
(510) 494-4436 | JPullen@fremont.gov
[Facebook](#) | [X](#) | [Instagram](#) | [Nextdoor](#) | [Newsletter](#) | [Website](#) | [MyFremont](#)

From: Hans Larsen <HLarsen@fremont.gov>
Sent: Thursday, June 6, 2024 11:08 AM
To: Teresa Meyer <TMeyer@fremont.gov>
Cc: Karena McGee Shackelford
<KShackelford@fremont.gov>; Brian Stott
<BStott@fremont.gov>; Dan Schoenholz
<DSchoenholz@fremont.gov>; Joel Pullen
<JPullen@fremont.gov>; Jim Pierson
<JPierson@fremont.gov>
Subject: Fwd: Capitol Corridor route change Draft EIR

Hi Teresa - I spoke with Brian about adding this item to the Monthly Council Briefings for June. Here is the proposed title.

**South Bay Connect Project and Proposed
Realignment of Capitol Corridor Service (10
minutes) - Hans and CDD**

Dan and/or Joel should join too as they are coordinating the City's comments on the draft EIR.

Thanks! Hans

Hans Larsen
PUBLIC WORKS DIRECTOR



Begin forwarded message:

From: Hans Larsen
<HLarsen@fremont.gov>
Subject: Re: Capitol Corridor route
change Draft EIR
Date: June 6, 2024 at 10:52:13 AM PDT
To: Lily Mei <lmei@fremont.gov>
Cc: Karena McGee Shackelford
<KShackelford@fremont.gov>, Teresa
Meyer <TMeyer@fremont.gov>, Brian
Stott <BStott@fremont.gov>

Hi Lily - We are considering having this item
as a Council Briefing topic for June.
Attached is a message I just sent in
response to Raj. Hans

On Jun 6, 2024, at 10:28 AM,
Lily Mei <lmei@fremont.gov>
wrote:

Hello Raj, Hans and team,

This topic of the corridor
realignment for rail has been in
discussion for multiple years
now and as these proposed
changes affects multiple
districts in the city of Fremont. I

strongly recommend that we
add this as a presentation
ideally to the city council
agendized, or if even if it's just in
the council staff briefings prior
to the feedback deadline.

To not include an update or
community feedback on this
issue would be a concern.

Thanks,
Mayor Mei

Get [Outlook for iOS](#)

Lily Mei

MAYOR

City of Fremont | City Council
3300 Capitol Ave., Bldg. A, Fremont, CA 94538
(510) 284-4011 | lmei@fremont.gov

From: Raj Salwan

[<RSalwan@fremont.gov>](mailto:RSalwan@fremont.gov)

Sent: Thursday, June 6, 2024

9:00:45 AM

To: Hans Larsen

[<HLarsen@fremont.gov>](mailto:HLarsen@fremont.gov)

Cc: Karena McGee Shackelford

[<KShackelford@fremont.gov>](mailto:KShackelford@fremont.gov);

Teresa Meyer

[<TMeyer@fremont.gov>](mailto:TMeyer@fremont.gov)

Subject: Fwd: Capitol Corridor
route change Draft EIR

Hi Hans,

Could staff look at this issue? It
doesn't make sense to move it.
Can you provide your

perspective and how can we prevent this

Raj Salwan
COUNCILMEMBER, DISTRICT 5

City of Fremont | City Council
3300 Capitol Ave., Bldg. A, Fremont, CA 94538
(510) 284-4082 | RSalwan@fremont.gov

From: Dirk Lorenz
<dirklorenz@gmail.com>
Sent: Wednesday, June 5, 2024
12:56 PM
To: Raj Salwan
<RSalwan@fremont.gov>
Subject: Capitol Corridor route
change Draft EIR

Hi Raj,
We've talked of this in
the past.....

Attached is the notice of
availability of the draft
EIR proposed by the
Capitol Corridor Joint
Powers Authority. In
short, Amtrak Capitol
Corridor wants to build a
new station in
Ardenwood and bypass
the Centerville station.
This would dramatically
increase traffic in the
Ardenwood area and
remove the transit that
affords Centerville its
TOD status.
We have justified
projects in Centerville
that reduced parking and
increased density based
on the availability and

48-1

48-2

48-3

location of Transit at the Centerville Depot. Council will be looking at development of the old Silicon Sage site that includes such allowances, yet, Capitol Corridor will be moving service out of Centerville....essentially stripping the TOD of most of its transit options. (ACE service will continue, however, that service is limited to commuter passengers to San Jose or Stockton, unlike Capitol Corridor which services both commuters AND the general public, connecting to broader public transit options out of San Jose, Oakland, Emeryville and Sacramento.) How can we justify lowering parking requirements in this new development as well as increases in density if we are removing transit options from Centerville?

I've heard of pushback from the Ardenwood area regarding the additional noise and traffic this will bring to Ardenwood. I will be reaching out to the Ardenwood constituency to gauge their feelings on this change.

Thank you so much!

DRLCo LLC

Dirk R Lorenz, President

DRLco Business Services

DBA Corporate Floral Services

37260 Fremont Blvd Suite A
Fremont, CA 94536
ACE Contract Ticket Services
President 2020-21 Niles Rotary

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This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are NOT the intended recipient and receive this communication, please delete this message and any attachments. Thank you.

From: [James Hongyi Zeng](#)
To: [councilmeetings: Teresa Keng](#)
Cc: [No Coast Route: liz ames](#)
Subject: Public Comment for City Council Meeting 6/18/2024 - Not related to specific Agenda
Date: Friday, June 14, 2024 10:19:16 PM

Dear Council, Councilmember Keng,

I would like to bring your attention to the ongoing draft EIR public comment period for South Bay Connect (SBC) project (<https://southbayconnect.com/resources.html>) which is ending on July 15, 2024. I am an Ardenwood resident in District 1 and I served on the Community Working Group (CWG) for SBC, along with other Fremont community members.

Recall that the City of Fremont has adopted a resolution opposing the South Bay Connect Project on November 10, 2020 (https://fremontcityca.iqm2.com/Citizens/Detail_LegiFile.aspx?ID=4203) for the reasons below

67-1

The City Council voted to oppose the project at this time and expressed interest in having the project address the following issues in addition to topics typically covered as part of an environmental impact report, such as noise, vibration, air quality, hazardous materials, water quality, vehicle trips, transit service, public services, and land use:

** location of and service levels of freight trains in Fremont and how changes might affect the Fremont community*

** determination of how the project interrelates to other existing and planned passenger rail services in southern Alameda County, including ACE, BART and Dumbarton corridor transit services along with how the services interconnect at transit hubs in Centerville, Ardenwood, Union City and Newark*

** address the project cost/benefit and priority in light of COVID influenced changes to commute demand, transit use, and telework.*

Unfortunately, none of these issues were considered either in EIR or in project scoping. Specifically, during the Oct 2020 communication between Fremont city staff and CCJPA, CCJPA promised the City of Fremont that the EIR would include location of and service levels of freight trains in Fremont and how changes might affect the Fremont community. This is specifically skipped during the EIR.

One strong concern about the draft EIR itself is that for the first time the SBC project is centered around dual track "upgrade" (Section 2.3). This certainly comes as a big surprise to my community as this was never mentioned or communicated during the scoping discussion back in 2020 and in the past 4 years. **The SBC Project Management should be more transparent about this change during the draft EIR public comment period, through website, flyer, and mailers.** After some digging, it seems that the reason for such a big change from the project scoping in 2020/2021 is to meet the EIR funding deadline. Here I quote the "CAPITOL CORRIDOR FY 2024-25 & FY 2025-26 DRAFT ANNUAL BUSINESS PLAN – MAY 2024" Page 14:

67-2

*After delays waiting on UPRR for capacity modeling results, the CCJPA determined the most pragmatic approach is to **presume a maximum footprint for track infrastructure needed to meet funding deadlines associated with the draft Environmental Impact Report (EIR).***

Hence, the SBC project management is actually waiting for UPRR for capacity modeling results which will reflect the original plan (shifting freight to Niles, shifting CC to Coast). Only because such a model is delayed does the SBC project management proceed with the "maximum footprint" EIR. The whole "Alternative E" discussion in the EIR is just a technical way to circumvent this difficulty. This seems inconsistent with the good faith requirement of CEQA as the EIR content is completely different from the actual project plan. This is also ignoring the central concern from the City of Fremont.

Moreover, the City of Fremont has participated in Southern Alameda County Integrated Rail Analysis (SoCo Rail) Study in 2023 (<https://mtc.ca.gov/planning/transportation/regional-transportation-studies/southern-alameda-county-integrated-rail-analysis-soco-rail-study>), which specifically assigns Union City BART as the East Bay Hub, instead of building a new Ardenwood railway station (a key component of SBC).

We hope the City Council would look into this matter and

- * Invite SBC staff to present in City Council on the draft EIR and explain the above concerns
- * Adopt another opposition resolution if such concerns can not be properly addressed
- * Investigate the way to block the design, EIR and construction of the new Ardenwood railway station to be consistent with the Southern Alameda County Integrated Rail Analysis study recommendation.

Thanks,
James

From: [Vency Woo](#)
To: info@southbayconnect.com
Subject: Public Comments - Draft EIR Review - South Bay Corridor
Date: Wednesday, June 19, 2024 11:03:07 AM

To whom it may concern,

My name is Vency Woo, and I reside in the Ardenwood community in District 1, which includes the Ardenwood and North Fremont areas within the City of Fremont. I am writing to express my strong opposition to the proposed "Capitol Corridor South Bay Connect" project passenger train service reroute and the new Ardenwood Intermodal Train Station as a resident of the Ardenwood area in Fremont.

After reviewing the Environmental Impact Report for the proposed project, I found no strong justifications supporting the proposed changes to the South Bay Corridor. My concerns are based on the following categories, and I urge you to reject the proposed changes due to their social and environmental impacts on the community.

71-1

Access:

1. **Ridership Demand:** There are no studies comparing ridership demand between the existing and proposed corridors. The claim of increased ridership is purely speculative.
2. **Station Access:** There are no proposals for reestablishing access from the two stations to be abandoned to the Ardenwood station, potentially leading to decreased ridership.
3. **Traffic Impact:** No studies have been performed on the traffic impact to the proposed Ardenwood station, both in the neighborhood (particularly along Ardenwood Blvd.) and on SR 84. The single access point at Ardenwood Terrace is insufficient to support the traffic demand for park-and-ride and connecting buses.
4. **Bus and Shuttle Services:** No studies have been conducted on the availability of bus and shuttle services. Shuttle services are privately operated and should not be considered a seamless connection.

71-2

Economy:

5. **Community Benefit:** The proposed station will not benefit the neighboring community, as all lands are already developed and commercial areas are fully occupied. Businesses at the two stations to be abandoned will suffer significantly due to a sharp drop in ridership.

71-3

Land Use:

6. **Residential Zones:** The residential zones around the Ardenwood neighborhood are fully developed, negating the promoted benefits to the neighborhood.
7. **General Plan:** The City of Fremont's General Plan designates the current land use as Industrial-Tech, which is not Transit-Oriented Development (TOD) or Mixed Use.
8. **Station Designation:** The proposed location is not designated for any train station according to the General Plan.
9. **Route Extension:** There are no planned route extensions in this area according to the General Plan.
10. **Residential Land Use:** The residential land use around the proposed station is generally low to medium-low density, which is not suitable for mass transit.

71-4

Environmental:

11. **Biological Resource Study Area:** The Biological Resource Study Area is only 500 feet from the project footprint, which is insufficient given the project's scale.
12. **EIR Scope:** The Environmental Impact Report (EIR) does not include Coyote Hills Regional Park as part of the study area. Given the proximity of the proposed station, the environmental impact on wildlife cannot be determined.
13. **Topography:** The topography across the biological and aquatic RSAs is flat to gently rolling, with elevations ranging from sea level to approximately 100 feet above mean sea level. The proposed project may cause sinking, and this concern has not been addressed.

71-5

Noise and Vibration:

14. **Transit Sources:** The proposal lacks clarity on the transit sources for the proposed rail services, including the number of cars, type of rail, and the proposed rail material.
15. **Operational Impact:** No study has been conducted on the noise and vibration impact at the proposed station during operation.
16. **Construction Impact:** The noise and vibration study focuses only on the impact during construction, with little mention of the impact post-construction and during rail operation.

Given the concerns outlined above, I urge you to reevaluate the necessity of proceeding with the proposed changes and to maintain the current train network as it stands.

Thank you for your consideration.

Sincerely,

Vency Woo, resident of the Ardenwood Community

From: [Brin](#)
To: info@southbayconnect.com; CityCouncil@fremont.gov; TKeng@fremont.gov
Subject: Objection to the "Proposed Project South Bay Connect" of Rerouting of Trains and Creation of New Ardenwood Train Station
Date: Thursday, June 20, 2024 10:56:24 AM

To whom it may concern:

My name is Brindusa Curcaneanu and I reside in the Ardenwood Community in District 1, which services the Ardenwood and North Fremont portion within the City of Fremont. I am writing today to express my strong opposition to the proposed new "Capitol Corridor South Bay Connect" project passenger train service reroute and the Ardenwood Intermodal New Train Station as a resident of Ardenwood Area in Fremont.

83-1

I am also willing to start legal action against the City due to increased noise in our area as a result of flight path redirection, increased traffic due to constructions and reduced safety. Your office failed to protect your constituents.

83-2

First and foremost, the proposed development affects our homes directly due to various ongoing vibrations our homes will encounter when each train passes, and the increased noise pollution which threatens our lives directly. Furthermore, rerouting trains between Oakland and Newark increases the number of passenger train movements from currently 2 trains to 20 trains which is 10x very detrimental to our communities and livelihood.

83-3

The development of a new train station would bring in a larger number of outside people in this area, which will lead to increased parking problems, an attraction of more homeless/unhoused population, more than the current homeless encampments already residing along the tracks, ultimately leading to an increased in crime in our District.

83-4

This new development negatively affects our social and physiological aspects of our communities. I strongly urge you to consider NOT making this proposed change and keep the current train route as it stands.

83-5

Thank you very much for your time and attention!

Sincerely,
Brindusa Curcaneanu

From: [Robert Raburn](#)
To: info@SouthBayConnect.com
Subject: Comments on DEIR
Date: Thursday, June 20, 2024 12:36:27 PM
Attachments: [Raburn Comments on DEIR South Bay Connect.pdf](#)

Please see attached comments.

-Robert Raburn, PhD

Director - District 4

San Francisco Bay Area Rapid Transit District (BART)

510-530-3444 hm/msg

Raburn Comments on DEIR South Bay Connect
June, 20, 2024

85-1

Thank you for advancing the South Bay Connect project to significantly reduce train travel time from Oakland to the South Bay. As a bicyclist, I appreciate the Capitol Corridor service and know that I am not alone. However, I suggest a modest amendment to the DEIR to address something that all bicyclists are wary of: safety at railroad at-grade crossings.

Attention to bicycle, pedestrian, wheelchair, and stroller safety at all existing at-grade crossings in the Project area is not explicitly addressed. The DEIR's Transportation section discussions of Bicycle Facilities and Pedestrian Facilities omits reference to at-grade crossings and best practice design treatments.ⁱ Please correct this omission.

Although the existing at-grade crossings may generally offer adequate safety, the DEIR must call to maintain and assess the active transportation safety at each crossing. This will enhance the Project and help deliver the forecasted increase in train ridership and VMT reductions. Passengers should be able to expect that every measure was taken to deliver a safe travel experience, free of delays. Furthermore, careful assessment and correction of deficient crossing surfaces or geometry will benefit broader populations who want peace of mind that their local access is not impeded by unsafe crossings.

General justification to assess and maintain grade crossings is given by the joint reference to prevalent and best practices as well as adopted standards published jointly by the Federal Highway Administration and the Federal Rail Administration:

"When constructing new highway-rail at-grade crossings or enhancing existing locations, care should be taken to create horizontal and vertical profiles that provide smooth and safe travel for motorists approaching and using crossings."ⁱⁱ

The above reference source specifically addresses the crossing geometry and rail flangeway risk to bicyclist safety:

"The crossing surface type will likely impact cyclists as well. Depending on the angle and type of crossing, a cyclist may lose control if the wheel becomes trapped in the flangeway."ⁱⁱⁱ

The geometry described above creates a hazard for bicyclists where the Coast Subdivision crosses Alvarado Blvd at a skewed angle. Union City acknowledges the hazard and has posted warning signs on Alvarado Blvd instructing bicyclists to "walk bikes across tracks." The Union City General Plan cited in the DEIR specifically calls for using Long-Range Countywide Measure BB Expenditure Plan funding to build a full grade separation at Alvarado Blvd and three other crossings.^{iv} This long-range goal should be pursued along with adding a short-term priority for the Project to re-align the bikeways in each direction to achieve perpendicular crossings of the tracks.

Current crossing surfaces in the Project corridor employ concrete panels with steel edge armor that offer relatively consistent geometry. Nevertheless, damaged panels and adjacent asphalt approaches should be inspected and maintained to avoid excessive vertical deflection and horizontal flangeway gaps over 2-1/2-inches as per CPUC rules governing construction and maintenance.^v The CPUC further suggests:

"Flangeway filler material is recommended where feasible, and where there is pedestrian, wheelchair, or cyclist use, particularly where the tracks are at a skew angle."^{vi}

Thank you for your attention,

A handwritten signature in black ink, appearing to read "Robert Raburn". The signature is fluid and cursive, with the first name "Robert" and last name "Raburn" clearly distinguishable.

-Robert Raburn

ⁱ DEIR South Bay Connect, 3.18 Transportation, pp.23-24.

ⁱⁱ Highway-Rail Crossing Handbook, 3rd Edition, Chapt 2 Engineering Treatments (FHWA, 2019) p.23.

ⁱⁱⁱ Ibid, Chapt 6 Special Topics, pp.164-165.

^{iv} Union City 2040 General Plan (2019), Figure M-2, p.157; Appendix, p.191.

^v General Order No. 72-B, (CPUC, 1991).

^{vi} Pedestrian-Rail Crossings in California (CPUC, 2008), p.20.

From: [Bob Xu](#)
To: info@southbayconnect.com
Subject: Use BART instead of starting another project without efficiency
Date: Thursday, June 20, 2024 3:37:18 PM

Dear Sir/Madam:

I suggest to use the fund to improve bus system around each city having BART station to bring more people from home to work and vice verse. The environment study report should have scientific data showing the noise and vibration levels comparing with current situation.

Regards

Bob

87-1

87-2

From: [Ryan O'Keefe](#)
To: [Teurn, Tammy](#)
Subject: New South Bay Connect Comment
Date: Thursday, June 20, 2024 3:29:37 PM

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

New South Bay Connect Comment

Name:

Bob Xu

Email:

Bob_x_xu@yahoo.com

Phone:

Organization:

ZIP Code:

94555

Subject:

Against the Capitol Corridor South Project—need scientific data in environmental study report

Comment:

I suggest to use the fund to improve bus system around each city having BART station to bring more people from home to work and vice versa. The environmental study report should have scientific data showing the noise and vibration levels comparing with current situation.

93-1

93-2

From: [Dana V](#)
To: info@southbayconnect.com
Subject: Comments on Capital corridor South Bay connect
Date: Sunday, June 23, 2024 10:45:50 PM

Hi

I heard about the plan for the capital corridor South Bay connect when I was on Nextdoor.com. It was the first I was aware of it and I am very grateful that I saw it and have a chance to add my comments before plans are finalized.

I am not in favor of this expense and think it will not be used enough to pay for itself and it's maintenance and upkeep near the bay that it expected to rise sea level soon. BART has not yet recovered riders since the COVID pandemic that caused many people to work from home. Many people are still working from home in hybrid work agreements. I am not sure there is enough people who will use the new train connection. BART travels to San Jose already. This project requires new track and infrastructure and so much money spent when I really think funds should be better spent on future technology for commuters; not more train tracks and trains. Technology development will revolutionize transportation in the next ten years and we may see most transportation will be more like electronic pods or BART type electric speed trains like used in China.

108-1

I live in Centerville, about a mile from the Fremont train station. I am aware of the noise and traffic congestion living near train tracks. The sound of train engines, horns and vibration cannot be considered lightly. The plan to build a new train route will cause a lot of grief and property devalues. The planned tracks are very close to homes and businesses.

108-2

I have ridden AC buses for more than a decade crossing the Dumbarton bridge and I love it. Before that, I rode in carpools. Carpools are often difficult to keep going as people are not very reliable. Since I began riding AC transit buses, I don't have to worry about who will show up or switching turns driving etc. I have ridden trains and the capital corridor for trips to Sacramento and to Chicago, IL. It's nice but not usually my first choice of transportation.

108-3

Respectfully submitted,
Dana Volponi
Fremont resident

Sent from my iPad

From: [Don Ferra](#)
To: info@southbayconnect.com; citycouncil@fremont.gov; tkeng@fremont.gov
Subject: Objection to the "Proposed Project South Bay Connect" of Rerouting of Trains and Creation of New Ardenwood Train Station
Date: Monday, June 24, 2024 12:16:49 AM

To whom it may concern:

My name is Don Ferra and I reside in the Ardenwood Community here in District 1, which services the Ardenwood and North Fremont portion within the City of Fremont. I am writing today to express my strong opposition to the proposed new **"Capitol Corridor South Bay Connect"** project passenger train service reroute and the Ardenwood Intermodal New Train Station as a resident of Ardenwood Area in Fremont.

111-1

First and foremost, the proposed development affects our homes directly due to various ongoing vibrations our homes will encounter when each train passes, and the increased noise pollution which threatens our lives directly. Furthermore, rerouting trains between Oakland and Newark increases the number of passenger train movements from currently 2 trains to 20 trains which is 10x very detrimental to our communities and livelihood.

111-2

The development of a new train station would bring in a larger number of outside people in this area, which will lead to increased parking problems, an attraction of more homeless/unhoused population, more than the current homeless encampments already residing along the tracks, ultimately leading to an increased in crime in our District.

111-3

111-4

Lastly, we were uninformed about this project until recently, which shows a huge lack of communication regarding this project to the residents, it will be affecting the most, as this train station is being built here in Ardenwood. The people in charge of this project need to come down here to Ardenwood and meet the residents who live in this area to hear our concerns. After all, we will be the ones to potentially have to live with this new train station for years to come!!

111-5

I strongly urge you to delay any action and extend the public comment period until more better outreach has been done to the neighboring communities this will affect.

111-6

This new development negatively affects our social and physiological aspects of our communities. I strongly urge you to consider NOT making this proposed change and keep the current train route as it stands.

111-7

Thank you very much for your time and attention to this matter!

Sincerely,
Don Ferra

From: [Wu, Elton H](#)
To: info@SouthBayConnect.com
Cc: [Wilson, Joanne](#)
Subject: SouthBay Connect DEIR
Date: Monday, June 24, 2024 4:46:01 PM

Hello,

Thank you for sending us a notification of your Draft Environmental Impact Report. I was able to find the different parts of the DEIR on your website, but are you able to send me the DEIR in one pdf?

113-1

Thanks!

Elton Wu

Pronouns: He/ Him

Environmental Compliance and Land Planner

SFPUC Water Enterprise

Natural Resources and Lands Management Division

525 Golden Gate Avenue, 10th Floor

San Francisco, CA 94102

cell: (415) 971-7657

ewu@sfwater.org



Mimi Kyi

From: Mohan M <amnmlive@gmail.com>
Sent: Tuesday, June 25, 2024 11:46 AM
To: CCJPA Board
Subject: Public Comment -V.1 South Bay Connect Project Draft EIR

Follow Up Flag: Follow up
Flag Status: Flagged

To,
South Bay Connect Project Board Officials

As a taxpayer in Fremont, I am writing to express my deep concern over the proposed South Bay Connect (SBC) project. I believe this project represents a significant misallocation of public funds, offering negligible benefits while imposing a substantial burden on our community and nearby residents from the approved housing projects developed in the last 10 years.

118
-1

The financial irresponsibility of the SBC project is evident. The \$264 million price tag is alarmingly disproportionate to the projected benefits. The primary benefit, a mere "up to 13 minutes" reduction in a 3.5-hour commute from Sacramento to San Jose, is hardly justifiable for such a massive investment. Moreover, the project's long-term financial viability is questionable, as it relies on uncertain ridership growth to offset operating costs that already require a 40% public subsidy.

The proposed increase in train frequency to 32 daily trips, as outlined in CCJPA's 2014 Vision Plan, will significantly increase noise pollution due to federally mandated horn blowing. There is no data on the current Noise levels and Vibration measured on the current tracks which are used by union pacific and also by Ace train and few others.

118
-2

There are Housing projects right next to the track. When these tracks were designed this part of Fremont was outskirts and there was no significant housing within 500 ft of the tracks. As the City grew, more housing projects were approved by the City of Fremont near the tracks with no consideration of increase in Train traffic. This will undoubtedly harm the quality of life for residents living near the tracks, and the noise impact will extend for miles, affecting a wide swath of the community.

Furthermore, the project's purported benefits are dubious. The existing BART service already adequately serves the Oakland to San Jose segment, making

118
-3

the SBC redundant and unnecessary. Additionally, the Ardenwood station's value is questionable given the uncertain future of the Dumbarton Rail Corridor project. The proposed station primarily serves as a connection point for cross-bay bus transit, which could easily be accommodated at existing stations like Union City BART or Fremont Centerville.

As taxpayers, we should not be burdened with funding a project that offers such minimal benefits while imposing significant costs on our communities. The \$264 million allocated to the SBC could be better utilized for projects that directly benefit our residents, such as improving existing infrastructure, enhancing public safety, or investing in education.

118
-3

Moreover, the project's lack of transparency is deeply troubling. The recent revelation of the dual track addition in the draft EIR, without prior public discussion, raises concerns about the project's true intent and scope.

I urge you to scrap this ill-conceived project. It is fiscally irresponsible, disruptive to our communities, and offers minimal benefits to the public.

Thank you for your time and consideration.

Sincerely,
Mohan M.
Resident and Taxpayer in the City of Fremont.

Mimi Kyi

From: D. Yang <daveyang@gmail.com>
Sent: Sunday, June 23, 2024 8:58 PM
To: CCJPA Board
Subject: Public Comment -V.1 South Bay Connect Project Draft EIR: Strong Objection

Follow Up Flag: Follow up
Flag Status: Flagged

Dear CCJPA board members,

My name is David Yang. I live in Fremont, CA 94555.

I strongly object to the newly proposed South Bay Connect Project in its currency form. My reasons are, to name a few:

- 1) For sure it will increase traffic congestion |119-1
- 2) It may have a negative impact on property values |119-2
- 3) There is no credible environmental impact analysis. The Draft Environmental Impact Report is too vague and has little detailed information. |119-3
- 4) It may introduce safety hazards into this area |119-4

Please vote NO to the Fremont South Bay Connect Project.

Thank you,
David

Mimi Kyi

From: Emma C <emma.chen237@gmail.com>
Sent: Tuesday, June 25, 2024 3:05 PM
To: CCJPA Board
Subject: Taxpayer Concerns Regarding the South Bay Connect Project - Fiscal Irresponsibility and Lack of Community Benefit

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sirs,

I am writing to express my vehement opposition to the South Bay Connect (SBC) project, outlined in the draft Environmental Impact Report (EIR). I have grave concerns about the project's fiscal irresponsibility and its potential for devastating impacts on our community's quality of life.

The lack of transparency surrounding the project is alarming. The recent emphasis on dual track addition (Section 2.3 of the draft EIR) was never disclosed during the 2020 scoping discussions, nor has it been adequately communicated since. This significant change necessitates a thorough and transparent public engagement process.

120-1

The project's financial justification is dubious at best. The proposed \$732 million investment promises a mere "up to 13 minutes" reduction in travel time, a marginal improvement for a 3.5-hour commute from Sacramento to San Jose. This raises serious doubts about the project's ability to attract sufficient ridership to justify such a massive expenditure of public funds, especially given the Capitol Corridor's FY2019 revenue of only \$38 million.

Furthermore, the online petition against the project (with over 1400 signatures) highlights numerous community concerns. These include increased noise pollution from federally mandated train horns (up to 32 times daily in the future), worsened traffic congestion at already strained intersections like Ardenwood Park & Ride and SR-84, potential negative impacts on property values, and the disruption of existing transportation services at Hayward and Fremont Centerville stations.

120-2

120-3

The project's environmental impact is also deeply troubling. Increased train frequency will exacerbate diesel pollution, affecting air quality and the Bay's delicate ecosystem. The questionable future of the Dumbarton Rail Corridor project further undermines the necessity of the proposed Ardenwood station, making it a costly and potentially redundant addition.

120-4

I urge you to reconsider the South Bay Connect project. The current proposal demonstrates a disregard for fiscal responsibility, community well-being, and environmental stewardship. I strongly advocate for exploring alternative solutions that prioritize existing infrastructure improvements, more cost-effective transportation options, and community input.

120-5

Thank you for your time and consideration.

Sincerely,

Emma Chen

Emma.chen237@gmail.com

34190 Via Lucca Fremont
5106774551

Mimi Kyi

From: Wei Qian <jennyqw@gmail.com>
Sent: Tuesday, June 25, 2024 12:28 PM
To: CCJPA Board
Subject: Public Comment -V1 South Bay Connect

Follow Up Flag: Follow up
Flag Status: Flagged

Dear CCJPA Board,

As a resident of the Ardenwood area, I strongly oppose the SBC Project and am very disappointed with the Draft Environmental Impact Report (EIR).

121-1

I attended all the SBC public meetings in 2020 and 2024, and the public comments were overwhelmingly against the project.

As residents living along the project line, our daily lives are already disturbed by noise and vibrations. Yet, the Draft EIR states that with the addition of more trains and double tracks, the levels of significance with mitigation will be less than significant. This is unacceptable to the thousands of households along the railway.

121-2

I urge the CCJPR Board to carefully review this Draft EIR. This project is enormously costly and brings many negative impacts. Ardenwood residents oppose the reconstruction of the train station in Ardenwood, Hayward residents do not want the current station to be closed, and the businesses and residents around Fremont Centerville train station do not want to lose Centerville station.....

121-3

However, the SBC website does not mention the negative impacts on the community at all. Furthermore, the project's implementation will exacerbate the already significant issues we face. The mitigation measures proposed in the Draft EIR do not adequately address these concerns, and the assessment of the impacts as "less than significant" is a gross understatement of the actual consequences.

121-4

The economic burden of this project is another major concern. The funds allocated for this project could be better spent on improving existing infrastructure, enhancing public transportation options that do not disrupt communities, and investing in sustainable solutions that benefit a broader segment of the population.

121-5

We urge the CCJPA Board to take into account the overwhelming opposition from the affected communities and to conduct a thorough reassessment of the SBC Project. A more transparent and inclusive approach is needed to ensure that the voices of residents are heard and that communities' well-being is prioritized over ambitious but flawed infrastructure plans. Please reconsider this project.

Please do not compromise the quality of life for tens of thousands of residents.

Sincerely,

Jenny

From: [Ryan O'Keefe](#)
To: [Teurn, Tammy](#)
Subject: New South Bay Connect Comment
Date: Monday, July 15, 2024 4:39:27 PM

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

New South Bay Connect Comment

Name:

Qian

Email:

Jennyqw@gmail.com

Phone:

Organization:

ZIP Code:

Subject:

Oppose the SBC Project

Comment:

As a resident of the Ardenwood area, I strongly oppose the SBC Project.

I attended all the SBC public meetings in 2020 and 2024, and the public comments were overwhelmingly against this project.

As residents living along the project line, our daily lives are already disturbed by noise and vibrations. Yet, the Draft EIR states that with the addition of more trains and double tracks, the levels of significance with mitigation will be less than significant. This is unacceptable to the thousands of households along the railway.

Ardenwood residents oppose the reconstruction of the train station in Ardenwood, Hayward residents do not want the current station to be closed, and the businesses and residents around Fremont Centerville train station do not want to lose Centerville station.....

However, the SBC website does not mention the negative impacts on the community at all. Furthermore, the project's implementation will exacerbate the already significant issues we face.

The economic burden of this project is another major concern. The funds allocated for this project could be better spent on improving existing infrastructure, enhancing public

transportation options that do not disrupt communities, and investing in sustainable solutions that benefit a broader segment of the population.

I urge the SBC project manager to take into account the overwhelming opposition from the affected communities and to reassessment of this Project. A more transparent and inclusive approach is needed to ensure that the voices of residents are heard and that communities' well-being is prioritized over ambitious but flawed infrastructure plans.

Mimi Kyi

From: James Hongyi Zeng <eastzonexp@gmail.com>
Sent: Thursday, June 13, 2024 7:17 PM
To: CCJPA Board; Rebecca Saltzman; Robert Raburn; Janice Li; Bevan Dufty; Debora Allen
Cc: NoCoastRoute@gmail.com; liz ames
Subject: Public Comment - South Bay Connect

Follow Up Flag: Follow up
Flag Status: Flagged

Hi CCJPA Board, BART directors on the board,

I am a homeowner in Fremont and a community working group (CWG) member. I am writing to express my concerns regarding the South Bay Connect project's draft EIR. As you know, The project has received [objections](#) from almost all cities along the project line, including Hayward, Union City, San Leandro, and Fremont. This is a regional issue.

123-1

One strong concern about the draft EIR is that for the first time the SBC project is centered around dual track "upgrade" (Section 2.3). This certainly comes as a big surprise to my community as this was never mentioned or communicated during the scoping discussion back in 2020 and in the past 4 years. **The SBC Project Management should be more transparent about this change during the draft EIR public comment period, through website, flyer, and mailers.**

After some digging, it seems that the reason for such a big change from the project scoping in 2020/2021 is to meet the EIR funding deadline. Here I quote the "CAPITOL CORRIDOR FY 2024-25 & FY 2025-26 DRAFT ANNUAL BUSINESS PLAN – MAY 2024" Page 14:

123-2

After delays waiting on UPRR for capacity modeling results, the CCJPA determined the most pragmatic approach is to presume a maximum footprint for track infrastructure needed to meet funding deadlines associated with the draft Environmental Impact Report (EIR).

CAPITOL CORRIDOR FY 2024-25 & FY 2025-26 DRAFT ANNUAL BUSINESS PLAN – MAY 2024

South Bay Connect

The South Bay Connect project comprises two main elements that have independent utility: 1) the rerouting of Capitol Corridor train service from its existing UPRR Niles Subdivision to the UPRR Coast Subdivision between Oakland and Newark (called the South Bay Connect project) and 2) a new intermodal station at Ardenwood Park & Ride (on the border between the cities of Fremont and Newark) that connects north-south rail service and existing east-west transit and shuttle service across the SR84 Dumbarton transportation corridor, enhancing transit connections between Alameda County and the Peninsula (termed the SR84 Intermodal Facility project). The proposed service reroute reduces travel time by up to 13 minutes between Oakland and San Jose, and the SR84 Intermodal Facility would allow Capitol Corridor passengers to reach destinations more easily on the SF Peninsula. Resulting increases in ridership from travel time reduction and new intermodal station connections would reduce vehicle miles traveled on the congested corridors of I-880 and SR84, resulting in lower overall transportation GHG emissions and harmful air pollutants. This project is being developed in coordination with a broad range of stakeholders, including Alameda CTC, AC Transit, and other public and private entities. After delays waiting on UPRR for capacity modeling results, the CCJPA determined the most pragmatic approach is to presume a maximum footprint for track infrastructure needed to meet funding deadlines associated with the draft Environmental Impact Report (EIR) – now expected to be released by November 2024 with the final EIR by mid- 2025. The SR84 Intermodal Facility project is also advancing with Caltrans District 4 through their project development process. For both project elements, the CCJPA will continue to seek additional funding required to complete construction.

Hence, the SBC project management is actually waiting for UPRR for capacity modeling results which will reflect the original plan (shifting freight to Niles, shifting CC to Coast). Only because such a model is delayed does the SBC project management proceed with the "maximum footprint" EIR. The whole "Alternative E" discussion in the EIR is just a technical way to circumvent this difficulty.

123
-3

This seems inconsistent with the good faith requirement of CEQA as the EIR content is completely different from the actual project plan. Surprisingly, the EIR comes back all "green" which itself raised the question of the correctness of the EIR. For example, my house is NOT even in the impact zone studied in the EIR but already impacted by the current train operation.

Moreover, because of this change, the project expense is now **\$732 million** which the agency should understand is infeasible. **I hereby request the board to consider pausing the EIR process for potential CEQA violation and work on an EIR that actually reflects the project reality.**

In general, I would like to bring your attention to the current online petition regarding this project **(there are 1400+ signatures and counting)**

123
-4

<https://www.change.org/p/say-no-to-rerouting-capitol-corridor-to-coast>

Even for the Capitol Corridor as a whole, it's not clear how much additional ridership the project will bring - the plan seems only suggesting very marginal improvement with an "up to 13 minutes" time saving. I don't think it's a smart way to spend **\$732 million**.

Thanks,
James

From: [Ryan O'Keefe](#)
To: [Teurn, Tammy](#)
Subject: New South Bay Connect Comment
Date: Thursday, June 27, 2024 2:28:46 PM

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

New South Bay Connect Comment

Name:

Ginny DeMartini

Email:

ginpax4@gmail.com

Phone:

(510) 461-4058

Organization:

Eden Area United Democratic Campaign

ZIP Code:

94544

Subject:

South Bay Connect

Comment:

Two Items:

1. Please extend the public comments to the end of July to give residents more time to weigh in.
2. Please hold a public meeting in the City of Hayward to provide a public forum for low-income people who rely on this mode of travel.

125-1

From: [Justin Lee](#)
To: info@southbayconnect.com; CityCouncil@Fremont.gov; [Teresa Keng](#)
Cc: nocoastroute@gmail.com; better4northfremont@gmail.com
Subject: Objection to "Proposed Project South Bay Connect": Where will you relocate the unhoused??
Date: Friday, June 28, 2024 2:21:51 PM
Attachments: [District 1 Unhoused Images .pdf](#)

To whom it may concern:

The proposed South Bay Connect Project of creating a new Intermodal Train Station here in Ardenwood and the rerouting of trains will highly impact our neighborhoods here in District 1. Those of you who do not live in North Fremont / District 1, might not know that we do have an unhoused population in our district.

Where is this unhoused population you might be thinking? Currently, they are living in the proposed and projected area that you are planning on building this new "Ardenwood Intermodal Train Station".

While every effort is taken by the City of Fremont and our District 1 Councilmember, Teresa Keng to clean up this area and remove the unhoused and various encampments, they continually come back to the same area.

So, my question is, if this projected project becomes reality, where will the unhoused population go? Residents of the following HOA's are concerned that they will move elsewhere in our neighborhoods:

- California Vintage
- California Meadows
- California Crest II
- Capriana
- Hampton Place
- Patterson Ranch
- Villa D'Este

Again, as I've stated in the two public outreach meetings, the neighboring HOA's were not properly informed on this proposed project. I request that before anything happens, please consult and have meetings with the neighboring HOA's to hear feedback from the communities that are directly affected by this.

129-1

129-2

Attached are some pictures of the various unhoused encampments residing in our District and in the projected area of scope for this new train station here in Ardenwood.

129-3

Thanks,
Justin

From: [Candice Chang](#)
Subject: I oppose the Capitol Corridor South Bay Connect Project
Date: Sunday, June 30, 2024 4:32:03 PM

Hello,

I live in Union City, CA. I oppose the Capitol Corridor South Bay Connect Project. Circumstances have changed and projected costs have increased by more than 3x since the Project was initially scoped. The Project has not presented any compelling evidence that the Project will meaningfully increase ridership, and thus decrease traffic. Indeed, ridership on the Capitol Corridor has decreased by 50% since 2019. Even assuming ridership increases by 2,000 passengers in accordance with the Project's expectations, that removes less than 1% of cars daily from I-880 traffic. For the \$1 billion price tag, this seems like a low return on taxpayer investment. Furthermore, the draft EIR itself admits that, by 2040, environmental benefits resulting from reduced vehicle motor traffic become less beneficial because cars will have lower emissions due to improved technology and more stringent regulations. Since the Project has been delayed many years and it's unclear when an additional \$500-700 million of funding will be secured, whether the Project will even be completed by 2040 is questionable.

134-1

Moving passenger rail service from the Oakland-Niles rail line to the Coastal rail line will enable Union Pacific to substantially increase freight traffic on the Oakland-Niles rail line, up to 50-60 trains per day. This will negate and overcome any reduction in greenhouse gas emissions from increased ridership. However, the draft EIR does not address this increase because the Capitol Corridor does not manage freight traffic. This is an abrogation of Capitol Corridor's ethical responsibilities to the community. They should at least attempt an estimate so that the community can understand the true benefits and costs of the Project.

134-2

The draft EIR assumes the Project will be completed and operational by 2025. Clearly, this is an outdated assumption. The environmental impact assessments and the Project scoping should be redone based on updated data and assumptions, including expected ridership, construction timeframe, likely completion date, and time needed to obtain an additional \$500-700 million in funding.

134-3

Furthermore, the draft EIR does not adequately address significant risks to the impacted communities and environment. For those living in the community near the Coastal rail line, the draft EIR does not identify any adverse noise or vibration impacts during on-going operation of the rail line. However, this ignores the very real increase in noise and vibration we will feel, which studies have shown leads to chronic stress, diabetes, and even breast cancer. Also, the draft EIR does not anticipate any additional needs for fire or police, even though the Ardenwood train station will bring additional traffic and crime to the area. Fremont will not get any additional resources to deal with the increased traffic and crime.

134-4

I urge you to put a stop to the South Bay Connect Project. For \$1B, we should consider other alternatives that will be more effective.

Sincerely,
Candice Chang

From: [Ryan O'Keefe](#)
To: [Teurn, Tammy](#)
Subject: New South Bay Connect Comment
Date: Tuesday, July 2, 2024 1:49:17 PM

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

New South Bay Connect Comment

Name:

Allyson Greenlon

Email:

allysongreenlon@gmail.com

Phone:

(818) 642-6640

Organization:

Alvarado Park Neighborhoods

ZIP Code:

94806

Subject:

In Favor of Protecting Hayward Amtrak / Opposing South Bay Connect

Comment:

I shared my comment verbally at the public meeting and wanted to make sure it was documented in writing as well so I am submitting it here:

I am opposed to the south bay connect proposal as it currently stands without the commitment of relocating the Hayward Amtrak station within Hayward city limits.

My reasons are as follows:

According to the CalEnviroScreen report, the demographics of the city of Hayward are 84% black, brown, indigenous, latinx and other people of color. These groups have been historically underserved, including disproportionately affected by pollution and socioeconomic hurdles due to lack or loss of community development. The loss of this Amtrak station will negatively impact the communities that call Hayward home or work.

139-1

The south bay connect project would leave those of us who choose to commute to and from Hayward car-free by train and bike with no other option other than to drive.

139-2

Protecting the Hayward Amtrak sends a message that you prioritize marginalized communities as well as maintain or even grow car-free transportation options that serve individuals, communities, and the environment. If you take this station away, there is no denying that expediency (especially to the tech-centered south bay / peninsula region) is being prioritized over the support of this community.

139-3

Here is my daily work commute: I bike from my house in San Pablo to the Richmond Amtrak station. I ride Amtrak to Hayward station, during which time I say hello to my fellow amtrak commuters - we are a sweet and beautiful community. I get off at Hayward station and bike to my work at the Alameda County public building on West Winton. This commute allows me to be one less car on the road in a world where we desperately need to reduce carbon emissions contributed by car. Today I speak inspired by my children, who see me as a passionate bike commuter and civil servant whose work is focused on outreach to the public that protects our environment and health.

139-4

In considering the future of the Hayward Amtrak, ask this: Do we want to be yet another sorry of public transit loss and communities not valued - as we all know has happened countless times before in our nation's history - or do we want to be a rare sorry of success and a happy ending, in which this station remains open for the people of an often overlooked community. We could lead by example for the type of community we all wish to live and participate in.

139-5

Today I took Amtrak to work and felt grateful as I waved hello to my fellow Hayward station work commuter community. Thank you.

From: [Ryan O'Keefe](#)
To: [Teurn, Tammy](#)
Subject: New South Bay Connect Comment
Date: Wednesday, July 3, 2024 2:23:08 PM

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

New South Bay Connect Comment

Name:

David Tran

Email:

davidt964@g.ucla.edu

Phone:

(818) 518-3108

Organization:

ZIP Code:

91304

Subject:

Capitol Corridor Electrification Support and Arguments in Favor of Overhead Catenary Wires

Comment:

The 2018 State Rail Plan calls for 30 minute, electrified regional rail service between San Jose and Solano County, which is missing from the EIR. This is only attainable if the transit corridor is fully electrified via overhead catenary wires like CalT rain jus recently employed! It greatly speeds up service while exceeding transportation emission minimization goals. Please electrify the Capitol Corridor with fully electric service not in the form of hydrogen trains or battery trains but overhead wires.

141-1

From: [Ryan O'Keefe](#)
To: [Teurn, Tammy](#)
Subject: New South Bay Connect Comment
Date: Wednesday, July 3, 2024 3:44:10 PM

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New South Bay Connect Comment

Name:

Kenneth Pickrel

Email:

kenpickrel14@gmail.com

Phone:

(916) 296-2072

Organization:

ZIP Code:

95814

Subject:

South Bay Connect EIR Comment

Comment:

Hello, unsure why electrification was not included in the EIRs scope. Electrifying the Capital Corridor would drastically increase speeds and service frequency . While this projects scope would not include the full electrification of the line, including it for jus the section of the project would help to begin that long process. It could also help set precedent with UPRR for future electrification efforts on other passenger rail shared tracks like Amtrak San Joaquin's.

142-1

From: [Ryan O'Keefe](#)
To: [Teurn, Tammy](#)
Subject: New South Bay Connect Comment
Date: Wednesday, July 3, 2024 8:00:11 PM

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

New South Bay Connect Comment

Name:

Jonathan Grass

Email:

jjgrass@gmail.com

Phone:

Organization:

ZIP Code:

Subject:

Capitol Corridor

Comment:

The Capitol Corridor is in real need of catenary electrification higher service frequency . | 143-1

From: [Adriana Rizzo](#)
To: info@southbayconnect.com
Subject: Californians for Electric Rail comment on South Bay Connect draft EIR
Date: Monday, July 8, 2024 2:51:07 PM
Attachments: [CER CCJPA DEIR SBC Letter.pdf](#)

To whom it may concern,
Please find attached a letter from Californians for Electric Rail commenting on South Bay
Connect's draft EIR.

Best,
Adriana Rizzo

149-1



July 8, 2024

Capitol Corridor Joint Powers Board - <Via Email Only - info@SouthBayConnect.com>
South Bay Connect
2150 Webster St.
3rd Floor
Oakland, CA 94612

RE: South Bay Connect - Draft Environmental Impact Report

Dear CCJPA Staff,

Californians for Electric Rail (CER), which represents members around the state including Alameda County, writes to comment on the South Bay Connect project (SBC) and its Draft Environmental Impact Report (DEIR).

149-2

CER supports the transition to higher speed, more reliable, and more frequent intercity and regional rail service as contemplated in the SBC. In terms of speed we hope that CCJPA can revisit potential track classification from FRA 5 to FRA 6 to allow for up to 110 mph.

We write to highlight incomplete analyses in the Chapter 3, Section 18 - Transportation of the DEIR. Section 3.18.2.2 references the adopted California Department of Transportation State Rail - 2018 (Adopted State Rail Plan) and states “[s]pecifically, the State Rail Plan calls for re-routing passenger rail service from the Niles Subdivision to the Coast Subdivision and re-routing freight operations from the Coast Subdivision to the Niles Subdivision to facilitate faster travel times.”

149-3

While it is true that the Adopted State Rail Plan does call for re-routing passenger service from Niles to Coast subdivision, unfortunately Section 3.18.2.2 fails to describe additional, critical detail from the Adopted State Rail Plan as it pertains to the project area within SBC. Under Section 4.10.3 the Adopted State Rail Plan proposes seven discrete “Service Goals and Improvements” for the South San Francisco Bay Area geography, including:

- “Implement the recommended Transbay tube alternative, including at least half-hourly electric regional rail, making all local stops between the Salesforce Transit Center and the Richmond and Solano County hubs, as well as the East Bay hub south of Oakland. This also includes intercity trains providing half-hourly service to Sacramento as extensions of halfhourly express service from San Jose to the Salesforce Transit Center.

- Provide half-hourly regional electric services between a Solano County hub and an East Bay hub through Oakland, with half-hourly connectivity or through service to San Jose."
(Adopted State Rail Plan, Section 4.10.3; emphasis added.)

149-3

Clearly the Adopted State Rail Plan proposes electric regional rail service "to San Jose", "south of Oakland" and "from San Jose to the Salesforce Transit Center." The failure of SBC to mention these service goals and outcomes of the Adopted State Rail Plan should be addressed by the SBC environmental document.

The failure of the DEIR to adequately describe the Adopted State Rail Plan proposed Service Goals and Improvements as it pertains to the SBC and SBC project area is not an idle concern. This omission of the electric regional rail service goals and outcomes of the Adopted State Rail Plan as it pertains to the SBC and SBC project area is apparent in the project alternatives outlined in Chapter 2 of DEIR.

Chapter 2 does not mention electrification as part of Alternative E (Preferred Alternative) or the other project alternatives. Nor does Chapter 2 discuss designing the Preferred Alternative or the other project alternatives to "future proof" the SBC improvements to allow for future electrification of the ROW as articulated in the Adopted State Rail Plan.

149-4

While CER understands that electrification may constitute a separate and distinct project we urge CCJPA to reflect two items in future SBC environmental documents:

1. A discussion within Chapter 3, Section 18.2.2 of the electric regional rail service goals and outcomes within the SBC project area as articulated in the Adopted State Rail Plan Section 4.10.3.
2. A commitment to future proofing the design of the Preferred Alternative to allow for electrification of the SBC project area on a medium to long-term basis consistent with the Adopted State Rail Plan.

We thank you for your consideration and look forward to working with you on the transition to proven zero emission rail technology.

149-5

Sincerely,
Adriana Rizzo, Californians for Electric Rail

From: [Wu, Elton H](#)
To: info@SouthBayConnect.com
Cc: [Maupin, Miranda L](#); [Natesan, Ellen](#); [Rando, Casey](#); [Wilson, Joanne](#); [Mendoza, Jonathan S](#); [Rodgers, Heather](#); [Reard, Emily](#); [Fong, Stacie](#); [Leung, Tracy](#); [NRLM Public Notices](#)
Subject: NOP South Bay Connect Public Notification Response
Date: Tuesday, July 9, 2024 11:23:28 AM
Attachments: [Interim EIR1.rtf](#)
[FINAL-Amended Right of Way Integrated Vegetation Management Policy.pdf](#)
[FINAL Interim Water Pipeline Right of Way Policy.pdf](#)

Hello,

Thank you for the opportunity to comment on the draft EIR for the proposed South Bay Connect Project. The City and County of San Francisco owns right of way property for high pressure water pipelines that traverse the East Bay. These pipelines are operated and maintained by the San Francisco Public Utilities Commission (SFPUC). Sections of the SFPUC Right of Way (ROW) that are located within the proposed project site include:

- The Bay Division Pipeline (BDPL) Nos. 1, 2, and 5 is located within the proposed project site west of Sycamore Street (crossing the proposed rail alignment at location: 37.525972°, -122.034429°).
- Newark/San Leandro pipeline (NSLPL) is located within portions of the existing railroad alignment where Amtrak's proposed "Coast Subdivision" alignment is shown. The NSLPL is within the "Coast Subdivision" alignment at the following locations:
 - approximately MP 20.5 (south of Winton Av., Hayward) to approximately MP 24.75 at the Hayward/Union City border; and
 - approximately MP 30.5 to MP 31.0 (south of Thorton Ave., Fremont)
- The railroad ROW also crosses BDPL Nos. 1, 2, and 5 in the same vicinity of NSLPL at MP 30.5 to MP 31.0 (south of Thorton Ave., Fremont).

The SFPUC Real Estate Services is researching the SFPUC's land rights for the sections of right of way that cross the rail alignments that are not owned in fee by the SFPUC.

Background

The SFPUC manages approximately 60,000 acres of watershed land and 150 miles of pipeline ROW in three Bay Area counties. These lands are part of the Hetch Hetchy Regional Water System providing water to approximately 2.7 million customers. The SFPUC monitors and protects its lands by reviewing proposed projects and activities that may affect SFPUC lands and infrastructure for consistency with SFPUC policies and plans.

San Francisco, through the SFPUC, operates several active water transmission pipelines including within the proposed project site in Newark. These pipelines serve millions of water customers and include the Bay Division Pipeline (BDPL) Nos. 1, 2, and 5. The ROW's primary purpose is to serve as utility corridors for water transmission. The primary use of the ROW land is for the delivery, operation, maintenance, and protection of its drinking water supply system. Secondary uses of ROW lands devoted to these purposes may be permitted only if those uses do not in any way interfere with, endanger or damage existing or future operations or the security of those systems.

Comments Regarding the Draft EIR

As stated above, the SFPUC Real Estate Services is researching the land rights for the portion of the SFPUC right of way that crosses the project site. If the SFPUC has a land right within the project site that gives it discretionary authority, the SFPUC should be listed as a responsible agency pursuant to the California Environmental Quality Act (CEQA). If staging or other construction activities are proposed on SFPUC fee owned property, then the SFPUC would be a responsible agency under CEQA. This should be stated in the final EIR.

In addition, SFPUC land use policies should be included in the land use analysis of the draft EIR. Land use and planning analyses under CEQA generally consider the compatibility of a project with neighboring areas, change to or displacement of existing uses, and consistency of a project with relevant local land use policies. The magnitude of land use conflicts or compatibility issues depends on the extent to which a project physically divides an established community or conflicts with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect such that an adverse impact on the environment occurs.

The SFPUC maintains policies to help inform how and in which instances its ROW can serve the needs of public agencies, private parties, nonprofit organizations, and developers while maintaining the safety and security of the pipelines that run underneath the ROW. SFPUC policies pertain to land use and structures, recreational use, utilities, vegetation, and water efficiency. Construction of structures on the ROW is generally prohibited, with prohibitions on structures or improvements that require excavation, bored footings, or concrete pads that are greater than 6 inches deep. No structures may be placed directly on top of a pipeline or within 20 feet of the edge of a pipeline. No utilities may be installed on the ROW running parallel to SFPUC's pipelines; utilities may run perpendicular to pipelines with SFPUC approval.

If the proposed project or associated elements (i.e. staging) is located on SFPUC fee owned property, then certain SFPUC policies would apply. According to SFPUC's Interim Water Pipeline Right of Way Use Policy for San Mateo, Santa Clara, and Alameda Counties (copy attached), the SFPUC typically issues 5-year licenses for use of its property, with a form of rent and insurance required upon signing. These licenses are revocable, meaning that SFPUC can revoke them prior to the 5-year expiration. The licensee (user of SFPUC property) is to maintain landscaping and equipment to ensure that water is used efficiently. Water runoff leaving a landscaped area due to low head drainage, overspray, broken irrigation hardware, or other similar conditions is prohibited. Structures on the ROW are generally prohibited under SFPUC's policies.

The SFPUC's Right of Way Integrated Vegetation Management Policy (copy attached) was established to manage vegetation on the transmission, distribution, and collection systems within SFPUC's ROW so that it does not pose a threat or hazard to the system's integrity and infrastructure or impede utility maintenance and operations. These policies include regulations on the types of plantings that are permitted to occur within each zone of the ROW, regulations on annual grass and weed management, and policies pertaining to vegetation removal. If the proposed project were to include landscaping on SFPUC fee owned property, then these policies would apply.

SFPUC Project Review Process

Temporary staging areas and impacts from construction activities affecting the SFPUC right of way require extensive evaluation.

Proposed projects and other activities on any SFPUC property or easement must undergo the Project Review Process if the project will include construction; digging or earth moving; clearing; installation; the use of hazardous materials; other disturbance to ROW resources; or the issuance of new or revised leases, licenses and permits. Even if the SFPUC pipelines are within a public right of way or area where the SFPUC does not have a land right, Project Review is recommended to avoid adverse impacts to critical water infrastructure. This review is done by the SFPUC's Project Review Committee (Committee).

The Committee is a multidisciplinary team with expertise in natural resources management, environmental regulatory compliance, engineering, water quality and real estate. Projects and activities are vetted by the Committee for consistency with SFPUC plans and policies.

In reviewing a proposed project, the Committee may conclude that modifications or avoidance and minimization measures are necessary. Large and/or complex projects may require several project review sessions to review the project at significant planning and design stages.

To initiate the Project Review process, please download and fill out a Project Review application at [Project Review and Land Use - Bay Area \(sfpub.gov\)](#). Please submit the completed application to projectreview@sfpwater.org and it will be scheduled for the next available Project Review meeting.

If you have any questions or need more information, please contact me or my supervisor, Casey Rando, Senior Environmental Compliance Planner, at crando@sfpwater.org.

Thanks,

Elton Wu
Pronouns: He/ Him
Environmental Compliance and Land Planner
SFPUC Water Enterprise
Natural Resources and Lands Management Division
525 Golden Gate Avenue, 10th Floor
San Francisco, CA 94102
cell: (415) 971-7657
ewu@sfpwater.org



155-1

155-2

155-3

155-4



Hetch Hetchy Regional Water System

Services of the San Francisco Public Utilities Commission

AMENDMENT TO THE RIGHT OF WAY INTEGRATED VEGETATION MANAGEMENT POLICY

Approved January 13, 2015

by

SFPUC Resolution No. 15-0014

12.000 RIGHT OF WAY INTEGRATED VEGETATION MANAGEMENT POLICY

12.001 General

The San Francisco Public Utilities Commission (“SFPUC”) is responsible for the delivery of potable water and the collection and treatment of wastewater for some 800,000 customers within the City of San Francisco; it is also responsible for the delivery of potable water to 26 other water retailers with a customer base of 1.8 million. **The following policy is established to manage vegetation on the transmission, distribution and collection systems within the SFPUC Right of Way (“ROW”) so that it does not pose a threat or hazard to the system’s integrity and infrastructure or impede utility maintenance and operations.**

The existence of large woody vegetation¹, hereinafter referred to as vegetation, and water transmission lines within the ROW are not compatible and, in fact, are mutually exclusive uses of the same space. Roots can impact transmission pipelines by causing corrosion. The existence of trees and other vegetation directly adjacent to pipelines makes emergency and annual maintenance very difficult, hazardous, and expensive, and increases concerns for public safety. The risk of fire within the ROW is always a concern and the reduction of fire ladder fuels within these corridors is another reason to modify the vegetation mosaic. In addition to managing vegetation in a timely manner to prevent any disruption in utility service, the SFPUC also manages vegetation on its ROW to comply with local fire ordinances enacted to protect public safety.

One of the other objectives of this policy is to reduce and eliminate as much as practicable the use of herbicides on vegetation within the ROW and to implement integrated pest management (IPM).

12.002 Woody Vegetation Management

1.0 Vegetation of any size or species will not be allowed to grow within certain critical portions of the ROW, pumping stations or other facilities as determined by a SFPUC qualified professional, and generally in accordance with the following guidelines.

1.1 Emergency Removal

SFPUC Management reserves the right to remove any vegetation without prior public notification that has been assessed by a SFPUC qualified professional as an immediate threat to transmission lines or other utility infrastructure, human life and property due to acts of God, insects, disease, or natural mortality.

1.2 Priority Removal

Vegetation that is within 15 feet of the edge of any pipe will be removed and the vegetative debris will be cut into short lengths and chipped whenever possible. Chips will be spread upon the site where the vegetation was removed. Material that cannot be chipped will be hauled away to a proper disposal site.

¹ Woody vegetation is defined as all brush, tree and ornamental shrub species planted in (or naturally occurring in) the native soil having a woody stem that at maturity exceeds 3 inches in diameter.

If vegetation along the ROW is grouped in contiguous stands², or populations, a systematic and staggered removal of that vegetation will be undertaken to replicate a natural appearance. Initial removal³ will be vegetation immediately above or within 15 feet of the pipeline edges; secondary vegetation⁴ within 15 to 25 feet from pipelines will then be removed.

1.3 Standard Removal

Vegetation that is more than 25 feet from the edge of a pipeline and up to the boundary of the ROW will be assessed by a SFPUC qualified professional for its age and condition, fire risk, and potential impact to the pipelines. Based on this assessment, the vegetation will be removed or retained.

1.4 Removal Standards

Each Operating Division will develop its own set of guidelines or follow established requirements in accordance with local needs.

2.0 All stems of vegetation will be cut flush with the ground and where deemed necessary or appropriate, roots will be removed. All trees identified for removal will be clearly marked with paint and/or a numbered aluminum tag.

3.0 Sprouting species of vegetation will be treated with herbicides where practicable, adhering to provisions of Chapter 3 of the San Francisco Environment Code.

4.0 Erosion control measures, where needed, will be completed before the work crew or contractors leave the work site or before October 15 of the calendar year.

5.0 Department personnel will remove in a timely manner any and all material that has been cut for maintenance purposes within any stream channel.

6.0 All vegetation removal work and consultation on vegetation retention will be reviewed and supervised by a SFPUC qualified professional. All vegetation removal work and/or treatment will be made on a case-by-case basis by a SFPUC qualified professional.

7.0 Notification process for areas of significant resource impact that are beyond regular and ongoing maintenance:

7.1 County/City Notification – The individual Operating Division will have sent to the affected county/city a map showing the sections of the ROW which will be worked, a written description of the work to be done, the appropriate removal time for the work crews, and a contact person for more information. This should be done approximately 10 days prior to start of work. Each Operating Division will develop its own set of guidelines in accordance with local need.

² A stand is defined as a community of trees possessing sufficient uniformity in composition, structure, age, arrangement, or condition to be distinguishable from adjacent forest communities to form a management unit.

³ Initial removal is defined as the vegetation removed during the base year or first year of cutting.

⁴ Secondary vegetation is defined as the vegetative growth during the second year following the base year for cutting.

7.2 Public Notification – The Operating Division will have notices posted at areas where the vegetation is to be removed with the same information as above also approximately 10 days prior to removal. Notices will also be sent to all property owners within 300 feet of the removal site. Posted notices will be 11- by 17-inches in size on colored paper and will be put up at each end of the project area and at crossover points through the ROW. Questions and complaints from the public will be handled through a designated contact person. Each Operating Division will develop its own set of guidelines in accordance with local needs.

12.003 Annual Grass and Weed Management

Annual grasses and weeds will be mowed, disked, sprayed or mulched along the ROW as appropriate to reduce vegetation and potential fire danger annually. This treatment should be completed before July 30 of each year. This date is targeted to allow the grasses, forbs and weeds to reach maturity and facilitate control for the season.

12.004 Segments of ROW that are covered by Agricultural deed rights

The only vegetation that may be planted within the ROW on those segments where an adjacent owner has Deeded Agricultural Rights will be: non-woody herbaceous plants such as grasses, flowers, bulbs, or vegetables.

12.005 Segments of ROW that are managed and maintained under a Lease or License

Special allowance may be made for these types of areas, as the vegetation will be maintained by the licensed user as per agreement with the City, and not allowed to grow unchecked. Only shallow rooted plants may be planted directly above the pipelines.

Within the above segments, the cost of vegetation maintenance and removal will be borne by the tenant or licensee exclusively. In a like fashion, when new vegetative encroachments are discovered they will be assessed by a SFPUC qualified professional on a case-by-case basis and either be permitted or proposed for removal.

The following is a guideline for the size at maturity of plants (small trees, shrubs, and groundcover) that may be permitted to be used as landscape materials. Note: All distance measurements are for mature trees and plants measured from the edge of the drip-line to the edge of the pipeline.

- Plants that may be permitted to be planted directly above existing and future pipelines: shallow rooted plants such as ground cover, grasses, flowers, and very low growing plants that grow to a maximum of one foot in height at maturity.
- Plants that may be permitted to be planted 15–25 feet from the edge of existing and future pipelines: shrubs and plants that grow to a maximum of five feet in height at maturity.
- Plants that may be permitted to be planted 25 feet or more from the edge of existing and future pipelines: small trees or shrubs that grow to a maximum of twenty feet in height and fifteen feet in canopy width.

Trees and plants that exceed the maximum height and size limit (described above) may be permitted within a leased or licensed area provided they are in containers and are above ground. Container load and placement location(s) are subject to review and approval by the SFPUC.

Low water use plant species are encouraged and invasive plant species are not allowed.

All appurtenances, vaults, and facility infrastructure must remain visible and accessible at all times. All determinations of species acceptability will be made by a SFPUC qualified professional.

The above policy is for general application and for internal administration purposes only and may not be relied upon by any third party for any reason whatsoever. The SFPUC reserves the right at its sole discretion, to establish stricter policies in any particular situation and to revise and update the above policy at any time.



Hetch Hetchy Regional Water System

Services of the San Francisco Public Utilities Commission

SFPUC Interim Water Pipeline Right of Way Use Policy for San Mateo, Santa Clara, and Alameda Counties

Approved January 13, 2015

by

SFPUC Resolution No. 15-0014

as an amendment to the SFPUC Real Estate Guidelines

SFPUC Water Pipeline Right of Way Use Policy for San Mateo, Santa Clara, and Alameda Counties

As part of its utility system, the San Francisco Public Utilities Commission (SFPUC) operates and maintains hundreds of miles of water pipelines. The SFPUC provides for public use on its water pipeline property or right of way (ROW) throughout Alameda, Santa Clara, and San Mateo counties consistent with our existing plans and policies. The following controls will help inform how and in which instances the ROW can serve the needs of third parties—including public agencies, private parties, nonprofit organizations, and developers—seeking to provide recreational and other use opportunities to local communities.

Primarily, SFPUC land is used to deliver high quality, efficient and reliable water, power, and sewer services in a manner that is inclusive of environmental and community interests, and that sustains the resources entrusted to our care. The SFPUC's utmost priority is maintaining the safety and security of the pipelines that run underneath the ROW.

Through our formal Project Review and Land Use Application and Project Review process, we may permit a secondary use on the ROW if it benefits the SFPUC, is consistent with our mission and policies, and does not in any way interfere with, endanger, or damage the SFPUC's current or future operations, security or facilities.¹ No secondary use of SFPUC land is permitted without the SFPUC's consent.

These controls rely on and reference several existing SFPUC policies, which should be read when noted in the document. Being mindful of these policies while planning a proposed use and submitting an application will ease the process for both the applicant and the SFPUC. These controls are subject to change over time and additional requirements and restrictions may apply depending on the project.

The SFPUC typically issues five-year revocable licenses for use of our property, with a form of rent and insurance required upon signing.²

Note: The project proponent is referred to as the "Applicant" until the license agreement is signed, at which point the project proponent is referred to as the "Licensee."

¹ SFPUC Guidelines for the Real Estate Services Division, Section 2.0.

² SFPUC Guidelines for the Real Estate Services Division, Section 3.3.

I. Land Use, Structures, and Compliance with Law

The following tenets govern the specifics of land use, structures, and accessibility for a project. Each proposal will still be subject to SFPUC approval on a case-by-case basis.

- A. SFPUC Policies. The Applicant's proposed use must conform to policies approved by the SFPUC's Commission, such as the SFPUC's Land Use Framework (<http://sfwater.org/index.aspx?page=586>).
- B. Americans with Disabilities Act Compliance. The Applicant must demonstrate that a Certified Access Specialist (CASP) has reviewed and approved its design and plans to confirm that they meet all applicable accessibility requirements.
- C. Environmental Regulations. The SFPUC's issuance of a revocable license for use of the ROW is subject to compliance with the California Environmental Quality Act (CEQA). The Applicant is responsible for assessing the potential environmental impacts under CEQA of its proposed use of the ROW. The SFPUC must be named as a Responsible Agency on any CEQA document prepared for the License Area. In addition, the Applicant shall provide to SFPUC a copy of the approved CEQA document prepared by the Applicant, the certification date, and documentation of the formal approval and adoption of CEQA findings by the CEQA lead agency. The SFPUC will not issue a license for the use of the ROW until CEQA review and approval is complete.
- D. Crossover and Other Reserved Rights. For a ROW parcel that bisects a third party's land, the Applicant's proposed use must not inhibit that party's ability to cross the ROW. The Applicant must demonstrate any adjoining owner with crossover or other reserved rights approves of the proposed recreational use and that the use does not impinge on any reserved rights.
- E. Width. The License Area must span the entire width of the ROW.
 - *For example, the SFPUC will not allow a 10-foot wide trail license on a ROW parcel that is 60 feet wide.*
- F. Structures. Structures on the ROW are generally prohibited. The Licensee shall not construct or place any structure or improvement in, on, under or about the entire License Area that requires excavation, bored footings or concrete pads that are greater than six inches deep.
 - i. Structures such as benches and picnic tables that require shallow (four to six inches deep) cement pads or footings are generally permitted on the ROW. No such structure may be placed directly on top of a pipeline or within 20 feet of the edge of a pipeline.
 - ii. The SFPUC will determine the permitted weight of structures on a case-by-case basis.

- *When the SFPUC performs maintenance on its pipelines, structures of significant weight and/or those that require footings deeper than six inches are very difficult and time-consuming to move and can pose a safety hazard to the pipelines. The longer it takes the SFPUC to reach the pipeline in an emergency, the more damage that can occur.*

- G. Paving Materials. Permitted trails or walkways should be paved with materials that both reduce erosion and stormwater runoff (e.g., permeable pavers).
- H. License Area Boundary Marking. The License Area's boundaries should be clearly marked by landscaping or fencing, with the aim to prevent encroachments.
- I. Fences and Gates. Any fence along the ROW boundary must be of chain-link or wooden construction with viewing access to the ROW. The fence must include a gate that allows SFPUC access to the ROW.³ Any gate must be of chain-link construction and at least 12 feet wide with a minimum 6-foot vertical clearance.

II. *Types of Recreational Use*

Based on our past experience and research, the SFPUC will allow simple parks without play structures, community gardens and limited trails.

- A. Fulfilling an Open Space Requirement. An applicant may not use the ROW to fulfill a development's open space, setback, emergency access or other requirements.⁴ In cases where a public agency has received consideration for use of SFPUC land from a third party, such as a developer, the SFPUC may allow such recreational use if the public agency applicant pays full Fair Market Rent.
- B. Trail Segments. At this time, the SFPUC will consider trail proposals when a multi-jurisdictional entity presents a plan to incorporate specific ROW parcels into a fully connected trail. Licensed trail segments next to unlicensed parcels may create a trail corridor that poses liability to the SFPUC. The SFPUC will only consider trail proposals where the trail would not continue onto, or encourage entry onto, another ROW parcel without a trail and the trail otherwise meet all SFPUC license requirements.

III. *Utilities*

- A. Costs. The Licensee is responsible for all costs associated with use of utilities on the License Area.

³ SFPUC Right of Way Requirements.

⁴ SFPUC Guidelines for the Real Estate Services Division, Section 2.0.

- B. Placement. No utilities may be installed on the ROW running parallel to the SFPUC's pipelines, above or below grade.⁵ With SFPUC approval, utilities may run perpendicular to the pipelines.
- C. Lights. The Licensee shall not install any light fixtures on the ROW that require electrical conduits running parallel to the pipelines. With SFPUC approval, conduits may run perpendicular to and/or across the pipelines.
- Any lighting shall have shielding to prevent spill over onto adjacent properties.
- D. Electricity. Licensees shall purchase all electricity from the SFPUC at the SFPUC's prevailing rates for comparable types of electrical load, so long as such electricity is reasonably available for the Licensee's needs.

IV. Vegetation

- A. The Applicant shall refer to the SFPUC Integrated Vegetation Management Policy for the *minimum* requirements concerning types of vegetation and planting. (<http://www.sfwater.org/index.aspx?page=431>.) The Licensee is responsible for all vegetation maintenance and removal.

- B. The Applicant shall submit a Planting Plan as part of its application.

(Community garden applicants should refer to Section VII.C for separate instructions.)

- i. The Planting Plan should include a layout of vegetation placement (grouped by hydrozone) and sources of irrigation, as well as a list of intended types of vegetation. The SFPUC will provide an area drawing including pipelines and facilities upon request.
- ii. The Applicant shall also identify the nursery(ies) supplying plant stock and provide evidence that each nursery supplier uses techniques to reduce the risk of plant pathogens, such as *Phytophthora ramorum*.

V. Measures to Promote Water Efficiency⁶

- A. The Licensee shall maintain landscaping to ensure water use efficiency.
- B. The Licensee shall choose and arrange plants in a manner best suited to the site's climate, soil, sun exposure, wildfire susceptibility and other factors. Plants with similar water needs must be grouped within an area controlled by a single irrigation valve

⁵ SFPUC Land Engineering Requirements.

⁶ SFPUC Rules and Regulations Governing Water Service to Customers, Section F.

- C. Turf is not allowed on slopes greater than 25 percent.
- D. The SFPUC encourages the use of local native plant species in order to reduce water use and promote wildlife habitat.
- E. Recycled Water. Irrigation systems shall use recycled water if recycled water meeting all public health codes and standards is available and will be available for the foreseeable future.
- F. Irrigation Water Runoff Prevention. For landscaped areas of any size, water runoff leaving the landscaped area due to low head drainage, overspray, broken irrigation hardware, or other similar conditions where water flows onto adjacent property, walks, roadways, parking lots, structures, or non-irrigated areas, is prohibited.

VI. *Other Requirements*

- A. Financial Stability. The SFPUC requires municipalities or other established organizations with a stable fiscal history as Licensees.
 - i. Applicants must also demonstrate sufficient financial backing to pay rent, maintain the License Area, and fulfill other license obligations over the license term.
- B. Smaller, community-based organizations without 501(c)(3) classifications must partner with a 501(c)(3) classified organization or any other entity through which it can secure funding for the License Area over the license term. Maintenance. The Licensee must maintain the License Area in a clean and sightly condition at its sole cost.⁷ Maintenance includes, but is not limited to, regular weed abatement, mowing, and removing graffiti, dumping, and trash.
- C. Mitigation and Restoration. The Licensee will be responsible, at its sole cost, for removing and replacing any recreational improvements in order to accommodate planned or emergency maintenance, repairs, replacements, or projects done by or on behalf of the SFPUC. If the Licensee refuses to remove its improvements, SFPUC will remove the improvements at the Licensee's sole expense without any obligation to replace them.
- D. Encroachments. The Licensee will be solely responsible for removing any encroachments on the License Area. An encroachment is any improvement on SFPUC property not approved by the SFPUC. Please read the SFPUC ROW Encroachment Policy for specific requirements. If the Licensee fails to remove encroachments, the SFPUC will remove them at Licensee's sole expense. The Licensee must regularly patrol the License Area to spot encroachments and remove them at an early stage.

⁷ SFPUC Framework for Land Management and Use.

- E. Point of Contact. The Licensee will identify a point of contact (name, position title, phone number, and address) to serve as the liaison between the Licensee, the local community, and the SFPUC regarding the License Agreement and the License Area. In the event that the point of contact changes, the Licensee shall immediately provide the SFPUC with the new contact information. Once the License Term commences, the point of contact shall inform local community members to direct any maintenance requests to him or her. In the event that local community members contact the SFPUC with such requests, the SFPUC will redirect any requests or complaints to the point of contact.
- F. Community Outreach.
- i. Following an initial intake conversation with the SFPUC, the Applicant shall provide a Community Outreach Plan for SFPUC approval. This Plan shall include the following information:
 - 1. Identification of key stakeholders to whom the Applicant will contact and/or ask for input, along with their contact information;
 - 2. A description of the Applicant's outreach strategy, tactics, and materials
 - 3. A timeline of outreach (emails/letters mailing date, meetings, etc.); and
 - 4. A description of how the Applicant will incorporate feedback into its proposal.
 - ii. The Applicant shall conduct outreach for the project at its sole cost and shall keep the SFPUC apprised of any issues arising during outreach.
 - iii. During outreach, the Applicant shall indicate that it in no way represents the SFPUC.
- G. Signage. The SFPUC will provide, at Licensee's cost, a small sign featuring the SFPUC logo and text indicating SFPUC ownership of the License Area at each entrance. In addition, the Licensee will install, at its sole cost, an accompanying sign at each entrance to the License Area notifying visitors to contact the organization's point of contact and provide a current telephone number in case the visitors have any issues. The SFPUC must approve the design and placement of the Licensee's sign.

VII. *Community Gardens*

The following requirements also apply to community garden sites. As with all projects, the details of the operation of a particular community garden are approved on a case-by-case basis.

- A. The Applicant must demonstrate stable funding. The Applicant must provide information about grants received, pending grants, and any ongoing foundational support.
- B. The Applicant must have an established history and experience in managing urban agriculture or community gardening projects. Alternatively, the Applicant may demonstrate a formal partnership with an organization or agency with an established history and experience in managing urban agriculture or community gardening projects
- C. During the Project Review process, the Applicant shall submit a Community Garden Planting Plan that depicts the proposed License Area with individual plot and planter box placements, landscaping, and a general list of crops that may be grown in the garden.
- D. The Applicant shall designate a Garden Manager to oversee day-to-day needs and serve as a liaison between the SFPUC and garden plot holders. The Garden Manager may be distinct from the point of contact, see Section VI.E.
- E. The Licensee must ensure that the Garden Manager informs plot holders about the potential for and responsibilities related to SFPUC repairs or emergency maintenance on the License Area. In such circumstances, the SFPUC is not liable for the removal and replacement of any features on the License Area or the costs associated with such removal and replacement.
- F. The Licensee must conduct all gardening within planter boxes with attached bottoms that allow for easy removal without damaging the crops.

From: [FELISHA WEST](#)
To: [South Bay Connect](#)
Cc: [ncbeat31yz@gmail.com](#); [Haley Hester](#); [Lorena Almaraz](#)
Subject: Re: EIR project
Date: Thursday, July 11, 2024 6:58:54 PM

Good evening,

I will forward your response to our community.

156-2

Respectfully,
F. West, NC Chair of 31YZ
Sent from my iPhone

On Jul 11, 2024, at 4:52 PM, South Bay Connect <info@southbayconnect.com> wrote:

Dear Felisha,

Thank you for your email dated July 9 requesting a presentation of the South Bay Connect Draft EIR to the Neighborhood Council of 31YZ.

We recommend you view the two virtual public meeting recordings that are currently posted on the Project [website](#). These recordings provide an overview of the proposed Project and the Draft EIR.

We look forward to receiving your comments to the Draft EIR by July 15 at 5 p.m. PDT. Please visit the South Bay Connect [website](#) for more information on the proposed Project and how to submit a comment.

Thank you again for your comments.

South Bay Connect Team

On Tue, Jul 9, 2024 at 11:35 AM FELISHA WEST <felishawe5@aol.com> wrote:

Greetings,

We just received your information regarding your project that we effected the neighborhood community within Neighborhood Council of 31YZ.

We are requesting that you come to out to ours community meeting showing us a presentation of EIR project and how it will impact our communities.

156-1

Respectfully,
F. West, NC Chair of 31YZ

Sent from my iPhone

From: [Elizabeth Ames](#)
To: [South Bay Connect](#)
Cc: [Jeana Zelan](#)
Subject: Re: South Bay Connect Project Draft EIR – One Week Left to Submit Comments!
Date: Thursday, July 11, 2024 2:57:44 PM

Thanks for your email -I just got an email from CCCR that they asked for a 15 day extension. It appears they got a similar response.

Hope you reconsider as Citizens to Complete the Refuge -CCCR- has been a partner to get grants for Capitol Corridor

This non-profit agency is respected in the region in regards to the baylands and vital stakeholder given their expertise and the complexity of South Bay Connect.

Hope you reconsider and appreciate your help.

Thank you
Liz

Sent from my iPhone

On Jul 11, 2024, at 10:19 AM, South Bay Connect <info@southbayconnect.com> wrote:

Dear Liz,

Thank you for your email dated July 9 regarding the South Bay Connect Draft EIR comment period. In your email, you requested that the Capitol Corridor Joint Powers Authority (CCJPA) extend the comment period.

CCJPA has considered your request and believes that the 45-day comment period is appropriate. While CCJPA cannot accommodate your request for an extension of the comment period, the hearing on the Final EIR will be another opportunity to comment later this year. We look forward to receiving your comments to the Draft EIR by July 15 at 5 p.m. PDT.

Please visit the South Bay Connect [website](#) for more information and how to submit a comment.

Thank you again for your comments.

Sincerely,

South Bay Connect Team

On Tue, Jul 9, 2024 at 4:08 PM Elizabeth Ames <eames2@bart.gov> wrote:

Hi team!

Are you considering a time extension? Given people are on vacation and the holiday -this is not an opportune time to get comments.

157-1

Hope you can consider a 2 week extension?

Thanks for your help!

Liz

Sent from my iPhone

On Jul 8, 2024, at 1:56 PM, South Bay Connect
<info@southbayconnect.com> wrote:

<Email Header.png>

Thank you for all the comments received so far on the proposed South Bay Connect Project's draft Environmental Impact Report (EIR). If you haven't commented, there's still one week left!

The draft EIR was released on May 29, 2024, and we are now nearing the end of the 45-day public review and comment period. Community involvement is vital, and we encourage you to participate in the review of the draft EIR. To ensure participation from all interested parties, we would like to remind everyone that there are still multiple ways to submit comments.

Comments must be received by 5 p.m. PDT July 15, 2024, via the following options:

Website: southbayconnect.com

Email: info@southbayconnect.com

Phone: (510) 244-3667

Mail: Capitol Corridor Joint Powers Authority
Attn: South Bay Connect DEIR
2150 Webster St, 3rd Floor
Oakland, CA 94612

All comments received will be documented and addressed in the final EIR, anticipated to be completed by late 2024.

From: [Wines, Brian@Waterboards](mailto:Wines.Brian@Waterboards)
To: info@southbayconnect.com
Subject: SF Bay RWQCB Comments on DEIR for the South Bay Connect Project SCH 2020060655
Date: Tuesday, July 9, 2024 9:07:15 PM
Attachments: [R2 CEQA Comment SouthBayConnectProject_DraftEIR.pdf](#)

Please see the attached CEQA comment letter.

158-1

Brian Wines
Water Resource Control Engineer
San Francisco Bay Regional Water Quality Control Board

San Francisco Bay Regional Water Quality Control Board

July 9, 2024

Sent via electronic mail: No hardcopy to follow

Capitol Corridor Joint Powers Board
ATTN: Shirley Qian (shirleyq@capitolcorridor.org)
2150 Webster St., 3rd Floor
Oakland, CA 94612

Subject: San Francisco Bay Regional Water Quality Control Board Comments on the Draft Environmental Impact Report for the South Bay Connect Project SCH No. 2020060655

Dear Ms. Qian:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciates the opportunity to review the *Draft Environmental Impact Report for the South Bay Connect Project* (DEIR). The DEIR evaluates the potential environmental impacts associated with implementing the South Bay Connect Project (Project). The proposed Project would relocate Capitol Corridor passenger rail service to the existing Union Pacific Railroad Coast Subdivision between Oakland and Newark for improved operational efficiency and reliability. The proposed Project also includes constructing a new passenger rail station on the Coast Subdivision at the existing Ardenwood Park-and-Ride to serve southern Alameda County passengers and facilitate connections to existing transbay transit connections between the East Bay and the San Francisco Peninsula. The proposed Project is a critical component to enhancing both passenger and freight rail operations between Oakland and San Jose.

Summary

As is discussed below, the DEIR does not appear to include a complete assessment of the Project's impacts to waters of the State and doesn't provide an adequate discussion of potential mitigation measures for Project impacts to waters of the State.

Comment 1. The Project proponent should not assume that the Water Board will approve the replacement of existing timber bridges over waters of the State with culverts.

Table ES-3, *Proposed Bridge and Structure Improvements*, identifies 11 timber trestles that are proposed to be replaced with culverts or fill. If the new culverts and/or fill will be placed in jurisdictional waters of the State, the Water Board will require mitigation for

ALEXIS STRAUSS HACKER, CHAIR | EILEEN M. WHITE, EXECUTIVE OFFICER

158-2

158-3

impacts to waters of the State. Any channel, including a road side ditch, that conveys surface water via gravity flow is subject to regulation as a water of the State, pursuant to the State's Porter-Cologne Water Quality Act.

158-3

When the Water Board receives an application for CWA Section 401 Water Quality Certification (Certification) and/or Waste Discharge Requirements (WDRs), staff reviews the application materials to verify that the project proponent has taken all feasible measures to avoid impacts to waters of the State (these impacts usually consist of the placement of fill in waters of the State, such as placing a culvert in a channel or fill dirt or rock in a channel). Where impacts to waters of the State cannot be avoided, projects are required to minimize impacts to waters of the State to the maximum extent practicable (i.e., the footprint of the project's fill placed in waters of the State is reduced as much as possible). Compensatory mitigation is then required for those impacts to waters of the State that cannot be avoided or minimized. Avoidance and minimization of impacts is a prerequisite to developing an acceptable project and identifying appropriate compensatory mitigation for an approved project's impacts. Avoidance and minimization cannot be used as compensatory mitigation. After avoidance and minimization of direct impacts to waters of the State have been maximized for the proposed project, the necessary type and quantity of compensatory mitigation for the remaining impacts to waters of the State are assessed on a case-by-case basis.

Under both the CWA and the *San Francisco Bay Basin Water Quality Control Plan* (Basin Plan), projects are required to avoid impacts to waters of the U.S. and waters of the State, in conformance with U.S. Environmental Protection Agency's CWA 404(b)(1) Guidelines (Guidelines). The Guidelines provide guidance in evaluating the circumstances under which the fill of jurisdictional waters may be permitted. Projects must first exhaust all opportunities, to the maximum extent practicable, to avoid, and then to minimize impacts to jurisdictional waters. Only after all options for avoidance and minimization of impacts have been exhausted, is it appropriate to develop mitigation for adverse impacts to waters of State.

The Water Boards only allows compensatory mitigation to be implemented for those impacts to waters of the State that cannot be avoided and/or minimized; "avoidance and minimization" in the context of reviewing applications for Certifications and/or WDRs refers to minimizing the proposed project's footprint in waters of the State. The current Project appears to propose the placement of fill (e.g., culverts and earthen fill) in waters of the State by replacing 11 trestles with culverts and by extending the length of some existing culverts. The Project proponent is encouraged to revise the DEIR to assess alternatives to placing new culverts and fill in waters of the State.

Culverts and fill materials that are placed in waters of the State require compensatory mitigation. Compensatory mitigation should be in-kind and on-site to the maximum extent practicable. In-kind compensatory mitigation would consist of removing existing culverts and fill from waters of the State.

Comment 2. The DEIR does not describe acceptable mitigation for the Project's proposed placement of fill in waters of the State.

158-4

The discussion of mitigation for impacts to waters of the State only addresses impacts to riparian habitat. Proposed Mitigation Measure MM-BIO-17 describes the proposed mitigation for impacts to riparian habitat.

Prior to construction, CCJPA will ensure that permanent direct impacts on riparian habitat will be mitigated through the purchase of credits at a minimum ratio of 2:1 for native riparian habitats and a minimum ratio of 1:1 for non-native riparian habitats. This will be done through in-lieu fee payment to an appropriate mitigation bank for enhancement, restoration and/or creation of riparian habitat within approved watersheds and/or funding of a minimum 1:1 ratio of riparian habitat enhancement at approved conservation easements/mitigation banks. The final mitigation acreage will be confirmed during review of final engineering drawings and may be modified during the agency consultation process (e.g. CDFW, RWQCB, NMFS). CCJPA will provide written evidence to the resource agencies that compensation has been established through the purchase of mitigation credits. Alternatively, as part of the LSAA process, CCJPA may provide a plan/proposal for CDFW approval to conduct on or offsite riparian habitat creation/enhancement to compensate for the Project's direct riparian impacts. All riparian areas subject to temporary construction disturbance will be restored by CCJPA and its contractors in accordance with a post construction Erosion Control and Habitat Restoration Plan (ECHRP). The ECHRP will address all temporarily disturbed areas, be prepared by a qualified biologist, be developed as part of the CDFW LSAA process and be reviewed and approved by CDFW prior to implementation.

The Project will need to provide mitigation for all impacts to waters of the State, including impacts to wetlands and other waters. The Water Board has jurisdiction over all waters of the State. Waters of the State include wetlands, other waters (e.g., perennial creeks, seasonal creeks, intermittent creeks, ephemeral creeks, ponds, lakes, and reservoirs), and riparian areas along creeks. The installation of new culverts in waters of the State and the installation of new bridge piers in waters of the State will require mitigation for the placement of fill in waters of the State. At this time, we are not aware of any mitigation banks or in lieu fee programs with service areas that include the Project site. Therefore, the Project proponent will need to provide permittee-responsible mitigation for the Project's impacts to waters of the State. Impacts to linear water features (e.g., creeks) and mitigation for those impacts must be quantified in acres and linear feet.

We encourage the Project proponent to minimize the Project's need for mitigation by reducing the placement of fill in waters of the State. Impacts to waters of the State can be reduced by designing all new or expanded crossings of creeks as free span bridges. The Project may also be able to create mitigation credits by replacing existing culverted crossings of creek channels with free span bridges. The mitigation credit provided by

replacing existing culverts with free span bridges, can be applied to the Project's unavoidable impacts to waters of the State (e.g., new in-channel piers to support bridges). We encourage the Project proponent to coordinate with Water Board staff to minimize impacts to waters of the State by redesigning Project components with direct impacts to waters of the State (e.g., redesigning the Project to avoid installing new or lengthened culverts). We also encourage the Project proponent to coordinate with Water Board staff to work on feasible mitigation projects within the Project footprint (e.g., removal of existing culverts) to provide mitigation for the Project's unavoidable impacts to waters of the State (e.g., new bridge piers in creek channels).

While free span bridges are usually more expensive than culverts, the cost of providing mitigation for culverts should be included when comparing the costs of bridges and culverts. At this time, mitigation banks in the Bay Area are charging between 1 million and 2.6 million dollars per acres, and these costs are likely to increase significantly by the time the Project is constructed.

Providing mitigation within the right-of-way of the Project (e.g., replacing culverts with bridges), is likely to be less expensive than providing permittee-responsible mitigation at other locations. Mitigation created at other locations may require the Project proponent to obtain fee title to the land on which mitigation is implemented.

Please note that the required amount of mitigation will depend on the similarity of the impacted water of the state to the provided compensatory mitigation water of the State, the uncertainty associated with successful implementation of the mitigation project, and the distance between the location of the impact and the site of the compensatory mitigation water. In-kind mitigation for the fill of open waters consists of the creation of new open waters. If the mitigation consists of restoration or enhancement of open waters, the amount of mitigation will be greater than if the mitigation consists of the creation of open waters. If there are uncertainties with respect to the availability of sufficient water to support a mitigation water or sufficiently impermeable soils to sustain ponding, then the amount of mitigation would also have to be greater. Finally, the amount of required mitigation increases as the distance between the impact site and the mitigation site increases.

A mitigation ratio of 1:1 may be acceptable if a mitigation channel is established in the Project site. For mitigation projects that are offsite and/or out-of-kind, the required mitigation ratio will increase with distance from the Project site and any differences between the type of water body that is impacted and the type of water body that is provided at the mitigation site. For an off-site mitigation project, the applicant will need to acquire fee title to a property with the proper hydrology to support an appropriately-sized mitigation feature. In addition, the applicant will need to monitor and maintain the mitigation feature for at least five years, until final performance criteria are attained. The applicant will also need to place a conservation easement or deed restriction over the property and establish an endowment for the long-term maintenance of the mitigation feature.

In a CEQA document, a project's potential impacts and proposed mitigation measures should be presented in sufficient detail for readers of the CEQA document to evaluate the likelihood that the proposed remedy will actually reduce impacts to a less than significant level. CEQA requires that mitigation measures 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. Impacts to the jurisdictional waters at the Project site, as well as proposed mitigation measures for such impacts, will require review under CEQA before the Water Board can issue permits for those proposed impacts.

158-4

Since the Project site is not within the service area of any mitigation banks or in lieu fee programs and the DEIR does not provide any descriptions of permittee-responsible mitigation projects for review pursuant to the requirements of CEQA, the DEIR has not established that impacts to waters of the State can be mitigated to a less than significant level. With respect to impacts to waters of the State, we do not currently agree with the conclusion in Section 2.1.2, *Reduction of Significant Impacts*, that all of the Project's impacts to waters of the State can be reduced to less than significant level.

Comment 3. The delineation of aquatic resource was conducted too late in the dry season.

158-5

Text in Section 3.5.3.2, *Data Sources*, states that the Project biologists conducted a delineation of aquatic resources on September 7, 8, and 10, 2021, which is well into the dry season. Section IV.A.2.a of the *State Wetland Definition and Procedures for Discharges of Dredged and Fill Material to Waters of the State* states that Water Board staff may require, on a case-by-case basis, supplemental field data from the wet season to substantiate dry season delineations.

2. Additional Information Required for a Complete Application

- a. If required by the permitting authority on a case-by-case basis, supplemental field data from the wet season to substantiate dry season delineations, as is consistent with the 1987 Manual and Supplements.

Generally, wet season delineations are more likely to be necessary in areas where wetland indicators are difficult to resolve. The ideal time to delineate a wetland is during the wet portion of the growing season of a normal climatic period. Otherwise, indicators provided in the Corps' delineation manuals must be relied on to identify wetland boundaries. Collection of supplemental information in certain situations is an accepted practice and is consistent with recommendations presented in the Corps regional supplements for wetland delineation, which recommends that practitioners return to the delineation site, if possible, during the "normal wet portion of the growing season" (Arid West Regional Supplement, pp. 58, 87, 104; Western Mountains, Valleys, and Coast

Regional Supplement, pp. 66, 100) to resolve wetland indicators that were unresolved during the dry-season delineation. To avoid the risk of unanticipated project delays, applicants may consult with the appropriate Water Board regarding whether supplemental data may be necessary prior to submitting an application.

158-5

The wetland delineation should be repeated late in the wet season of a year with typical rainfall to ensure that the full extent of wetlands and other waters subject to regulation as waters of the State have been identified. Without a wet-season delineation with a sufficient number of data points, it is not possible to establish with sufficient certainty that the Project will avoid and minimize impacts to waters of the State.

Comment 4. The delineation of aquatic resource appears to have only included waters of the United States.

158-6

The discussion of aquatic resources on page 3.5-37 in Section 3.5.4, *Affected Environment*, only addresses waters subject to jurisdiction under Section 404 of the CWA and Section 10 of the Rivers and Harbors Act. The discussion of aquatic resources must be expanded to include waters of the State that are regulated by the Water Board under its Porter-Cologne Act authority.

The Water Board has regulatory authority over wetlands and waterways under both the federal 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 Certifications under Section 401 of the CWA, which are issued in conjunction with permits issued by the Army Corps of Engineers (Corps), under Section 404 of the CWA. When the Water Board issues Certifications, it simultaneously issues general WDRs for the project, under the Porter-Cologne Water Quality Control Act. Activities in areas that are outside of the jurisdiction of the Corps (e.g., isolated wetlands, vernal pools, seasonal streams, intermittent streams, channels that lack a nexus to navigable waters, 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 Corps jurisdiction may require the issuance of either individual or general WDRs.

Conclusion

The DEIR does appear to have quantified the Project's impacts to waters of the State and does not provide sufficient detail with respect to mitigation for Project impacts to waters of the State. The DEIR should be revised to provide specific mitigation measures for all impacts to waters of the State. These mitigation measures should be in-kind and on-site mitigation measures to the maximum extent possible. The amount of proposed mitigation should include mitigation for temporal losses of any impacted waters of the State. If mitigation is out-of-kind and/or off-site, then the amount of the proposed mitigation should be increased. Proposed mitigation measures should include designs with sufficient detail to show that any created waters will have sufficient hydrology to sustain wetland or creek channel hydrology and vegetation without human intervention. A proposed program for monitoring the success of the mitigation features should also be included with the mitigation proposal(s). In addition, before the Water Board issues a

158-7

permit that authorizes the installation of new culverts or the lengthening of existing culverts, we must be provided with an alternatives analysis that demonstrates that avoidance of new culverts or other fill in waters of the State at the Project site is infeasible. If the DEIR is adopted without providing concrete mitigation proposals for impacts to waters of the State, it is likely that the DEIR will not be sufficient to support the issuance of a Certification and/ or WDRs for the Project.

158-7

If you have any questions, please contact me at (510) 622-5680, or via e-mail at brian.wines@waterboards.ca.gov.

Sincerely,



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

cc: State Clearinghouse (state.clearinghouse@opr.ca.gov)
CDFW, Attn: Kristin Garrison (marcia.grefsrud@wildlife.ca.gov)
Capitol Corridor South Bay Connect (info@southbayconnect.com)

From: [Grasshopper](#)
To: [Teurn, Tammy](#)
Subject: Voicemail from (510) 917-9476
Date: Tuesday, July 9, 2024 4:10:10 PM
Attachments: [grasshopper +15109179476 7 9 2024 231024064.mp3](#)

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

New Grasshopper Voicemail

Caller: (510) 917-9476
Extension: 3 - South Bay Connect - Main VM
Grasshopper #: (510) 244-3667
Timestamp: 7/9/2024 4:09:54 PM Pacific Daylight Time

Read Your Voicemail

"Hi there, this is Liz Ames, your BART director, and I've been getting some requests that you would consider an extension of the public comments for the draft EIR. I don't know if you've done that before, but I've seen agencies do like a two-week extension just because it's the summer holiday, people are out, they're not informed about the project enough, so they don't know it's happening because they're basically on vacation. Anyway, so I don't know if that's possible, but I would appreciate a call back, 510-371-1311, this is Liz Ames, and thank you so much, bye."

160-1

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From: [Navarro, Karina](#)
To: info@southbayconnect.com
Cc: [Rehnstrom, David](#); [Navarro, Karina](#)
Subject: RE: Notice of Availability of a Draft Environmental Impact Report for the South Bay Connect Project, Alameda County
Date: Wednesday, July 10, 2024 1:07:31 PM
Attachments: [Notice of Availability of a Draft Environmental Impact Report for the South Bay Connect Project, Alameda County.pdf](#)

This message has been approved by the Manager of Water Distribution Planning - David J. Rehnstrom

165-1

To Whom It May Concern:

East Bay Municipal Utility District appreciates the opportunity to comment on the Draft Environmental Impact Report for the South Bay Connect Project located in Alameda County.

Please see attached document for comments.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,
David J. Rehnstrom
Manager of Water Distribution Planning

July 10, 2024

Capitol Corridor Joint Powers Authority
Attn: South Bay Connect DEIR
2150 Webster Street, 3rd Floor
Oakland, CA 94612

Re: Notice of Availability of a Draft Environmental Impact Report for the South Bay Connect Project, Alameda County

To Whom It May Concern:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the South Bay Connect Project (Project) located in Alameda County. EBMUD has the following comments.

WATER DISTRIBUTION PIPELINES

EBMUD owns and operates water distribution and transmission pipelines within the proposed Project area (see Attachment A – EBMUD Distribution System maps). These pipelines are necessary to provide continuous service to EBMUD customers in the area. Pipelines within the existing corridor are listed in Table 1.

Table 1 – Pipelines within South Bay Connect Project Area

Pipe Diameter	Road	EBMUD Distribution Map
12-inch	Clara Street	1512B454
12-inch	San Leandro Street	1512B454
8-inch	Pearmain Street	1512B454
8-inch	Pippin Street	1512B454
16-inch	98 th Avenue	1512B454
16-inch	Edes Avenue	1512B454
6-inch	Cary Avenue	1512B452
8-inch	Knight Street	1512B452
6-inch	Kerwin Avenue	1512B452
6-inch	Douglas Avenue	1512B452
6-inch	105 th Avenue	1512B452
6-inch	Carden Street	1512B448
12-inch	Davis Street	1512B446
12-inch	Williams Street	1512B444
8-inch	Menlo Street	1512B444
6-inch	Marina Boulevard	1512B442

16-inch	Fairway Drive	1515B442
8-inch	Catalina Street	1515B438
8-inch	Farallon Drive	1515B438
12-inch	Wicks Boulevard	1518B438
12-inch	Lewelling Boulevard	1518B432
12-inch	Bayfront Drive	1518B432
8-inch	Anchorage Drive	1518B432
12-inch	Grant Avenue	1521B430
12-inch	Bockman Road	1521B430
12-inch	Worthley Drive	1521B430

If proposed modifications to the streets will require a pipeline relocation, the relocation costs would be at the Capitol Corridor Joint Powers Authority's (CCJPA) expense. CCJPA's cost liabilities include, but are not limited to, the cost for EBMUD to perform a planning study to determine Project hydraulic impacts and mitigations, cost for installing and operating temporary water distribution facilities, and the cost for designing and constructing the pipeline relocation(s).

It is imperative that CCJPA continue to coordinate with EBMUD during the development of street improvement projects, so reasonable time can be provided for planning, design, and construction to avoid schedule impacts due to possible conflicts. CCJPA and EBMUD will need to continue to work together in finalizing the scope of work for EBMUD infrastructure adjustments and relocations. EBMUD requires reasonable time to allocate resources and modify internal construction schedules. EBMUD recommends at least 18 months advance notification for upcoming street improvement projects to allow for a reasonable amount of time to perform water pipeline relocations. Table 2 provides a typical project schedule for EBMUD to design and relocate approximately 1,500 feet of 8-inch water pipeline. The required time may increase or decrease depending on the size, length, and complexity of the water pipeline project; and if constructed by EBMUD crews or by Contractor.

Table 2 – Typical Project Schedule for Installation of 1,500 feet of 8-inch Pipeline

Required Time	Schedule Task
1 month	Receive Street Improvement and Understand Impacts
1 month	Review Project and Planning Assessment
2 months	Collect Survey Data or Use Existing Survey from Requesting Agency
2 months	Draft Base Drawing for Water Main Relocation
3 months	Design Water Main Relocation
2 months	Develop Construction Bid Documents
3 months	Advertise and Award Water Main Relocation Project
4 months	Install New Water Main and Provide Temporary Paving
18 months	<i>Reasonable Notification Time</i>
	<i>(Typical Project: 1,500 feet of 8-inch pipe)</i>

EBMUD's Standard Site Assessment Report and the Project's Draft EIR indicate the potential for contaminated soils or groundwater to be present within the Project site boundaries. CCJPA should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. CCJPA must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the Project boundary and a legally sufficient, complete, and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

165-3

EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by CCJPA is insufficient, EBMUD may require CCJPA to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation. Alternatively, EBMUD may perform such sampling and analysis at the CCJPA's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

EBMUD's water distribution pipelines and valves must always be accessible to EBMUD staff in order to maintain high-quality domestic water and fire flow services and mitigate for planned and unplanned pipeline outages. The CCJPA is responsible for protecting in-place pipeline valves and ensuring that pipeline valves are accessible (i.e., not paved over) during and after Project construction. EBMUD recommends that the CCJPA review EBMUD as-built drawings and identify potential utility conflicts between Project improvements and existing EBMUD pipelines.

165-4

Attached are EBMUD guidelines for requesting pipeline as-builts that include pipeline vertical data (see Attachment B - EBMUD Map & Utility Information Request Form and Guidelines). EBMUD's process for requesting as-built drawings is a two steps process: 1) request EBMUD water distribution maps, and 2) submit to EBMUD marked-up EBMUD water distribution maps identifying which water pipeline as-builts are needed to evaluate water pipelines within street improvements. In some cases, EBMUD as-builts are not available and in those situations EBMUD recommends for local agencies to pothole and field locate utilities.

165-5

EBMUD'S DESIGN STANDARDS AND SPECIFICATIONS

165-5

When evaluating the need and method for relocating and adjusting EBMUD infrastructure (e.g., pipelines, meters, valves, and fire hydrants), please review EBMUD's Design Standards and Specifications for Mains 20-inches and Smaller, which are located on the following webpage under "Apply for Standard Water Service":
<https://www.ebmud.com/customers/new-meter-installation>

PIPELINE VALVE COVER ADJUSTMENTS

For utility conflicts between the Project and existing EBMUD pipeline valve covers, CCJPA must share with EBMUD conflict locations, and existing and final pavement grade elevations. EBMUD will support paving street improvement projects as follows:

- Grade change less than 0.5-inches - For street improvement projects with a grade change elevation less than 0.5-inches, EBMUD is not obligated to adjust pipeline valve covers to facilitate the construction of street improvements, pursuant to Streets & Highways Code Section 680, which states that EBMUD may not be required to relocate its facilities for a temporary purpose. However, EBMUD will provide valve cover rings, at no cost, to be used to make valve cover adjustments as needed. CCJPA is responsible for protecting in-place EBMUD pipeline valve covers which will be inspected by EBMUD staff post project completion. Pipeline valves must remain accessible during and after project construction for water distribution operations (i.e., not paved over).
- Grade change greater than 0.5-inches - For street improvement projects with a grade change elevation greater than 0.5-inches, EBMUD will support the Project by adjusting pipelines valve covers (one time) to the final street grade. However, EBMUD is not obligated to adjust valves during construction to facilitate means and methods for completing street improvements, pursuant to Streets & Highways Code Section 680, which states that EBMUD may not be required to relocate its facilities for a temporary purpose. CCJPA is responsible for protecting in-place EBMUD pipeline valve covers which will be inspected by EBMUD staff post project completion. Pipeline's valves must remain accessible during and after project construction for water distribution operations (i.e., not paved over).
- Pipeline Valve Cover Upgrades - If CCJPA determines a need to upgrade old pipeline valve covers to the new Christy G-05 Valve Box and Rise Installation, EBMUD will provide the valve boxes and covers, and will reimburse CCJPA for the valve box upgrade at a reasonable cost. To upgrade pipeline valve covers and boxes, CCJPA must enter into a Valve Box Agreement with EBMUD prior to start of pipeline valve cover upgrades. An EBMUD Union notification will be required to complete the work by CCJPA's contractor.

WATER METER RELOCATIONS AND ADJUSTMENTS

165-5

When a public agency like CCJPA completes street improvements (e.g., replace sidewalks, street pavement, and storm drain pipelines) to improve both street safety and street aesthetics, EBMUD supports the agency by relocating water meters to meet Project objectives, current design standards (e.g., meters need to be placed at 1-foot off the face of curb), and mitigate utility conflicts. EBMUD relocates water meters to their new location once the area is staked and is ready for final meter placement (e.g., forms for new sidewalk and other features are in place). The CCJPA is then responsible for relocating the customer's private water service line to the new meter location. EBMUD is not financially liable for work beyond the water meter (i.e., private water line).

HYDRANT RELOCATIONS OR ADJUSTMENTS (SET-BACKS/SET-FORWARDS)

When the CCJPA completes street improvements (e.g., replaces sidewalks and curbs) to improve both street safety and street aesthetics, it must ensure that there are no conflicts between existing EBMUD fire hydrants and new curb ramps and sidewalks. Fire hydrants must be located 5-feet from the edge of curb ramps and 20 to 24 inches from the face of street curbs. Hydrant relocations are horizontal offsets that require the installation of new hydrant service laterals; hydrant relocations require CCJPA to submit Hydrant Relocation Application with EBMUD's New Business Office (510-287- 1010) or via EBMUD's online water service application at <https://wsa.ebmud.com>.

RIGHT OF WAY

165-6

In addition to the pipelines listed in **Table 1** above, EBMUD also owns and operates distribution pipelines in EBMUD rights-of-way (R/W 4418-C, R/W 4418-A, R/W 4477, R/W 1556-A) in Lewelling Boulevard, Anchorage Drive, Bayfront Drive, and Carden Street in the City of San Leandro, which provide continuous service to EBMUD customers in the area. The integrity of these pipelines needs to be maintained at all times. Any proposed construction activity in EBMUD rights-of-way would be subject to the terms and conditions determined by EBMUD including relocation of the water mains and/or rights-of-way at CCJPA's expense.

WATER RECYCLING

165-7

EBMUD's Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health, and not injurious to plant, fish and wildlife to offset demand on EBMUD's limited potable water supply. Appropriate recycled water uses include landscape irrigation, commercial and industrial process uses, toilet and urinal flushing in non-residential buildings, and other applications. For the Project, applicable usages include using recycled water for construction activities such as dust control, street and equipment washing, as such,

CCJPA should consider trucking recycled water for their proposed project areas within EBMUD's service area. EBMUD operates a truck filling station at its Main Wastewater Treatment Plant that provides free recycled water for customers and the public upon applying and certification. CCJPA is encouraged to coordinate with the Office of Water Recycling to utilize recycled water for their applicable construction activities.

165-7

PRE-CONSTRUCTION MEETING

165-8

The CCJPA shall invite EBMUD's South Area Service Center Superintendent, Benjamin Ricketts-Mann (510-407-2708 or benjamin.ricketts-mann@ebmud.com) and Assistant Superintendent, Ray Ramirez (510-715-8087 or raymond.ramirez@ebmud.com) to all pre-construction meetings.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom
Manager of Water Distribution Planning

DJR:CRS:kn
wdpd24_103 South Bay Connect.doc

Attachments: A. EBMUD Distribution Pipelines
B. EBMUD Map and Utility Information Request Form and Guidelines

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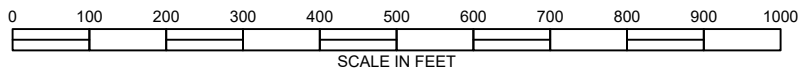
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NOTE

PIPES WITH IN-SERVICE YEAR BEFORE 2009 ARE REPRESENTED USING THE LAST TWO DIGITS OF IN-SERVICE YEAR IN PIPE DESIGNATION; PIPES WITH IN-SERVICE YEAR AFTER 2009 ARE REPRESENTED USING THE LAST THREE DIGITS OF IN-SERVICE YEAR.

PIPES WITH EXTENSION NUMBERS IN THE ND-XXXXX SERIES ARE 'NO DATA' PIPES. NO DATA OR DRAWINGS EXIST FOR THESE PIPES.



CITY	OAKLAND
COUNTY	ALAMEDA
USGS QUAD	SAN LEANDRO

TYPE	DESIGNATION	STRUCTURE NAME	FL ELEV	CAP IN MG

EAST BAY MUNICIPAL UTILITY DISTRICT					PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED
					GOA7 CENTRAL	0 - 100	11/16/2023
					1512B454		

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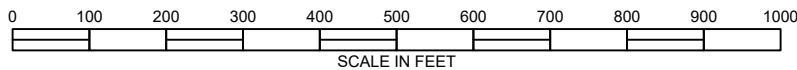
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CITY	OAKLAND SAN LEANDRO
COUNTY	ALAMEDA C-101
USGS QUAD	SAN LEANDRO

TYPE	DESIGNATION	STRUCTURE NAME	FL ELEV	CAP IN MG

EAST BAY MUNICIPAL UTILITY DISTRICT				
PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED	11/16/2023	
GOA7 CENTRAL	0 - 100		1515B454	

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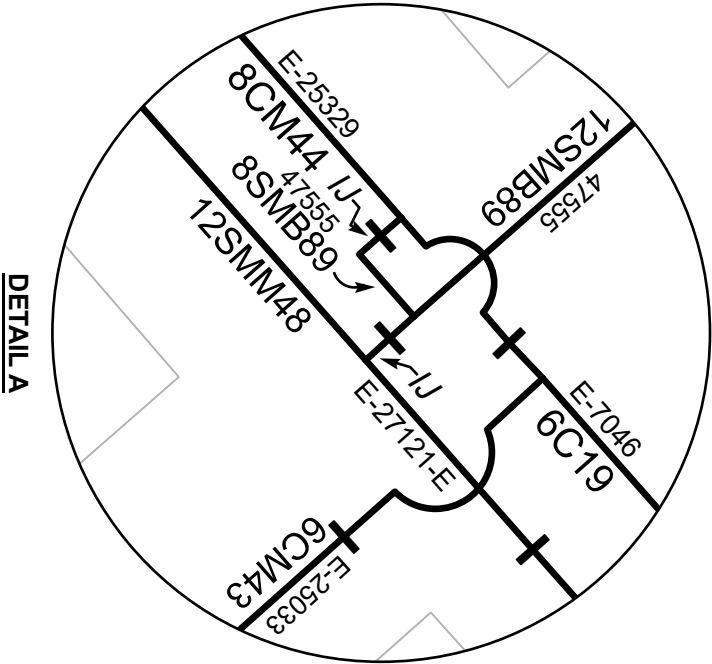
NOTE
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PIPES WITH EXTENSION NUMBERS IN THE ND-XXXXX SERIES ARE 'NO DATA' PIPES. NO DATA OR DRAWINGS EXIST FOR THESE PIPES.

CITY		TYPE		DESIGNATION		STRUCTURE NAME		FL. ELEV.	CAP IN MG	PIPELINE MAIN PRESSURE ZONE		FL. ELEV.	DATE ISSUED	
OAKLAND										GOA7 CENTRAL		0 - 100	11/16/2023	
COUNTY														
ALAMEDA														
USGS QUAD														
SAN LEANDRO														

1512B452

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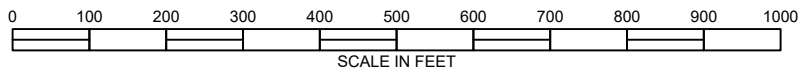
DETAIL A

NOTE
PIPES WITH IN-SERVICE YEAR BEFORE 2009 ARE REPRESENTED USING THE LAST TWO DIGITS OF IN-SERVICE YEAR IN PIPE DESIGNATION. PIPES WITH IN-SERVICE YEAR AFTER 2009 ARE REPRESENTED USING THE LAST THREE DIGITS OF IN-SERVICE YEAR.

PIPES WITH EXTENSION NUMBERS IN THE NO-XXXX SERIES ARE NO DATA PIPES. NO DATA OR DRAWINGS EXIST FOR THESE PIPES.

EAST BAY MUNICIPAL UTILITY DISTRICT			
CITY	OAKLAND	DATE ISSUED	11/16/2023
COUNTY	ALAMEDA	1512B452	
USGS QUAD	SAN LEANDRO		

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PIPES WITH EXTENSION NUMBERS IN THE ND-XXXXX SERIES ARE 'NO DATA' PIPES. NO DATA OR DRAWINGS EXIST FOR THESE PIPES.

CITY	OAKLAND SAN LEANDRO
COUNTY	ALAMEDA C-104
USGS QUAD	SAN LEANDRO

TYPE	DESIGNATION	STRUCTURE NAME	FL ELEV	CAP IN MG

EAST BAY MUNICIPAL UTILITY DISTRICT				
PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED	11/16/2023	
GOA7 CENTRAL	0 - 100		1515B452	

THIS MAP IS TO BE USED FOR GENERAL REFERENCE PURPOSES ONLY. THE DATA WAS NOT COMPILED, NOR INTENDED TO BE USED, FOR ENGINEERING OR CONSTRUCTION PURPOSES. THE EAST BAY MUNICIPAL UTILITY DISTRICT AND ITS ENGINEERS, ARCHITECTS, PLANNERS, AND OTHER PROFESSIONALS, AGENTS, AND EMPLOYEES, SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY BE CONTAINED HEREIN. IF DISCREPANCIES ARE FOUND, PLEASE NOTIFY THE EBMUD MAPPING SERVICES UNIT.



1509B452

1512B452

1515B452

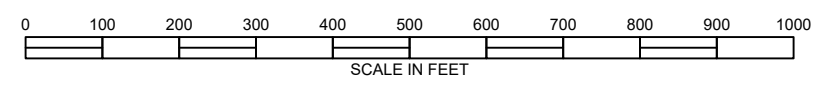
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1515B450

1509B448

1512B448

1515B448



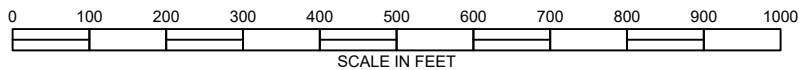
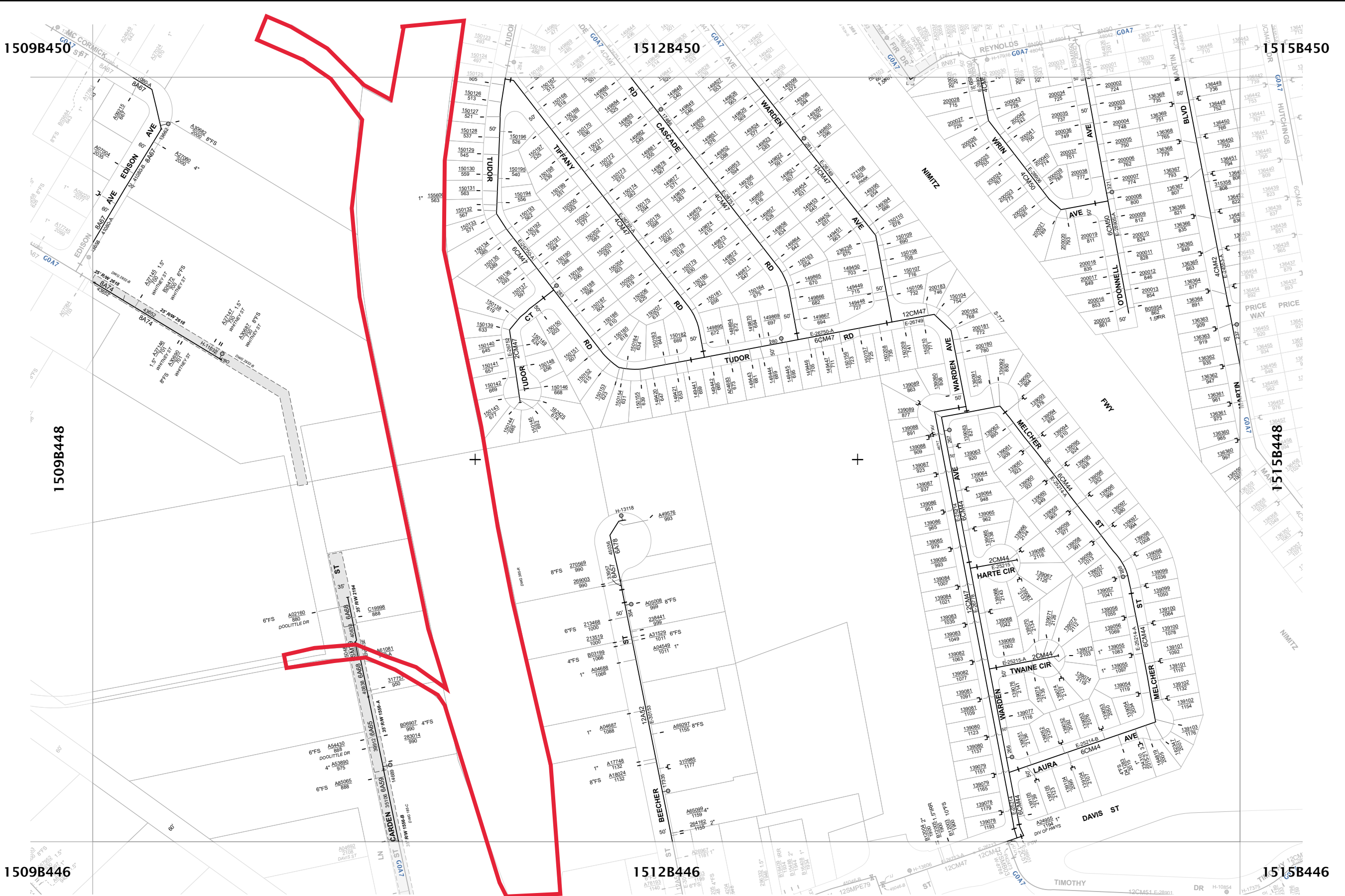
NOTE
PIPES WITH IN-SERVICE YEAR BEFORE 2009 ARE REPRESENTED USING THE LAST TWO DIGITS OF IN-SERVICE YEAR IN PIPE DESIGNATION; PIPES WITH IN-SERVICE YEAR AFTER 2009 ARE REPRESENTED USING THE LAST THREE DIGITS OF IN-SERVICE YEAR.

PIPES WITH EXTENSION NUMBERS IN THE ND-XXXXX SERIES ARE 'NO DATA' PIPES. NO DATA OR DRAWINGS EXIST FOR THESE PIPES.

EAST BAY MUNICIPAL UTILITY DISTRICT									
CITY	OAKLAND SAN LEANDRO	TYPE	DESIGNATION	STRUCTURE NAME	FL ELEV	CAP IN MG	PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED
COUNTY	ALAMEDA						GOA7 CENTRAL	0 - 100	11/16/2023
USGS QUAD	C-105 SAN LEANDRO								

1512B450

THIS MAP IS TO BE USED FOR GENERAL REFERENCE PURPOSES ONLY. THE DATA WAS NOT COMPILED, NOR INTENDED TO BE USED, FOR THE DESIGN OR CONSTRUCTION OF ANY UTILITY OR STRUCTURE. THE USER OF THIS MAP ASSUMES ALL RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS. THE EBMUD DOES NOT WARRANT THE ACCURACY OF THE DATA. THE EBMUD IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE EBMUD IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE EBMUD IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.

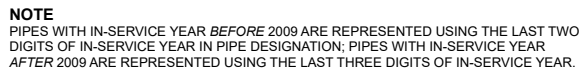
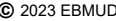


NOTE
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EAST BAY MUNICIPAL UTILITY DISTRICT									
CITY	SAN LEANDRO	TYPE	DESIGNATION	STRUCTURE NAME	FL ELEV	CAP IN MG	PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED
COUNTY	ALAMEDA						GOA7 CENTRAL	0 - 100	11/16/2023
USGS QUAD	SAN LEANDRO								

1512B448



PIPES WITH EXTENSION NUMBERS IN THE
ND-XXXXX SERIES ARE 'NO DATA' PIPES.
NO DATA OR DRAWINGS EXIST FOR THESE PIPES.

CITY	SAN LEANDRO	TYPE	DESIGNATION	STRUCTURE NAME	FL ELEV	CAP IN MG	PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED
COUNTY	ALAMEDA						G0A7 CENTRAL	0 - 100	11/16/2023
	C-107								1512B446
USGS QUAD	SAN LEANDRO								

THIS MAP IS TO BE USED FOR GENERAL REFERENCE PURPOSES ONLY. THE DATA WAS NOT COMPILED, NOR INTENDED TO BE USED, TO ESTABLISH OR RE-ESTABLISH PROPERTY LINES OR LOCATIONS OF EXISTING OR PROPOSED UTILITIES. EBMUD IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY BE CONTAINED HEREIN. IF DISCREPANCIES ARE FOUND, PLEASE NOTIFY THE EBMUD MAPPING SERVICES UNIT.

1509B446

1509B444

1509B442

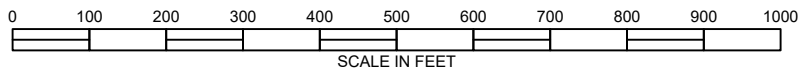
1512B446

1512B442

1515B446

1515B444

1515B442



NOTE
PIPES WITH IN-SERVICE YEAR BEFORE 2009 ARE REPRESENTED USING THE LAST TWO DIGITS OF IN-SERVICE YEAR IN PIPE DESIGNATION; PIPES WITH IN-SERVICE YEAR AFTER 2009 ARE REPRESENTED USING THE LAST THREE DIGITS OF IN-SERVICE YEAR.

PIPES WITH EXTENSION NUMBERS IN THE ND-XXXXX SERIES ARE 'NO DATA' PIPES. NO DATA OR DRAWINGS EXIST FOR THESE PIPES.

CITY	SAN LEANDRO
COUNTY	ALAMEDA
USGS QUAD	SAN LEANDRO

TYPE	DESIGNATION	STRUCTURE NAME	FL ELEV	CAP IN MG

EAST BAY MUNICIPAL UTILITY DISTRICT				
PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED	11/16/2023	
GOA7 CENTRAL	0 - 100		1512B444	

1509B444

1512B444

1515B444

1509B442

1515B442

1509B440

1512B440

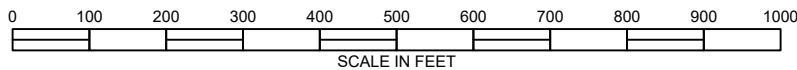
1515B440

THIS MAP IS TO BE USED FOR GENERAL REFERENCE PURPOSES ONLY. THE DATA WAS NOT COMPILED, NOR INTENDED TO BE USED, TO ESTABLISH OR CONFIRM EXISTING OR PROPOSED LOCATIONS OF UNDERGROUND UTILITIES. THE DATA IS FOR INFORMATIONAL PURPOSES ONLY. THE DATA IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE DATA IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE DATA IS NOT TO BE USED FOR ANY OTHER PURPOSES.

NOTE

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PIPES WITH EXTENSION NUMBERS IN THE ND-XXXXX SERIES ARE 'NO DATA' PIPES. NO DATA OR DRAWINGS EXIST FOR THESE PIPES.

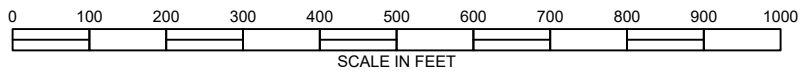


CITY	SAN LEANDRO
COUNTY	ALAMEDA
USGS QUAD	SAN LEANDRO

TYPE	DESIGNATION	STRUCTURE NAME	FL ELEV	CAP IN MG

EAST BAY MUNICIPAL UTILITY DISTRICT				
PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED	11/16/2023	
GOA7 CENTRAL	0 - 100		1512B442	

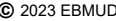
THIS MAP IS TO BE USED FOR GENERAL REFERENCE PURPOSES ONLY. THE DATA WAS NOT COMPILED, NOR INTENDED TO BE USED TO ESTABLISH OR RE-EVALUATE THE LOCATION OF EXISTING OR PROPOSED UTILITY LINES. EBMUD IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY BE PROPOSED, UNVERIFIED OR OTHERWISE TENTATIVE IN NATURE. EBMUD IS NOT RESPONSIBLE FOR ANY ERRORS THAT MAY BE CONTAINED HEREIN. IF DISCREPANCIES ARE FOUND, PLEASE NOTIFY THE EBMUD MAPPING SERVICES UNIT.



NOTE
PIPES WITH IN-SERVICE YEAR BEFORE 2009 ARE REPRESENTED USING THE LAST TWO DIGITS OF IN-SERVICE YEAR IN PIPE DESIGNATION; PIPES WITH IN-SERVICE YEAR AFTER 2009 ARE REPRESENTED USING THE LAST THREE DIGITS OF IN-SERVICE YEAR.

PIPES WITH EXTENSION NUMBERS IN THE ND-XXXXX SERIES ARE 'NO DATA' PIPES. NO DATA OR DRAWINGS EXIST FOR THESE PIPES.

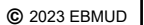
CITY		SAN LEANDRO		TYPE	DESIGNATION	STRUCTURE NAME	FL ELEV	CAP IN MG	PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED	11/16/2023
									GOA7 CENTRAL	0 - 100	1515B442	
COUNTY		ALAMEDA										
		C-110										
USGS QUAD		SAN LEANDRO										



NOTE

PIPES WITH IN-SERVICE YEAR <i>BEFORE</i> 2009 ARE REPRESENTED USING THE LAST TWO DIGITS OF IN-SERVICE YEAR IN PIPE DESIGNATION; PIPES WITH IN-SERVICE YEAR <i>AFTER</i> 2009 ARE REPRESENTED USING THE LAST THREE DIGITS OF IN-SERVICE YEAR.	PIPES WITH EXTENSION NUMBERS IN THE <i>ND-XXXXX</i> SERIES ARE 'NO DATA' PIPES. NO DATA OR DRAWINGS EXIST FOR THESE PIPES.
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CITY	SAN LEANDRO	TYPE	DESIGNATION	STRUCTURE NAME	FL ELEV	CAP IN MG	PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED	11/16/2023
COUNTY	ALAMEDA						G0A7 CENTRAL	0 - 100		1515B440
	C-111									
USGS QUAD	SAN LEANDRO									



CITY	SAN LEANDRO
COUNTY	ALAMEDA
	C-112
USGS QUAD	SAN LEANDRO

TYPE	DESIGNATION	STRUCTURE NAME	FL ELEV	CAP IN MG

EAST BAY MUNICIPAL UTILITY DISTRICT		
PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED 11/16/2023
G0A7 CENTRAL	0 - 100	1515B438

1515B438

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1515B440

1515B438

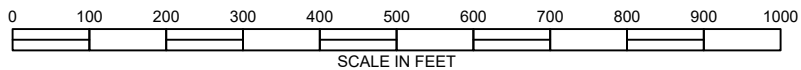
1518B440

1518B436

1521B440

1521B438

1521B436



NOTE
PIPES WITH IN-SERVICE YEAR BEFORE 2009 ARE REPRESENTED USING THE LAST TWO DIGITS OF IN-SERVICE YEAR IN PIPE DESIGNATION; PIPES WITH IN-SERVICE YEAR AFTER 2009 ARE REPRESENTED USING THE LAST THREE DIGITS OF IN-SERVICE YEAR.
PIPES WITH EXTENSION NUMBERS IN THE ND-XXXXX SERIES ARE 'NO DATA' PIPES. NO DATA OR DRAWINGS EXIST FOR THESE PIPES.

CITY	SAN LEANDRO	TYPE	DESIGNATION	STRUCTURE NAME	FL. ELEV	CAP IN MG	PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED
COUNTY	ALAMEDA						GOA7 CENTRAL	0 - 100	11/16/2023
USGS QUAD	SAN LEANDRO								

1518B438

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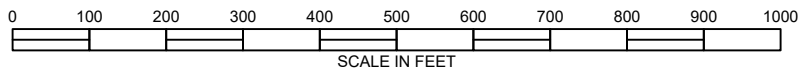
1518B438

1518B438

1521B438

1518B434

1521B434



NOTE
PIPES WITH IN-SERVICE YEAR BEFORE 2009 ARE REPRESENTED USING THE LAST TWO DIGITS OF IN-SERVICE YEAR IN PIPE DESIGNATION; PIPES WITH IN-SERVICE YEAR AFTER 2009 ARE REPRESENTED USING THE LAST THREE DIGITS OF IN-SERVICE YEAR.
PIPES WITH EXTENSION NUMBERS IN THE ND-XXXXX SERIES ARE 'NO DATA' PIPES. NO DATA OR DRAWINGS EXIST FOR THESE PIPES.

CITY	SAN LEANDRO
COUNTY	ALAMEDA
USGS QUAD	SAN LEANDRO

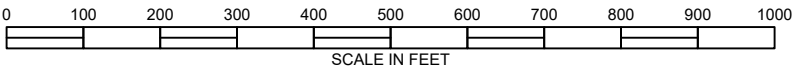
TYPE	DESIGNATION	STRUCTURE NAME	FL ELEV	CAP IN MG

EAST BAY MUNICIPAL UTILITY DISTRICT				
PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED	11/16/2023	
GOA7 CENTRAL	0 - 100		1518B436	

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NOTE
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PIPES WITH EXTENSION NUMBERS IN THE ND-XXXXX SERIES ARE 'NO DATA' PIPES. NO DATA OR DRAWINGS EXIST FOR THESE PIPES.

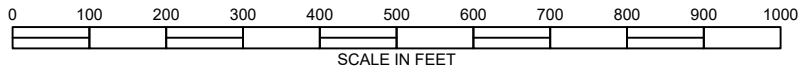
CITY	SAN LEANDRO		TYPE	DESIGNATION	STRUCTURE NAME	FL ELEV	CAP IN MG	PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED	11/16/2023
COUNTY	ALAMEDA							GOA7 CENTRAL	0 - 100	1518B434	
C-115											
USGS QUAD SAN LEANDRO											

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EAST BAY MUNICIPAL UTILITY DISTRICT									
CITY	SAN LEANDRO	TYPE	DESIGNATION	STRUCTURE NAME	FL ELEV	CAP IN MG	PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED
COUNTY	ALAMEDA						GOA7 CENTRAL	0 - 100	11/16/2023
USGS QUAD	SAN LEANDRO								



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PIPES WITH EXTENSION NUMBERS IN THE ND-XXXXX SERIES ARE 'NO DATA' PIPES. NO DATA OR DRAWINGS EXIST FOR THESE PIPES.

EAST BAY MUNICIPAL UTILITY DISTRICT									
CITY	SAN LEANDRO SAN LORENZO	TYPE	DESIGNATION	STRUCTURE NAME	FL ELEV	CAP IN MG	PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED
COUNTY	ALAMEDA						GOA7 CENTRAL	0 - 100	11/16/2023
USGS QUAD	SAN LEANDRO								

1521B432

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1518B432

1521B432

1524B432

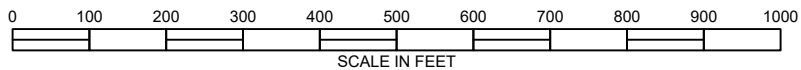
1518B430

1524B430

1518B428

1521B428

1524B428



NOTE
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PIPES WITH EXTENSION NUMBERS IN THE ND-XXXXX SERIES ARE 'NO DATA' PIPES. NO DATA OR DRAWINGS EXIST FOR THESE PIPES.

CITY	SAN LEANDRO SAN LORENZO
COUNTY	ALAMEDA C-118
USGS QUAD	SAN LEANDRO

TYPE	DESIGNATION	STRUCTURE NAME	FL ELEV	CAP IN MG

EAST BAY MUNICIPAL UTILITY DISTRICT				
PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED	11/16/2023	
GOA7 CENTRAL	0 - 100		1521B430	

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1518B430

100
SIDE
WATER
TANK
2096-C
PROP 595
JWG 10155-G

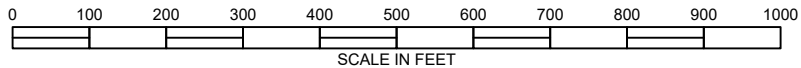
1518B428

1521B430

1524B430

1524B426

1524B428

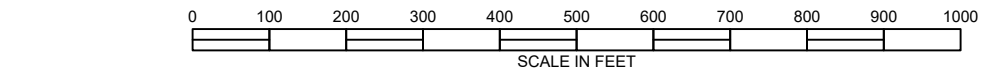


NOTE
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EAST BAY MUNICIPAL UTILITY DISTRICT									
CITY	HAYWARD SAN LORENZO	TYPE	DESIGNATION	STRUCTURE NAME	FL ELEV	CAP IN MG	PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED
COUNTY	ALAMEDA						GOA7 CENTRAL	0 - 100	11/16/2023
USGS QUAD	SAN LEANDRO								

1521B428



CITY	SAN LORENZO	TYPE	DESIGNATION	STRUCTURE NAME	FL ELEV	CAP IN MG
COUNTY	ALAMEDA					
USGS QUAD	SAN LEANDRO					
C-120						

EAST BAY MUNICIPAL UTILITY DISTRICT		
PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED 11/16/2023
G0A7 CENTRAL	0 - 100	1524B428

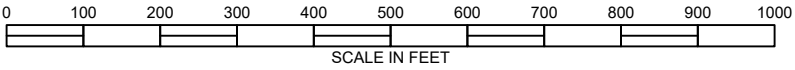
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1521B428

1524B428

1527B428

1527B426



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EAST BAY MUNICIPAL UTILITY DISTRICT									
CITY	HAYWARD SAN LORENZO	TYPE	DESIGNATION	STRUCTURE NAME	FL ELEV	CAP IN MG	PIPELINE MAIN PRESSURE ZONE	FL ELEV	DATE ISSUED
COUNTY	ALAMEDA						GOA7 CENTRAL	0 - 100	11/16/2023
USGS QUAD	SAN LEANDRO								1524B426



Map & Utility Information Request Form

(Fillable PDF form)

Date of Submission:	
Requestor: <div style="text-align: right; padding-right: 10px;">Name</div> <div style="text-align: right; padding-right: 10px;">Company/Agency</div> <div style="text-align: right; padding-right: 10px;">Address</div> <div style="text-align: right; padding-right: 10px;">Email</div> <div style="text-align: right; padding-right: 10px;">Phone</div>	
Purpose of Request: Provide brief reason for the requested Mapping or Utility Information	

***Include a Vicinity Map with all requests and
a Highlighted Map with all UTILITY INFORMATION requests***

(See the Map & Utility Information Guidelines for map examples)

With this submittal, I agree to the following:

This information is furnished as a public service by East Bay Municipal Utility District. The District makes every effort to produce and publish the most current and accurate information possible. This information must be accepted and used by the recipient with the understanding that the District makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability for the use of this information. Furthermore, the District assumes no liability associated with the use or misuse of such information. Please notify the District if discrepancies are found.

By receipt of requested documents, the DOCUMENT RECIPIENT agrees that he or she, and/or any other authorized representatives of the DOCUMENT RECIPIENT, will provide no copy (nor partial copy) to any other person or agency, will not redistribute any document to any other entity, business or individual, nor use the document for other than the specified purpose. At the point the document is no longer required for use by the DOCUMENT RECIPIENT, the data shall be returned to the District or destroyed.



EAST BAY MUNICIPAL UTILITY DISTRICT
Map & Utility Information Request Guidelines
July 29, 2019

REQUESTING MAP INFORMATION FROM EBMUD

Mapping Services provides electronic PDF's of the WATER DISTRIBUTION SYSTEM map used by the District. Requests for maps showing other utilities should be submitted through the responsible agency. Water distribution pipelines and appurtenances will be shown as close as possible to actual field locations, but portions are often shifted or distorted to allow for visual clarity between graphic elements.

Complete the attached **Map & Utility Information Request Form** and include a **Site Vicinity Map** for the area being requested (see *Sample Vicinity Map* below).

Note to homeowners: Include a copy of personal identification, such as a Driver's License, with the request. The area being requested by residents must include the residence or property of the requestor. If the requested area does not specifically include the requestor, then the group or organization seeking this information must be properly identified.

Vicinity Map Example



Submit requests using one of the following methods (*email preferred*):

- Email: MapUnit@ebmud.com; Subject: *Mapping Information Request*
- Mail: EBMUD Mapping Services Request, PO Box 24055, MS 805, Oakland, CA 94623-1055

FAQs

How long will it take to process the request?

Requests are typically processed within five business days. The completeness of the information provided, the size of the area requested, and the volume of requests received each day may impact the processing time. Mapping Services may process requests on a rotating basis, so it is not necessary to address the request to a specific individual.

What if more detailed or accurate information is needed?

After receiving and reviewing the map provided, if more detail is needed, such as pipeline construction drawings showing pipe depth, please refer to **Page 2** of this guideline.



EAST BAY MUNICIPAL UTILITY DISTRICT
Map & Utility Information Request Guidelines
July 29, 2019

REQUESTING UTILITY INFORMATION FROM EBMUD

After receiving and reviewing the initial requested Water Distribution System map, if more detail is needed, such as detailed utility information, more accurate location, pipe depth, etc., please complete the attached **Map & Utility Information Request Form** and also include a map with **highlighted Extension Number(s)** to identify the construction drawing being requested (*see example of highlighted map below*).

Identifying Extension Numbers (Required for UTILITY INFORMATION requests)

An Extension Number is a number used to track the construction drawings for a pipe segment. The extension number may be five numbers only or five numbers with a one or two letter prefix and may include a single letter suffix. *NOTE: The "ND" designation means that EBMUD has "No Data" or construction drawings available for the pipeline.*

Highlighted Extension Number Map Example:



Submit requests using one of the following methods (email preferred):

- Email: utility.info@ebmud.com, Subject: Utility Information Request
- Mail: EBMUD Utility Information Request, PO Box 24055, MS 504, Oakland, CA 94623-1055

FAQ

What does the larger number near the Extension Number represent?

The Pipe Designation Number is the larger text, typically located below the pipe and near the extension number (e.g., 12CM54). This number represents the pipe's **NOMINAL DIAMETER**, **MATERIAL/LINING/COATING CODE**, and **INSTALLATION YEAR**, in that order.

From: [Alley, Lisa Marie](#)
To: [Teurn, Tammy](#)
Subject: FW: THANK YOU: CCJPA South Bay Connect Project – Interagency Meeting – June 6, 2024
Date: Thursday, July 11, 2024 10:06:01 AM

For the record.

[Lisa Marie Alley](#)
Northern California Strategic Communications Manager
D 916.679.8756
LisaMarie.Alley@hdrinc.com

From: Alley, Lisa Marie
Sent: Thursday, July 11, 2024 10:06 AM
To: 'Pan, Katharine@BCDC' <katharine.pan@bcdca.gov>
Subject: RE: THANK YOU: CCJPA South Bay Connect Project – Interagency Meeting – June 6, 2024

Katharine,

Thank you for your email dated July 10 regarding the South Bay Connect Draft EIR comment period. In your email, you requested that the Capitol Corridor Joint Powers Authority (CCJPA) extend the comment period.

CCJPA has considered your request and believes that the 45-day comment period is appropriate. While CCJPA cannot accommodate your request for an extension of the comment period, the hearing on the Final EIR will be another opportunity to comment later this year. We look forward to receiving your comments to the Draft EIR by July 15 at 5:00 p.m. PST.

Please visit the South Bay Connect website for more information and how to submit a comment: [Contact: Capitol Corridor South Bay Connect](#)

Thank you again for your comments - LMA

[Lisa Marie Alley](#)
Northern California Strategic Communications Manager
D 916.679.8756
LisaMarie.Alley@hdrinc.com

From: Pan, Katharine@BCDC <katharine.pan@bcdca.gov>
Sent: Wednesday, July 10, 2024 9:14 AM
To: Alley, Lisa Marie <LisaMarie.Alley@hdrinc.com>
Subject: RE: THANK YOU: CCJPA South Bay Connect Project – Interagency Meeting – June 6, 2024

You don't often get email from katharine.pan@bcdca.gov. [Learn why this is important](#)

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lisa Marie,

I just wanted to check in and see if there was any potential that CCJPA would extend the deadline for DEIR comments. We've been a little over-capacity so some additional review time would help if it's possible. Thanks for checking!

Katharine Pan

Shoreline Development Program Manager

Direct: (415) 352-3650 | katharine.pan@bcdc.ca.gov

San Francisco Bay Conservation and Development Commission

Bay Area Metro Center

375 Beale Street, Ste. 510

San Francisco, CA 94105

Main: (415) 352-3600

www.bcdc.ca.gov | [@SFBCDC](https://twitter.com/SFBCDC)

BCDC is hiring! Visit <https://www.bcdc.ca.gov/employment/index.html> to see current openings.

From: Alley, Lisa Marie <LisaMarie.Alley@hdrinc.com>

Sent: Friday, June 14, 2024 2:04 PM

Cc: Alley, Lisa Marie <LisaMarie.Alley@hdrinc.com>; Hernandez, Julian <Julian.Hernandez2@hdrinc.com>; Mendoza, Tiffany <Tiffany.Mendoza@hdrinc.com>

Subject: THANK YOU: CCJPA South Bay Connect Project – Interagency Meeting – June 6, 2024

Some people who received this message don't often get email from lisamarie.alley@hdrinc.com. [Learn why this is important](#)

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Dear Interagency Partners,

We would like to express our gratitude for your participation in the South Bay Connect Interagency Meeting held on June 6. Please see the attached copy of the presentation.

Your continued feedback throughout the Project phases has been invaluable for informing the Project team on the many considerations and questions expressed by the communities and agencies that you represent.

The draft Environmental Impact Report (EIR) is now available for public comment through July

15. We would like to invite you to attend an upcoming virtual public meeting on Thursday, June 20, from 6-8 p.m., where you can formally submit comments and learn more about the draft EIR. Additionally, the public may also provide verbal comments at the CCJPA Board Meeting on June 26, 2024. This meeting is available for participation in-person at the BART Headquarters (2150 Webster St, Oakland, CA) or via a virtual option.

We encourage you to share details about the two future engagement opportunities within your organizations and externally with communities and entities that you may represent. Additionally, we have updated the project fact sheet and frequently asked questions which can be found here: [Resources: Capitol Corridor South Bay Connect](#)

Please visit the Project website at southbayconnect.com for more details on the virtual public meetings and information on how you can formally submit comments to the draft EIR.

Thanks, and have a great weekend.

Lisa Marie Alley
South Bay Connect Outreach Team

[Lisa Marie Alley](#)
Northern California Strategic Communications Manager

HDR
1 Capitol Mall, Suite 500
Sacramento, CA 95814
D 916.679.8756 M 916.718.3425
LisaMarie.Alley@hdrinc.com

hdrinc.com/follow-us

***PTO Alert – On vacation July 1-7, 2024**

From: [Hugh Louch](#)
To: info@SouthBayConnect.com
Subject: City of Hayward Comments on the South Bay Connect Draft EIR
Date: Thursday, July 11, 2024 10:45:57 AM
Attachments: [image001.png](#)
[South Bay Connect DEIR - Hayward Comments-redline.pdf](#)
[South Bay Connect DEIR - Hayward Comments.pdf](#)
[South Bay Connect DEIR Letter - Hayward 07.10.2024.pdf](#)

We appreciate the opportunity to comment on the South Bay Connect Draft EIR.

169-1

Please find attached the comments from the City of Hayward on the South Bay Connect Draft EIR. Please note that this includes a letter with a summary of the City's key comments and questions, a detailed list of comments, and an attachment with a redline markup of a portion of the DEIR that incorrectly referenced elements of the City of Hayward General Plan.

Please feel to reach out to me with any questions.

Sincerely,

Hugh Louch
City of Hayward
Deputy Director of Public Works - Transportation
Phone: 510-583-4781





July 10, 2024

CCJPA
South Bay Connect
2150 Webster St., 3rd Floor
Oakland, CA 94612
info@southbayconnect.com

Re: City of Hayward comments on the South Bay Connect Draft Environmental Impact Report

169-2

To: CCJPA Staff:

On behalf of the City of Hayward, please find comments and questions on the Draft Environmental Impact Report (DEIR) for the Capitol Corridor South Bay Connect project (Project) prepared by the Capitol Corridor Joint Powers Authority (CCJPA). A detailed list of comments is provided in the attachment. The City would like to highlight a number of high priority concerns that we have with the Project and the DEIR:

- The Project will remove the Hayward station. In many places throughout the DEIR, these impacts have been discounted or ignored. The DEIR should better explain why improvements could not be made to the existing service along the Niles subdivision that would allow service to be retained at existing stations. The DEIR acknowledges that the City of Hayward is an environmental justice community but proposes that other transit services that do not serve the same markets as Capitol Corridor can serve as a substitute. Given generally limited and poor quality connections between BART and Capitol Corridor, the transportation access impacts of the Project for environmental justice communities in Hayward should be seen as significant.
- The Project is relocating rail service into an area that is expected to experience Sea Level Rise. The DEIR makes clear that, even with the moderate scenario used, there will be severe flooding of the Coast subdivision during the service life of the Project. Further, the DEIR did not conduct a thorough review of a more extreme scenario, that as recent years of extreme weather have demonstrated, may be more appropriate to analyze.
- The Project ignores the real and significant impacts that shifting the trains to the Coast Subdivision will create for residents in Hayward, by ignoring the increase in use of the Niles subdivision for freight trains. CCJPA's own communications about the purpose of the Project are in conflict – the DEIR claims there will be no change, but the South Bay Connect website clearly indicates a desire to improve freight movements. Adding a second track will allow continued use of the Coast subdivision for freight, while freeing up significant capacity along the Niles subdivision that will be available for increased use by freight. The Niles subdivision travels directly adjacent to residential areas that will



bear the noise and air quality impacts of increased freight use, compared to the industrial areas along the Coast subdivision. These impacts should be noted as significant with mitigations identified.

- The DEIR lacks appropriate clarity on whether or not several proposed mitigation measures would be implemented. Several measures indicate that they would be implemented “if feasible” but no standard is provided for feasibility and no proposed alternatives are identified if mitigation is deemed infeasible. CCJPA needs to either provide clarity on whether mitigations would be provided or change the impacts to significant and unavoidable.

We appreciate the opportunity to provide our feedback and support CCJPA’s desire to improve rail service in the corridor. We do not believe that the Project, as defined, successfully meets these objectives, has long term sustainability, or avoids significant impacts.

If you have any questions or require additional information, please contact Hugh Louch, Deputy Director of Public Works – Transportation at hugh.louch@hayward-ca.gov or at (510) 583-4781.

Sincerely,



Mark Salinas
Mayor

cc: Hayward City Council
Dustin Claussen, Interim City Manager
Adam Kostrzak, Acting Assistant City Manager
Alex Ameri, Director of Public Works
Hugh Louch, Deputy Director of Public Works – Transportation

Attachment: Detailed comments and redline markup



Capitol Corridor South Bay Connect DEIR

City of Hayward Review Comments

#	Chapter/Page Ref	Comment	
1	Executive summary	Based on the proposed schedule, the project is expected to be under construction from 2027-2029. The Executive Summary states there are 9 segments proposed with each segment containing various timeframes for implementation. Will all 9 segments be under construction at the same time or is there also a phased approach for each of the segments?	169-3
2	Chapter 1, Section 1.2	The second goal of the project is to “Advance a project that is consistent with current and projected freight and passenger operational needs and timeframes for existing operators and owners, with no change to existing freight operations.” However, on the South Bay Connect website, the project has an established goal to “Construct rail infrastructure improvements to benefit both freight and passenger rail operational efficiency.” CCJPA clearly acknowledges that shifting Capitol Corridor service will lead to an increase in freight use of the Niles subdivision, but does not analyze it in the project. This DEIR should not be considered complete until a more robust evaluation of changes in freight travel is appropriately considered through the document.	169-4
3	Chapter 3, general	Several of the proposed BMP measures indicate “if feasible”, which does not provide any certainty whether an environmental impact will actually be mitigated. If any of the proposed mitigation measures that state “if feasible” are not executed, the EIR should propose alternative strategies/methods to mitigate the impact to less than significant level and/or the analysis impact should be revised to “Significant and Unavoidable” if a CEQA threshold is exceeded and cannot be mitigated.	169-5
4	Chapter 3, general	Are there any trees or vegetation within the expanded rail ROW that will require removal? If so, will this project mitigate to comply with local Tree Preservation Ordinances?	169-6
5	Chapter 3, general	Although the project reflects the removal of the existing Hayward Station, there is no mention in analysis as to what happens to that existing infrastructure and platform once the rail service has moved. Will this be demolished and if so, those impacts should be analyzed within the document too as to not create a public nuisance or blight conditions.	169-7
6	Chapter 3, general	Removal of the existing Hayward Station would likely disincentivize new housing construction nearby as the current ABAG/MTC policy in Plan Bay Area 2050 list this Station as a High Transit Corridor, Transit Priority Area, which establishes different “by-right” development criteria tied to reductions in parking, increases in density/land use, which will not exist when that transit station is eliminated. Please provide an analysis of the potential impacts of station removal.	169-8
7	Chapter 3, general	Was a Health Risk Assessment prepared that anticipated the potential increase of freight traffic due to the expanded rail capacity?	169-9

Capitol Corridor South Bay Connect DEIR

City of Hayward Review Comments

#	Chapter/Page Ref	Comment	
8	Chapter 3, Section 3.9	The GHG emissions from this project are shown as Less Than Significant. It's not clear how this project will impact the City's adopted goal tied to the Climate Action Plan and local GHG reduction strategies.	169-10
9	Chapter 3, Section 3.12 (Page 3.12-15 to 3.12-18)	Many of the right-of-way acquisitions cited in the Land Use and Planning Section occur in Hayward but it's not clear how much right-of-way would be needed to achieve the addition of a second rail line. Additional analysis should be completed to determine if that ROW acquisition would inadvertently result in privately owned parcels becoming non-conforming due to reduced lot sizes, building setbacks, etc. Site specific analysis for each property should be completed.	169-11
10	Chapter 3, Section 3.14	The EIR appears to only mitigate noise impacts during construction and the operational impacts of the rail relocation are not clear. If a second track is added to the existing rail line to increase rail capacity for Amtrak and freight trains, the environmental impact analysis tied to that increased capacity should be included.	169-12
11	Chapter 3, Section 3.17 (Pages 3.17-35)	The DEIR claims a reduction in Emergency Vehicle response times based on an implausible assumption that there would be no change in freight train use of the Niles subdivision. One of the explicit objectives of the project is to separate passenger and freight service within the regional rail network. CCJPA should redo the analysis to reflect more realistic assumptions about the future use of the	169-13
12	Chapter 3, Section 3.18	The current rail line used by Capitol Corridor is located adjacent to residential areas in Hayward, thereby reducing VMT for residents nearby. By removing that station, residents will now need to travel further to access a Station. Were impacts to local VMT considered as part of the regional VMT analysis? Specifically, that some people would need to drive further to access a station under the plus project scenario. This applies to most or all of Hayward and possibly other municipalities. If this was taken into consideration or "baked into" the model assumptions, please provide some discussion and details of the methodology.	169-14
13	Chapter 3, Section 3.18	The intersection queuing analysis is based on the gate down time and at-grade crossing event analysis. However, the explanation regarding at-grade crossing event times seems contradictory (see comment #19 above). How does this effect the queuing analysis/results?	169-15
14	Chapter 3, Section 3.18 (Pages 3.18-7 and 3.18-8)	Include the City of Hayward Bicycle and Pedestrian Master Plan and reference throughout the report where appropriate.	169-16

Capitol Corridor South Bay Connect DEIR

City of Hayward Review Comments

#	Chapter/Page Ref	Comment	
15	Chapter 3, Section 3.20 (Pages 3-20-12, 3-20-23, 3-20-20, 3-20-31, 3-20-32, 3-20-33)	The document lists goals and subgoals related to water supply and resources from the COH 2040 General Plan (2014). Natural Resources - Goal 6 Hydrology, Water Quality, and Conservation, and Public Services and Facilities - Goal 3 Water Distribution, include subgoals that are outdated or written incorrectly. Please refer to the City of Hayward's General Plan available on the City's website. Please refer to the redline markups in Attachment A.	169-17
16	Chapter 3, Section 3.4 and 3.14	The air quality and noise and vibration sections of Chapter 3 do not consider the impacts of the expected increase in freight trains on the Niles subdivision. Removal of passenger service will increase the capacity of this route and allow for expansion of freight service. The Niles subdivision passes primarily through residential areas and increases in freight service are likely to have significant air quality, noise, and vibration impacts. The DEIR claims that CCJPA cannot estimate the potential changes in freight traffic, which is under the control of Union Pacific Railroad (UPRR). However, this appears to be an attempt to avoid what could be significant impacts. The DEIR evaluates a number of areas that are not under the direct authority of CCJPA (e.g., sea level rise).	169-18
17	Chapter 4, Appendix J	The EIR's Sea Level Rise (SLR) chapter and related appendix J does not include reference or analysis to Hayward's Shoreline Adaptation Plan, including impacts to any capital projects that were included in the Hayward Plan to mitigate sea level rise and shoreline inundation along the Hayward shoreline. Please incorporate the work conducted to address SLR in Hayward into the Project and refine the project definition as needed to better accommodate SLR.	169-19
18	Chapter 4, Page 4-18	The sentence starting "For RSA Locations 1 through where the projected service life of improvements is...", there is a number missing after "through".	169-20
19	Chapter 4, Page 4-19 and Appendix J	The DEIR focuses on the creek crossings, which may be within BCDC jurisdiction. However, on page 4-19, it states, "Portions of the track are inundated by the SWLs (<i>still water levels</i>) for all projection years, without adding the wave runup that further increases water levels. Locations 2, 4, and 5 are modeled to be flooded for all year scenarios. There are several maps in Appendix J, but they focus on the creek crossings. The portion of track within Hayward that is most susceptible to sea level rise is at the west end of the former Skywest Golf Course. Please provide further analysis of the impacts of SLR at this location.	169-21

Capitol Corridor South Bay Connect DEIR

City of Hayward Review Comments

#	Chapter/Page Ref	Comment
20	Chapter 4, Page 4-25 to 4-27	<p>The DEIR identifies adaptation measures (Section 4.4.2.2, starting on page 4-25), but does not commit to any of them. They include:</p> <ul style="list-style-type: none">• Category 1<ul style="list-style-type: none">○ “Raise the elevation of the railroad tracks”○ “Raise electrical and signal equipment to address rising sea levels”○ “Elevating the railroad more than once depending on the rate of SLR was discussed.” Please provide information about the additional cost of these options, which should be included in the project cost, given that the SLR impacts are within the lifespan of these projects.• Category 2<ul style="list-style-type: none">○ The text notes that Amtrak could update its emergency plan and that CCJPA could “incorporate managed retreat as part of a seasonal response to SLR impacts in the near term”. How is it possible to provide managed retreat of a rail line seasonally? Does that mean that during some seasons the Capitol Corridor would revert to the• Category 3<ul style="list-style-type: none">○ “On a regional scale, the proposed Project’s ROW is very limited, thus limiting the options for on-site SLR management. As such, SLR impacts within or adjacent to the Project area may be best addressed by collaborating with an existing regional approach and coordinating with UPRR on a future long-term adaptation response to SLR.” The DEIR should explain what actions CCJPA will take to ensure continuous service given expected levels of sea level rise. <p>These findings suggest that CCJPA would be unable to provide continuous service on the Coast subdivision with expected levels of sea level rise. SLR mitigations should be included within the cost of the Project or the DEIR should acknowledge that the project as defined is unable to meet the established objectives. Please explain how the project meets the objective to enhance regional rail service if CCJPA cannot commit to managing SLR that will, during the service life of the Project, require either periodic service cancellation or relocation back to the Niles subdivision.</p>

169-22

Capitol Corridor South Bay Connect DEIR

City of Hayward Review Comments

#	Chapter/Page Ref	Comment	
21	Chapter 5, Section 5.6	The DEIR acknowledges that the Project will have adverse Transportation - Access Effects on environmental justice communities in Hayward. The DEIR claims that BART can provide a substitutable service for Hayward residents, but the project objectives explicitly desire to distinguish Capitol Corridor intercity service from local serving transit like BART. The DEIR does not acknowledge the loss of intercity rail access for residents of Hayward to areas north of the BART service area or, until BART to San Jose is completed, to San Jose. The text references bus service, which does not provide a reasonable substitution for Capitol Corridor service. There are few connections between BART and Capitol Corridor service that would enable Hayward residents to connect easily. The connection at the Coliseum station is circuitous and poorly signed, as evidenced by the low ridership at this station (lower than the Hayward station proposed for closure). The connection at Richmond is higher quality, but the travel time from Hayward to Richmond is nearly 45 minutes. With transfer wait times, this creates a substantial barrier to access for Hayward residents. The new Ardenwood station is not reasonably accessible to Hayward residents, especially those who may lack access to an automobile. The DEIR should define the impact on Environmental Justice populations in Hayward as adverse and provide appropriate mitigations to address these impacts.	169-23
22	Appendix A	The plan sheets in Appendix A refer generally to “grade crossing improvements” at all crossings in Hayward, but no additional details are provided as to what exactly the improvements are or what exactly is being proposed. Where is this information found? There should at least be some general discussion as to what these improvements entail. The DEIR is incomplete without this information.	169-24
23	Appendix H	There is no discussion regarding whether or how the VISSIM or Simtraffic models were calibrated. Also, was the baseline count data used for the LOS and Crossing analysis verified with field conditions or with municipalities? What about signal timing? When were the counts taken? Where are the count sheets, VISSIM/Synchro/Simtraffic outputs?	169-25
24	Appendix H Page 41, Table 5.2	Why does the LOS under the 2025 plus project scenario improve during the AM and PM peak hour at intersection #6 – Clawiter Rd/Depot Rd? Please explain.	

Capitol Corridor South Bay Connect DEIR

City of Hayward Review Comments

#	Chapter/Page Ref	Comment	
25	Appendix H, Page 47	<p>The text states “the average duration of an at-grade crossing event in the AM and PM peak hours along the Coast Subdivision is expected to decrease... accounting for shorter length of passenger trains (compared to longer freight trains).”</p> <p>However, according to DEIR Pg 3.18-17, and Appendix H Page 38, 5.4 – Railroad At-Grade Crossing Analysis Assumptions, under No Project – Coast Subdivision, there is 1 freight train in the Am/PM with average gate down time of 240 seconds and under Plus Project Alternatives B-E scenario – Coast Subdivision, there are 2 pax trains with average gate down time of 60 seconds and 1 freight train in the AM/PM (each) with average gate down time of 240 seconds.</p> <p>Please explain how crossing event durations decrease but gate down time increases. Please also explain how assumptions were made for freight trains on the Coast subdivision where elsewhere in the DEIR, the text notes that CCJPA is not able to estimate changes in freight movements on the Niles subdivision.</p>	169-25
26	Appendix J, Page 28	<p>The text claims that the best estimates of sea level rise are the ‘High Emissions/Medium-High Risk’ scenario from a 2018 State of California publication. A more extreme scenario (H++) is also provided. Using the lower risk scenario presents extreme risks from sea level rise for this project. Over the last several years, as public agencies have become much more aware of the reality of climate change, regular estimates of long term impacts have been experienced years before they were expected. Please explain why the more extreme scenario was not used as a more appropriate, conservative assumption of the types of issues that may be experienced by the Project. Given significant challenges that the world faces in reducing greenhouse gas emissions, hoping that impacts do not occur does not seem to be an appropriate choice for this analysis.</p>	169-26

3.20 Utilities and Service Systems

3.20.1 Introduction

This section describes the regulatory setting and affected environment for public utilities and service systems. This section addresses the utilities and service systems that are known to occur or have the potential to occur in the utilities and service systems RSA and describes potential impacts on those systems during construction and operation of the proposed Project. This section also identifies the cumulative impacts of the proposed Project on utilities and service systems.

Public utilities and service systems are defined as any subsurface, aboveground, or overhead facility used for transmission or storage, regardless of size, shape, or method of conveyance. This impact evaluation focuses on major public utilities and service systems, which include the following types of facilities listed below:

- Electrical Transmission Facilities, including substations, transmission lines (designed to operate at or above 200 kilovolts [kV]), and power lines (designed to operate between 60 and 115 kV);
- Petroleum product trunk pipelines that serve as critical components of the overall network and region. Including but not limited to; natural gas, petroleum (crude oil), and other petroleum products;
- Water lines, including potable, irrigation, and recycled water lines of outside diameter \geq 18 inches;
- Desalination plant intake and brine disposal lines;
- Wastewater (sewer) lines of outside diameter \geq 18 inches;
- Stormwater, conduits, pipes, and storm drains of outside diameter \geq 42 inches;
- Solid and hazardous waste storage facilities; and
- Telecommunications and fiber optic lines that serve as critical components to the overall network.

The public utilities and service system impact analysis focuses on utility lines and service systems in the right-of-way (ROW) of the proposed Project that may need to be relocated, protected in place (PIP), or newly installed during construction, as well as indirect effects to offsite resources, such as solid and hazardous waste storage facilities.

This section focuses on the capacity of the existing electrical network and any impacts associated with expanding or relocating these facilities. Although electrical transmission facilities are included in this section, energy usage and efficiency are addressed in Section 3.7, Energy. This Utilities and Service Systems section also focuses on water-related utility infrastructure and water efficiency. Project effects on water quality, hydrology, drainage patterns, groundwater, and stormwater runoff are addressed in Section 3.11, Hydrology and Water Quality. Although this Utilities and Service Systems section focuses on hazardous waste disposal facilities, hazards and hazardous materials and compliance with associated regulations are discussed in Section 3.10, Hazards and Hazardous Materials.

3.20.2 Regulatory Setting

This section identifies the applicable federal, state, regional, and local laws, regulations, and orders that are relevant to the analysis of utilities and service systems. This section also addresses the proposed Project's consistency with the regulations described herein. The proposed Project would not result in production of food waste during operation; therefore, regulations relating to diversion of organic food waste have not been included.

3.20.2.1 Federal

Norman Y. Mineta Research and Special Programs Improvement Act

The Norman Y. Mineta Research and Special Programs Improvement Act (Public Law 108 426) established the United States Department of Transportation's Pipeline and Hazardous Materials Safety Administration, which regulates safe movement of hazardous materials to industry and consumers by all modes of transportation, including pipelines. This act requires pipeline owners and operators to participate in public safety programs that notify an operator of proposed demolition, excavation, tunneling, or construction near or affecting a pipeline. In California, the Office of the Fire Marshal administers pipeline safety.

Federal Energy Regulatory Commission Regulations

The Federal Energy Regulatory Commission (FERC) regulates the interstate transmission of natural gas, oil, and electricity. As part of that responsibility, FERC regulates the transmission and sale of natural gas for resale in interstate commerce, the transmission of oil by pipeline in interstate commerce, and the transmission and wholesale of electricity in interstate commerce. FERC also approves the siting and abandonment of interstate natural gas facilities, including pipelines, storage, and liquefied natural gas; and oversees environmental matters related to natural gas projects and major electricity policy initiatives. The Commission's regulations are found under Title 18 Chapter I of the Code of Federal Regulations.

3.20.2.2 State

California Green Building Standards Code

The California Green Building Standards Code (24 California Code of Regulations [CCR] Part 11) requires a minimum of 65 percent of the debris from certain construction and demolition (C&D) projects be recycled or salvaged for reuse. Section 5.408 is applicable to most non-residential new construction. This is tracked either by submitting a waste management plan or using a waste management company with verifiable documentation.

California Integrated Waste Management Act

The California Integrated Waste Management Act of 1989 was enacted by Assembly Bill (AB) 939 in response to the Resource Conservation and Recovery Act (RCRA). It requires cities and counties to prepare an integrated waste management plan, including a countywide siting element, for each jurisdiction. Per California Public Resources Code 41700–41721.5, the countywide siting element provides an estimate of the total permitted disposal capacity needed for a 15-year period, or whenever additional capacity is necessary. Countywide siting elements in California must be

updated by each operator and permitted by the California Department of Resources Recycling and Recovery (CalRecycle), which is within the Natural Resources Agency, every five years. AB 939 mandated that local jurisdictions meet solid waste diversion goals of 50 percent by 2000.

Assembly Bill 332

AB 332, signed on August 31, 2021, adopts new alternative management standards for treated wood waste (TWW) that are codified in Health and Safety Code 25230. AB 332 allows handling of non-RCRA hazardous TWW in accordance with alternative management standards in lieu of the requirements for hazardous waste (pursuant to Health and Safety Code Division 20, Chapter 6.5, Articles 6, 6.5, 9, and 22 of the CCR Division 4.5, Chapters 12–16, 18, and 20). Treated wood is wood that has been treated with a chemical preservative for purposes of protecting the wood against attacks from insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood, and the chemical preservative is registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code 136 et seq.). The alternative management standards lessen storage requirements, extend accumulation periods, allow shipments without a hazardous waste manifest and a hazardous waste hauler, and allow disposal at specific non-hazardous waste landfills. Businesses that generate, handle, or accumulate more than 1,000 pounds of TWW in 30 days must meet specific handling, storage, security, shipping, training, and record-keeping requirements (Department of Toxic Substances Control [DTSC] 2021c).

Assembly Bill 341 – Mandatory Commercial Recycling Law

AB 341, codified in the 2012 Mandatory Commercial Recycling Law, requires businesses with four or more cubic yards of weekly garbage to arrange for recycling service. Jurisdictions are required to implement a commercial recycling program that includes education of, outreach to, and monitoring of businesses within their boundaries.

California Public Utilities Commission General Order 95

The California Public Utilities Commission (CPUC) regulates public electric utilities in California. The CPUC General Order 95, Rule for Overhead Electric Line Construction, formulates uniform requirements for overhead electrical line construction, the application of which provides for “adequate service and secure safety to persons engaged in the construction, maintenance, operation, or use of overhead electrical lines and to the public in general.”

California Public Utilities Commission General Order 131-D

General Order 131-D establishes CPUC rules for implementing Public Utilities Code 1001–1013 relating to the planning and construction of electric generation, transmission/power/distribution line facilities, and substations in California. A permit to construct must be obtained from CPUC for powerlines or for new or upgraded substations with high scale voltage exceeding 50 kV. A certificate of public convenience and necessity must be obtained from the CPUC for transmission lines, with some exceptions including “replacement of existing power line facilities or supporting structures with equivalent facilities or structures, the minor relocation of existing power line facilities, the conversion of existing overhead lines to underground, or the placing of new or additional conductors, insulators, or their accessories on or replacement of supporting structures already built.” Both the permit to construct and the certificate of public convenience and necessity are discretionary decisions by CPUC that are subject to the California Environmental Quality Act (CEQA)

and the CPUC's general proceedings, which is a formal review process that considers how projects could benefit or harm the public.

Designation of Transmission Corridor Zones

The regulation on Designation of Transmission Corridor Zones (20 CCR 2320–2340) specifies the scope and process required for identification, evaluation, and designation of new transmission corridor zones. This article includes upgrades to existing electrical transmission lines that are under the operational control of the California Independent System Operator or would result in an operating voltage of 200 kV or more.

Protection of Underground Infrastructure

The Protection of Underground Infrastructure code (California Government Code 4216) requires that an excavator must contact a regional notification center (i.e., Underground Service Alert) at least two days before excavation of any subsurface installations. The Underground Service Alert then notifies utilities that may have buried lines within 1,000 feet of the excavation. Representatives of the utilities must mark the specific location of their facilities within the work area prior to the start of excavation. The construction contractor must probe and expose the underground facilities by hand prior to using power equipment.

Urban Water Management Planning Act

The Urban Water Management Planning Act (California Water Code, Division 6, Part 2.6, 10610–10656) requires the preparation of an urban water management plan (UWMP) every five years by water suppliers that provide over 3,000 acre-feet of water annually or serve water for municipal purposes either directly or indirectly to 3,000 or more customers. California Water Code 10632 requires every urban water supplier that serves more than 3,000 acre-feet per year or has more than 3,000 connections to prepare and adopt a Water Shortage Contingency Plan (WSCP) as part of its UWMP. The WSCP is required to plan for a greater than 50 percent supply shortage. The proposed Project would be subject to the UWMPs and WSCPs prepared by the local water suppliers.

Water Conservation Act of 2009 (Senate Bill [SB] X7-7) – 20x2020 Water Conservation Plan

The Water Conservation Act of 2009 requires urban and agricultural water suppliers to increase water use efficiency. The urban water use goal within the state is to achieve a 20 percent reduction in per capita water use by December 31, 2020. The 20x2020 Water Conservation Plan set forth a statewide road map to maximize the state's urban water efficiency and conservation opportunities between 2009 and 2020, and beyond (California Department of Water Resources et al. 2010). It outlined a range of activities designed to achieve the 20 percent per capita reduction in urban water demand by 2020. The statewide target for 2020 was 154 gallons per capita per day, which was a 20 percent reduction from 192 gallons per capita per day (the 2005 baseline). The San Francisco Bay Area Region had a 2020 target of 131 gallons per capita per day, down from 157 in 2005. Alameda County Water District's (ACWD) SB X7-7 gallons per capita per day target was 137 gallons. ACWD has maintained gallons per capita per day under 137 since 2014 and therefore has met its SB X7-7 20x2020 target.

Assembly Bill 1668 and Senate Bill 606 – Making California Conservation a Way of Life

AB 1668 and SB 606 establish new water use targets beyond SB X7-7 to better prepare the state for droughts and climate change. New standards must be adopted by the State Water Resources Control Board by July 2022 and urban retail water suppliers must start reporting on compliance with the water use objective in November 2023. Bill provisions include establishing standards for the following:

- Outdoor irrigation (residential and dedicated landscape water meters)
- Performance measures for commercial, industrial, and institutional water use
- Water loss standards

California Model Water Efficient Landscape Ordinance

On December 1, 2015, the State of California's revision to the Model Water Efficient Landscape Ordinance (MWELO, 23 CCR Div. 2, Chapter 2.7) became effective. It requires cities and counties to ensure MWELO compliance for new construction projects with total landscape area equal to or greater than 500 square feet in size and rehabilitated landscape projects with total landscape area of 2,500 square feet or larger. The MWELO is in effect in every city and county unless a local or regional Water Efficient Landscape Ordinance has been adopted.

The MWELO was created by the California Department of Water Resources as a model for local agencies to enforce minimum standards in landscape design, construction, and management. It achieves this through specific requirements related to soil, plants, irrigation, stormwater, and non-potable water supplies. It sets an upper limit for the water budgets of landscape projects, thereby driving water-efficiency through the thoughtful selection of climate-appropriate plants, organic soil amendments, water-saving irrigation devices, and the use of alternative water supplies. MWELO encourages landscapes that require less water than the water budget's upper limit. It also encourages the innovation of landscaping equipment.

California Water Recycling Criteria

The California Water Recycling Criteria (22 CCR 60307) outline allowable uses for types of recycled water. The following uses would require that any recycled water be filtered and disinfected: industrial process water that may come into contact with workers and consolidation of backfill around potable water pipelines. The following uses would require that any recycled water be at least oxidized and disinfected: backfill consolidation around non-potable piping, soil compaction, mixing concrete, dust control on roads and streets, cleaning roads, sidewalks and outdoor work areas, and industrial process water that would not come into contact with workers. Recycled water used for flushing sanitary sewers shall be at least undisinfected recycled water.

3.20.2.3 Regional

Alameda County Measure D, the Alameda County Waste Reduction and Recycling Act

Measure D, approved in 1990, established the Alameda County Source Reduction and Recycling Board. It also established a countywide goal of diverting/recycling 75 percent of solid waste generated (StopWaste 2021).

Alameda County Integrated Waste Management Plan – Countywide Element

The Alameda County Countywide Integrated Waste Management Plan serves as a roadmap for Alameda County's solid waste management and recycling issues. The Countywide Siting Element and the Countywide Summary Plan describe the current and desired long-term state of waste and materials management in the County. It addresses core infrastructure needs – collection, transport, processing facilities, and landfills – and provides the context and rationale for a comprehensive approach to the current and future waste management issues. The Countywide Siting Element demonstrates the ability to provide 15 years of permitted disposal capacity for all jurisdictions within the County. The Countywide Summary Plan provides an overview of significant waste management issues in the County; steps to be taken with member agencies; goals, objectives, and policies; a summary of waste management issues identified in the incorporated and unincorporated areas of the County; a summary of waste management programs and infrastructure; and existing and proposed solid waste facilities. Alameda County's goal is to move in the direction of landfill obsolescence by reducing waste production and increasing waste diversion. The County is working towards achieving the statewide goals of 75 percent waste diversion from landfills compared to 1990 and a 75 percent reduction in organics from landfills compared to 2014.

The Alameda County Waste Management Authority (ACWMA) has adopted the goals, objectives, and policies included in the Alameda County Countywide Integrated Waste Management Plan. The ACWMA manages long-range development of solid waste facilities and projects related to source reduction and recycling (Alameda County 2020). The ACWMA, Source Reduction and Recycling Board, and Energy Council are three separate organizations that function as one integrated agency collectively known as StopWaste.

Alameda County Mandatory Recycling Ordinance (2012-01)

Alameda County Mandatory Recycling Ordinance requires businesses, institutions, and multifamily properties with five or more units to sort their recyclables separate from waste. The following jurisdictions have opted into Phase 2 requirements (effective 2014): cities of Fremont, Hayward, Newark, Oakland, and Union City as well as unincorporated areas within Alameda County. All businesses and institutions (regardless of garbage service volume) must provide and service sufficient containers, recycle all recyclable materials, and separate organics, recycling, and other waste.

Plant Debris Landfill Ban

The Plant Debris Landfill Ban (ACWMA Ordinance 2008-01) requires businesses and institutions in Alameda County generating four or more cubic yards of garbage per week to separate all plant debris from garbage and recyclable materials. Those with on-site service must place plant debris in a designated organics collection bin. Businesses can arrange for the removal of plant debris by their

landscaper. The landscaper must haul to an approved facility and must deposit plant debris in the facility's designated "clean green" area (ACWMA 2021).

3.20.2.4 Local

City of Oakland General Plan

The water resources section of the City of Oakland's General Plan, Open Space, Conservation and Recreation Element (1996) includes directives to conserve water and water recycling strategies. The following water conservation objectives and policies are included in the general plan:

- **Objective CO-4: Water Supply** – To maintain a water supply sufficient to meet local needs while minimizing the need to develop new water supply facilities.
 - **Policy CO-4.1: Water Conservation** – Emphasize water conservation and recycling strategies in efforts to meet future demand.
 - **Policy CO-4.2: Drought-Tolerant Landscaping** – Require use of drought-tolerant plants to the greatest extent possible and encourage the use of irrigation systems which minimize water consumption.
 - **Policy CO-4.3: Use of Reclaimed Water** – Promote the use of reclaimed wastewater for irrigating landscape medians, cemeteries, parks, golf courses, and other areas requiring large volumes of non-potable water.

City of Oakland Equitable Climate Action Plan

The City of Oakland's Equitable Climate Action Plan (City of Oakland 2020) includes a "deconstruction requirement to reduce demolition waste from construction and renovation and facilitate material reuse. Regulate hauling and processing of construction and demolition debris to ensure that salvageable materials are identified and removed for reuse instead of being recycled or disposed to landfill."

City of San Leandro General Plan

The City of San Leandro's General Plan (2016) includes the following goals and policies related to water conservation, waste reduction, community services, and facilities:

- **Goal OSC-7:** Promote recycling, water conservation, green building, and other programs which reduce greenhouse gas (GHG) emissions and create a more sustainable environment.
 - **Policy OSC-7.1: Recycling** - Actively promote recycling, composting, and other programs that reduce the amount of solid waste requiring disposal in landfills.
 - **Policy OSC-7.2: Water Conservation** - Promote the efficient use of existing water supplies through a variety of water conservation measures, including the use of recycled water for landscaping.
 - **Policy OSC-7.3 Drought-Tolerant Landscaping** - Encourage the use of native vegetation and Bay-friendly landscaping and enforce the California Department of Water Resources MWEL.

- Policy OSC-7.4 Development Standards. Maintain local planning and building standards that require the efficient use of water through such measures as low-flow plumbing fixtures and water-saving appliances. Require water conservation measures as a condition of approval for major developments.
- **Goal CSF-6:** Ensure that local water, sewer, storm drainage, solid waste, energy, and telecommunications facilities are well maintained; improvements meet existing and future needs; and land use decisions are contingent on the adequacy and maintenance of such facilities.
 - Policy CSF-6.1: Development Impacts - Permit new development only when infrastructure and utilities can be provided to that development without diminishing the quality of service provided to the rest of the City.
 - Policy CSF-6.2: Fair Share Costs - Require future development to pay its fair share of the cost of improving the water, sewer, storm drainage, and other infrastructure systems needed to serve that development. Development impact fees, development agreements, and other appropriate forms of mitigation should be used to cover the costs of upgrading or expanding public infrastructure.
 - Policy CSF-6.3: Coordination - Coordinate local infrastructure planning with East Bay Municipal Utility District (EBMUD), the Oro Loma Sanitary District (OLSD), Alameda County, and other service providers to ensure that infrastructure remains adequate to serve existing and planned development.
 - Policy CSF-6.4: Wastewater Collection and Treatment - Maintain efficient, environmentally sound, and cost-effective wastewater collection and treatment services in San Leandro.
 - Policy CSF-6.5: Capacity - Maintain adequate capacity at the San Leandro wastewater treatment plant to accommodate projected levels of growth within the service area and encourage the OLSD to do the same. Support efforts to maintain and/or improve the high quality of treated effluent at both plants and increase the feasibility and cost-effectiveness of using recycled wastewater for non-potable purposes.
 - Policy CSF-6.7: Storm Drainage - Require storm drainage improvements for new development which ensure that stormwater runoff is adequately handled both on-site and off-site. Such regulations should fully implement state and federal clean water requirements. The city will also support legislation to increase funding for local storm drainage improvements, including improvements aimed at water quality.

City of San Leandro Zoning Code Chapter 4.16 Landscape Requirements

The City of San Leandro adopted a Water Efficient Landscape Ordinance in 2010, including provisions to reduce water use and water waste. The ordinance applies to any single-family or multi-family residential, public, institutional, or commercial project that requires a permit, plan check or design review from the local reviewing agency and meets one of the following size thresholds:

- New construction projects with a total landscape area greater than 500 square feet
- Rehabilitations of existing landscape with a total landscape area greater than 2,500 square feet

City of San Leandro Climate Action Plan

The City of San Leandro Climate Action Plan (City of San Leandro 2021a) includes a Waste Reduction and Reuse Strategy (WR-2) with respect to C&D waste. It directs the City to explore opportunities to exceed State requirements for C&D materials by encouraging deconstruction and material reuse. One of the actions in the plan is to evaluate, and implement if feasible, a deconstruction requirement to reduce demolition waste from construction and renovation and facilitate material reuse.

Eden Area Plan

The Eden Area consists of unincorporated land in western Alameda County between the cities of San Leandro and Hayward, and includes the communities of San Lorenzo, Ashland, and Cherryland. The Public Facilities and Services Element provides information and policy guidance to ensure provision of facilities and services in the Eden Area (Alameda County Community Development Agency 2010). Goals and policies related to utilities and services are provided below.

- **Goal PF-8:** Reduce the volume of solid waste generated in the Eden Area through reduction, recycling, and resource conservation.
 - Policy P1. The County should continue to work actively with the ACWMA to reduce the volume of solid waste generated in the Eden Area.
 - Policy P2. The County shall strive to meet or exceed the goals for reducing, recycling and safely storing waste stated in the Alameda County Countywide Integrated Waste Management Plan.
 - Policy P3. The County shall encourage local businesses to expand their recycling efforts and to reduce packaging of products manufactured in the Eden Area.
 - Policy P4. Public buildings shall be designed or improved with on-site storage facilities for solid waste and recyclable materials.
 - Policy P5. The salvage and reuse of C&D materials and debris shall be encouraged at all construction projects in the Eden Area.
 - Policy P7. The County should work with residents, businesses and other members of the community, including architects, builders and contractors, to implement the County's Green Building Ordinance for residential and non-residential projects.
- **Goal PF-9:** Ensure sufficient water supplies and facilities to serve the residents of the Eden Area in an efficient and financially-sound manner.
 - Policy P1. The County shall support the efficient use of water through such means as conservation and recycling, and shall encourage the development of water recycling facilities to help meet the needs in the Eden Area.

- Policy P2. The approval of new development shall be conditional on the availability of sufficient water for the project. Existing conditions should be considered in determining water availability.
- Policy P3. Continue to support EBMUD's water conservation incentive and consumer outreach programs through partnerships and advocacy.
- Policy P4. The County shall encourage the efficient use of water for non-residential landscape irrigation by supporting the use of recycled water.
- Policy P5. The County shall require that new development meet the Landscape Water Conservation Guidelines adopted by the Alameda County Board of Supervisors as a condition of permit approval.
- Policy P6. The County shall work with EBMUD to ensure effective management and long-term allocation of water resources, to develop a contingency plan for potential short-term water shortages and to develop uniform water conservation programs.
- Policy P7. The County shall maintain regular communication with EBMUD and the HWS about upcoming street improvement projects and shall provide the Districts the opportunity to combine water service improvements with roadway improvements to minimize costs and reduce disruption to traffic.
- Policy P8. The County shall identify opportunities to conserve water in public buildings in the Eden Area.
- Policy P9. The County shall strive to balance water supplies for existing residences with demands of new development.
- **Goal PF-10:** Encourage the collection, treatment, and disposal of wastewater in a safe, sanitary, and environmentally acceptable manner.
 - Policy P1. The approval of new development shall be conditional on the availability of adequate, long-term capacity of wastewater treatment, conveyance and disposal sufficient to service the proposed development.
 - Policy P2. To the greatest extent feasible, upgrades to wastewater conveyance systems shall not disrupt the quality of life for Eden Area residents by significantly increasing noise, air pollution or traffic congestion.
 - Policy P3. All new development shall demonstrate to the County that the downstream sanitary sewer system is adequately sized and has sufficient capacity to accommodate anticipated sewage flows. If the downstream mains are found to be inadequate, the developer shall provide additional facilities to accept the additional sewage expected to be generated by the development.
 - Policy P4. The County shall ensure that OLSD maintains an up-to date, adequate plan and infrastructure for the delivery of wastewater collection, treatment and disposal in the Eden Area.
 - Policy P5. The County should encourage OLSD to find opportunities to expand the use of recycled water for industrial and irrigation purposes.

- **Goal PF-11:** Collect, store, and dispose of stormwater in ways that are safe, sanitary, and environmentally acceptable.
 - Policy P1. Stormwater infrastructure shall be maintained in good condition.
 - Policy P2. New development projects should be designed to preserve permeable surfaces, minimize the amount of impervious surface and reduce stormwater impacts. Specific strategies that should be considered include permeable paving materials, green roofs and swales.
 - Policy P3. Local storm drainage improvements should be designed to carry appropriate design-year flows resulting from build out of the General Plan.
 - Policy P4. The stormwater collection system for the Eden Area should be planned and managed in a logical, timely and appropriate manner.
 - Policy P5. Design of storm drainage facilities shall be consistent with the Stormwater Quality Management Plan (SQMP) and National Pollutant Discharge Elimination System requirements.
 - Policy P6. A watershed management approach should be used in addressing, planning and managing stormwater issues.
 - Policy P7. Natural or nonstructural stormwater drainage systems shall be encouraged to preserve and enhance the natural features of the Eden Area.
 - Policy P8. Installation or repair of stormwater collection systems should occur concurrently with the repair of roadways to maximize efficiency.
 - Policy P9. The County shall apply the Alameda County Clean Water Program's conditions of approval as development standards for new construction.
 - Policy P10. The County shall protect surface and groundwater resources by implementing the water quality policies in the County-wide Resource and Conservation , Open Space and Agricultural Element.
 - Policy P12. The County shall encourage new development to incorporate the measures contained in the Bay Friendly-Landscaping guidance document developed by StopWaste.org.

City of Hayward 2040 General Plan

The City of Hayward's General Plan (2014) includes the following goals and policies related to water conservation, solid waste reduction, utilities, and communications:

- **Goal NR-6:** Improve overall water quality by protecting surface and groundwater sources, restoring creeks and rivers to their natural state, and conserving water resources.
 - Policy NR-6.9: Water Conservation - The City shall require water customers to actively conserve water year-round, and especially during drought years.
 - Policy NR-6.10: Water Recycling - The City shall support efforts by the regional water provider to increase water recycling by residents, businesses, non-profits,

industries, and developers, including identifying methods for water recycling and rainwater catchment for indoor and landscape uses in new development.

- ~~○ Policy NR-6.11: Reclaimed Water Usage - The City shall take an active role in increasing the use of reclaimed water and educating the community about the methods of safe collection and benefits of using reclaimed water.~~
- ~~○ Policy NR-6.13: Water Recycling Program Advocacy - The City shall coordinate with EBMUD and the Hayward Area Recreation and Park District (HARD) to advance water recycling programs, including using treated wastewater to irrigate parks, golf courses, and roadway landscaping and encouraging rainwater catchment system-wide and greywater usage techniques in new buildings.~~
- Policy NR-6.14: Native and Drought-Tolerant Landscaping - The City shall use native or drought-tolerant vegetation in the landscaping of all public facilities.
- Policy NR-6.16: Landscape Ordinance Compliance - The City shall continue to implement the Bay-Friendly Water Efficient Landscape Ordinance.
- **Goal PFS-3:** Maintain a level of service in the City's water system that meets the needs of existing and future development while improving water system efficiency.
 - Policy PFS-3.2: UWMP - The City shall maintain and implement the UWMP, including water conservation strategies and programs, as required by the Urban Water Management Planning Act.
 - Policy PFS-3.13: New Development - The City shall ensure that water supply capacity is in place prior to granting building permits for new development.
 - Policy PFS-3.14: Water Conservation Standards - The City shall comply with provisions of the State's 20x2020 Water Conservation Plan (modified by AB 1668 and SB 606).
 - Policy PFS-3.15: Water Conservation Programs - The City shall implement cost effective conservation strategies and programs that increase water use efficiency, including providing incentives for adoption of water efficiency measures. Water conservation strategies may include a combination of financial incentives, legislative actions, and public education.
 - Policy PFS-3.16: Recycled Water - The City shall increase use of recycled water where appropriate, cost effective, safe, and environmentally sustainable. The City shall work with regional partners to encourage expansion of recycled water infrastructure.
 - Policy PFS-3.17: Bay-Friendly Landscaping - The City shall promote landscaping techniques that use native and climate appropriate plants, sustainable design and maintenance, water-efficient irrigation systems, and yard clipping reduction practices.
- **Goal PFS-7:** Minimize the generation of solid waste, increase recycling, and provide for the collection and disposal of solid waste.

- Policy PFS-7.4 Solid Waste Diversion - The City shall comply with State goals regarding diversion from landfill, and strive to comply with the provisions approved by the ACWMA.
- Policy PFS-7.12: C&D Waste Recycling - The City shall require demolition, remodeling and major new development projects to salvage or recycle asphalt and concrete and all other non-hazardous C&D materials to the maximum extent practicable.
- **Goal PFS-8:** Ensure the provision of adequate gas and electric services to Hayward residents and businesses and ensure energy facilities are constructed in a fashion that minimizes their impacts on surrounding development and maximizes efficiency.
 - Policy PFS-8.5: Undergrounding New Utility Lines - The City shall require that all new utility lines constructed as part of new development projects are installed underground or, in the case of transformers, pad-mounted.
 - Policy PFS-8.6: Undergrounding Existing Utility Lines: The City shall encourage the undergrounding of existing overhead facilities.
- **Goal PFS-9:** Encourage state-of-the-art technology and telecommunications services for households, businesses, institutions, and public agencies throughout the city to connect Hayward residents to the city, nation, and world.
 - Policy PFS-9.3: Co-Location - The City shall encourage compatible co-location of telecommunications facilities and shall work with service providers to site telecommunications facilities on City-owned property and public ROWs.

City of Hayward [Municipal Code Chapter 11, Article 6, Recycled Water Use Ordinance](#)

In December 2015, the City of Hayward adopted a Recycled Water Ordinance, which requires the use of recycled water for appropriate irrigation and industrial uses. The City reviews new developments for the potential to use recycled water and may require the use of recycled water as a condition of approval.

City of Hayward Municipal Code [Chapter 11, Article 2, Section 11-2.47](#) Prohibition of Wasteful Water Practices

The City of Hayward Municipal Code Section 11-2.47 ([Ordinance 17-07](#)) prohibits the use of potable water for non-essential purposes, including flooding or runoff into gutters and streets, excessive irrigation, washing of buildings, sidewalks, driveways, or vehicles without a positive shut-off nozzle on the hose.

City of Union City General Plan

The City of Union City's General Plan (2002a and 2002b) includes the following goals and policies related to provision of public facilities.

- **Goal PF-A.1:** To ensure the timely development of public facilities and the maintenance of adequate service levels for these facilities to meet the needs of existing and future city residents.

- Policy PF-A.1.1: The City shall ensure through the development review process that adequate public facilities and services are available to serve new development when required. The City shall not approve new development where existing facilities are inadequate to support the project unless the applicant can demonstrate that all necessary public facilities will be installed or adequately financed and maintained (through fees, special taxes, assessments, or other mean).
- Policy PF-A.1.2: The City shall require all new development and major modifications to existing development to construct necessary on-site infrastructure to serve the project in accordance with City standards.
- Policy PF-A.1.4: The City shall ensure that the provision of streets, sewer, water, drainage and other needed infrastructure is coordinated in a logical manner between adjacent developments so as to reduce design, construction and maintenance costs.
- Policy PF-A.1.5: The City shall ensure through the development review process that public facilities and infrastructure are designed and constructed to meet ultimate capacity needs, pursuant to a master plan, to avoid the need for costly retrofitting. This does not apply to any infrastructure requirements of the ACWD and the Union Sanitary District (USD).
- **Goal PF-B.1:** To ensure that adequate facility and service standards are achieved and maintained through the use of equitable funding methods.
 - Policy PF-B.1.3: The City shall require, to the extent legally possible, that new development pays the cost of providing new public facilities and services and/or the cost for upgrading all existing facilities that are used. Exceptions may be made when new development generates significant public benefits (e.g., low-income housing, significant primary wage earner employment) and/or when alternative sources of funding can be identified to offset foregone revenues.
 - Policy PF-B.1.5: The City shall require all new development or major modifications to existing development, to construct or provide a fair share contribution toward the construction of any off-site improvements necessary to off-set project impacts and/or support the project.
- **Goal PF-C.1:** To ensure that there will be a safe and reliable water supply sufficient to meet the future needs of the City.
 - Policy PF-C.1.1: The City shall coordinate its review of development proposals with the ACWD to ensure that new development can be adequately served by the District's water supply system.
 - Policy PF-C.1.3: The City shall only approve new development where an adequate public water supply and conveyance system exists or will be provided by the ACWD.
 - Policy PF-C.1.4: The City shall promote efficient water use and reduced water demand by:
 - a. Requiring water-conserving design and equipment in new construction;

- b. Encouraging water-conserving landscaping and other conservation measures;
 - c. Encouraging the retrofitting of existing development with water-conserving devices;
 - d. Providing public education programs;
 - e. Distributing outdoor lawn watering guidelines; and
 - f. Working with ACWD, promote water audit and leak detection programs.
- **Goal PF-D.1:** To ensure adequate wastewater collection, treatment, and disposal.
 - Policy PF-D.1.1 The City will coordinate its review of development proposals with the USD to ensure that new development can be adequately served by the sewage collection and treatment system.
 - Policy PF-D.1.2 The City shall only approve new development where it will be served by a public sewer system.
- **Goal PF-E.1:** To collect and dispose of stormwater in a manner that minimizes inconvenience to the public, minimizes potential water-related damage, and enhances the environment.
 - Policy PF-E.1.5 New development shall have surface drainage disposal accommodated in one of the following ways:
 - a. Positive drainage to a City-approved storm drain, stream, creek, or other natural water course.
 - b. On-site drainage that is retained within the development.
- **Goal PF-F.1:** To ensure the safe and efficient disposal or recycling of solid waste generated in Union City in an effort to protect the public health and safety and reduce impacts on landfills.
 - Policy PF-F.1.2 The City shall promote maximum use of solid waste reduction, recycling, composting, and environmentally-safe transformation of wastes and strive for an annual reduction in commercial and industrial waste disposal.
 - Policy PF-F.1.6 The City shall strive to maintain the diversion of 50 percent of all waste generated citywide for recycling and strive to increase the diversion of waste for recycling to 75 percent by 2010.
 - Policy PF-F.1.8 The City shall encourage the recycling of construction debris.

Union City Climate Action Plan

The Union City Climate Action Plan was adopted in 2010 and identifies emission reduction strategies in the waste and water sectors. Strategies include supporting reducing water

consumption and increasing waste diversion. The plan includes a series of waste reduction policies designed to increase waste diversion, strengthen C&D recycling standards, expand outreach programs, and increase waste reduction in municipal facilities.

Union City Green Building and Landscaping Practices, Municipal Code Chapter 15.76

The City of Union City adopted the Green Building and Landscaping Practices ordinance as part of the City's municipal code in March 2006. The ordinance provides requirements for green building and landscaping practices to be used in City-sponsored and public partnership projects through all aspects of a project, including design, construction, demolition, renovation, operation, and maintenance of buildings and landscaping in the city. The requirements are designed to reduce landfill waste, conserve natural resources, increase energy efficiency, lower costs associated with operation and maintenance, improve indoor air quality, and minimize impacts on the natural environment.

City of Fremont General Plan

The City of Fremont's General Plan (2011) includes requirements for water efficiency and waste reduction. General Plan policies related to waste reduction and recycling include public facilities policies regarding increasing waste diversion and recycling and moving towards zero waste. This plan commits to meeting the 75 percent diversion/recycling commitment from Alameda County Measure D.

Goals and policies relevant to public utilities, waste reduction, and water efficiency are provided below.

- **Goal 7-4: Water Conservation** – A water conservation program with measurable results consistent with ACWD's UWMP and with the City's GHG reduction goals
 - Policy 7-4.1: Water Conservation - Maximize community water conservation.
 - Policy 7-4.2: Reclaimed Water - Encourage the use of reclaimed water for irrigation, industrial purposes and in City operations.
 - Policy 7-4.3: Water Conservation in City Operations - Maximize water conservation in City operations.
- **Goal 9-3: Water, Sewer and Flood Control** – Water, sewer and flood control systems that meet community needs and are efficient and environmentally friendly.
 - Policy 9-3.1: Long Range Planning - Work with the ACWD, USD, and ACFC to encourage their long-range plans are consistent with the Fremont General Plan.
- **Goal 9-4: Gas and Electricity** – Natural gas and electric infrastructure that meet the needs of new development.
 - Policy 9-4.1: Planning Consistency - Work with PG&E to ensure that their long range plans are consistent with the Fremont General Plan and that infrastructure is sufficient to support new development.
 - Policy 9-4.2: Encourage PG&E to Upgrade Infrastructure

- **Goal 9-5: Communications Infrastructure** – High quality, inexpensive communications networks available to the community.
 - Policy 9-5-1: Free Wireless Internet (Wi-Fi) - Encourage provision of free wireless internet services.
 - Policy 9-5-2: Enhanced Fiber Optic Network - Encourage upgrades to local fiber optic networks.
 - Policy 9-5-3: Pre-Wiring for Communications- Encourage developers to pre-wire new and remodeled residential and non-residential structures to accommodate emerging technologies (fiber optic, wireless, Ethernet, digital subscriber line, voice over internet protocol, and many others) to allow seamless communications citywide.
- **Goal 9-6: Solid Waste Diversion** – Waste diversion maximized with the long-term objective of eliminating landfill waste.
 - Policy 9-6.1: Increase Waste Diversion - Divert more of the City’s solid waste stream to beneficial reuse, with a long-term objective of eliminating landfill waste.
 - Policy 9-6.2: Protect Public Health and Safety - Implement waste diversion programs that protect public health and safety and the environment.
 - Policy 9-6.3: Prioritize Waste Diversion Strategies - Implement waste diversion strategies in the following order, to promote the highest and best use of all materials: source reduction including redesign, reuse, recycling, organics processing, energy recovery and disposal in the landfill as the last option.
- **Goal 9-7: Waste-Handling Infrastructure** – Infrastructure that manages the City’s waste in a cost-effective manner.
 - Policy 9-7.2: Require Development Projects to Provide for Waste Handling - Ensure all development projects provide adequate space, design and labeling for indoor and outdoor waste management supplies and equipment, such as trash enclosures.

City of Fremont Climate Action Plan

The City of Fremont Climate Action Plan (2012) includes the following goals and policies related to solid waste and water efficiency.

- **Solid Waste Goal:** Reductions in GHG emissions achieved by decreasing the amount of solid waste sent to landfills through increased voluntary and mandatory recycling, composting, and other materials management strategies, and from methane gas capture and recovery.
 - Policy SW-A5: Increase the amount of C&D debris recycled from private-sector projects.
 - Policy SW-R1: Implement mandatory commercial recycling effective July 1, 2012, as required by the State of California and Alameda County Policy SW-A8: Increase recovery of organic materials from the commercial and residential sectors to 75 percent.

- SW-A9: Increase recovery of recyclable materials from the commercial and residential sectors to 75 percent.
- SW-A10: Increase recovery of organic materials from the commercial and residential sectors to 90 percent.
- SW-A11: Increase recovery of recyclable materials from the commercial and residential sectors to 90 percent.
- **Municipal Services and Operations Goal:** Increased diversion of solid waste from landfills and increased use of recycled-content products.
 - Policy M11: Increase C&D debris recycled from public-sector projects.
 - M18: Continue implementing the BFL requirements for civic improvement projects which include landscaped areas larger than 10,000 square feet.
- **Water Goal:** Reduce GHG emissions through water conservation and efficient use of water resources, collaborative efforts with other public agencies, outreach, and educational efforts to promote behavior change, and creating the conditions that support people's ability to make choices which support this goal.
 - Policy W-C1: Continue to implement the WELO for private development.
 - W-P1: Encourage use of on-site recycled water systems, (also known as 'greywater systems' or 'laundry to landscape') consistent with all environmental and health and safety regulations and ACWD policies and requirements.
 - W-C4: Collaborate with ACWD and USD to support the use of recycled water.

City of Newark General Plan

The City of Newark's General Plan (2013) includes provisions for water conservation, waste management, and infrastructure. The following goals and policies are specified in the plan.

- **Water Resources Goal CS-3:** Conserve and enhance Newark's water resources.
 - Policy CS-3.1: Protection of Water Resources. Ensure that land use decisions consider the availability of water for domestic and non-domestic uses, potential impacts on groundwater quality and groundwater recharge capacity, and potential off-site impacts on water quality.
 - Policy CS-3.2: Water Conservation Standards. Promote water conservation through development standards, building requirements, irrigation requirements, landscape design guidelines, and other applicable City policies and programs
 - Policy CS-3.9: Reclaimed or Non-Potable Water. Plan for the expanded use of non-potable groundwater and the eventual use of reclaimed water to supplement the local water supply and reduce the necessity of using potable water for landscaping, irrigation, and non-domestic purposes.
- **Solid Waste Management Goal CS-8:** Reduce landfilled waste through recycling, composting, and source reduction.

- Policy CS- 8.1: Recycling Program. Actively promote recycling, composting, and waste reduction in order to minimize the amount of waste requiring disposal in landfills.
- Policy CS- 8.3: Maximizing Reuse. Manage solid waste in a way that maximizes the reclamation and reuse of resources. The City encourages the use of salvaged and recycled materials, rather than the disposal of such materials in landfills.
- Policy CS- 8.4: Increasing Commercial, Industrial, and Multi-Family Recycling. Increase recycling rates by the commercial, industrial, and multi-family residential sectors, including apartment buildings, offices, restaurants, hotels, retail stores, and other businesses. Retail centers and multifamily residential development should be required to provide onsite shared collection bins for recyclable waste.
- **Infrastructure Goal CSF-5:** Provide safe, reliable, and efficiently operated infrastructure which meets Newark's long-term water, sewer, and stormwater management needs.
 - Policy CSF-5.1: Water Supply. Work with the ACWD to ensure a stable supply of clean, safe drinking water for existing and future development in Newark. The City of Newark will support the ACWD in its efforts to develop water management plans, acquire water for future development, ensure that the potable water supply meets all state and federal quality standards, and develop water infrastructure to serve new development areas.
 - Policy CSF-5.3: Reclaimed and/or Non-Potable Water. Continue to work with the ACWD and the USD in the development of a reclaimed water program. The use of reclaimed or non-potable water sources should be encouraged in order to reduce the use of domestic water for landscaping and other non-potable uses.
 - Policy CSF-5.4: Flood Control. Coordinate with Alameda County Flood Control and Water Conservation District (ACFCWCD) and Alameda County Public Works to ensure that stormwater runoff is managed in a way that reduces flood hazards.
 - Policy CSF-5.5: Drainage within New Development. Ensure that new development provides drainage and flood protection improvements which reduce on-site and downstream hazards such as ponding, flooding, and erosion. New development areas should be designed to minimize impervious surfaces in order to reduce associated site runoff and maximize groundwater recharge.

Green Infrastructure. Encourage sustainable, environmentally friendly practices by water, sewer, drainage, and energy utility service providers. The City supports “greener” approaches to infrastructure design. Storm drain catch basins should be designed to capture sediment and debris and should reduce the transport of pollutants to the Bay. Stormwater management strategies should direct water away from buildings and foundations and maintain natural hydrological functions to the greatest extent possible.
 - Policy CSF-5.6: Involving Utility Agencies in Development Review. Engage local water, sewer, and stormwater service providers in the review of new development projects to ensure that infrastructure, including water supply and wastewater

treatment capacity, is available or will be made available to meet development-related needs.

- Policy CSF-5.7: Infrastructure Cost. Ensure that the cost of infrastructure improvements required for new development is the financial responsibility of that development and is allocated based on each project's expected impacts.
- Policy CSF-5.8: Visual Impact of Utilities. Minimize the visual impact of public utilities such as transmission lines and wireless communication facilities. Utility lines along new and redeveloped rights-of-way should be placed underground wherever feasible.
- Policy CSF-5.9: Design of Utility Facilities. Coordinate with utilities in the design of utility facilities such as traffic control cabinets, utility boxes, substations, pump facilities, and switching buildings.

City of Newark Climate Action Plan Initial Framework

The City of Newark's Climate Action Plan Initial Framework (2010) includes the following actions for the business community:

- **Business Community Action Item 5.2: Increase Commercial and Business Recycling, Composting and Waste Reduction.** Action Item 5.2.1 is to share City's goal of 75 percent waste reduction by 2015 with business community; request their support.
- **Business Community Action Item 5.7: Water conservation.** Action Item 5.7.2 is to Introduce Bay Friendly Landscaping and other successful programs to businesses.

Water Efficient Landscaping

The cities of Oakland (Ordinance 1295), Hayward (Municipal Code [Chapter 10](#), Article 12), Union City (Municipal Code Chapter 18.112), and Fremont (City Council Resolution 2012-34) have enacted measures to require use of water efficient and Bay Friendly Landscaping. These measures would apply to landscaping within the City ROW, including at at-grade crossings. These measures are similar to California's MWELO and include the following general practices:

- Use of low-water, native plants;
- Restrictions on the use of turf and invasive species;
- Adopting the Bay-Friendly Landscape Guidelines, Bay-Friendly Landscape Scorecards and Bay-Friendly Gardening Guide as guidelines;
- Water conservation; and
- Utilizing the whole systems/watershed approach to design and maintenance of landscaping to support the integrity of the San Francisco Bay watershed through best practices.

Construction and Demolition Recycling Ordinances

The cities of Oakland, San Leandro, Hayward, Union City, Fremont, as well as the State of California have enacted measures to require recycling of C&D debris, which would apply to the proposed Project. These cities generally require recycling 100 percent of all asphalt and concrete materials,

100 percent of landscaping debris, and 50–65 percent of all other materials. A waste reduction and recycling plan that shows how the project would salvage and/or recycle materials is generally required (City of Oakland 2021b; City of San Leandro 2021b; City of Hayward 2021b; City of Union City 2021a; City of Fremont 2018c, 2018d).

3.20.2.5 Consistency with Plans, Policies, and Regulations

CEQA requires a discussion of inconsistencies or conflicts between a proposed undertaking and federal, state, regional, or local plans and laws. Accordingly, this section describes the consistency of the proposed Project with federal, state, regional, and local plans, policies, and regulations to provide planning context. Consistency with solid waste laws is addressed in Section 3.20.6.5.

Federal Plans, Policies, and Regulations

The proposed Project would be consistent with federal plans, policies, and regulations. Pipelines crossed by the Project would be treated in a manner consistent with the Norman Y. Mineta Act. This Project would notify an operator of proposed demolition, excavation, tunneling, or construction near or affecting a pipeline (**BMP Utility UT-1: Utility Verification and Coordination with Utility Providers and CPUC**). This includes identifying pipelines that may be affected by such activities and identifying any hazards that may affect a pipeline. The Project would comply with all FERC regulations.

State Plans, Policies, and Regulations

The proposed Project would be consistent with state plans, policies, and regulations with respect to utilities. In compliance with the Protection of Underground Infrastructure code, CCJPA or the construction contractor would notify the regional notification center, and pothole for utilities prior to excavation (BMP UT-1). The proposed Project may involve the relocation and protection of existing electrical and underground utilities. Overhead line construction would comply with CPUC General Order 95. The proposed Project does not involve modifying or altering existing (or installing new) major power or transmission lines (as defined above); they are to be protected in place. CCJPA would coordinate relocations and reinstallation of utilities in cooperation with utilities, so as to minimize utility service impacts to customers, and comply with General Order 131-D as needed during final design (BMP UT-1). The modification, alteration, or addition of distribution lines (i.e., electrical lines less than 60 kV) is not anticipated to require a certificate of public convenience and necessity or permit to construct.

The proposed Project would be consistent with state plans, policies, and regulations with respect to water efficiency and service systems. ACWD has met its 2015 and 2020 SB X7-7 targets. With operational water use limited to Ardenwood Station and implementation of **BMP UT-2: Minimize Potable Water Use** during construction, the proposed Project would maintain ACWD consistency with SB X7-7. Operation of the proposed Project, with the closure of Hayward Station and opening of Ardenwood Station, would not affect per capita water usage and would therefore comply with the water use standards required by AB 1668 and SB 606. Implementation of **BMP UT-3: Water Efficient Landscaping** would ensure Project consistency with the California MWEL0. Project use of recycled water, acquired from local water districts, would comply with the California Water Recycling Criteria. The proposed Project is not expected to affect per capita water use, and therefore is consistent with the 20x2020 Water Conservation Plan.

Local Plans, Policies, and Regulations

The proposed Project would comply with local plans, policies, and regulations with respect to water conservation, use of recycled water, and water efficient and Bay Friendly Landscaping with implementation of BMP UT-3 as part of Project operation and BMP UT-2 during construction. The only operational requirements for water use would be within the City of Fremont for the proposed Ardenwood Station. Although currently recycled water is only available from East Bay Municipal Utilities District (EBMUD, not from the Hayward Water System [HWS] or ACWD), the Project would coordinate with ACWD and HWS if recycled water becomes available for construction in the future.

The proposed Project design includes new utilities required to support the proposed Project, including stormwater treatment, water, sewer, electrical, and flood control. No sewer or wastewater treatment is required by the proposed Project as Ardenwood Station does not include restroom facilities. BMP UT-1 would ensure that existing utilities are protected or relocated in kind. Undergrounding of new or existing overhead utilities would be considered and coordinated with the utility providers, and within public roadway ROW, with municipalities. **BMP UT-4: Public Notification** would notify the public of any service disruptions and would avoid service disruptions to critical facilities. The proposed Project would include storm drainage improvements such that stormwater runoff is managed both on-site and off-site. The proposed Project would not conflict with telecommunications or purple pipe (for recycle water distribution) policies. No natural gas infrastructure is needed for the proposed Project.

CCJPA, as the lead agency sponsoring the rail improvements, must comply with federal, state, and local laws and regulations, and secure applicable federal and state permits prior to initiating construction on the proposed Project. Therefore, there would be no inconsistencies between the proposed Project and these federal, state, and local laws and regulations.

3.20.3 Methods for Evaluating Environmental Impacts

This section defines the RSA for utilities and service systems and describes the methods used to analyze the impacts on utilities and service systems within the RSA.

3.20.3.1 Resource Study Area

As defined in Section 3.1, Introduction, RSAs are the geographic boundaries within which the environmental investigations specific to each resource topic were conducted.

For utilities and service systems, the RSA is the areal extent where the proposed Project could directly or indirectly impact utilities and service systems. To account for differences in the geographies of different types of utilities, impacts to utilities and service systems is broken into three RSAs: utility RSA, solid waste RSA, and hazardous waste RSA. **Table 3.20-1** describes the RSA boundaries. Utility and solid waste RSAs are shown in Figure 3.20-1. The hazardous waste RSA is shown in Figure 3.20-2.

The utility RSA includes the area where the proposed Project could directly impact all non-waste related utilities, i.e., the Project Footprint. The RSA also includes areas where the proposed Project could indirectly impact utility infrastructure (beyond the Project Footprint), including areas where utility relocations, use of utility facilities necessary for proposed Project construction and operation, and construction of electrical interconnections with local utilities would occur. To capture the

indirect impacts of the proposed Project, the utility RSA includes the cities and flood control district zones crossed by the proposed Project as well as water district service areas.

The solid waste RSA is the extent of Alameda County. Solid waste is disposed of at the county facilities and therefore indirect impacts should be considered at a county-level. There are no licensed hazardous waste disposal facilities in Alameda County. There are two licensed hazardous waste disposal facilities in California, Buttonwillow in Kern County and Kettleman Hills in Kings County. Therefore, the RSA for hazardous waste extends to Kern and Kings Counties, where the proposed Project would dispose of hazardous waste.

Table 3.20-1. Definition of Public Utilities RSA

RSA Name	Type	RSA Definition
Utility RSA	Utility-owned properties and facilities including major public utility infrastructure and facilities required for connecting to the proposed Project. Facilities could include substations; easements; overhead utility lines (e.g., telephone, cable television); and buried utility lines (e.g., electricity, water, wastewater, stormwater, petroleum product lines).	Cities of Oakland, San Leandro, Hayward, Fremont, Newark, and Union City, unincorporated San Lorenzo, as well as the service area for utility providers.
Solid Waste RSA	Solid waste management facilities	Alameda County
Hazardous Waste RSA	Hazardous waste management facilities	Alameda, Kings, and Kern counties

Source: CCJPA 2022

Figure 3.20-1: Utility and Solid Waste RSA

Figure 3.20-2: Hazardous Waste RSA



3.20.3.2 Data Sources

Construction

Construction water use was estimated based off the types of equipment that would be needed. Project engineers provided the number of days that water trucks and street sweepers are estimated to be used for proposed Project construction, by phase of construction. Construction is currently expected to occur over three years. Water trucks would provide all of the on-site water use during construction, except for street sweepers. Water trucks would be used for stormwater BMPs (such as erosion and dust control), compaction during grading and earthwork, as well as supplying water for other construction uses. Major concrete production would be produced off site at existing, permitted, batch plants and is not included in water use estimates. Water trucks were assumed to have 4,000-gallon tanks, which may be refilled up to four times per day. Street sweepers were assumed to have 500-gallon tanks, which would be refilled twice per day.

For solid waste production, Project engineers provided estimates for soil export and demolition quantities based on the type of work and volume of excavated material. The design of the proposed Project was also reviewed to qualitatively assesses what construction activities could produce hazardous waste and the types of hazardous waste that could be produced.

Project engineers analyzed the potential for the proposed Project to conflict with major existing utilities based on information provided by utility companies regarding the types and locations of the existing utilities. For the purposes of this analysis, minor utility impacts were not included as impacts to those facilities would be minimal and would not cause significant environmental effects. In addition, it is assumed that major utility lines crossing railroad tracks perpendicularly were designed to meet the railroad loads and would not require any additional protection measures. No field surveys were conducted to verify the locations of existing utilities. Utilities would be either protected in place (PIP) or relocated, based on geometric, structural, operational, and other considerations. Relocation would be performed on specific utilities if they cannot be sufficiently protected during construction and/or operation.

Operations

Types and amounts of utility usage at the proposed Ardenwood Station was estimated based on other comparable facilities. Average electrical utility usage was based on estimates from CCJPA's Hayward Station. The proposed Ardenwood Station would have surface parking (200 spaces), two pedestrian overcrossings, bike storage and ticket vending machines, passenger display information system, and would also be unstaffed. Electrical usage at the proposed Ardenwood Station is anticipated to be comparable to that of Hayward Station for the purposes of this analysis. . Water usage was based off facilities proposed at Ardenwood Station. Gas and wastewater treatment would not be required at the proposed Ardenwood Station.

3.20.3.3 Related Resources

3.20.3.4 CEQA Thresholds

To satisfy CEQA requirements, utilities and service systems impacts were analyzed in accordance with Appendix G of the CEQA Guidelines. According to the CEQA Guidelines, CCR, Title 14, Section 15002(g), "a significant effect on the environment is defined as a substantial adverse change in the

physical conditions which exist in the area affected by the proposed project.” As stated in CEQA Guidelines Section 15064(b)(1), the significance of an activity may vary with the setting. The impact analysis identifies and analyzes construction (short-term) and operation (long-term) impacts, as well as direct and indirect impacts (see PRC Section 21065). The proposed Project would have significant utilities and service systems impacts under CEQA if it would:

- a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;
- b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years;
- c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments;
- d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

3.20.4 Affected Environment

3.20.4.1 Environmental Setting

Regional and Local Setting

The following section describes existing utility and service systems and their providers within the utility, solid waste, and hazardous waste RSAs.

Electrical, Natural Gas, Petroleum, and Fuel

Multiple utilities provide electric, gas, petroleum, oil, and fuel service within the RSA (**Table 3.20-2**). The Pacific Gas and Electric Company (PG&E) provides electrical and natural gas service to the utility RSA (PG&E 2023). PG&E provides electricity to much of Northern California, from approximately Bakersfield to the California-Oregon border. The company generates electricity in facilities within several hundred miles of the points of use, and their generation portfolio includes hydroelectric facilities, a nuclear power plant, and a natural gas-fired power plant (California Energy Commission 2015). PG&E operates and maintains their own distribution system, including three major transmission lines running west to east across Alameda County to substations in Hayward and Fremont (City of Hayward 2014).

Multiple Kinder Morgan oil and natural gas pipelines cross the Coast Subdivision. Kinder Morgan is a large energy infrastructure company that owns or operates approximately 83,000 miles of pipelines and 147 terminals (Kinder Morgan 2023). Bay Area lines within the northern region of Kinder Morgan operations originate at the Richmond, Concord, and Amorco stations, with destinations in Bradshaw, Brisbane, Chico, Fresno, Richmond, Sacramento, San Jose, Stockton, the Oakland Airport, and the San Francisco Airport (Kinder Morgan 2019).

Ava Community Energy (formerly East Bay Community Energy) is a not-for-profit public agency started in 2018 that governs this Community Choice Energy service within Alameda County. Ava purchases wind, solar, and hydropower, which is distributed to customers by PG&E. Ava currently serves the following cities of within the RSA: Fremont, Hayward, Newark, Oakland, San Leandro, Union City, as well as unincorporated areas of Alameda County (Ava 2021).

Table 3.20-2. Summary of Electrical and Natural Gas Providers in the Utility RSA

County/City Location	Provider
Electrical and Natural Gas	
Cities of Fremont, Hayward, Oakland, Newark, San Leandro, and Union City.	PG&E, Kinder Morgan, Ava
San Lorenzo (Unincorporated Alameda County)	PG&E, Kinder Morgan, Ava
Petroleum and Fuel Pipelines	
Cities of Oakland and Fremont	Kinder Morgan

Source: Ava (2021), Kinder Morgan (2019), and PG&E (2022).

Water (Potable and Recycled)

Multiple utilities provide potable and recycled water within the RSA (**Table 3.20-3**). Potable water is water that is safe to drink or for use in food preparation. Non-potable recycled water is produced from treated wastewater and can be used for landscape irrigation and industrial uses. Advanced water treatment facilities can recycle water that is clean enough to be used for potable purposes (potable reuse, ACWD 2021). The use of recycled water, rather than potable water, is important for reducing the need for potable water supplies. A summary of the recycled water infrastructure is included in the following sections.

Table 3.20-3. Summary of Water Providers in the Utility RSA

County/City Location	Provider
Water Supply (Potable and Recycled)	
Oakland	EBMUD
San Leandro	EBMUD
San Lorenzo (Unincorporated Alameda County)	EBMUD
Hayward	HWS, EBMUD, ACWD

Table 3.20-3. Summary of Water Providers in the Utility RSA

County/City Location	Provider
Union City	ACWD
Fremont	ACWD
Newark	ACWD

Source: ACWD (2021), City of Hayward (2020a), EBMUD (2023a).

Notes: EBMUD = East Bay Municipal Utility District, HWS = Haward Water system, ACWD = Alameda County Water District.

East Bay Municipal Utility District

EBMUD's service area covers some 332 square miles in Alameda and Contra Costa counties (EBMUD 2023c). EBMUD provides drinking water to the northern cities in the utility RSA, Oakland, San Leandro, the unincorporated community of San Lorenzo, and part of Hayward. The primary water sources for EBMUD are the Mokelumne River and local runoff. Water is imported primarily from the EBMUD's Pardee Reservoir on the Mokelumne River in the Sierra Nevada mountain range, 90 miles east of the Bay Area. EBMUD has water rights for up to 325 million gallons daily (MGD) from the Mokelumne River watershed. Pardee Reservoir has a capacity of 64,502 million gallons (MG), which is equivalent to a 10-month supply for EBMUD's 1.4 million water customers. Ten miles downstream from Pardee Reservoir, Camanche Reservoir stores water to meet the needs of fisheries, riparian habitat, and downstream water-rights holders. Local runoff is stored in several East Bay reservoirs to assure emergency supplies are available locally. In a year of normal precipitation, EBMUD uses an average of 21 MGD of water from local watershed runoff. EBMUD can store up to 49,421 MG of water in the East Bay reservoirs. In dry years (where water availability is comparable to the most severe single-year drought), enough water can be lost through evaporation to completely offset any water gained from local runoff. Typically, EBMUD stores a six-month emergency supply in local reservoirs.

EBMUD now also has a contract with the U.S. Bureau of Reclamation for a dry year water transfers from the Sacramento River. When needed in dry years, up to 100 MGD can be conveyed through the Freeport Regional Water Facility jointly owned by EBMUD and Sacramento County (EBMUD 2023c). In 2014 and 2015, EBMUD purchased short-term water transfers to meet customer demand (EBMUD 2023a).

EBMUD infrastructure has the capability to provide over nine MGD of recycled water (EBMUD 2019a). To help save drinking water, EBMUD provides recycled water at no charge for construction and other non-potable purposes. Recycled water for trucks is available at EBMUD's main wastewater treatment plant in west Oakland (2020 Wake Avenue) and may only be used within EBMUD's service area. The Recycled Water Truck Program supplies clean, safe, disinfected recycled water for allowed uses such as dust control, soil compaction, power washing, decorative fountains, landscape irrigation, street washing and sewer flushing (EBMUD 2023b). EBMUD has a goal of increasing recycled water production to 20 MGD by 2040 (EBMUD 2019a). EBMUDs UWMP identified 8.3 MGD of recycled water demand. EBMUDs Recycled Water Truck Program requires that the recycled water must be used immediately and hand-applied (not stored in a tank, or distributed

via pipes or irrigation lines, EBMUD 2023b). A Recycled Water Use Permit is also required (EBMUD 2019a).

EBMUD conducts a water service reliability assessment as part of its UWMP. This assessment looks at three types of water supply years:

- A normal hydrologic year represents the water supplies available under normal conditions,
- A single-dry year represents the lowest available water supply (the most severe single-year drought), and
- A five-consecutive year drought represents the driest five-year period in the historical record.

EBMUD's reliability assessments for potable water supply and demand in the years of proposed Project construction and operation are included in **Table 3.20-4**.

Table 3.20-4. EBMUD Projected Water Supply and Demand Comparison

Supply/ Demand	Normal 2025 (MG)	Single Dry Year 2025 (MG)	Second Dry Year 2025 (MG)	Third Dry Year 2025 (MG)	Normal 2030 (MG)	Single Dry Year 2030 (MG)	Second Dry Year 2030 (MG)	Second Dry Year 2030 (MG)
Supply	>186	186	161	158	>190	189	164	158
Demand	186	186	186	186	190	190	190	190
Difference	0	0	-25	-28	0	-1	-26	-32
% of Demand	100	100	-13	-15	100	-1	-13	-15
Mandatory Rationing % of Demand	0	0	13	15	0	1	13	15

Source: EBMUD (2020).

Notes: MG = million gallons

In their UWMP, EBMUD projects that they would have sufficient water supplies in normal years given normal demand for water (EBMUD 2020). In dry years, EBMUD would acquire additional water supplies from the U.S. Bureau of Reclamation to supplement its regular supply from the Mokelumne River watershed. Additionally, EBMUD would institute mandatory water rationing, which would reduce demand to match supply levels.

The UWMP identifies temporary dry year supplemental water supply options, including trucking recycled water for approved uses; drawing from reserve supplies (terminal reservoir standby storage); and pursuing emergency transfers or exchanges.

Hayward Water System

~~HWS serves approximately 95 percent of~~ The majority of the City of Hayward is served by the HWS, including nearly all commercial and institutional development. All of ~~HWS's~~ the City's potable water supplies come from the San Francisco Public Utilities Commission's (SFPUC) Regional Water System. The water supply is predominately snowmelt from the Sierra Nevada, delivered through the Hetch Hetchy aqueducts, but also includes treated water ~~produced~~ by the SFPUC from its local watershed and facilities in Alameda and San Mateo Counties. The City receives water through two aqueducts connections along Mission Boulevard and Hesperian Boulevard. In addition, the City maintains five water wells within the City for short duration emergency use only, ~~are located within the city limits.~~

~~City of Hayward has recently constructed~~ Phase 1 of a the City's Recycled Water Project system ~~that~~ includes a one-million-gallon storage tank, ~~and a 1.6 million-gallons-per day (mgd) pump station, and a 0.5 mgd membrane treatment facility~~ at the City's Water Resource and Recovery Pollution Control Facility (WRRF). ~~and Additionally,~~ approximately eight and a half miles of distribution pipelines ~~were constructed capable of and customer connections. Starting in 2021, the recycled water system would deliver~~ing an estimated 260,000 gallons ~~per-day~~ of recycled water to approximately 304 customers for irrigation and industrial uses at parks, schools, businesses, and industrial parks within a three-mile radius of the WRRFater Pollution Control Facility (City of Hayward 2021c). The City's WRRF Water Pollution Control Facility is located on Enterprise Avenue, approximately 0.5 mile from the Project Footprint (City of Hayward 2019). The Phase 1 Recycled Water Project system pipelines cross the proposed Project alignment on the Coast subdivision at Depot Road.

The City of Hayward ~~will~~ be evaluating the feasibility of expanding the use of recycled water to serve additional users ~~in the~~ within the next few years. ~~While this potential use has not yet been quantified, Hayward is estimating that the next phase may add 100,000 gallons per day of recycled water use.~~ Although the City HWS currently does not currently offer recycled water for use by construction use, the City ~~will be~~ is planning on developing a Recycled Water System Master Plan, which ~~will~~ evaluate the possibility of supplying recycled water for a variety of uses that may include to construction ~~(City of Hayward 2021d)~~. Potential constraints on expansion include distribution and storage, water quality, and cost (City of Hayward 2020). It is therefore unknown whether recycled water would be available from the City-HWS during proposed Project construction (between 2027 and 2029).

Based on information provided by SFPUC and Bay Area Water Supply and Conservation Agency, the adoption of the 2018 Bay-Delta Plan Amendment is anticipated to impact the future reliability of water supplies from the SFPUC Regional Water System to the City of Hayward. In December 2018, the State Water Resources Control Board (SWRCB) adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan Amendment) to establish water quality objectives to maintain the health of the Bay-Delta ecosystem. The Amendment was subsequently approved by the Office of Administrative Law in 2019. The SWRCB ~~has~~ eds stated that it intendeds to implement the Bay-Delta Plan Amendment on the Tuolumne River by the year 2022, assuming all required approvals were are obtained by that time. However, implementation of the Bay-Delta Plan Amendment is not self-implementing, and ~~it~~ is pending lawsuits, additional regulatory approvals, permits, and processes, as well as negotiations for a voluntary agreement with the SWRCB.

The adoption of the Bay-Delta Plan Amendment may significantly impact the water supply available to the City of Hayward, however, SFPUC does not know at this time when the Bay-Delta Plan

Amendment ~~may is likely to~~ go into effect. Without a Bay-Delta Plan Amendment, ~~the~~ SFPUC ~~has indicated that it expects to would~~ be able to meet 100 percent of supply through 2040. If the Bay-Delta Plan Amendment is implemented, the SFPUC would be able to meet the projected water demands presented in normal years, but would experience supply shortages in single or multiple dry years. Implementation of the Bay-Delta Plan Amendment would require rationing in all single and multiple dry years. The SFPUC is currently

pursuing a voluntary agreement as well as addressing a lawsuit which would limit implementation of the Plan. The SFPUC has initiated an Alternative Water Supply Planning Program to [assist in ensure that it can](#) meeting the water needs of its customers, address projected dry years shortages, and limit rationing to a maximum 20 percent system-wide in accordance with adopted SFPUC policies. This program is in [the early](#) planning stages and is intended to [help](#) meet future water supply challenges through 2045.

To plan conservatively, [the City of](#) Hayward's 2020 UWMP water service reliability assessment assumes full implementation of the Bay Delta Plan Amendment in 2023. Water supply estimates in **Table 3.20-5** assume the worst-case scenario – with implementation of the Bay-Delta Plan Amendment in 2023, but without SFPUC and the SWRCB reaching a voluntary agreement, and it does not account for implementation of SFPUC's Alternative Water Supply Planning Program. Under this supply scenario, SFPUC would not be able to meet its contractual obligations and [the City](#) Hayward's forecasted demands during drought years (City of Hayward 2020).

Table 3.20-5. City of Hayward Projected Water Supply and Demand Comparison

Supply / Demand	Normal 2025 (MG)	Single Dry Year 2025 (MG)	Second Dry Year 2025 (MG)	Third Dry Year 2025 (MG)	Normal 2030 (MG)	Year 2030 (MG)	Second Dry Year 2030 (MG)	Third Dry Year 2030 (MG)	Difference (MG)
Supply	6,563	4,220	3,629	3,629	6,862	4,397	3,782	3,782	6,563
Demand	6,563	6,563	6,563	6,563	6,862	6,862	6,862	6,862	6,563
Difference	0	-2,342	-2,934	-2,934	0	-2,465	-3,080	-3,080	0
% of Demand	0	-35	-44	-44	0	-36	-45	-45	0

Source: City of Hayward 2020.

Notes: MG = million gallons

As shown in **Table 3.20-5**, substantial water supply shortfalls are projected for future single- and multiple-dry year scenarios due to implementation of the Bay-Delta Plan Amendment. Based on [the City of](#) Hayward's [Water Supply Contingency Plan](#), a single dry year 2025 and 2030 would represent a Level 4 water supply shortage. With a Level 4 shortage, the City of Hayward would declare a Water Supply Shortage Emergency pursuant to California Water Code section 350. A Level 4 shortage would trigger a requirement for [up to](#) a 40 percent reduction in consumer water demand to ensure sufficient supplies for human consumption, sanitation, and fire protection. A second or third dry year in 2025 and 2030 would represent a Level 5 water supply shortage. A Water Supply Shortage Emergency would also be declared and require [up to](#) a 50 percent consumer demand reduction. Under a Level 5 shortage, the City of Hayward would look to augment supply with other water purchases, such as from EBMUD and ACWD. [The City of](#) Hayward also has five emergency groundwater supply wells with [a potential yield of](#) 14 MGD, however wells are only permitted for short-term emergency (five day) use (City of Hayward 2020). [Groundwater was previously used as the public water supply in Hayward until 1963.](#)

Alameda County Water District

ACWD supplies and distributes water to the cities of Fremont, Newark, Union City, and a very small part of southern Hayward. ACWD is supplied by the State Water Project (SWP, via the South Bay Aqueduct), the SFPUC's Regional Water System (via the Hetch Hetchy Aqueduct), as well as local sources such as the Niles Cone Groundwater Basin, desalinated brackish groundwater, and surface water from Del Valle Reservoir. Approximately 60 percent of the ACWD's water supplies that are used for distribution are imported from the SWP and SFPUC. ACWD operates two surface water treatment plants that treat SWP and local surface water from Del Valle Reservoir. The Newark Desalination Facility treats brackish groundwater to remove salts and other impurities.

ACWD has installed 4.29 miles of "purple pipe" (for recycled water distribution) over the past 20 years, however there is no use of recycled water in ACWD's service area. The use of recycled water to offset the demand for potable water is included as part of the District's long-term water supply strategy. However, the focus has shifted to potable reuse by supplemental recharge of potable groundwater supplies (ACWD 2021).

As with HWS, both sources of the ACWD imported supplies (SWP and SFPUC Regional Water System) are potentially subject to the Bay-Delta Plan Amendment. For SWP supplies, ACWD has assumed more conservative water supply projections (which includes climate change effects) in the 2020 UWMP (2020-2045) as it better reflects the potential full stress on the SWP. Currently, SWP water that is not used by ACWD for treatment and delivery to customers is 'banked' in groundwater storage, either locally in the Niles Cone Groundwater Basin or off-site at the Semitropic Groundwater Bank for later use in dry years. ACWD has secured 48,878 MG of groundwater storage capacity at Semitropic under this program. As of February 2021, ACWD has approximately 43,990 MG of water stored in the Semitropic Groundwater Banking Program (ACWD 2021).

Table 3.20-6 provides ACWD's assessment of water supply and demand under normal, single dry year, and multiple dry year scenarios. Under normal year water supply conditions, the ACWD would have sufficient supplies to meet projected future water demands and to bank water into groundwater storage. Under single dry year scenario, the ACWD's SWP supplies would be cut back by approximately 90 percent, and ACWD would need to rely on local and off-site groundwater storage to help make up for this shortfall in supply. If there is insufficient local groundwater storage or if ACWD is unable to recover its full contractual amount from the Semitropic Groundwater Banking Program, ACWD would look to secure additional supplies through a California Department of Water Resources drought water bank or similar water purchase/transfer program. ACWD is projected to be able to withstand the most severe 5-year dry period, using local and off-site groundwater storage to offset shortfalls.

Table 3.20-6. ACWD Projected Water Supply and Demand Comparisons (2020 through 2030)

Supply/ Demand	Normal 2025 (MG)	Single Dry Year 2025 (MG)	Second Dry Year 2025 (MG)	Third Dry Year 2025 (MG)	Normal 2030 (MG)	Single Dry Year 2030 (MG)	Second Dry Year 2030 (MG)	Second Dry Year 2030 (MG)	Third Dry Year (MG)
Imported supplies	11,828	11,828	3,193	4,464	4,041	4,855	2,888	11,828	3,225
Local supplies	10,362	10,395	9,547	9,091	9,906	10,264	1,880	10,395	9,547
Banking/ Transfers	-	-	4,399	4,725	4,529	4,399	2,293	-	4,399
Total Supply	22,190	22,223	17,140	18,280	18,476	18,541	21,669	22,223	17,172
Total Demand	19,094	19,844	18,965	18,248	18,280	19,160	19,323	19,681	18,802
Difference	3,0956	2,379	-1,825	32	196	-619	2,346	2,542	-1,630
% of supply	14	11	-11	0	1	-2	11	11	-9%
% of demand	16	12	-10	0	1	-2	12	13	-9%

Source: ACWD 2021.

In dry years, ACWD would implement its WSCP. An 11 percent shortage in water supply represents a Stage 2 water shortage (ACWD 2021). Under a Stage 2 water shortage, ACWD would adopt a Water Shortage Emergency Ordinance banning wasteful uses of water and limiting other uses, which would include the following restrictions:

- Prohibiting excessive run-off from irrigation and other activities,
- Prohibiting the use of a hose without a shut-off nozzle,
- Requiring that leaks be fixed as soon as practicable, and
- Additional prohibitions and restrictions such as prohibiting hosing down paved surfaces.

Stormwater

Stormwater facilities, including storm drains and flood control channels, are owned and managed by the cities within the RSA as well as Alameda County Flood Control and Water Conservation District (ACFCWCD), which are listed in **Table 3.20-7**.

Table 3.20-7. Summary of Stormwater Management Providers in the Utility RSA

County/City Location	Provider
Oakland	ACFCWCD
San Leandro	ACFCWCD, City of San Leandro
San Lorenzo (Unincorporated Alameda County)	ACFCWCD
Hayward	ACFCWCD, City of Hayward
Union City	ACFCWCD, Union City
Fremont	ACFCWCD, City of Fremont
Newark	ACFCWCD, City of Newark

Source: Alameda County Planning Department (2004), ACFCWCD 2022, City of Fremont (2011), City of Hayward (2014), City of Newark (2013), City of San Leandro (2016), and City of Union City (2002a).

Notes: ACFCWD = Alameda County Flood Control and Water Conservation District

Alameda County Flood Control and Water Conservation District

Much of western Alameda County lies in a floodplain protected by the ACFCWCD (ACFCWCD 2022). ACFCWCD was formed in 1949 to respond to the rapid development taking place in potentially flood-prone areas. The ACFCWCD's primary focus is to plan, design and inspect construction of flood control projects. Additionally, the ACFCWCD maintains flood control infrastructure and preserves the natural environment through pollution control regulations (City of Fremont 2011). Section 3.11,

Hydrology and Water Quality provides additional information and detail regarding major flood control infrastructure near the proposed Project.

City of Oakland

The storm drainage system in the city of Oakland consists of more than 300 miles of storm drainpipes, over 100 miles of open creeks, and 15,000 structures (mostly inlets, manholes, and catch basins). These facilities are both publicly and privately owned. City-owned storm drainage facilities are typically located within easements and ROWs. The ACFCWCD owns and maintains most of the major and primary facilities (waterways with tributary areas of at least 50 acres), including creeks such as San Leandro. The City owns and maintains the secondary facilities (waterways or drainage facilities with tributary areas equal or less than 50 acres). This includes most of the City's drainage facilities, including pipes, conduits, and drainage structures (City of Oakland 2014a).

City of San Leandro

The City of San Leandro Department of Public Works owns and maintains 175 miles of storm drainage conduits. The City's storm drain system feeds into a larger system owned and operated by the ACFCWCD (City of San Leandro 2016).

City of Hayward

Major storm drainage facilities within the city of Hayward are owned and maintained by the ACFCWCD and include gravity pipelines predominantly made of reinforced concrete, which discharge to underground storm drain lines or manmade open channels. Storm drainpipes smaller than 30 inches are generally owned by the City of Hayward. The City has five pump stations that pump stormwater into stormwater collection systems and/or dry creeks, flowing into Mt. Eden and Old Alameda creeks and ultimately to San Francisco Bay (City of Hayward 2014).

Union City

The City of Union City provides stormwater service in Union City. In general, streets in Union City include storm drainage facilities, with the exception of a few steeply sloped streets in the hills east of Mission Boulevard (Union City 2002b).

City of Fremont

The City of Fremont is responsible for maintaining the majority of the storm drainage system within the City and ensuring that adequate storm drainage facilities are built to support new development. ACFCWCD also reviews development proposals and advises the City of Fremont on appropriate measures. Drainage improvements are constructed as new development occurs. The City maintains local storm drains, replacing pipes and other facilities as needed (City of Fremont 2011).

City of Newark

Storm drainage in the city of Newark is jointly managed by the Newark Public Works Department and the ACFCWCD. ACFCWCD is responsible for planning, constructing, and maintaining flood control channels and culverts, while the Newark Public Works Department is responsible for monitoring and maintaining street gutters and storm drain inlets. Stormwater is carried through City pipes to five ACFCWCD flood control channels. The Public Works Department is responsible for carrying out the City's stormwater quality initiatives. This includes stormwater control

requirements for businesses and new development, enforcement of illicit discharge regulations, street sweeping, cleanouts of storm drain inlets, and a variety of public education and outreach events. The City manages and maintains the storm drainage system to avoid flooding and reduce the negative effects of stormwater runoff. The City works with ACFCWCD to make improvements to storm drains and flood control channels. ACFCWCD maintains flood control systems, with channels following historic sloughs and former agricultural drainage channels. Major drainage courses in the City include Plummer Creek, Newark Slough, and Mowry Slough. Stormwater flows to these drainage courses through gutters, drains, channels, and culverts (City of Newark 2013).

Wastewater

Wastewater providers within the utility RSA are listed in **Table 3.20-8**.

Table 3.20-8. Summary of Wastewater Management Providers in the Utility RSA

County/City Location	Provider
Oakland	EBMUD, City of Oakland
San Leandro	OLSD, City of San Leandro
San Lorenzo (Unincorporated Alameda County)	OLSD
Hayward	OLSD, City of Hayward
Union City	USD, Union City
Fremont	USD
Newark	USD

Source: Alameda County Planning Department (2004), City of Fremont (2011), City of Hayward (2014), City of Newark (2013), City of San Leandro (2021c), and City of Union City (2021a).

Notes: EBMUD = East Bay Municipal Utilities District, OLSD = Oro Loma Sanitary District, USD = Union Sanitary District.

East Bay Municipal Utility District and City of Oakland

The City of Oakland owns and operates a wastewater collection system that serves approximately 400,000 people and includes 101,000 service connections. The collection system encompasses approximately 933 miles of gravity sewer mains, over 1.25 miles of pressurized sewer mains, and 11 wastewater pump stations (City of Oakland 2019a). The City's collected wastewater is conveyed to EBMUD's wastewater interceptor system, which transports it to EBMUD's main wastewater treatment plan for treatment. The treated effluent is ultimately discharged to San Francisco Bay. EBMUD's wastewater collection system includes 37 miles of pipelines, 15 pump stations, and five overflow structures (EBMUD 2021d).

Oro Loma Sanitary District

The Oro Loma Sanitary District (OLSD) provides wastewater services to unincorporated Alameda County, including San Lorenzo, as well as designated areas within the cities of Hayward and San Leandro. OLSD owns and maintains about 273 miles of wastewater lines. The OLSD treats sewage at the wastewater treatment plant that it jointly owns with Castro Valley Sanitary District (OLSD 2023).

The City of San Leandro is responsible for operating and maintaining local and regional sewer lines as well as collecting, treating, and disposing of wastewater. The City maintains about two thirds of its 130 miles of sewers, primarily in the northern portion of the City. The sewage from the City wastewater system is conveyed to and treated at the San Leandro Water Pollution Control Plant (City of San Leandro 2022).

The City of Hayward owns and operates the wastewater collection and treatment system that serves almost all of the residential, commercial, and industrial users within the incorporated City limits, and limited portions of the adjacent unincorporated areas of Alameda County. The Hayward collection system includes about 320 miles of sewer mains, nine sewage lift stations, and 4.2 miles of force mains and treatment occurs at the City's Water Pollution Control Facility (City of Hayward 2014).

Union Sanitary District

The Union Sanitary District (USD) provides wastewater services for the cities of Newark, Fremont, and Union City. USD is responsible for the maintenance and repair of all sanitary sewer main lines in local streets. USD operates a 33-acre wastewater treatment facility in Union City and provides collection, treatment, and disposal services to a total population of over 356,000 in Fremont, Newark, and Union City. USD maintains over 830 miles of underground wastewater lines in its service area (USD 2023).

Communications

There are numerous telecommunications providers within the utility RSA that provide phone, internet, and cable services to residents and businesses. Communications utilities crossed by the proposed Project include phone and fiber optic lines owned by Lumen, AT&T, Comcast, MCI, and Sprint.

Waste

Solid and hazardous waste within Alameda County is disposed of at multiple locations, identified in **Table 3.20-9**. The proposed Project would use the local collection service providers listed in **Table 3.20-9**, or self-haul, to the specified disposal locations.

Table 3.20-9. Summary of Waste Management Facilities and Service Providers

County/City Location	Waste Collection Service Provider	Disposal Location
Solid Waste Disposal		
Oakland	WMAC	Altamont Landfill
San Leandro	Alameda County Industries	Vasco Road Landfill
San Lorenzo (Unincorporated Alameda County)	OLSD, WMAC	Altamont Landfill
Hayward	WMAC	Altamont Landfill
Union City	Republic Services	Altamont Landfill
Fremont	Republic Services	Altamont Landfill
Newark	Republic Services	Altamont Landfill
Hazardous Waste Disposal		
Kings County	-	Waste Management, Kettleman Hills
Kern County	-	Clean Harbors Facility, Buttonwillow

Source: ACWMA 2020.

Notes: WMAC = Waste Management of Alameda County, OLSD = Oro Loma Sanitary District

Alameda County has been in compliance with AB 939, with an average diversion rate of 67 percent in 2018 (Alameda County 2020), well over the goal of 50 percent waste diversion (**Table 3.20-10**).

Table 3.20-10. 2018 AB 939 Diversion Rates

City/County	Diversion Rate
City of Oakland	63%
City of San Leandro	58%
Unincorporated Alameda County	76%
City Hayward	66%
Union City	80%
City of Fremont	63%

Table 3.20-10. 2018 AB 939 Diversion Rates

City/County	Diversion Rate
City of Newark	67%
Alameda County	67%

Source: Alameda County 2020.

There are three categories of landfills within the solid and hazardous waste RSAs:

- Class I: A facility that can accept all types of municipal solid waste (MSW), waste that can cause foul odors when decomposing (putrescible), household waste, C&D waste, household hazardous waste, special waste, and some industrial wastes.
- Class II: An unlined landfill designed to accept putrescible and inert (stable) wastes.
- Class III: A scientifically engineered facility built into or on the ground that is designed to hold and isolate waste from the environment (Alameda County 2020).

Solid Waste

Solid waste produced by the proposed Project would be disposed of at either the Altamont or Vasco Road Landfills.

Altamont Landfill

The Altamont Landfill is a non-hazardous Class II and Class III disposal facility (Waste Management of Alameda County [WMAC] 2023c). Altamont Landfill is located at 10840 Altamont Pass Road in unincorporated Alameda County on a 2,034-acre site, of which 480 acres are permitted for landfill (Alameda County 2020). The Altamont Landfill currently receives MSW from the cities of Alameda, Albany, Berkeley, Castro Valley, Dublin, Emeryville, Hayward, Fremont, Newark, Oakland, Union City as well as OLSA. Permitted materials for disposal at Altamont include agricultural, asbestos, ash, auto shredder, C&D waste, contaminated soil, industrial, inert waste, liquids, MSW, sewage sludge (dewatered), tires, treated wood waste, and high liquid content waste. There are no specific tonnage or origin limits on non-disposal tonnage, such as alternative daily cover, reuse, recycle, or transfer materials (WMAC 2023a). The permitted capacity at Altamont is 87 million cubic yards (MCY) (see **Table 3.20-11**). As of 2018, the estimated remaining refuse capacity for the Altamont Landfill was 65 MCY. At the average rate of fill from 2014-2018, and adjusting for projections for waste declines through 2023, the facility has more than 30 years of capacity remaining and an estimated closure date of 2049 (Alameda County 2020).

Vasco Road Landfill

Vasco Road Landfill is located on 246 acres of a 435-acre site at 4001 North Vasco Road, northeast of the city of Livermore. Vasco Road is a Class II/III designated facility. The landfill currently accepts franchised MSW from the cities of Livermore, Pleasanton, and San Leandro in Alameda County, as well as San Ramon in Contra Costa County, with a maximum capacity 2,518 tons per day (TPD).

Vasco Road accepts non-franchised C&D debris and non-hazardous waste that can pose special disposal problems (designated waste) and receives out-of-county disposal. Vasco Road is permitted to receive the following types of waste: asbestos, ash, auto shredder, C&D, contaminated soils, dead animals, industrial, inert, MSW, sewage sludge, and tires (Alameda County 2020). Vasco Road is authorized to accept TWW (SWRCB 2023). As of 2018, Vasco Road reported remaining capacity for about 6 MCY of waste (**Table 3.20-11**). The estimated closure year for Vasco Road is 2035 (Alameda County 2020).

In Alameda County, there is a total of 71 MCY of landfill space available as of 2018. Daily capacity at Alameda County landfills is 13,668 TPD. Alameda County has sufficient landfill capacity through the estimated permitted closure date of the Altamont Landfill in 2049.

Table 3.20-11. Solid Waste Landfill Facility Summary

Landfill	Owner/ Operator	State Classification	County	Landfill Permitted Capacity (TPD)	Maximum Permitted Landfill Capacity (MCY)	Remaining Landfill Capacity (MCY)	Remaining Capacity as of Date	Estimated Permitted Closure Date
Altamont	WMAC	II/III	Alameda	11,150	87	65	2018	2049
Vasco Road	Republic Services	II/III	Alameda	2,518	33	6	2018	2035
Total				13,668	120	71		

Source: Alameda County 2020, SWRCB 2021.

Notes: WMAC = Waste Management of Alameda County, TPD = tons per day, MCY = million cubic yards

Hazardous Waste Disposal Facilities

Hazardous waste is a waste with properties that make it potentially dangerous or harmful to human health or the environment, and include liquids, solids, or contained gases. Hazardous wastes are those that appear on one of the four RCRA hazardous waste lists, or that exhibits one of the four characteristics of a hazardous waste – ignitability, corrosivity, reactivity, or toxicity. Additional materials can be hazardous wastes, such as used oil, products which contain mercury, those mixed with or derived from hazardous materials, and media that contains hazardous materials (e.g., contaminated soil) (DTSC 2021b). Hazardous materials are discussed in more detail in the Hazards and Hazardous Materials Memo. This memo focuses on the capacity of hazardous waste facilities.

There are two RCRA-permitted hazardous waste landfills in California that currently accept hazardous waste—the Kettleman Hills facility in Kings County and the Clean Harbors facility in Buttonwillow in Kern County (**Table 3.20-12**, DTSC 2021a). The Kettleman Hills facility is approximately 160 miles south of the Project Footprint, the Clean Harbors Buttonwood Facility is approximately 200 miles south of the Project Footprint. The Kettleman Hills facility in Kings County has a remaining disposal capacity of approximately 4.9 MCY based on DTSC approval of a permitted expansion in 2014 (DTSC 2019, WMAC 2023b). The Kettleman Hills facility is planning the development of a new hazardous waste landfill (Unit B-20) on currently undeveloped land at the Kettleman Hills site, to open after current unit (B-18) reaches capacity, and the facility is planning to operate until 2042 (Kings County Planning Agency 2008). The Clean Harbors Buttonwillow Facility has a permitted hazardous waste disposal capacity of 13.25 MCY and an estimated closure date of 2040 (CalRecycle 2021a). Clean Harbors reported a permitted disposal capacity of over 10 MCY for the Buttonwillow facility (CalRecycle 2021a).

Table 3.20-12. Hazardous Waste Disposal Facility Summary

Facility	Owner/	State	County	Landfill Permitted Tonnage	Maximum Permitted Capacity (MCY)	Remaining Hazardous (MCY)	Remaining Capacity (MCY)	Estimated Permitted Date
Kettleman Hills	Waste Management	I/II	Kings	9,000	15.6	4.9	2021	2042
Buttonwillow	Clean Harbors	I	Kern	10,500	13.25	7.75	2021	2040
Total				19,500	28.85	12.65		

Source: Alameda County 2020, SWRCB 2021.

Notes: MCY = million cubic yards

3.20.5 Best Management Practices

As noted in Chapter 2, Project Alternatives, CCJPA would incorporate a range of BMPs to avoid and minimize adverse effects on the environment that could result from implementation of the proposed Project. BMPs are included in the proposed Project description, and the impact analyses were conducted assuming application of these practices. The BMPs relevant to utilities and service systems are summarized below. Full descriptions of the BMPs are provided in Chapter 2, Project Alternatives.

BMP UT-1: Utility Verification and Coordination with Utility Providers and CPUC.

BMP UT-2: Minimize Potable Water Use.

BMP UT-3: Water Efficient Landscaping.

BMP UT-4: Public Notification.

BMP UT-5: Coordinate with the HWS and ACWD in Dry Construction Years.

BMP UT-6: Minimize C&D Debris Disposal.

BMP UT-7: TWW Handler Notification.

The proposed Project would also implement all relevant BMPs and mitigation measures to protect other types of environmental resources. Measures described in Section 3.2 Aesthetics, Section 3.5 Biological Resources, Section 3.6 Cultural Resources, Section 3.7 Energy, Section 3.9 GHG emissions, Section 3.10 Hazards and Hazardous Materials, Section 3.11 Hydrology and Water Quality, Section 3.14 Noise and Vibration, Section 3.17 Recreation, Section 3.18 Transportation, and Section 3.19 Tribal Cultural Resources are expected to be applicable to utility relocations.

3.20.6 Environmental Impacts

This section describes the potential environmental impacts on utilities and service systems as a result of implementation of the proposed Project.

3.20.6.1 **Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

No Project Alternative

No Impact. Under the No Project Alternative, there would be no change to existing transportation facilities or utilities. The No Project Alternative would not require or result in the relocation or construction of new or expanded utilities and would therefore have no impact.

Proposed Project

Construction and Operations.

Less than Significant Impact. The proposed Project would require protection and relocation of utilities and potentially construction of new distribution connections to existing utilities. Utilities that are identified as PIP may require no further action, or they may require a variety of protection measures, including installation of a new casing around the utility, an extension of an existing casing, installation of utility protection structures, or other protection measures, such as temporary fencing during construction. Installation of protection structures or extension of casings would involve ground disturbance; however, work would generally occur within the area that was previously disturbed in the original utility installation. In some situations, utility relocation, both horizontal and vertical, may be required to accommodate an additional track. Examples of vertical relocation include putting an overhead utility underground or lowering an existing underground utility. Horizontal relocation is where a utility is shifted away from project features; for example, where a manhole is shifted away from the proposed track alignment or where a short section of new utility is constructed (often adjacent to an existing utility) as a replacement for the existing utility. Relocations are generally expected to occur within existing road or rail ROW, with the exception of a few locations where the acquisition of rail ROW is anticipated or where connections to existing utilities would be made and may involve excavation in areas not previously disturbed by prior construction.

Major utility conflicts are summarized in **Table 3.20-13**.

Table 3.20-13. Major Utility Conflicts Resulting in Relocation or Protected In Place

Electric	Gas	Sewer	Stormwater	Telecom	Water	Total
PIP/ Relocation	PIP/ Relocation	PIP/ Relocation	PIP/Relocation	PIP/Relocation	PIP/ Relocation	PIP/ Relocation
3/0	1/2	1/1	1/0	0/2	1/0	7/5

Source: HDR 2022, HNTB 2021a, HNTB 2023a

Notes: PIP = Protected in Place

Utilities located in the Coast Subdivision that could be affected by the proposed Project include fiber optic and natural gas lines that parallel the alignment within the UPRR ROW for much of the length of the proposed Project. There are also shorter sections of other utilities that also parallel the alignment within the UPRR ROW, such as sanitary sewers, storm drains and channels, petroleum pipelines, and electric lines that may be affected. In addition, grade crossings are a common location for utilities that cross the ROW. Where existing utilities cross the ROW, it is assumed that the utilities either meet criteria for crossing a railroad or could require additional PIP. Affected utility owners include but are not limited to ACWD, AT&T, City of Fremont, City of Hayward, City of San Leandro, City of Union City, City of Newark, Centurylink/ Level 3, Comcast, EBMUD, Kinder Morgan, LAVMA, Lumen, PG&E, SFPUC, Shell, City of Union City, and USD.

For all utility conflicts, the proposed Project would coordinate with utility providers regarding the type of protection that is required for their facilities (BMP UT-1: Utility Verification and Coordination with Utility Providers and CPUC). CCJPA would coordinate with utilities and comply with General Order 131-D as needed during final design (BMP UT-1). The modification, alteration, or

addition of distribution lines (i.e., electrical lines less than 50 kV) is not anticipated to require a certificate of public convenience and necessity or permit to construct. The proposed Project would implement all relevant BMPs to protect environmental resources, including measures to address impacts to noise, transportation, hazards and hazardous materials, hydrology and water quality, and biological resources. Temporary ground disturbance may be required to protect utilities, however this would typically occur within the area previously disturbed to install the utility. Ground disturbance may also be needed for relocation of utilities. Relocated utilities would typically be moved within the existing UPRR or roadway ROW. If ground disturbance is necessary to protect or relocate utilities, at the end of construction the proposed Project would return the area to its previous condition. Protection or relocation of existing utilities is not expected to result in interruptions to utility service. Temporary service interruptions may be required to connect the new or relocated utility but would be minimized to the extent feasible. CCJPA or the construction contractor would notify the public of unavoidable service interruptions (BMP UT-4: Public Notification). Construction would be coordinated to avoid interruptions of utility service to any emergency services such as hospitals.

The proposed Project would construct new connections to existing electrical, water, stormwater, and telecommunications distribution lines to Ardenwood Station and to new signals, switches, and grade crossing improvements. These new connections would be constructed within either existing UPRR or public roadway ROW to the extent feasible. New electrical connections would be needed to power signals and switches, as well as the new Ardenwood Station (e.g., lights and signage). The new station may also need connections to water lines for fire suppression, cleaning, and maintenance. The station may also require a telecommunications connection to provide ticketing and passenger information services. Runoff from new and reworked impervious surfaces would be treated on site to the greatest extent feasible and is not expected to exceed capacity of the existing stormwater system. The new station would require more electrical power than the existing Hayward Station due to the larger parking facility and associated lighting. New connections to existing electrical distribution lines are sufficient to provide power to the station. No new electrical transmission lines, high voltage lines, or major water lines are proposed. The proposed Project would implement all mitigation measures and BMPs identified in Sections 3.1 through 3.21 to avoid, minimize, and mitigate impacts to sensitive resources associated with construction activities, including utility relocations and installation of new utilities. The proposed Project would have a less than significant impact as a result of utility relocations and installation of new utilities.

3.20.6.2 Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

No Project Alternative

No Impact. Under the No Project Alternative, there would be no change to existing transportation facilities or utilities. The No Project Alternative would not require water supplies and would therefore have no impact.

Proposed Project

Construction. Less than Significant, Construction is expected to occur over three years, from 2027-2029. Total and average annual construction water use is provided below in **Table 3.20-14**. In

addition to potable water, construction can also use recycled water where available. Due to the length of the alignment, water would be sourced from the multiple water districts in which construction is occurring, EBMUD, HWS, and ACWD. The following discussion looks at estimated water use during construction for the proposed Project by provider.

Table 3.20-14. Construction Water Use for the Proposed Project by Provider

Provider	Proposed Project Total (MG)	Proposed Project Average Per Year (MG)
EBMUD	2.5	0.8
HWS	1.9	0.6
ACWD	3.0	1.0
Total	7.4	2.5

Source: HNTB 2023b

Notes: MG = million gallons.

The proposed Project would require water from EBMUD due to the track work in Oakland and San Leandro. All water obtained from EBMUD for construction would come from the recycled water program (BMP UT-2: Minimize Potable Water Use) and would therefore not affect potable water supplies. The proposed Project would also require water during construction from HWS and ACWD and would implement BMP UT-5: Coordinate with the HWS and ACWD in Dry Construction Years. With implementation of BMPs UT-2 and UT-5, the proposed Project would have sufficient water supplies for construction during normal, single, and multiple dry years. Therefore, the proposed Project would have a less than significant impact on water supplies during construction.

Operations.

No Impact. Operational changes associated with the proposed Project that could affect water use are limited to station operation. Due to the lack of any facilities that would provide water to the public (e.g., restrooms, drinking fountains), it is assumed that the proposed Ardenwood Station would use less water than the average household in Alameda County—about 99,000 gallons per year (ACWD 2014). Water use at the new Ardenwood Station would be limited to cleaning, maintenance, and irrigation, which would be obtained from ACWD. No water use would be required from EBMUD or the HWS as part of proposed Project operations. The termination of CCJPA service to the Hayward Station would not affect water use from the HWS, since the existing landscaping and any associated irrigation at the Hayward station is anticipated to remain. The Fremont Station would remain in operation for ACE service and therefore cessation of CCJPA service at that station would not affect water use at that station.

As a C.3 Regulated Project (per the Municipal Regional Permit [MRP] provision C.3.b), the proposed Project is required to include all low impact development (LID) site design measures to increase on-site infiltration of stormwater and reduce stormwater runoff, including directing runoff into vegetated areas. Directing runoff into vegetated areas (BMP HYD-6: Addressing hydromodification impacts) and use of drought tolerant species (MM AES-4: Landscape Plan at Ardenwood Station) would limit the need for irrigation at Ardenwood Station. The proposed Project would also

implement landscaping as part of grade crossing improvements at roadways throughout the proposed Project. As these roadway improvements would be within municipal ROW, CCJPA would coordinate with the respective cities on design and installation of landscaping and irrigation. For all landscaping, the proposed Project would implement BMP UT-3: Water Efficient Landscaping, which would limit water use by project landscaping. Based on projections by ACWD, there would be sufficient available water when project operation starts in 2027 in normal and multiple dry year scenarios. In dry years, CCJPA would comply with ACWD's WSCP (ACWD 2021). Project operation would therefore have no impact with respect to having sufficient water supplies available during normal, single, and multiple dry years.

3.20.6.3 Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

No Project Alternative

No Impact. Under the No Project Alternative, there would be no change to existing transportation facilities or utilities. The No Project Alternative would not require wastewater treatment and would therefore have no impact.

Proposed Project

Construction and Operations.

No impact. No wastewater treatment would be required during construction or operation of the proposed Project. Although dewatering would be required during construction, particularly for structural foundations, it is assumed that water from dewatering operations would be treated and discharged as specified in the dewatering permit, NPDES permits, and 401 Water Quality Certification. Treated water may be discharged to storm drains, sanitary sewers, or surface waters as permitted and within existing capacity. No new restrooms are proposed at the new Ardenwood Station. Therefore, the proposed Project would have no impact with respect to adequate wastewater treatment capacity.

3.20.6.4 Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

No Project Alternative

No Impact. Under the No Project Alternative, there would be no change to existing transportation facilities or utilities. The No Project Alternative would not result in generation of solid waste and would therefore have no impact.

Proposed Project

Construction.

Less than Significant Impact. Construction of the proposed Project is not expected to result in the generation of solid waste in excess of State or local standards or in excess of the capacity of local infrastructure. During construction, solid waste would be produced as part of site work (such as grading, earthwork, utility relocation/protection, and demolition), railroad preparation and follow-up work (such as track replacement), and excavation of structural foundations. For example, solid waste includes excess fill, construction debris, railroad ties, and any solid materials produced as part of construction that would need to be reused, recycled, or disposed of. Concrete demolition would be required for road and water crossings as well as at the proposed Ardenwood Station site. Construction of the proposed Project is estimated to produce about 210,000 cubic yards of solid waste (HNTB 2023b). Solid waste estimates have incorporated reuse of excavated material for Project fill to minimize export of materials. The proposed Project would implement BMP UT-6: Minimize C&D Debris Disposal, which would minimize C&D debris by prioritizing reuse and recycling of C&D materials. Based upon current and projected disposal rates, estimated volume of solid waste disposal by construction of the proposed Project, as well as the remaining capacity reported by Vasco Road and Altamont landfills, it is projected that Alameda County has sufficient landfill capacity (Alameda County 2020).

A portion of the solid waste produced during Project construction is assumed to be hazardous, as described in Section 3.10, Hazards and Hazardous Materials. The volume of hazardous waste produced by the proposed Project cannot be determined prior to Phase 1 and 2 Environmental Site Assessments are conducted, which would occur as part of BMP HAZ-2 Property Acquisition Phase 1 and Phase 2 Environmental Site Assessments prior to ROW acquisition. However, a portion of the soil removed as part of site work is assumed to be Class II hazardous waste and would require disposal at Kettleman Hills or Buttonwillow landfills. Based on the types of hazardous waste expected to be encountered (as documented in Section 3.10, Hazards and Hazardous Materials), as well as the capacity of existing hazardous waste facilities shown in **Table 3.20-12**, the proposed Project is not expected to exceed the capacity of existing infrastructure.

Therefore, construction of the proposed Project would have a less than significant impact with respect to generation of solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or attainment of solid waste reduction goals.

Operations.

Less than Significant Impact. The proposed Project is not expected to result in new solid waste production during operation from track and systems. Regular track maintenance, including vegetation clearing for the tracks is assumed to be the same under the proposed Project and No Project conditions. Operation of the proposed Ardenwood Station would result in solid waste production, which would be limited to personal passenger trash and from regular station maintenance and cleaning. However, removal of CCJPA service from the Hayward and Fremont stations (the latter of which would still serve the Altamont Corridor Express) would reduce trash production at those stations. A net increase in solid waste production may occur as a result of the proposed Project associated with additional passengers using improved CCJPA service.

Based upon current and projected disposal rates, estimated volume of solid waste disposal by operation of the proposed Project, as well as the remaining capacity reported by Vasco Road and

Altamont landfills, it is projected that Alameda County has sufficient landfill capacity (Alameda County 2020). Therefore, operation of the proposed Project would have a less than significant impact with respect to generation of solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or attainment of solid waste reduction goals.

3.20.6.5 Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

No Project Alternative

No Impact. Under the No Project Alternative, there would be no change to existing transportation facilities or utilities. The No Project Alternative would comply with federal, state, and local management and reduction statutes and regulations related to solid waste and would therefore have no impact.

Proposed Project

Construction.

No Impact. Construction of the proposed Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Compliance with statutes and regulations related to hazardous waste handling is discussed in Section 3.10 Hazards and Hazardous Materials; this section addresses compliance with statutes and regulations related to waste reduction. As described above, Alameda County solid waste disposal facilities have sufficient capacity for solid waste produced by the proposed Project. The proposed Project would comply with Objective 1 of the (CoIWMP) – to have a minimum of 15 years of disposal capacity available.

The proposed Project would implement BMP UT-6: Minimize Construction and Demolition Debris Disposal, which requires reuse or recycling according to state, county, and local plans and policies. These generally require recycling of all asphalt, concrete and dirt, composting of all plant debris, and 50-65 percent reuse or recycling of all other materials. BMP UT-6 would support progress towards achieving the statewide goals of 75 percent waste diversion from landfills compared to 1990 and a 75 percent reduction in organics from landfills compared to 2014. BMP UT-6 would ensure the proposed Project is in compliance with the specific requirements of the California State Building Code, the Plant Debris Landfill Ban (ACWMA Ordinance 2008-01), municipal C&D Ordinances (cities of Oakland, San Leandro, Hayward, Union City, Fremont), and City of Fremont Waste Handling Guidelines (2018c). BMP UT-6 would also support the general waste reduction goals specified in municipal climate action plans (cities of Oakland, San Leandro, Fremont, and Newark) and general plans (cities of San Leandro, Hayward, Union City, and Newark). With implementation of BMP UT-6, the proposed Project would not affect Alameda County's compliance with AB 939, as the average diversion rate for the county in 2018 was 67 percent (Alameda County 2020), well over the goal of 50 percent waste diversion. The proposed Project would also maintain municipal compliance with 50 percent waste diversion for all cities within the utility RSA (**Table 3.20-10**). The proposed Project would comply with the Alameda County Waste Reduction and Recycling Act.

The proposed Project would produce substantial TWW as part of railroad tie renewal. The preservatives in TWW often include one or more of the following constituents: arsenic, chromium, copper, pentachlorophenol, and creosote. Over 1,000 pounds of TWW may be produced by the proposed Project within 30 days and therefore may be subject to AB 332. The proposed Project

would comply with the handling and disposal requirements of AB 332. The proposed Project would dispose of the TWW at Vasco Landfill or another nearby landfill, which is authorized by the Regional Water Quality Control Board to accept TWW. The proposed Project would notify DTSC within 30 days if generating more than 10,000 pounds of TWW per calendar year (BMP UT-7: TWW Handler Notification). TWW handling and disposal is required to comply with specific Alternative Management Standards and may be disposed of at specific non-hazardous waste landfills.

Therefore, construction of the proposed Project would have no impact with respect to compliance with federal, state, and local management and reduction statutes and regulations related to solid waste.

Operations.

No Impact. Operations would not result in a substantial increase in waste production beyond existing conditions. The generation, collection, storage, and transportation of solid waste associated with CCJPA operations, including but not limited to passenger, cleaning, and maintenance waste, would shift from the Hayward and Fremont stations to the proposed Ardenwood Station. Any increase in waste production as part of operations would be limited to an increase in passenger trash proportional to an increase in number of passengers associated with the improved CCJPA service with the proposed Project. Waste collection at Ardenwood Station would comply with federal, state, City of Fremont, and Alameda County management and reduction statutes and regulations related to solid waste.

Therefore, operation of the proposed Project would have no impact with respect to compliance with federal, state, and local management and reduction statutes and regulations related to solid waste.

3.20.7 Mitigation Measures

No mitigation measures for utilities and service systems are required for the proposed Project. The proposed Project would implement mitigation measures for other resources, as described in Sections 3.11 through 3.21. These measures would be implemented as applicable where utility installation, protection and relocations occur near sensitive resources.

3.20.8 Cumulative Impact Analysis

3.20.8.1 Cumulative RSA

The cumulative RSA is limited to areas where the proposed Project has the potential for an impact, including impacts that are less than significant. As described in Section 3.20.6 Environmental Impacts, there are three CEQA criteria where the proposed Project has the potential for a less than significant impact: relocation or construction of new or expanded utilities, sufficient available water supplies, and generation of solid waste (Sections 3.20.6.1, 3.20.6.2, and 3.20.6.4). The proposed Project would have no direct, indirect, or cumulative impact on Sections 3.20.6.3 or 3.20.6.5.

The cumulative RSA varies by CEQA criteria. The cumulative RSA for Section 3.20.6.1 (cumulative utility RSA) is the cities of Oakland, San Leandro, Hayward, Newark, Union City, and Fremont. The proposed Project would relocate utilities in all of these cities. Construction water use impacts (Section 3.20.6.2) and therefore the cumulative water use RSA is limited to within the City of Hayward (HWS) and the service area for ACWD (cities of Newark, Fremont, and Union City). Due to the availability of recycled water from EBMUD, there are no impacts to water availability within

EBMUD's service area. For Section 3.20.6.4, disposal of construction waste would occur at Alameda County landfills and therefore requires a larger study area covering Alameda County (cumulative waste RSA).

Contributions of related projects (current, past, and reasonably foreseeable) were considered for inclusion in the cumulative impact analysis (see Table 3-1 in Section 3.1, Introduction). Projects that are within the cumulative utility, water use, or waste RSAs and were expected to have some impact on utilities, water use, or waste were identified for further analysis. Where available, impacts to these same resources are described and impact determinations from their environmental documents have been included. Where no environmental document is available, or the environmental document does not analyze the same types of impacts (e.g., for older CEQA documents that use a different Appendix G checklist), general assumptions about the level of impacts that could occur from the type of project have been included.

3.20.8.2 Cumulative Condition and Contribution of the Proposed Project

New and relocated utilities, water use, and construction waste, are analyzed separately for the proposed Project's potential to contribute considerably to a cumulative impact.

Water Use

Construction water use within the City of Hayward and ACWD would be limited to the construction years of 2027-2029. Other projects that would require water use (either as part of construction or operation) are identified in Appendix J. As described in Section 3.20.6.2, the proposed Project would minimize the use of potable water (BMP UT-2: Minimize Potable Water Use) and would coordinate with HWS and ACWD during dry construction years (BMP UT-5: Coordinate with the HWS and ACWD). Coordination with HWS and ACWD would ensure that the proposed Project, in combination with other related projects identified in Section 3.1, Introduction, would not result in a significant cumulative impact with respect to water use.

Construction Waste

Other projects that would result in an impact with respect to solid waste capacity are identified in Appendix J. As described in Section 3.20.4, Affected Environment, Alameda County has landfill waste capacity through 2049. Compliance with municipal, County, and state waste diversion policies (as described in BMP UT-6: Minimize C&D Disposal) would reduce waste that needs to go to the landfill. Other projects described in Appendix J, would also be similarly required to comply with waste diversion policies. Given the available capacity of existing landfills and mandatory waste diversion policies, the proposed Project in combination with other related projects identified in Appendix J, would not result in a significant cumulative impact with respect to waste.

New and Relocated Utilities

The majority of new and relocated utilities are within the cities of Hayward, Union City, Fremont and Newark, with a few relocations needed in Oakland and San Leandro. New utilities connections would include water, electrical, telecommunications, and potentially stormwater. There are no project features that require substantial volumes of water, electricity, telecommunications, nor would substantial volumes of untreated stormwater runoff be produced. It is assumed that new distribution connections to the existing water, electrical, telecommunications, and stormwater systems would be sufficient to supply grade crossings, track improvements, and Ardenwood Station.

Related projects with the potential to also result in impacts from new or relocated utilities are identified in Appendix J. Those projects within the cumulative utility RSA that have identified utility impacts are described further below.

The following projects are located within Hayward:

- **I-5: 4150 Point Eden Way Industrial Development Project.** This project would involve the construction of a new industrial building and creation of an open space/wetland preserve. The proposed industrial building would require utility and drainage improvements including new sewer, stormwater, and water lines within Point Eden Way (City of Hayward 2021a). Bioretention areas would be constructed on-site to collect and treat stormwater runoff prior to discharge into the City's stormwater system.
- ☐ **P-19: Bidwell Park Master Plan.** The existing facilities in the Master Plan area would be repurposed to create a community center, play and picnic areas, multi-use courts, pedestrian paths, and dog parks (HARD 2020). This project would maintain existing water conveyance facilities, with no expansion required. This project would add approximately 75,200 square feet of impervious surface on site, update the stormwater drainage system, extend stormwater pipes and add 11,000 square feet of bioretention areas. No improvements would be required off-site to accommodate additional stormwater. This project would result in a limited new demand for electricity, natural gas, and telecommunications facilities during construction and operations.
- ☐ **T-7: I-880 Interchange Improvements Project (Whipple Road/Industrial Parkway Southwest and Industrial Parkway West).** The project proposes to provide interchange and local roadway improvements along Interstate 880 (I-880) from 0.6 mile south of the I-880/Whipple Road-Industrial Parkway Southwest Interchange to 0.3 mile north of the I-880/Industrial Parkway West Interchange. It would include interchange ramp reconfigurations, modifications and/or replacement of bridge structures, local roadway realignments and restriping, and bicycle and pedestrian improvements in the cities of Hayward and Union City. Construction would occur for 32 months from Spring 2023. This project would include relocation of existing utilities along local roadways which would be coordinated with affected utility owners (California Department of Transportation [Caltrans] 2021). Construction would require temporary shutoffs of existing utilities to allow for local roadway improvements. This project requires detailed utility coordination and verification during the design phase. This project would not require the addition or expanded utility service, nor would it add demand to local utility providers.

This project would also include a realignment of an approximately 1,000-foot reach of Ward Creek (ACFCWCD Line B) to accommodate a new northbound I-880 offramp at Industrial Parkway West. The existing Ward Creek cross-section and flood conveyance would be maintained or slightly expanded. This realignment would therefore not affect the rate or amount of surface runoff in a manner which would result in flooding.

The following projects are located within Union City:

- ☐ **I-4: Station East Residential/Mixed Use Project.** The project proposes the demolition of the buildings and surface parking lots and development of up to 1.8 million square feet, including 974 new residential units and approximately 30,800 square feet of commercial space. Construction of this project would begin in mid-2021 with anticipated completion in late 2025.

This project is located on the east side of the Niles Subdivision, south of Decoto Road (Union City 2020, 2021b). As part of this project, approximately 6,500 linear feet of new water mains would be installed, the amount of impervious area would increase, and approximately 13,000 square feet of bio-treatment areas would be installed. Two basins, totaling approximately 1.42 acres would be provided to treat runoff from roofs and impervious areas before ultimately discharging from the site. The project would also require new connections to existing sewer mains on L Street, Bradford Way, and Zwissig Way, and new electricity, natural gas, and telecommunications lines would be required.

- ❏ **T-4: Quarry Lakes Parkway Project (East-West Connector).** In five phases, this project would provide an improved link between I-880 and Mission Boulevard (SR-238) by widening portions of Decoto Road and Paseo Padre Parkway, constructing a new roadway from Paseo Padre Parkway to Mission Boulevard and improving Mission Boulevard where it intersects with the new roadway. Potential utility relocations would include relocation of joint utility poles and overhead utilities on Decoto Road (Alameda County Transportation Authority 2009). Existing streetlights, traffic signal poles, storm drains, and storm drainage inlets would also be relocated to conform to the widened roadway, as would any water meters, fire hydrants, vaults and boxes, air valves, and other water-related facilities. Where possible, existing utilities and pipelines that run along the various railroad lines would be supported in place during construction and placed on the new grade-separated structures upon completion.

This project would improve stormwater drainage in the area. A separate roadway drainage system would be constructed on the north side of the new roadway between Chesapeake Drive and Alvarado-Niles Road. Stormwater runoff from the new roadway would be collected and conveyed through underground conduits into infiltration basins, which would provide treatment before it infiltrates into the ground or enters Old Alameda Creek. The outfall structures and infiltration basins would be located on existing nonnative grassland areas adjacent to the new roadway between the Old Alameda Creek Flood Control Channel and Alvarado-Niles Road. This project includes the infrastructure to ensure that drainage and stormwater infrastructure is built to handle flooding and stormwater runoff adequately.

The project includes modifying ACFCWCD's Line M Channel to accommodate project features and provide the additional capacity needed for flood control.

The following projects are located within Fremont:

- **I-6: Niles Gateway Mixed Use.** This project proposes a new residential development in the Niles Historical Overlay District that would include 75 attached residential units on approximately 6.08 acres (City of Fremont 2018b). The proposal would redevelop a vacant, remnant industrially zoned property. New sewer, stormwater, water, and fire service water lines would be installed to accommodate the project's additional demand. The project would not exceed the capacity of the existing sanitary sewer system. Other than extending the existing infrastructure to individual units on the project site, no additional wastewater treatment facilities would be needed.

This project would create approximately 5.23 acres of impervious surface area. Stormwater runoff from these areas would be treated before it is discharged into the City's storm drainage system, in accordance with the C.3 LID requirements of the MRP and the Alameda Countywide Clean Water Program. The Project would install an onsite stormwater drainage system consisting of a network of 12 bioretention areas, inlets, and underground piping. The Project

would include connections to the existing storm drain and sewer on Niles Boulevard, and the existing water main at the north end of the site. Implementing the required drainage and treatment controls and would avoid or minimize potential impacts on municipal drainage facilities.

This project would increase water demand from ACWD by approximately 23.5 acre-feet per year. ACWD has estimated future water demands in its service area through 2030 based on planned future land uses in the service area. As identified in the City's General Plan EIR, to minimize additional demands on potable water supplies, new development is required to install water efficient plumbing fixtures, irrigation systems and landscaping according to the California Green Building Code and WELO. Since the projected water demand of this project has already been accounted for in the General Plan, the project's impact on water supply availability and potential need or construction of new water treatment facilities would be less than significant.

- 2 **T-1: Irvington BART Station.** The future Irvington BART Station would be located in the Irvington District at the intersection of Washington Boulevard and Osgood Road. The Warm Springs Extension (WSX) EIRs and Environmental Impact Statement (EIS) analyzed potential impacts of the WSX project on public services and utility systems and found that all impacts, could be mitigated to a less than significant level and that no significant cumulative impacts would occur (BART 1991, 2006, 2019). The impacts that are applicable to the Irvington Station include potential disruptions of utilities related to the operation of the Station and construction-related service interruptions to telecommunications, sewer lines, and petroleum pipelines.

The 1991 EIR identified conflicts with Hetch Hetchy water pipelines, electrical transmission lines, natural gas lines, sewer lines, petroleum pipelines, telecommunications, and ACWD water lines due to construction and operation of the WSX project. There are utility conflicts in or near Irvington Station, including a sewer line and Kinder Morgan petroleum pipeline. The project would comply with California Government Code 4216-4216.9, coordinate with utility and service providers, and maintain appropriate clearances between BART facilities and utility equipment. Additionally, BART would also protect metal utility pipes from stray electrical currents related to BART operation.

The increased demand to the electrical transmission grid could have an adverse impact, as described in the 2006 EIS (BART 2006). Because no mitigation is available to reduce this impact to less than significant, it is considered adverse. However, the EIS describes electricity demand of WSX as being the same with or without Irvington Station. It is therefore assumed that Irvington Station alone is not responsible for the adverse impact. With completion of the WSX extension without Irvington Station, it is assumed that most of these impacts have already been realized and addressed.

Water use required at the BART station would include landscaping, bathroom facilities and drinking water. Water consumption is expected to be low with a negligible impact on local water supply (BART 2006).

The following projects are located within Newark:

- **O-1: Draft Environmental Assessment (EA) for Cargill, Incorporated Solar Sea Salt System Maintenance and Operations Activities.** The purposed of the Cargill project is to continue maintenance of and operational activities at Cargill's solar salt systems in Newark/Fremont and

Redwood City for the next 10 years (San Francisco Bay Conservation and Development Commission [BCDC] 2021). There is no potable water or wastewater service within the project area, and maintenance activities in the project area would not affect any water or wastewater pipelines. Stormwater is contained within the project area; during extreme storm events, some rainwater may be discharged via low salinity ponds. Electrical power in the project area is supplied by PG&E. No CEQA document was available.

- ❓ **T-5: Bayside Newark.** The Bayside Newark project proposes a new neighborhood that would provide a broad range of new housing, retail, and business opportunities in western Newark (City of Newark 2011). This project could result in potential impacts to wastewater service and facilities. The existing sewer pipelines may not be sized to accommodate buildout of the Dumbarton Transit-oriented Development Specific Plan area. In addition, sewer lines would likely require structural upgrades or relocation as a result of future development proposed by the Specific Plan.

The following project is regional in nature.

- **D-1: Plan Bay Area 2050.** Plan Bay Area 2050 includes SBC under plan strategy T11 - Expand and Modernize the Regional Rail Network (Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission [MTC] 2021). Plan Bay Area 2050 indicates that there would be a significant and unavoidable impact with respect to construction of new or expanded utilities. The Plan Bay Area 2050 EIR recommends that implementing agencies and/or project sponsors implement the following measures, where feasible and necessary:

Mitigation Measure PUF-1(a): For projects that could increase demand on water and wastewater treatment facilities, coordinate with the relevant service provider to ensure that the existing public services and utilities could accommodate the increase in demand. If the current infrastructure servicing the project site is found to be inadequate, infrastructure improvements for the appropriate public service or utility shall be identified in each project's CEQA documentation.

Mitigation Measure PUF-1(b):

- During the design and CEQA review of individual future projects, determine whether sufficient stormwater drainage facilities exist for a project. These CEQA determinations must ensure that the proposed development can be served by its existing or planned drainage capacity. If adequate stormwater drainage facilities do not exist, project sponsors shall coordinate with the appropriate utility and service provider to ensure that adequate facilities could accommodate the increased demand, and if not, infrastructure and facility improvements shall be identified in each project's CEQA determination.
- For projects of greater than 1 acre in size, reduce stormwater runoff caused by construction by implementing stormwater control best practices, based on those required for a SWPPP.
- Model and implement a stormwater management plan or site design that prevents the post-development peak discharge rate and quantity from exceeding pre-development rates.

Mitigation Measure PUF-1(c): For transportation projects, incorporate stormwater control, retention, and infiltration features, such as detention basins, bioswales, vegetated median strips, and permeable paving, early into the design process to ensure that adequate acreage and elevation contours are planned.

Contribution of the Proposed Project to Cumulative Utility Impacts

The proposed Project has limited potential to contribute to a cumulative impact. Some of the same types of utilities, owned by the same utility companies, would be relocated by the proposed Project as well as by related projects. However, all projects would need to coordinate with the utility companies to relocate their facilities. Potential conflicts or impacts due to utility relocations could only occur during construction of the proposed Project and would be identified and avoided as a result of coordination with the utility companies as part of BMP UT-1: Utility Verification and Coordination with Utility Providers and CPUC. Furthermore, the proposed Project would avoid any potential safety or community impacts by notifying the public of any service interruptions (BMP UT-4: Coordinate with the HWS and ACWD in Dry Construction Years) because of new or relocated utilities.

The proposed Project would PIP Line M and therefore would not affect the improvements to Line M proposed by the Quarry Lakes Parkway Project. The Quarry Lakes Parkway Project proposes a grade separation at the proposed Project as part of Phases 3 and 4, which are expected to be constructed in the next 10 years (Union City 2022). The Quarry Lakes Parkway Project would be required to coordinate with UPRR and CCJPA in order to work within the UPRR railroad ROW. Coordination with the railroad, as well as with utility providers would ensure that there are no conflicts or cumulative impacts between the two projects with respect to Line M.

The proposed Project would result in new or reworked impervious surfaces within the city of Fremont, as part of the new Ardenwood Station, grade crossing improvements, and grade separations. The proposed Project and related projects would meet the requirements of the MRP and Alameda Countywide Clean Water Program, as well as other local, state, and federal requirements for stormwater quantity and quality. The proposed Project may require localized modifications to drainage channels near areas where the tracks cross drainage channels but does not require expansion of receiving stormwater channels. and prioritizes treatment of stormwater with onsite LID measures where feasible.

The proposed Project would require water connections for operation of the Project. Operational water uses would be limited to irrigation, cleaning, and fire suppression lines at Ardenwood Station, and any irrigation needs for improvements within the city ROW. There are no restrooms, fountains, or other features at the Station that would require substantial amounts of water. Connections to existing water lines would be sufficient to supply both Ardenwood Station and any irrigation needed to maintain plantings associated with existing grade crossings or proposed grade crossing improvements. The proposed Project's operational water use in comparison to residential and commercial development projects would be insignificant. Further, development projects are generally planned as part of general and/or specific plans and have been incorporated into ACWD projections for water use. Therefore, the proposed Project in combination with other related Projects, would not result in a cumulative impact due to new or relocated water lines.

With respect to expansion of utilities, no additional sewer lines or expansion of the capacity of existing lines would be required for the proposed Project. Similarly, the proposed Project would not require the modification, alteration, or addition of any electrical transmission lines. New

distribution connections are expected to be sufficient to power track, systems and Ardenwood Station. Relocation and protection of power lines would be required. Therefore, the proposed Project could not contribute to a cumulative impact with respect to expansion of electrical or sewer capacity.

Given the significant and unavoidable impact identified in Plan Bay Area 2050, there would be a cumulative impact in combination with the proposed Project and other related projects. The proposed Project, however, would not make a considerable contribution to this cumulative impact as the Project does not require additional wastewater lines or capacity; has low operational water, electrical, and telecommunications needs; and would use of LID measures to minimize stormwater runoff. As described in Section 3.20.5, Best Management Practices, the proposed Project would also implement all relevant BMPs to protect environmental resources. All relevant mitigation measures from other resource sections (3.1 through 3.21) would be applied to utility relocations where they occur near sensitive resources. All related projects would also implement similar measures to comply with CEQA, NEPA, and federal, state, and local laws, plans, and policies to protect environmental resources.

3.20.8.3 Conclusion

In conclusion, with implementation of BMPs, the proposed Project's incremental effects would not result in a cumulatively considerable impact when combined with other past, present, and reasonably foreseeable future projects. Therefore, the proposed Project does not have a significant cumulative impact with respect to utilities and service systems.

3.20.9 CEQA Significance Findings Summary Table

Table 3.20-15 summarizes the utility and service system impacts of the proposed Project.

Table 3.20-15. Utilities and Service Systems Resources Impacts Summary

Impact	Level of Significance Before Mitigation	Incremental Project Contribution to Cumulative Impacts	Mitigation	Level of Significance with Mitigation Incorporated	Incremental Project Cumulative Impact after Mitigation
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	LTS	NCC	N/A	LTS	NCC
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	LTS	NCC	N/A	LTS	NCC
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	NI	NCC	N/A	NI	NCC
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	LTS	NCC	N/A	LTS	NCC
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	NI	NCC	N/A	NI	NCC

Notes: LTS = Less than Significant Impact, NI = No Impact, N/A = Not Applicable, NCC = Not Cumulatively Considerable.

3.20.10 References

- AC Transit (Alameda-Contra Costa Transit District). 2020. Division 4 (D4) Modifications to Accommodate Battery Electric Buses as part of the 45 Zero Emission Bus Purchase, Initial Study/Mitigated Negative Declaration. Accessed June 19, 2023. https://www.actransit.org/website/uploads/ACTransit_ZEB_Final_ISMND_v2.1_CLEAN.pdf.
- ACFCWCD (Alameda County Flood Control and Water Conservation District). 2022. "Who we are." Accessed June 19, 2023. <https://acfloodcontrol.org/who-we-are/>.
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From: [CCCCR](#)
To: info@southbayconnect.com
Cc: [Shirley Qian](#)
Subject: Citizens Committee to Complete the Refuge Comments re SBC DEIR
Date: Monday, July 15, 2024 5:29:04 PM
Attachments: [CCCCR Comment Letter South Bay Connect DEIR 7.15.24.pdf](#)
[CCCCR request for a time extension.pdf](#)

To whom it may concern,

Please find comments submitted on behalf of the Citizens Committee to Complete the Refuge regarding the South Bay Connect DEIR.

We request acknowledgement of receipt of this email, and that we be informed of future opportunities to review and provide comments on the SBC project.

Respectfully submitted,
Carin High
CCCCR

235-1



Citizens Committee to Complete the Refuge

P.O. Box 23957, San Jose CA 95137

Tel: 650-493-5540

Email: cccrrefuge@gmail.com

www.bayrefuge.org

Sent via electronic mail only

July 15, 2024

Capitol Corridor Joint Powers Authority
Attn: South Bay Connect DEIR
2150 Webster St, 3rd Floor
Oakland, CA 94612
info@southbayconnect.com

Re: Comments on the Capitol Corridor South Bay Connect Draft Environment Impact Report

To whom it may concern,

235-2

Citizens Committee to Complete the Refuge (CCCR) appreciates the opportunity to provide scoping comments in response to the Capitol Corridor South Bay Connect (SBC) Draft Environmental Impact Report (DEIR). The Notice of Availability for this DEIR states:

“The proposed Project would relocate Capitol Corridor passenger rail service to the existing Union Pacific Railroad Coast Subdivision between Oakland and Newark to improve operational efficiency and reliability. The proposed Project also includes constructing a new passenger rail station on the Coast Subdivision at the existing Ardenwood Park-and-Ride to serve southern Alameda County passengers and facilitate connections to existing transbay transit services.”

Citizens Committee to Complete the Refuge has an ongoing interest in wetlands protection, restoration and acquisition. Our efforts have led to the establishment and expansion of the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge), including the addition of 1600 acres at Bair Island in Redwood City. We have taken an active interest in Clean Water Act, Endangered Species Act and California Environmental Quality Act regulations, policies and implementation at the local, state and national levels, demonstrating our ongoing advocacy on wetland issues and our commitment to the protection of San Francisco Bay wildlife and habitats. For the past decade CCCR has been actively involved in issues, planning, and policies at the local, regional and state that focus on the threat posed by sea level rise to the ecological health of San Francisco Bay and to the resilience of our shoreline communities.

CCCR had requested a 15-day time extension of the public comment period due to the overwhelming size of the DEIR and Appendices (1100+ pages, 1500+ pages) and background materials referenced on the South Bay Connect webpage. [Time extension request attached] Unfortunately, our request, though completely reasonable, was declined. CCCR has a history of actively reaching out to the Capitol Corridor Joint Powers Authority (CCJPA) and worked to facilitate two meetings during 2021

235-3

between CCJPA staff and local environmental groups. Evidently community meetings have taken place between 2021 and the release of the DEIR at the end of May, unfortunately CCCR was not informed of the meetings.

235-3

CCCR incorporates by reference the comments provided by the Tri-City Ecology Center (TCEC) and Niles for Environmentally Safe Trains (NEST). Based upon the information provided on the SBC webpage, CCCR is submitting comments on the following issues:

235-4

- Piecemealing/Segmentation of the Project and Need for a Programmatic EIR
- Aesthetics/ Vegetation Impact, Protection, and Replacement Plan
- Biological Resources/Proposed Mitigation
 - Inadequate Identification of Impacts to Waters of the U.S./Waters of the State
 - Inadequacy of Proposed Mitigation Measures
 - Deferral of Mitigation
- Inadequacy of Sea Level Rise Adaptation Measures
- Lack of Cumulative Impact Analysis of Rail Projects on the Coast Subdivision
- Freight Rail Concerns

Improper Segmentation of the Project/Need for a Programmatic EIR:

235-5

The proposed project would relocate 14 round-trip Capitol Corridor passenger trains from Union Pacific Railroad's (UPRR) Niles and Oakland Subdivisions to UPRR's Coast Subdivision. The DEIR repeatedly states that the major purpose and need for the relocation is to "reduce travel times between Oakland and San Jose." [emphasis added]

The DEIR describes the South Bay Connect project as running from "the City of Oakland to the north, and the junction at Newark (in the City of Newark) to the south." Figure 2-10. "Proposed Project Footprint – Segment I" indicates the project ends abruptly at MP 31.50. However, CCCR is aware of another Capitol Corridor project that picks up where the SBC project ends in Newark and continues to the San Jose Diridon Station– the "Alviso Wetland Railroad Adaptation Alternatives Study (Alviso Wetland Study)." During the environmental stakeholder's meetings for the Alviso Wetland Study, it was abundantly clear from comments made by CCJPA staff and consultants, that in addition to identifying rail line vulnerability and adaptation measures that would provide sea level rise resilience, identifying an alternative that would result in increased train speed and rail line capacity was an equally important goal of the project. To that end, to address rail line capacity, the Alviso Wetland Study also proposed installation of up to two additional train tracks from the switching yard in Newark, located between Mowry Avenue and Stevenson Boulevard, and south to the Diridon Station in San Jose.

These two projects are clearly linked – the purpose and need is to reduce travel times between Oakland and San Jose – not Oakland and Newark. The entire segment San Jose-Oakland is discussed in the *Capitol Corridor Vision Implementation Plan* (Implementation Plan), dated November 2016, describes the process of developing alternatives:

"Preliminary analysis of travel times was then completed, and ridership was estimated for the alternatives using a model, to confirm that faster, more frequent and more reliable service would actually result in much greater ridership, and was really worth pursuing."

Based upon this goal, three alternatives were developed. Alternative A of the Implementation Plan, for rail between San Jose and Oakland is described as follows:

“Alternative A, the Coast Subdivision alignment currently used by the Amtrak Coast Starlight, would be faster than either the current alignment or a modified version of it (Alternative C), but would bypass existing stops in Hayward and Fremont (a stop could be added near the Dumbarton Bridge on the Fremont/Newark border). Both this alternative and Alternative C would require double-tracking of the existing single-track segment through the Alviso Wetlands at the southeastern tip of San Francisco Bay.” [emphasis added]

Alternative A clearly deems both the South Bay Connect project and the Alviso Wetlands project as necessary components of the overall plan to reduce travel times for the Capitol Corridor segment that runs from Oakland to San Jose.

The California Environmental Quality Act, Title 14 §15378 (a) defines a “project” as follows:

(a) "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” [emphasis added]

According to an Association of Environmental Professionals (AEP) 2020 CEQA Portal Topic Paper¹:

“The CEQA Guidelines define a project under CEQA as “the whole of the action” that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment.

Piecemealing or segmenting means dividing a project into two or more pieces and evaluating each piece in a separate environmental document, rather than evaluating the whole of the project in one environmental document. This is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less-than-significant impact on the environment, but which together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies.

In general, if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis. The project description should include all project components, including those that will have to be approved by responsible agencies. When future phases of a project are possible, but too speculative to be evaluated, the EIR should still mention that future phases may occur, provide as much information as is available about these future phases, and indicate that they would be subject to future CEQA review.” [emphasis added]

The underlined passages are pertinent to the discussion of piecemealing of environmental review of projects proposed for the San Jose to Oakland rail corridor. The South Bay Connect and Alviso Wetlands projects are clearly interrelated – physically - as the Alviso Wetlands project is on the UPRR tracks and connects directly to the southern terminus of the South Bay Connect project in Newark, and continues on to San Jose. And the two projects are interrelated stemming from the goal of

¹ “What is a Project?” AEP CEQA Portal, CEQA Portal Topic Paper. California Association of Environmental Professionals. 02.10.2020. <https://ceqaportal.org/tp/CEQA%20Project%20Description%202020%20Update.pdf>

reducing passenger rail travel times and increasing efficiencies and reliability for the Oakland to San Jose Capitol Corridor segment. Improvements proposed within the Alviso Wetlands project, of increasing the segment between Newark and San Jose, from a single track serving both passenger and freight trains to double or triple tracks are meant to further reduce the travel times and efficiency for the entire Oakland to San Jose segment of the Capitol Corridor.

One of the project objectives described in the SBC DEIR is to, “Reduce passenger rail travel time between Oakland and San Jose, and throughout the megaregion, to increase ridership on transit, ease congestion on the Bay Area’s stressed roadways, and reduce lengthy auto commutes.” [emphasis added] Also, “Support economic vitality by permitting enhanced rail movement and the preservation of freight rail capacity in the Northern California market through the reduction of conflicts between freight rail operations and passenger rail service.” [emphasis added] Both the SBC and the Alviso Wetlands projects include construction of an additional track(s) within the right-of-way for the purposes of providing separation between passenger and freight rail.

According to the prohibition of piecemealing, “When future phases of a project are possible, but too speculative to be evaluated, the EIR should still mention that future phases may occur, provide as much information as is available about these future phases, and indicate that they would be subject to future CEQA review.” The SBC DEIR does not even mention the Alviso Wetlands project which is a crucial component of reducing travel times and increasing reliability of passenger rail service on the Oakland to San Jose segment. There is no mention of the Alviso Wetlands project in the cumulative projects lists, nor is there any mention of the Newark-Albrae Siding Connection Project, which is described in Appendix 3.1 “Capital Projects – General Capital Projects” of the Draft 2023 California State Rail Plan, dated March 2023²:

“The project involves connecting two sidings to create a second main track. With implementation of this project, the connected sidings would permit double track operation between Fremont and just north of the Alviso Wetlands, thus increasing overall capacity. This project connects with previous improvements implemented by the Capitol Corridor Joint Power Authority and will benefit both the ACE and Capitol Corridors.”

- This project appears to be an actual component of the “whole of the project” to improve the corridor segment reliability and efficiency and to reduce travel times and should be included in the project description. Failing that, the project isn’t even included within the SBC DEIR Cumulative Projects List – why isn’t it? Is there a separate environmental review document for this project? Are all the impacts of the proposed project confined to the boundaries of the existing right-of-way? Depending upon the exact location of the proposed project, there may be seasonal, pickleweed, and vernal pool wetlands in close proximity to the UPRR ROW, are there potential direct and indirect impacts to adjacent habitats and wildlife. Where are the cumulative impacts for the Oakland to San Jose Capitol Corridor segment related projects identified?

We are extremely concerned that the environmental review of interrelated projects within the Oakland to San Jose segment is being piecemealed.

² California State Rail Plan Public Draft Appendix. Caltrans.2024. <https://dot.ca.gov/-/media/dot-media/programs/rail-mass-transportation/documents/california-state-rail-plan/20230310-casrp-appendices-final.pdf>

- Has a Program EIR ever been prepared for the various projects of the Oakland to San Jose Capitol Corridor segment?

Title 14 §15168 of the California Code of Regulations describes a Program EIR as follows:

(a) General. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

- (1)** Geographically,
- (2)** As logical parts in the chain of contemplated actions,
- (3)** In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
- (4)** As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

(b) Advantages. Use of a program EIR can provide the following advantages. The program EIR can:

- (1)** Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action,
- (2)** Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis,
- (3)** Avoid duplicative reconsideration of basic policy considerations,
- (4)** Allow the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts,
- (5)** Allow reduction in paperwork.

(c) Use With Later Activities. Later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.

- ...(3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into later activities in the program.
- (4)** Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR.
- (5)** A program EIR will be most helpful in dealing with later activities if it provides a description of planned activities that would implement the program and deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed project description and analysis of the program, many later activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.

The South Bay Connect project, the Alviso Wetlands project, and the Newark-Albrae Siding Connection Project are interrelated projects and certainly consistent with §15168 a.1, a.2, a.3 and potentially a.4 conditions. CCJPA must “ensure consideration of cumulative impacts that might be

slighted in a case-by-case basis (Title 14 § 15168 b.2),” which is needed based upon our review of the SBC DEIR. A Program EIR would be consistent with §15168 (c) since the Alviso Wetlands project is still in the planning phase.

235-6

3.2 Aesthetics

235-7

MM AES-3: Vegetation Impact, Protection, and Replacement Plan – The DEIR proposes the preparation of a Vegetation Impact, Protection and Replacement Plan that includes mitigating vegetation losses to several areas near native habitats and agricultural lands (Alameda Creek, Crandall Creek with proximity to Coyote Hills Regional Park and Ardenwood Historic Farm). This plan must address the potential to introduce *Phytophthora* species into these natural and working lands through the installation of nursery plants. This issue is not addressed in the DEIR.

The DEIR should acknowledge the presence of Sudden Oak Death (*Phytophthora ramorum*) and other *Phytophthora* species and provide mitigation measures to minimize the introduction and spread of these pathogens during construction and habitat restoration activities. Since 2010 numerous new *Phytophthora* species have been identified that impact other native shrub and perennial species. Some of these new *Phytophthora* have been introduced to mitigation sites reducing plant success and spreading the pathogens into native habitats. The DEIR should incorporate updated *Phytophthora* protocols into the construction documents to minimize the spread of these new pathogens (Working Group for Phytophthoras in Native Habitats, 2017) and in plant nurseries that may grow container plants for the SBC Project (Working Group for Phytophthoras in Native Habitats, 2016).

Working Group for Phytophthoras in Native Habitats. 2017. Guidance to Reduce the Risk of Phytophthora and other Plant Pathogen Introductions to Mitigation Sites. Available online: http://www.suddenoakdeath.org/wp-content/uploads/2016/04/PWG-regulator-white-paper-updated_09.19.17.pdf

Working Group for Phytophthoras in Native Habitats. 2016. Guidelines to Minimize Phytophthora Pathogens in Restoration Nurseries. Available online: http://www.suddenoakdeath.org/wp-content/uploads/2016/04/Restoration.Nsy_Guidelines.final_092216.pdf

3.5 Biological Resources/Mitigation Measures:

235-8

(p. 3.5-27) – Jurisdictional Aquatic Resources:

“As depicted in Attachment 2 of Appendix C there are multiple jurisdictional aquatic resources mapped within the proposed Project footprint. Mitigation measures to ensure that the proposed Project does not result in significant impacts on jurisdictional aquatic resources would be required as part of the regulatory permits for impacts on jurisdictional features.” [emphasis added]

- The DEIR does not appear to provide a table that describes the aquatic resource that will be impacted by direct or indirect impacts, nor the estimated physical extent of permanent and temporary impacts. This is information that must be provided in the EIR so the public can assess the level of significance of the impact.
- Not only must this information be provided, but for every instance where work is proposed within an aquatic resource, a description of the type of work proposed (e.g. piles? piers? wingwalls? impacts to streambed substrate? cofferdams? etc.) should be

provided, rather than the graphic information provided in Attachment 2 of Appendix C. The description should include an estimation of the duration of the construction period and should describe activities pertinent to temporary and permanent changes to the physical environment.

- The statement underlined above constitutes a deferral of mitigation. An AEP CEQA Portal Topic Paper on Mitigation states under the heading “Rules”³:

“Do not defer mitigation measures until a later time, except as provided in the CEQA Guidelines.”

Regarding deferral:

“Deferred mitigation refers to the practice of putting off the precise determination of whether an impact is significant, or precisely defining required mitigation measures, until a future date. Over the years, the courts have addressed the issue of deferred mitigation numerous times to the point where patterns of appropriate and inappropriate CEQA behavior have emerged. Such certainty is not possible if the details of enforceable mitigation measures to avoid the impacts are deferred.”
[emphasis added]

The Topic Paper goes on to cite the *Sacramento Old City Assoc. v. City Council of Sacramento* (1991) 229 Cal. App. 3d 1011, and states “in order to meet CEQA’s requirements a mitigation measure must meet one of the following basic conditions”:

- “The agency must commit itself to the mitigation by identifying and adopting one or more mitigation measures for the identified significant effect. The mitigation measure must also set out clear performance standards for what the future mitigation must achieve.
- Alternatively, the agency must provide a menu of feasible mitigation options from which the applicant or agency staffs can choose in order to achieve the stated performance standards.”

The SBC DEIR fails to provide information sufficient for the public to determine the level of significance for impacts proposed in aquatic resources, and fails to provide any information regarding future mitigation for those impacts that would allow the lead agency to reach a determination that the impacts have indeed been reduced to a level that is less than significant.

p.3.5-43 – “Special-Status Birds, including Migratory Birds”:

Attachment 2 of Appendix C depicts the alignments of Alternatives A-D and the location of potential impacts for those alternatives. Alternatives A-D were dropped from consideration in the SBC DEIR. Just as a point of information regarding potential impacts in the vicinity of Quarry Lakes in Fremont, a pair of Bald Eagles have been reported in the area since 2015, and this area appears to be an

³ “Mitigation Measures” AEP CEQA Portal, CEQA Portal Topic Paper. California Association of Environmental Professionals. 02.10.2020. <https://ceqaportal.org/tp/CEQA Mitigation 2020.pdf>

“important eagle-use area.” CCCR has been informed that the eagle pair have been spotted in the vicinity of Quarry Lakes again this year and foraging along the Alameda Flood Control Channel.

We believe it is extremely important that CCJPA be made aware of the use of this area by a Bald Eagle pair.

The Bald Eagle is state listed “endangered” under the California Endangered Species Act (CESA). In addition, the Bald Eagle is afforded federal protection under the Bald and Golden Eagle Protection Act. According to the U.S. Fish and Wildlife Service⁴:

“The Bald and Golden Eagle Protection Act ([16 U.S.C. 668-668d](#)), enacted in 1940, and amended several times since, prohibits anyone, without a permit issued by the Secretary of the Interior, from “taking” bald or golden eagles, including their parts (including feathers), nests, or eggs.

The Act provides criminal penalties for persons who “take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part (including feathers), nest, or egg thereof.”

The Act defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” Regulations further define “disturb” as “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior” ([50 CFR 22.6](#)).” [emphasis added]

50 CFR 22.80 describes the permit process for “eagle take that is associated with, but not the purpose of, an activity.” 50 CFR 22.80(a) states:

“Purpose and scope. This permit authorizes take of bald eagles and golden eagles where the take is compatible with the preservation of the bald eagle and the golden eagle; is necessary to protect an interest in a particular locality; is associated with, but not the purpose of, the activity; and cannot practicably be avoided.”

The Code of Federal Regulations at 50 CFR 22.6 provides a definition for an “Important eagle-use area”:

“...means an eagle nest, foraging area, or communal roost site that eagles rely on for breeding, sheltering, or feeding, and the landscape features surrounding such nest, foraging area, or roost site that are essential for the continued viability of the site for breeding, feeding, or sheltering eagles.” [emphasis added]

Additional definitions include, “foraging area” which “means an area where eagles regularly feed during one or more seasons,” and “communal roost site” refers to “an area where eagles gather

⁴ U.S. Fish & Wildlife Service. Bald and Golden Eagle Protection Act. Accessed 9-5-2023. <https://www.fws.gov/law/bald-and-golden-eagle-protection-act>

repeatedly in the course of a season and shelter overnight and sometimes during the day in the event of inclement weather.”

235-9

50 CFR 22.6 also includes a definition of “disturb” that is consistent with that of the Bald and Golden Eagle Protection Act:

“...means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available,

(1) injury to an eagle,

(2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or

(3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.” [emphasis added]

If work is to occur in the vicinity of Quarry Lakes, we urge CCJPA to require surveys for the Bald Eagle pair, provide proposed mitigation measures to ensure “take” of the pair is avoided, and require coordination with the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW).

p. 3.5-55 – Impacts to Aquatic Resources: “Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?”

235-10

As stated earlier, the SBC DEIR fails to provide any estimates of the direct and indirect, temporary and permanent impacts to aquatic resources, nor does the DEIR provide anything more than vague language regarding mitigation that will reduce project impacts to a level that is less-than-significant, instead deferring mitigation details into the future. Mitigation BIO-17 is specific to compensation for the loss of riparian habitat and does not offer any language regarding compensation for the temporary and/or permanent loss of other aquatic resources (e.g. marsh, vernal pool, coastal, etc.).

MM BIO-1: Implement Biological Resources Protection Measures during Construction:

235-11

All of the mitigation measures should be modified to ensure the “qualified biologist” is a “USFWS and CDFW-approved” Project Biologist, or “NMFS and CDFW-approved” Project Biologist as appropriate. The proposed project has the potential to impact not only state-listed species, but federally-listed species as well. And USFWS and/or NMFS should be added to the list of regulatory and resource agencies that should review and approve plans pertinent to the protection of plants and wildlife covered by the federal Endangered Species Act.

Use of rodenticides and herbicides – the proposed use of rodenticides should be avoided. Their use should be banned in areas adjacent to potential salt marsh harvest mouse and Burrowing Owl habitat, or in the case of herbicides, adjacent to areas that support listed or special-status plant species. MM BIO-1, while acknowledging the problem of secondary poisoning, is devoid of any description of how secondary poisoning of raptors and other wildlife would be prevented. Certainly

USFWS, NMFS and CDFW should first be consulted before CCJPA develops any plans to utilize rodenticides and herbicides.	235-11
MM BIO 9: Dewatering and Aquatic Species Relocation Plan – The mitigation measure states if “in-water pile driving activities are required” the avoidance and mitigation measures outlined in the Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish, dated November of 2015 and developed by Caltrans would be utilized. That document proposes a wide range of potential avoidance and mitigation measures. The SBC DEIR should provide examples of the types of avoidance and mitigation measures that might be employed given the locations and conditions of the creeks/streams that will be impacted.	235-12
MM BIO 11: The Western Pond Turtle is proposed for listing as threatened under the federal Endangered Species Act (ESA) therefore the mitigation measure should be modified to require that a qualified biologist be approved by the USFWS and CDFW, and that any proposed relocations, plans, etc. must also be reviewed and approved by the USFWS prior to implementation.	235-13
MM BIO 12: Nesting Migratory Birds, Special-Status Birds, and Raptor Pre-construction Surveys: The mitigation measure should be modified to include consultation with USFWS pursuant to the Bald and Golden Eagle Protection Act, should any actions be proposed in the vicinity of where this pair roosts or actively forages.	235-14
Chapter 4. Sea Level Rise:	235-15
Page 4-4 - Location 5: Old Alameda Creek: Tracks south of SR-92, adjacent to Eden Landing in Hayward MP 23.09 to MP 23.78 and tracks crossing Old Alameda Creek MP 24.18. It should be added that Old Alameda Creek flows into the Eden Landing Ecological Reserve.	
Page 4-4 – Location 7: Newark Slough: Both of these channels are considered to be part of the Newark Slough Watershed by the Alameda County Flood Control & Water Conservation District. These channels flow to the Don Edwards San Francisco Bay National Wildlife Refuge.	
Page 4-9 – Figure 4-5. Estimated BCDC Jurisdiction, Extent 5 – This figure should identify the Eden Landing Ecological Reserve.	
Page 4-11 - Figure 4-7. Estimated BCDC Jurisdiction, Extent 7: This figure should identify the Don Edwards San Francisco Bay National Wildlife Refuge.	
Page 4-16: Reads “RSA Location 7 covers the unnamed channel and Newark Slough crossings. Both the unnamed channel and Newark Slough flow southwest when crossing the trackway. Newark Slough and the unnamed channel join downstream to form an unrestricted waterbody flowing toward the San Francisco Bay.” The phrase “through the Don Edwards San Francisco Bay National Wildlife Refuge” should be added to the sentence. It should be noted that these areas are subject to both stormwater flooding as well as sea level rise.	
Page 4-15 to 4-16: Reads “RSA Location 5 is east of Eden Landing, a tidal marsh area, with the elevation of the trackway consistently within the range of approximately 10 to 11 feet. ... Elevations within the Alameda Creek crossing and RSA range from approximately 0 to 5 feet.” Here again it should be noted that Old Alameda Creek flows to Eden Landing Ecological Reserve and noted that this area is subject to both stormwater flooding as well as sea level rise.	

Failure to Analyze Impact of SLR on the Entire Project

The DEIR fails to analyze the impacts of SLR on the entire project. It instead analyzes only SLR impacts within potential BCDC jurisdiction. This limits an assessment of the viability of the of the project in the face of climate change.

- Should the public be asked to spend \$1B in taxpayer funds for a project with a limited future?
- Why was this analysis restricted to areas of BCDC jurisdiction?
- Other areas of the track alignment have low elevations which are similar to the elevations of Locations 2 through 5 and are directly adjacent to marshes, salt crystallizers and low-lying uplands susceptible to SLR inundation.

Failure to clearly identify the total water levels/time-frame for sea level rise adaptive strategies

The various SBC documents that address the issue of sea level rise resilience mention adaptation to 2050, 2100 and beyond, however, it is unclear which value will be utilized when designing the resilience strategies. The DEIR and Appendix mention a 100-year life of a project and we certainly concur that to plan for anything less with critical infrastructure is inconsistent with State Guidance.⁵ The Ocean Protection Council (OPC) Guidance pointedly states:

“Extreme risk aversion: For high consequence projects that have little to no adaptive capacity, would be irreversibly destroyed or significantly costly to relocate/repair or would have considerable public health, public safety, or environmental impacts. For instance, critical infrastructure should be considered as extremely risk averse. Extreme risk aversion projects should be resilient to high-end sea level scenarios, when feasible.”

- Please clearly state what the expected life of the various components of the Oakland to San Jose Capitol Corridor segment are (tracks, bridges, etc.) and the levels of sea level rise that will be used when designing adaptive strategies.

Failure to Implement SLR Adaptation Measures

The DEIR identifies three categories of SLR Adaptation Measures and briefly explores the feasibility of these measures. However, it does not specify which, if any, of the measures will be implemented even at the seven locations within BCDC jurisdiction. It instead defers these actions by stating that “The decision to raise the tracks will be made based on the site design conditions of each segment and tracks will be raised as necessary to a height that provides operational passage while addressing SLR to the extent possible.” In Chapter 2 – Section 2.2.3.1. – Track and Civil Improvements and Section 2.2.3.5 Bridge and Structure Improvements there is no mention of elevating the tracks or the bridges to adapt to SLR.

Failure to Evaluate Cumulative Impacts and Feasibility of SLR Adaptation Measures

In Section 4.4.3 Cumulative Impact Analysis fails to evaluate the how the other capital improvement project proposed on the Coast Subdivision, the *Alviso Wetland Railroad Adaptation Alternatives Study*, extending from Newark to San Jose, would relate to the SLR Adaptation Measures, identified but not specified, to the South Bay Connect Project. The Alviso Study intends to raise the elevation of the entire track line from San Jose to Newark.

⁵ *California Sea Level Rise Guidance: 2024 Science and Policy Update*. 2024. California Sea Level Rise Science Task Force, California Ocean Protection Council, California Ocean Science Trust.

- If the track line is to be elevated as it comes into Milepost 31.50 how would this impact the elevation of nearby and farther away tracks and track improvements (at-grade crossings, bridge crossings, grade-separated crossings, pedestrian and bicycle facilities, etc.)?

235-19

The DEIR fails to examine the integration of these two projects on the same track alignment, the Coast Subdivision, serving the same passengers and being proposed to achieve the same goals of reduced travel time between San Jose and Oakland.

Concerns Regarding Diversion of Freight Rail Through Niles Canyon

235-20

Increase in Freight Rail Traffic Through Niles Canyon: The Tri-City Ecology Center and Niles for Environmentally Safe Trains will be submitting comments regarding concerns that the proposed project could ultimately result in an increase of freight rail through Niles Canyon, an environmentally sensitive area. The SBC DEIR states that the SBC project will not result in changes to existing freight operations. However, relocation of freight from the Coast Subdivision was discussed in the *“Final Capitol Corridor Vision Implementation Plan,”* dated November 2016 states:

“The Coast Subdivision north of Newark Junction is currently used by the Amtrak Coast Starlight, and is currently the primary southbound freight route out of the Port of Oakland. Most freight trains would be relocated to the Oakland and Niles Subdivisions (freight trains could continue to serve local destinations overnight), and improvements would be made for them there (as described in the following pages).”

We understand that this DEIR states freight rail will not be relocated, but the concept of relocating freight rail from the Coast Subdivision to the Niles and Oakland Subdivisions keeps coming up for consideration.

- We have been trying to obtain clarification on this matter for several years and request that this issue be directly addressed. We are not asking whether freight rail on the Coast Subdivision will increase as a result of this realignment and track addition. We have been told the types of freight that run on the Coast Subdivision are for “local” freight, whereas the freight trains that run on the Niles and Oakland Subdivisions are for long-distance freight, and that a realignment to the Niles and Oakland Subdivisions would not increase efficiencies for local freight. We request that CCJPA clarify once and for all, whether the realignment of Capitol Corridor passenger rail trains to the Coast Subdivision, could result in an increase in freight rail traffic through Niles Canyon due to a transfer of freight rail from the Coast Subdivision to the Niles and Oakland Subdivisions.

Conclusion:

Despite the volume of pages that comprise the SBC DEIR and Appendices, there is a surprising lack of information crucial to informing the public’s understanding of:

235-21

- the purpose and need for the proposed project,
- an understanding of the complete project,
- the environmental impacts of the proposed project,
- the adequacy of mitigation measures (both to reduce the impacts of the proposed project and to provide compensatory mitigation for those impacts that occur),
- deferral of mitigation
- the adequacy of sea level rise resilience planning, and

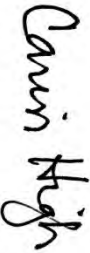
- the impacts of the potential consequences of the proposed project and freight rail through Niles Canyon.

Regarding the purpose and need for the proposed project, we have heard repeatedly about the time savings of 14 minutes for the portion of the segment from Oakland to Newark, but without the improvements proposed by the Alviso Wetlands segment, that those time efficiencies could be lost due to the existing conditions from Newark south to San Jose.

We believe there are a number of substantive flaws with the SBC DEIR that must be rectified to ensure CEQA compliance.

Thank you for the opportunity to provide comments. We request that we be informed of future opportunities for public review and comment.

Respectfully submitted,



Carin High
CCCR, Co-Chair

cccrefuge@gmail.com



Jana Sokale
CCCR

cccrefuge@gmail.com

From: [Ortiz, Olivia, CDA](#)
To: info@SouthBayConnect.com
Subject: DEIR Comment
Date: Thursday, July 11, 2024 12:22:58 PM
Attachments: [South Bay Connect AC Planning Department Comment Letter signed.pdf](#)

Hello,

Thank you for providing the opportunity to comment on the Draft EIR. Attached are our department's comments. Please do not hesitate to reach out with any questions or clarifications.

Best,

olivia ortiz (they/them)

Planner 3, Policy Planning Team

Alameda County • Community Development Agency • Planning Department

224 W. Winton Avenue, Room 111, Hayward, CA 94544

171-1



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

Sandra Rivera
Agency Director

Albert Lopez
Planning Director

224 West Winton Ave
Room 111

Hayward, California
94544-1215

phone
510.670.5400
fax
510.785-8793

www.acgov.org/cda

July 10, 2024

CCJPA
South Bay Connect
2150 Webster St.
3rd Floor
Oakland, CA 94612

RE: Draft EIR for proposed South Bay Connect Capitol Corridor Realignment

Dear Capitol Corridor Joint Powers Authority,

171-2

Thank you for the opportunity to review the Draft EIR for the South Bay Connect project. While unincorporated Alameda County does not constitute a large portion of the project area, the proposed project does include the addition of another track and other changes to the Grant Avenue at-grade crossing and will impact residences and workplaces directly adjacent to the tracks. The Alameda County Community Development Agency's Planning Department staff provide the following comments.

Executive Summary. The boundaries of the unincorporated communities are not correctly identified in this section. In table ES-2, the Grant Avenue at-grade crossing improvements are listed as under the City of San Leandro's jurisdiction. Grant Avenue is in unincorporated San Lorenzo.

171-3

In general, staff request that the project coordinate with East Bay Regional Parks and the businesses and offices located west of the existing Union Pacific Railroad tracks regarding any closures to Grant Avenue throughout its construction. Grant Avenue is the only way to access this area of San Lorenzo, which includes a variety of businesses, the Oro Loma Sanitary District offices, and a parking area for the Hayward Regional Shoreline. Staff also request that construction notices be shared with the San Lorenzo Village Homeowner's Association, the Eden Area Municipal Advisory Council, and Supervisor Lena Tam's office. These requests are most relevant to actions BMP UT-4: Public Notification and BMP TR-1: Transportation Management Plan (TMP).

3.7 Energy. It is unclear that the mentioned 2008 GHG study is for the unincorporated communities of the county and the county government itself, not the entirety of Alameda County. If more recent information for the unincorporated areas is needed, a study of 2019 GHG emissions was completed for the ongoing Community Climate Action Plan update. This information is available online and also cited in section 3.9.

171-4

3.8 Geology, Soils, and Paleontological Resources. It is unclear why the Regulatory Setting section refers to the Castro Valley General Plan rather than the Eden Area

171-5

General Plan, though neither include policies relevant to this topic. Please review the Countywide Conservation Element for information regarding geology and soil in the unincorporated areas.

171-5

3.14 Noise and Vibration. Please add to your consideration the Eden Area General Plan, which covers all of San Lorenzo, more consistently. Noise policies are located in Chapter 7 of the Eden Area General Plan and are not currently mentioned in the Regulatory Settings of this chapter. Though the county's 1994 Noise Element is listed in the references of this section, it does not appear to actually be referenced in 3.14.

171-6

In this section, data was collected at different parts of the project corridor to establish baseline noise levels. San Lorenzo was the only location with a 'short term,' or 1 hour, collection period. Table 3.14-8 describes all other locations as having 24 hours of study. Staff request that data is collected in the San Lorenzo area for a 24-hour period as well to ensure a similar quality of data throughout the project corridor.

171-7

Regarding MM NOI-2: Creation of Noise Quiet Zones, the Alameda County Planning Department is supportive of the creation of a Quiet Zone around Grant Avenue, particularly to limit noise impacts on the nearby residential neighborhood and schools. However, staff are not supportive of closing Grant Avenue to traffic at the crossing, as it is the exclusive means of accessing businesses and parks west of the Union Pacific Railroad tracks in San Lorenzo.

C-221

Lastly, the boundaries of the unincorporated communities are not correctly identified under this action. Both the Grant Avenue and Lewelling Boulevard crossings are listed as in unincorporated San Lorenzo. In this area, Lewelling Boulevard in the city of San Leandro, not the community of San Lorenzo.

Staff appreciate your consideration of these comments. Please reach out to Olivia Ortiz (Olivia.Ortiz@acgov.org) or Elizabeth McElligott (Elizabeth.McElligott@acgov.org) with any questions.

171-8

Sincerely,



Albert Lopez, Planning Director
224 West Winton Avenue, Rm. 111
Hayward, CA 94544
510.670.540

From: [Awan, Afifa@SLC](mailto:Awan_Afifa@SLC)
To: info@southbayconnect.com; "state.clearinghouse@opr.ca.gov"
Cc: [Dobroski, Nicole@SLC](mailto:Dobroski_Nicole@SLC); [Borack, Alexandra@SLC](mailto:Borack_Alexandra@SLC); [Schroeder, Marlene@SLC](mailto:Schroeder_Marlene@SLC); [Kershen, Andrew@SLC](mailto:Kershen_Andrew@SLC); [Foster, Kenneth@SLC](mailto:Foster_Kenneth@SLC)
Subject: State Lands Commission comment letter for Draft EIR SCH#2020060655 South Bay Connect, Alameda County
Date: Friday, July 12, 2024 12:56:17 PM
Attachments: [State Lands Commission Draft EIR Letter 2020060655 South Bay Connect.pdf](#)

Hi,

Please accept the attached comment letter from the State Lands Commission for the SCH# 2020060655 Draft Environmental Impact Report for South Bay Connect in Alameda County.

Thanks,
Afifa

Afifa Awan, Senior Environmental Scientist
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202
(916) 574-1891

176-1

**CALIFORNIA STATE LANDS
COMMISSION**

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



Established in 1938

JENNIFER LUCCHESI, Executive Officer

916.574.1800

TTY CA Relay Service: **711** or Phone **800.735.2922**
from Voice Phone **800.735.2929**
or for Spanish **800.855.3000**

Contact Phone: 916.574.1900

July 12, 2024

File Ref: SCH #2020060655

Capitol Corridor Joint Powers Authority
Attn: South Bay Connect DEIR
2150 Webster St, 3rd Floor
Oakland, CA 94612

VIA ELECTRONIC MAIL ONLY (info@southbayconnect.com)

**Subject: Draft Environmental Impact Report for South Bay Connect, Alameda
County**

Dear Shirley Qian:

The California State Lands Commission (Commission) staff has reviewed the Draft Environmental Impact Report (EIR) for the South Bay Connect (Project), which is being prepared by the Capitol Corridor Joint Powers Authority (Authority). The Authority, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign land and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on State sovereign land under the Commission's jurisdiction, the Commission will act as a responsible agency.

176-2

Commission Jurisdiction and Public Trust Lands

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

176-3

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court.

176-3

As proposed, the Project will require Commission authorization and a lease for all areas where the new route will occupy sovereign lands. Please contact the Commission's Land Management Division staff identified at the end of this letter for more information on the Commission's jurisdiction and lease application process.

Project Description

176-4

The Authority proposes to relocate Capitol Corridor passenger rail service to a more efficient and reliable passenger rail (Union Pacific Railroad Coast Subdivision) between Oakland and Newark. The relocation will facilitate the separation of passenger and freight rail, improving rail operations, efficiency, and reliability while minimizing rail congestion within the corridor. The Project would include constructing a new passenger rail station at the existing Ardenwood Park-and-Ride on the Coast Subdivision to serve southern Alameda County passengers and create new transbay transit connections to the San Francisco Peninsula.

The EIR identifies the proposed Project as the Environmentally Superior Alternative.

Environmental Review

176-5

Commission staff requests that the Authority consider the following comments on the Project's EIR to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the EIR when considering a future lease application for the Project.

General Comments

176-6

1. Lease from State Lands Commission: Please note that a lease, not an easement as stated in Table ES-1 on page ES-5, would be required from the Commission to temporarily or permanently cross any State sovereign lands. The Commission is prohibited by law from permanently alienating public trust land. To keep the Project on schedule, staff highly encourages the Authority to contact Commission staff about the Commission's leasing jurisdiction as

soon as possible to identify lease areas where the new route will occupy sovereign lands.	176-6
2. <u>Project Description</u> : The project proposes temporary and permanent occupation and improvements over a large linear area. This is difficult to visualize in the EIR based on existing text and figures. For example, Segment G in Figure 2-8 illustrates project activities in and near Alameda Creek, the details of which appear in the Project Description section under structures (bridges on page 2-27), retaining walls (page 2-12), and milepost 27 (pages 2-22). A one- or two-paragraph text description accompanying each "Segment" figure would help agency staff and the public better understand the Project scope and potential environmental impacts.	176-7
3. <u>Best Management Practices (BMPs) and Mitigation Measures (MMs)</u> : Once the Authority applies for a lease from the Commission and Commission staff has gathered all necessary information for analysis of the application, staff will rely on both the BMPs (Table ES-4) and MMs (Table ES-5) when preparing a recommendation for the Commission to consider at a public meeting. Staff would appreciate the Authority submitting, as part of its lease application, a combined accounting of those BMPs and MMs intended to reduce potential environmental impacts. In addition, staff recommends that the Authority adopt a Mitigation Monitoring (and/or Reporting) Program that includes both BMPs and MMs. This document would facilitate Commission and other CEQA responsible agency review.	176-8
<u>Cultural and Tribal Cultural Resources</u>	176-9
4. <u>Submerged Resources</u> : The EIR evaluates potential impacts to submerged cultural resources in the Project area. The Commission maintains a shipwrecks database that can assist with this analysis. Please send inquiries to Shipwreck.Database@slc.ca.gov to obtain shipwrecks data from the database and Commission records for the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant. Because of this possibility, please add a mitigation measure requiring that in the event cultural resources are discovered during construction activities, Project personnel shall halt all activities in the immediate area and notify a qualified archaeologist to determine the appropriate course of action.	
5. <u>Title to Resources Within Commission Jurisdiction</u> : The EIR should state that the title to all abandoned shipwrecks, archaeological sites, and historic or	

cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the California State Lands Commission (Pub. Resources Code, § 6313). Commission staff requests consultation with the Authority should any cultural resources on State lands be discovered during construction of the proposed Project. In addition, staff requests that the following statement be included in Mitigation Measure (MM) CUL-4 on page 3.6-26: "The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission."

176-9

6. Tribal Monitor: Staff recommends that the text for MM CUL-5 clarify that Tribal monitoring may occur, at a Tribe's request, outside of recorded precontact archaeological site locations.

Recreation

176-10

7. Public Recreation: The public has a right to recreational use of the State's waterways, including navigation and fishing. The Commission upholds these rights through its leasing practices. The Project proposes to replace or improve several crossings over waterways. Staff urges the Authority to consider the effects of the Project on public recreation. For instance, when a bridge is replaced, vertical clearance over the waterway should not be decreased and the waterway should not be blocked to navigation for any longer than necessary. Where feasible, the Project could provide or improve access to the waterway for fishing or launching small craft. Measures such as these may also promote environmental justice by providing access to state resources in underserved communities.
8. Water Recreation Mitigation: Staff recommends that the Authority propose mitigation to inform the public (e.g., posting signs at relevant parking areas and posting notice on commonly known recreational websites) of when and for how long Project activities will affect public recreational use of waterways.

Thank you for the opportunity to comment on the EIR for the Project. As a responsible and trustee agency, the Commission will rely on the Final EIR in any action that it takes on this Project. Staff requests that you consider these comments before certifying the Final EIR.

176-11

Please send electronic copies of the Final EIR, Mitigation Monitoring (and/or Reporting) Program, Notice of Determination, approving resolution, CEQA Findings, and, if applicable, Statement of Overriding Considerations when they are final. Please note that federal and State laws require all government entities to improve accessibility of information technology and content by complying

with established accessibility requirements. (29 U.S.C. § 794d; 36 C.F.R. § 1194.1 et seq.; Gov. Code, § 7405.) California State law prohibits State agencies from publishing on their websites content that does not comply with accessibility requirements. (Gov. Code, § 115467.) Therefore, any documents submitted to Commission staff during the processing of a lease or permit, including all CEQA documentation, must meet accessibility requirements for Commission staff to place the application on the Commission agenda.

176-11

Refer questions concerning environmental review to Afifa Awan, Senior Environmental Scientist, at Afifa.Awan@slc.ca.gov or (916) 574-1891. For questions concerning Commission leasing jurisdiction, please contact Marlene Schroeder, Public Land Management Specialist, at Marlene.Schroeder@slc.ca.gov or (916) 574-2320.

Sincerely,



Nicole Dobroski, Chief
Division of Environmental Science,
Planning, and Management

cc: Office of Planning and Research
A. Awan, Commission
M. Schroeder, Commission

From: [James Willis](#)
To: info@SouthBayConnect.com
Cc: [Joel Pullen](#); [Dan Schoenholz](#); [Hans Larsen](#); [Jim Pierson](#)
Subject: City of Fremont Comments on CCJPA South Bay Connect Draft EIR
Date: Friday, July 12, 2024 3:45:51 PM
Attachments: [South Bay Connect Draft DIR Comment Letter 7-11-2024.pdf](#)

Hello,

Please find attached the City of Fremont's comments on the Capitol Corridor Joint Powers Authority's South Bay Connect project Draft EIR. Thank you for the opportunity to comment on this project.

James Willis
SENIOR PLANNER

City of Fremont | Community Development
39550 Liberty St., Fremont, CA 94538
(510) 494-4449 | JWillis@fremont.gov
[Facebook](#) | [X](#) | [Instagram](#) | [Nextdoor](#) | [Newsletter](#) | [Website](#) | [MyFremont](#)

178-1



Community Development Department

39550 Liberty Street | P.O. Box 5006, Fremont, CA 94537-5006

www.fremont.gov

July 11, 2024

Capitol Corridor Joint Powers Authority

South Bay Connect

2150 Webster St.

3rd Floor

Oakland, CA 94612

Email: info@SouthBayConnect.com

Re: City of Fremont Comments on the South Bay Connect Draft EIR

178-2

The City of Fremont appreciates the opportunity to comment on the Draft EIR for the South Bay Connect (SBC) project. During the initial scoping period for the EIR, the City sent the attached comment letter requesting that the environmental document quantify and consider specified potential environmental impacts on the City of Fremont. In addition, after a presentation by SBC staff during the October 6, 2020 public hearing, the City of Fremont City Council adopted the [attached] resolution “opposing the SBC project based on the information currently available” and stating that “...the City Council may reconsider its opposition to the project pending more information and resolutions of the concerns expressed by the Council.” As the City of Fremont would be home to the only new train station on the realigned route, the City respectfully requests that SBC specifically consider and respond to the Fremont City Council’s concerns expressed in the attached resolution, as well as consider the following comments on the Draft EIR.

City Council Resolution 2020-51 Considerations requiring response:

178-3

- Lack of information currently available regarding the Project’s impacts to Fremont and its communities, and how the rerouting of trains would affect the location and service levels of passenger and freight trains in Fremont, and
- For the City Council to consider supporting the Project, Capitol Corridor staff must study and determine how the Project interrelates to other existing and planned passenger rail services in southern Alameda County, including ACE, BART and Dumbarton corridor transit services, and also how the new services will interconnect with Fremont’s transit hubs in Centerville and Ardenwood and with the stations at Union City and Newark, and
- The City Council would like a cost/benefit and priority reassessment of the Project investment in light of the changes in commuter demand, mass transit use and teleworking changes influenced and necessitated by the Covid-19 pandemic.

Draft Environmental Impact Report Comments:

Introduction:	178-4
<ul style="list-style-type: none"> Table 3-1 on pages 3-8 to 3-17 did not include the Decoto Complete Streets, I-880/Decoto Interchange Modernization or the Dumbarton to Quarry Lakes Trail Projects as ones to be included in the Cumulative Project List for analysis of potential cumulative impacts. Fremont can provide additional information as necessary about these projects or they can be found on the City's website. 	
Air Quality:	
<ul style="list-style-type: none"> General: Increased diesel train traffic would increase air quality impacts to sensitive receptors along the Coast Subdivision corridor in Ardenwood and the Shinn Connection corridor in Niles and Central Fremont, including exposing residents to toxic air contaminants (TACs). AQ impacts from increased maintenance: Construction and maintenance work air quality impacts would affect nearby residents and sensitive receptors. The draft EIR also does not appear to consider impacts resulting from increased maintenance resulting from new train trips along the Coast Subdivision tracks. MM AQ-2: The EIR discusses potential impacts of TACs on sensitive populations around the Ardenwood station during construction and has a mitigation measure for locomotives used during construction (Mitigation Measure AQ-2), but does not discuss potential impacts from TACs resulting from operations except for the emergency generator. Furthermore, the EIR does not have any mitigation measures related to the operations of locomotives serving the Ardenwood station. The City of Fremont requests additional analysis of the impacts of additional diesel locomotives on the Coast subdivision and specifically at the Ardenwood station. 	178-5
<ul style="list-style-type: none"> Page 3.4-10 states that "...it is assumed that there would be no appreciable change in freight locomotive emissions as a result of the proposed Project, and emissions are not quantitatively included in this analysis." Though lack of control over freight is understood, much public input has related to the potential for adjustments to be made to freight routing as an uncertain but potential impact from redistribution of passenger rail trains. Impacts from potential, but unquantified, changes in freight routing changes that may result from the South Bay Connect project, such as concentration of diesel emissions and dust from gravel hopper cars, could impact nearby sensitive receptors in the Niles and Centerville Districts of Fremont. 	178-6
<ul style="list-style-type: none"> Table 3.4-16 on page 3.4-12, the second and third mitigation questions show the Cumulative Impacts After Mitigation as CC. Shouldn't these be NCC? 	178-7
Energy:	
<ul style="list-style-type: none"> Page 3.7-8 Direct Construction Related Energy Consumption: In the first sentence of the second paragraph the word "between" should be removed or the time frame corrected. 	178-8

Hazards and Hazardous Materials:

- Section 3.10 Hazards and Hazardous Materials: It has been Fremont’s experience that many of the UPRR and former SPRR rail corridors in the area have been contaminated over the years with arsenic and lead by the spraying of herbicides used for weed control. Further, most of the rail corridors we have worked in also have VOC hot spots resulting from locomotives and rail cars leaking diesel fuel, oil, brake fluid, etc.. It has been our experience that this types of contamination should be assumed unless there is data to show otherwise. In addition, the project description states that the relocated tracks will use 75% new ties and mostly new ballast. Railroad ties coated with creosote are hazardous material, as is contaminated ballast. When considering the amount of work being performed within the existing railroad right-of-way, including the relocation of existing track and the addition of a second track and with the knowledge that there are several longitudinal utilities in the corridor, including fiber optic lines, that will need to be relocated to a more accessible area within the ROW, a great deal of hazardous materials are likely to be generated and require either removal and disposal, or encapsulation and ongoing monitoring. It appears that this potential impact has been downplayed in this analysis.

178-8

Land Use Planning:

- Page 3.12-4: The City of Fremont General Plan does not contemplate establishment of a TOD at the proposed Ardenwood Station. The DEIR discussion of General Plans does not address this issue.
 - The new Ardenwood station would affect the neighboring commercial development as it would likely continue to share access on Ardenwood Terrace (a private street). The adjacent undeveloped industrial sites would also be affected as their land values would change which might make industrial development more difficult and create economic pressure for conversion to other uses.
 - A new transportation study area would need to be created around the proposed Ardenwood station site to determine land use effects on the surrounding community which have not been studied as a part of the Fremont General Plan.

178-9

- The draft EIR did not analyze impacts resulting from the project as it relates to local land use planning around the existing and proposed stations. The draft EIR states that “The proposed Project would increase connectivity and transportation options for the cities and jurisdictions within the RSA” (Page 3.12-31). This fails to consider the potential impacts to the Centerville Community in Central Fremont which will lose some of its rail connectivity to the region and beyond from the project. The reduction in service to the Centerville train station would need to be studied. This area is a Transit Oriented Development area and the current rail service provides access along the east bay rail corridors from the walkable high density residential and mixed use developments under construction or recently completed. Northbound trips will require bus trips or driving to the Fremont BART station as these destinations are not covered by existing ACE service. Zoning of these areas under the current Fremont General Plan anticipated increase or at least maintaining the current level of rail service to this station. Instead, the proposed

178-10

project would relocate rail traffic from the dense, transportation-oriented Town Center zoned area around the Centerville train station to the Ardenwood neighborhood where the nearest neighbors to the proposed station would be a low-density commercial development and regional open space park. The addition of the Ardenwood train station would be a growth inducing event for the area which has not been planned for in the Fremont General Plan. It appears that the proposed Ardenwood Station would constitute a “major transit stop” as defined in state law. State law and regional planning, such as for minimum densities and intensities, would trigger zoning overrides and necessitate that the city undertake a local planning process to bring land use standards into conformance with applicable law and policy. What steps has the South Bay Connect project taken to analyze the potential for increased growth and intensification of development in the Ardenwood area resulting from the proposed project?

178-10

Hydrology and Water Quality:

- Page 3.11-6, MS4 General Permit: This section states that “Currently runoff within the UPRR’s ROW is self-retaining within the track ballasted sections.” Unless a thorough analysis of these sections has been completed, it has been Fremont’s experience that most railroad corridors have little or no drainage infrastructure. As a result, when precipitation occurs that is greater than the ground can absorb, it is not unusual for the water to either flow into adjacent properties or create their own channels and flow into various public storm drains or directly into creek channels. If this is the case, the project will need to construct a stormwater conveyance and treatment system in some areas. This would be contrary to the statement on page 3.11-87 that states “Project activities would not result in a substantial alteration of the existing drainage patterns, substantially increase the rate or amount of surface runoff, result in substantial erosion or siltation on-or-off site, or create or contribute to runoff water that would exceed the capacity of planned stormwater drainage systems.” This is further mentioned on page 3.11-91, Table 3.11 – 22 Hydrology Impacts Summary (item C).

178-11

Noise and Vibration:

- Pages 3.14-7 and 3.14-10: The City of Fremont’s construction hours for projects within the City limits is contained in [FMC 18.160.010](#). Construction within 500 feet of one or more residences, lodging facilities, nursing homes or inpatient hospitals shall be limited to the weekday hours of 7:00 a.m. to 7:00 p.m. and the Saturday or holiday hours of 9:00 a.m. to 6:00 p.m., while Sunday construction is not allowed. Construction activity for projects not located within 500 feet of residences, lodging facilities, nursing homes or inpatient hospitals shall be limited to the weekday hours of 6:00 a.m. to 10:00 p.m. and the weekend or holiday hours of 8:00 a.m. to 8:00 p.m. These construction hours are critical to maintaining maximum allowable noise levels contained in the Fremont General Plan Safety Element. Will the SBC project be following these construction hours? While the draft EIR identifies construction hours for the City of Union City on 3.14-10, the draft EIR does not discuss construction hours within the Fremont City Limits for the project, such as for construction of the Ardenwood station and replacement of the Alameda Creek bridge.

178-12

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|---|--------|
| <ul style="list-style-type: none"> • Page 3.14-22 – Operational Vibration Assessment Methodology states: “at no location would the total number of trains double due to the proposed Project, so there would not be a significant increase (according to FTA vibration criteria) in the number of events per day.” What number of existing trains were assumed when making this statement? On page 3.18-21 it states that the current train volumes on the Coast route include two Coast Starlight trains and two freight trains for a total of four daily trains. The Project would add 14 Capitol Corridor trains to the Coast Route, which would more than quadruple the number of trains on this route. Therefore, how can the above statement be true? If it is not true, then the entire analysis of the significance of vibration impacts must be reanalyzed. | 178-13 |
| <ul style="list-style-type: none"> • Section 3.14.5 Best Management Practices: this section states that “no BMPs for noise and vibration are included in the project.” This seems unusual as there are a number of BMPs that can be utilized to reduce noise and vibration during construction, such as limits on back-up beepers, the type mufflers used on equipment, etc. | 178-14 |
| <ul style="list-style-type: none"> • Page 3.14-38 regarding noise during operation: <ul style="list-style-type: none"> ○ Does the noise analysis take into account the relocation and raising of the track profile in certain cases, which could place the noise generation closer to sensitive receptors? ○ This same section states that there are 451 Category 2 noise receptors that exceed the FTA moderate impact criteria even though project noise levels would be lower or equal to existing noise levels. Yet there is no mitigation proposed and no significant impacts. Is this because moderate impacts do not need to be mitigated and those receptors just have to accept it? How can the number of trains nearly triple, yet noise levels are expected to be the same or lower? ○ Similarly, 21 severe noise impacts are called out even though “noise levels would be lower or equal to existing noise levels in the area”. Does this mean that existing noise levels already exceed FTA standards? | 178-15 |
| <ul style="list-style-type: none"> • MM NOI-1 , Construction Noise Control Plan: This mitigation measure calls for a construction noise control plan, but does not explain what that noise plan would include to reduce construction noise levels or quantify how much of a reduction would be expected from this mitigation measure. | 178-16 |
| <ul style="list-style-type: none"> • MM NOI-2, Quiet zones: What is meant by the terms “a phased program” and “potential” when referring to the establishment of quiet zones? Will each of the identified quiet zones be established prior to the Capitol Corridor trains being rerouted to the Coast Subdivision? If not, will the building sound insulation be in place? | 178-17 |
| <ul style="list-style-type: none"> • MM NOI-3, Construction Vibration Control Plan: This mitigation measure appears to be developing a plan to control vibration, but there is no specificity as to the type of measures that might be included in such a plan. How can one tell if this measure would be effective in controlling vibration when there is no information about what might be in this plan, how it | 178-18 |

would be enforced and what the remedies are if it doesn’t work, other than compensate the property owners from any damage to their buildings. How can you say that vibration would be mitigated to a level of less than significant when there is nothing to show this will actually happen? The mitigation measures requiring preparation of future plans without quantification and disclosure in the EIR appear to be inadequate. Compensation to owners of damaged buildings caused by construction vibration that is as yet unquantified as a primary means of mitigation is not appropriate mitigation.

178-18

- Page 3.14-41, Vibration during Operation:

178-19

- This section states “Existing conditions in the rail corridor include vibration generated by the current volume of passenger & freight trains passing through the RSA. As a result, there are no new vibration impacts that would be generated as a result of the Proposed Project implementation for the majority of sensitive receptors along the rail subdivisions.” This statement seems hard to believe given that the number of trains on the Coast Subdivision would go from the current four trains per day to 18. See the previous comment regarding the prior statement on page 3.14-22 about the number of trains not doubling.
- This section also states “All of the operational vibration impacts identified for the proposed Project are due to the introduction or relocation of crossovers for the proposed Project. With the inclusion of low-impact rail frogs at the new train crossovers in Project design, operational impacts would be less than significant.” Is this a known mitigation measure? In other words, has it been proven that low-impact rail frogs reduce vibration impacts to less than significant in all cases? It seems like there would be cases where these frogs might help but not reduce the impact to less than significant since vibration is such a difficult impact to evaluate because it is so dependent upon soils and other unique conditions in each area.

- Noise and Vibration mitigation, general: Portions of the Coast Subdivision alignment within the City of Fremont are lacking sound walls or are otherwise lacking sufficient protections to prevent the new rail traffic generating excessive noise and vibration impacting Fremont residents and businesses. At the northern end of Fremont’s alignment, the tracks are elevated as they cross Alameda Creek channel. There are homes on either side of the alignment and the City already receives noise complaints from homeowners in this area from the rail traffic. There are no noise barriers between the Coast Subdivision route and the Ardenwood Farm regional park. The increased rail traffic could have a significant impact upon the use and enjoyment of this regional park and active historic farm including the many historic buildings within the park. Adjacent to the Coast Subdivision tracks between the Ardenwood Boulevard overcrossing and CA-84 Highway overcrossings is a high tech research park. There is no sound wall along this portion of tracks and the potential increase in rail generated noise and vibration may have a significant impact on the buildings which would be located directly adjacent to the proposed Ardenwood station. Potential shifts in freight traffic would affect the residents and businesses in those respective areas. Many homes and businesses back up directly to the tracks. What will the SBC project do to minimize the noise impacts on Fremont neighborhoods?

178-20

<ul style="list-style-type: none">Table 3.14-12 provides Noise Impacts Summary. Why isn't there a similar table for Vibration Impacts?	178-21
<ul style="list-style-type: none">As stated in the project description, this project will replace most of the existing ties and ballast during the relocation of the existing track and provide all new ties, ballast and rail for the second track. Won't the installation of these new track materials help mitigate some of the existing and new noise and vibration impacts? Can this be quantified and utilized as a noise and vibration mitigation measure?	178-22
<p>Public Services:</p> <ul style="list-style-type: none">The draft EIR states that the proposed project would not result in increased calls for police services. However, the proposed Ardenwood station would result in an increased number of people gathering at the station where no station currently exists. More people gathering will likely result in increased calls for Police and Fire services for the City of Fremont. Fremont Police Headquarters is located over 6.5 miles away and has a drive time of nearly 30 minutes during peak hours making police services far away and response times beyond the goals set by the City of Fremont. Increased police patrols in the Ardenwood area could take services away from the more densely populated areas of Fremont or require increased costs to the City of Fremont to provide more police officers to cover for the additional patrols resulting from this project.	178-23
<p>Recreation:</p> <ul style="list-style-type: none">Should the future Dumbarton to Quarry Lakes Trail be considered in this analysis? This trail will actually connect with the future (and existing) Ardenwood Station. Fremont can provide more information about this project if necessary or it can be obtained from the City's website.	178-24
<p>Transportation:</p> <ul style="list-style-type: none">Page 3.18-20 Regarding the Local Setting for Passenger Rail Service under "Amtrak". It states "The Capitol Corridor route connects San Jose to the Sacramento area and uses the Niles Subdivision of the UPRR track. Capitol Corridor (up to 11 trains daily each way), Amtrak's Coast Starlight (9 trains daily) each way (Amtrak, 2022)." These statements are confusing and should be clarified. Doesn't the Capitol Corridor run seven round trip trains on the Niles Subdivision for a total of 14 daily trains? And doesn't the Coast Starlight run one round trip each day for a total of two daily trains on the Coast Subdivision (not the Niles Subdivision)? These numbers seem to be confirmed on page 3.18-21 under the section: Number of Passenger and Freight Trains by Segment in a Typical Day.	178-25
<ul style="list-style-type: none">Lack of analysis regarding impacts during construction: The draft EIR lacks analysis as to how the construction impacts of the proposed project would impact traffic patterns in the Northern Plain planning area in Fremont. The draft EIR particularly did not adequately address traffic impacts resulting from the construction of the grade separated crossing on Alvarado Blvd. The most recent traffic count on Alvarado Blvd shows 24,532 trips on this segment. The crossing is in Union City but the roadway leading to it is in Fremont. The only alternative access to the Lakes and Birds neighborhood is Ardenwood Blvd and Lowry Road. Lowry is a two-lane neighborhood	178-26

collector street without a bike lane and with limited pedestrian facilities. The closure of the Alvarado Blvd level crossing, even temporarily for construction, could impact the surrounding community by disconnecting it from nearby shopping causing a lengthy detour onto I-880 or Lowry Road. The EIR states on page 3.18-29 that a Transportation Management Plan would be drafted during final design. However, this deferred mitigation fails to analyze the potential impact that this Transportation Management Plan would have on the surrounding community. For example, residents of the Lakes and Birds neighborhood in Fremont currently have a pedestrian access to shopping on the other side of the Alvarado Boulevard level crossing which is 50 feet from the Fremont – Union City border. If the Alvarado Blvd. crossing is closed during construction, there is no alternative pedestrian access because Lowry Road does not have a sidewalk for its entire length. Alternative bicycle access would change a 0.3 mile trip to a 2.7 mile detour through Union City neighborhoods. Furthermore, the Alvarado Boulevard crossing also carries AC Transit route 210 which travels between Union Landing Transit Center and Ohlone College. The 210 bus line serves some of the most densely populated parts of Fremont and Ohlone College, a major trip generator in the area. Closure of the Alvarado level crossing for construction would sever this link and the draft EIR did not appear to analyze potential impacts related to this. The draft EIR also failed to adequately analyze traffic impacts resulting from expansion of the Alameda Creek rail bridge. The rail bridge crosses over Lowry Road and serves as the Fremont, Union City border. Construction for the expansion or replacement of this bridge, if it did not maintain traffic access during construction, would temporarily sever an important link between Fremont and Union City. Please identify if construction would restrict or eliminate traffic, and for how long, and identify any impacts that may result from that work. The only arterial street in Fremont identified by the EIR was Mowry Avenue (Table 3.18-1). The Fremont General Plan Mobility Element (Diagram 3-3) also identifies Fremont Boulevard, Thornton Avenue, and Ardenwood Boulevard as arterial streets. Fremont Boulevard and Thornton Avenue are near the Centerville Station and Ardenwood Boulevard would be the primary route to the Ardenwood station. The City of Fremont requests additional analysis of potential impacts upon these streets by the project. The Table also lists Paseo Padre Parkway as being in Union City and Mowry Avenue as being in Newark. Both of these streets are in Fremont. Further, Mowry Avenue and Decoto Road are no longer part of SR84, which was relinquished by the State several years ago.

178-26

Utilities and Service Systems:

- Page 3.20-26, Section 3.20.3.2, Data Sources, Construction: In paragraph three it states “it is assumed that major utility lines crossing railroad tracks perpendicularly were designed to meet the railroad loads and would not require any additional protection measures.” But should it be assumed that these additional measures are sufficient to protect these utilities even where the trackway cross-section will be widened to provide for two tracks?
- Page 3.20-26 & 27, Section 3.20.3.4 – CEQA Thresholds: The portion that reads: “The proposed Project would have significant utilities and service systems impacts under CEQA if it would:” Note that paragraphs b, c and e need to be changed to the negative since this is defining the case where the project would have significant impacts.
- Page 3.20-50, Section 3.20.6.4, Project Construction:

178-27

178-28

178-29

- This paragraph states “Solid waste estimates have incorporated reuse of excavated material for Project fill to minimize export of materials.” Fremont’s experience is that much of the existing UPRR ROW could be contaminated with lead and arsenic from weed abatement spraying and VOC hot-spots (see prior comments on Section 3.10). If this is true for this corridor, the ability to reuse much of the existing material may not be possible and the amount of material to be disposed of at hazardous material disposal sites might be much greater than assumed.
- This section also states “A portion of the solid waste produced during Project construction is assumed to be hazardous, as described in Section 3.10, Hazards and Hazardous Materials. The volume of hazardous waste produced by the proposed Project cannot be determined prior to Phase 1 and 2 Environmental Site Assessments are conducted, which would occur as part of BMP HAZ-2 Property Acquisition Phase 1 and Phase 2 Environmental Site Assessments prior to ROW acquisition.” Why couldn’t a Phase 1 be completed now for the UPRR ROW? The project will not be acquiring UPRR ROW and therefore there is no reason to wait until ROW acquisition begins to complete a Phase 1 assessment, especially since this is critical information not only for this DEIR, but also for the project budget and schedule.

178-29

- Page 3.20-56, T-1, Irvington BART Station: This section references utility conflicts identified in the 1991 EIR and 2006 EIS for the Warm Springs BART Extension, which the Irvington Station was included as an Optional Station. Most of the conflicts identified in those documents were resolved during the construction of the Warm Springs Extension or as part of Fremont’s Washington Blvd./Paseo Padre Pkwy. Grade Separation Project, which cleared many of the conflicts in this area to prepare for the BART extension. Any remaining utility conflicts for the station itself were documented in the 2019 Supplemental EIR.

178-30

Sea Level Rise:

- Page 4-25, Section 4.4.2.2, Category 1 (regarding mitigation for sea level rise): This section states “The decision to raise the tracks will be made based on the site design conditions of each segment and tracks will be raised as necessary to a height that provides operational passage while addressing SLR to the extent possible.” Won’t raising the tracks affect several other environmental impact categories? Was this included in the analysis in Chapter 3?

178-31

Thank you for the opportunity to comment on the Draft EIR for the South Bay Connect project.

DocuSigned by:
Hans Larsen
16DB224C245B49E...
Hans Larsen
Public Works Director

DocuSigned by:
Dan Schoenholz
1C77683E5E38480...
Dan Schoenholz
Community Development Director

Attachment 1 – City of Fremont Previous EIR Scoping Comments
Attachment 2 – City of Fremont Resolution 2020-51



39550 Liberty Street | P.O. Box 5006, Fremont, CA 94537-5006
www.fremont.gov

August 13, 2020

Capitol Corridor Joint Powers Authority
 300 Lakeside Drive, 14th Floor East
 Oakland, CA 94612
 Attn. Shirley Quan, Senior Planner, shirleyq@capitolcorridor.org

RE: Capitol Corridor South Bay Connect Project Notice of Preparation
 SCH: 2020060655

Dear Shirley Quan,

Thank you for the opportunity for the City of Fremont Public Works and Community Development Departments to provide scoping comments on the above-referenced Notice of Preparation. The City of Fremont strongly encourages the improvement of regional transit, and supports provision of more options for our residents, employees, and visitors. We understand that the changes proposed through the South Bay Connect project are intended to improve transit services as a whole. There will be disparate benefits and impacts throughout the corridor, including for Fremont stakeholders. The City of Fremont is providing the scoping comments herein in the spirit of optimizing service, maximizing disclosure for the community, and adequately mitigating any potential impacts of the South Bay Connect project as it relates to Fremont.

The City of Fremont sees a number of likely benefits from the South Bay Connect Project. First, moving the Capitol Corridor trains from the Niles Subdivision to the Coast Subdivision will eliminate the need for the 14 daily Capitol Corridor trains from crossing six Fremont streets at grade. Eliminating the crossings at Nursery Avenue, Shinn Street, Fremont Boulevard, Maple Street, Dusterberry Way and Blacow Road, will greatly reduce the noise impacts of the train horns at each of these crossings. Further, it will reduce traffic delays at each of these crossings and improve emergency response times. Similarly, the rerouting of many of the freight trains from the Coast Subdivisions to the Oakland Subdivision, which has no at-grade crossings in Fremont, will eliminate freight trains at these same crossings, other than Shinn, with even greater benefit due to the elimination of the slower freight trains through Centerville. Noise and vibration will also be greatly reduced in the Centerville area as a result of this dramatic decrease in freight and passenger trains.

Regardless of the potential benefits we see from this Project, we have heard many concerns from the community, especially in Ardenwood and Niles about the potential impacts that the South Bay Connect Project could have on their neighborhoods, especially, noise, vibration and traffic. These potential impacts, spelled out in more detail below, must be fully analyzed in the Project Environmental Impact Report and any significant impacts mitigated. Although not in Fremont, we have also heard of concerns about how the rerouting of freight trains onto the Oakland Subdivision could impact the Union City

BART Station by making station access to and from the east more difficult. This is an issue that should also be fully addressed.

Scoping Comments by Topic Area:

General

1. **Clarify scope of environmental review.** The online scoping meeting includes documents related to the South Bay Connect Project (Project) with an estimated completion date of 2026. There are documents on the website that identify longer-term objectives. Please identify the scope of work that would be covered by this environmental document. We assume that reasonably-foreseeable longer-term track improvements such as double-tracking either the Coast or Niles Subdivisions or electrification of the Coast Subdivision will be subject to later environmental review. We recognize that the Union Pacific Railroad (UPRR) has not specified what improvements they might require to allow the passenger and freight train routing changes anticipated by this Project. If UPRR requires improvements beyond those anticipated at this time, those improvements, and any resulting impacts, including those created by likely changes to freight movements, must be fully evaluated and mitigated by this EIR.
2. **Fully model the possible range of freight rail traffic.** We understand that the operation of freight rail is outside of the purview of the CCJPA. However, the Project is based on the premise of separating passenger and freight train movements. As we understand the scope, there is an expectation that the freight trains that currently run on the Coast Subdivision and turn east into Niles Canyon will utilize improvements included in the scope of this Project so they may be routed south from Oakland along the Niles and then Oakland Subdivision before turning east into Niles Canyon. Preparation of a defensible environmental document necessitates the establishment of an accurate range of freight traffic that would be moving onto the Niles and Oakland Subdivisions. This change would result in new freight movements on the Oakland Subdivision that runs along the western edge of the Niles community in Fremont. Having an accurate range of freight train traffic based upon some past or current data, with rational bases for future trends, is essential for accurate study of almost all other potential impacts, including air quality, GHG, noise, vibration, traffic, etc.

Air Quality

3. **Air quality in Ardenwood.** An analysis should be undertaken to determine if moving the Capitol Corridor trains onto the Coast Subdivision along with most of the freight trains moving to the Niles/Oakland Subdivisions will result in increased diesel train emissions on the Coast Subdivision. If so, this could lead to increased air quality impacts to sensitive receptors along the Coast Subdivision corridor in Ardenwood.
4. **Air quality impacts in Niles.** Increased freight traffic on the Oakland Subdivision would result in increased air quality impacts in the Niles community. Dust from increased freight cars such as gravel hopper cars could impact nearby sensitive receptors.

Agricultural

5. **Agricultural impacts in Ardenwood.** The Coast Subdivision tracks are bounded by Ardenwood Farm, an operating historic farm which is owned by the City of Fremont and managed by East

Bay Regional Park District. This site is identified by the State as Prime Farmland. Fully disclose whether the ultimate scope of the environmental document, including any additional improvements required by UPRR, would require acquisition of additional right-of-way from the Ardenwood Farm.

Hazards

- 6. Hazardous materials impacts in Ardenwood.** The proposed Ardenwood station would increase the number of people, including sensitive populations, congregating at the site. There are several high intensity hazardous materials users adjacent to the Ardenwood station site across the tracks. These hazardous materials users have potential offsite impacts which could affect those persons at the station. This could impact station placement, orientation, and design considerations.
- 7. Hazardous materials impacts in Niles.** Increased freight traffic on the Oakland Subdivision in Niles would result in increased hazardous materials loads which, in turn, increase the potential for hazardous materials accidents. The neighboring residential uses would be the most likely to be affected by a hazardous materials accident on the Niles Subdivision line. See also water quality impacts related to Alameda Creek.

Hydrology

- 8. Water quality impacts.** The Oakland Subdivision line passes the ACWD groundwater recharge ponds as well as crossing Alameda Creek, a major source of drinking water in the Tri-City area. The increased freight traffic may affect groundwater quality in the event of an accident in these areas. We recommend including Alameda County Water District in your outreach and environmental review if you have not already done so.

Noise and Vibration:

- 9. Noise and vibration in Ardenwood.** The portion of the Coast Subdivision that is proposed for use is almost entirely bounded by residential uses within Fremont. There are five parks plus a regional open space (Ardenwood Farm) near the tracks. There are two public school sites (Forest Park Elementary and the future Patterson Ranch school site) near the tracks as well as several child care centers. Noise and vibration impacts from additional passenger trains would need to be studied. Should the Project require freight trains to serve local customers along the Coast Subdivision at night, further study would be needed. Construction noise and vibration impacts in Ardenwood should also be addressed. Additional maintenance work to better maintain the tracks for passenger service could cause noise and vibration impacts to nearby residents. Although there are no at-grade crossings on the Coast Subdivision within the Fremont City limits, the trains horns that must sound at the nearby grade crossings in Newark and Union City can be heard in the Ardenwood area. Therefore, a noise analysis must identify the level of this impact and propose any mitigation measures needed, including the establishment of quiet zones at these nearby crossings. Although quiet zones must be established by the appropriate City and UPRR, if they are needed as a mitigation measure the Project should be prepared to pay for the necessary analysis and improvements required.
- 10. Noise and vibration in Niles.** Increased freight traffic along the Oakland Subdivision would affect some of the residents and possibly some of the businesses in the Niles District. Many

homes back up directly to the tracks. Freight trains typically create much greater noise and vibration than passenger trains which are lighter and pass by faster.

Traffic

- 11. Increased vehicle trips to the new Ardenwood station.** A traffic study should be undertaken to determine the potential traffic impacts in the Ardenwood area resulting from the proposed Ardenwood Station. The current park and ride lot is heavily used so increasing the number of passengers who would take the train from this station will require additional parking.
- 12. Transportation impacts in Centerville.** We understand that Fremont passenger rail traffic is a relatively low percentage of rail traffic on the CCJPA service, and that Altamont Commuter Express (ACE) service would continue through Centerville. The reduction in Capitol Corridor service would result in residents of transit oriented developments in the Centerville Station Transportation Oriented Development Overlay district having to travel further to reach rail service to the Oakland area. This could potentially result in more vehicle trips and an increase in VMT in Centerville. New or augmented transit connections replacing this lost service could help mitigate the loss of direct rail service to the north. We understand that there are plans to increase ACE rail and AC Transit services at the Centerville Station.

Public Facilities and Services

- 13. Public Services impacts in Ardenwood.** The Coast Subdivision tracks are bounded by Ardenwood Farm, an operating historic farm owned by the City of Fremont and managed by the East Bay Regional Park District. Additional train traffic could affect the historic park.

Land Use

- 14. Land use impacts in Ardenwood.** The location of the Ardenwood station would have the potential to affect circulation and viability of adjacent uses, depending upon its design, location, and access method. A study would need to be completed around the proposed Ardenwood station site to determine the appropriate land use intensity and other implications of a train station on the surrounding community, which have not been studied as a part of the Fremont General Plan.
- 15. Land use impacts in Centerville.** The reduction in service to the Centerville train station would need to be studied. This area is a Transportation Oriented Development area and the current rail service provides access along the East Bay rail corridors from the walkable high density residential and mixed use developments under construction or recently completed. Alternative routes require bus trips or driving to the Fremont BART station. Land Use Designations of these areas under the current Fremont General Plan anticipated robust rail service to this station.

Community Noticing (Not a scoping comment)

During design and implementation of any plan, noticing to inform property owners and occupants within the area of effect is strongly encouraged. The noticing should describe the duration and potential effects of construction on residents, including potential noise and traffic concerns and how those concerns will be addressed. Additional noticing prior to anticipated temporary increases in instantaneous noise and vibration is also strongly encouraged for those residents in the immediate area of that work. A point of contact at Capitol Corridor Joint

RESOLUTION NO. 2020-51

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREMONT
EXPRESSING ITS CURRENT OPPOSITION TO THE PROPOSED
SOUTH BAY CONNECT PROJECT**

WHEREAS, the Capitol Corridor passenger rail system provides transit service between the greater Sacramento region, the East Bay and Silicon Valley/San Jose; and

WHEREAS, the Capitol Corridor Joint Powers Authority has proposed to modify the Capitol Corridor service with a more direct connection between Oakland and San Jose through a project known as South Bay Connect; and

WHEREAS, the South Bay Connect Project would result in key changes to the routing of Capitol Corridor trains in Fremont, including the relocation of train services from the Niles Subdivision (through the Niles and Centerville communities) to the Coast Subdivision (through the Ardenwood community); and

WHEREAS, the South Bay Connect Project would discontinue Capitol Corridor passenger service at the Centerville Station and add a new train station in Ardenwood; and

WHEREAS, the City Council received a presentation on the Project on October 6, 2020 where a number of residents of the Ardenwood and Niles communities spoke in opposition to the Project; and

WHEREAS, the City Council has concerns about the Project, including the lack of information currently available regarding the Project's impacts to Fremont and its communities, and how the rerouting of trains would affect the location and service levels of passenger and freight trains in Fremont; and

WHEREAS, for the City Council to consider supporting the Project, Capitol Corridor staff must study and determine how the Project interrelates to other existing and planned passenger rail services in southern Alameda County, including ACE, BART and Dumbarton corridor transit services, and also how the new services will interconnect with Fremont's transit hubs in Centerville and Ardenwood and with the stations at Union City and Newark; and

WHEREAS, before the Project proceeds the City Council would like a cost/benefit and priority reassessment of the Project investment in light of the changes in commuter demand, mass transit use and teleworking changes influenced and necessitated by the Covid-19 pandemic; and

WHEREAS, at this time the City Council opposes the Project for the reasons stated in this Resolution and expressed during the Council Meeting of October 6, 2020; and

WHEREAS, the City Council may reconsider its opposition to the Project pending more information and resolution of the concerns expressed by the Council.

NOW, THEREFORE, the City Council of the City of Fremont declares its opposition to the South Bay Connect Project based on the information currently available.

ADOPTED, November 10, 2020, by the City Council of the City of Fremont by the following vote:

AYES: Mayor Mei; Councilmembers Bacon, Salwan, Jones and Shao

NOES: Vice Mayor Kassan and Councilmember Bacon

ABSENT: None

ABSTAIN: None




Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



Sr. Deputy City Attorney

From: [Ryan O'Keefe](#)
To: [Teurn, Tammy](#)
Subject: New South Bay Connect Comment
Date: Saturday, July 13, 2024 10:38:09 PM

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

New South Bay Connect Comment

Name:

Stephen Lotz

Email:

sephenlotz@comcas.net

Phone:

Organization:

ZIP Code:

94536

Subject:

SouthBayConnect

Comment:

The SouthBayConnect project is not needed. Capitol Corridor trains should go no further south than the Coliseum station. CC passengers can transfer to BART at that station to travel farther south.

205-1

BART already is dealing with a scarcity of passengers. To spend billions of public dollars on a second train system that competes with BART makes no sense.

205-2

BART has already started its project to build to Santa Clara. Its trains will take passengers to San Jose and Santa Clara faster and more efficiently than the SouthBayConnect project. Continuing to run Capitol trains south of the Coliseum station is a waste of public dollars.

205-3

The EIR report is not consistent with what the public has been told in various mailed flyers. The mailed flyers state that the SBC project will include modifications to the Niles subdivision at Niles Junction that will allow freight trains on the Niles subdivision to turn east into Niles Canyon. That will result in a lot more freight trains on the Niles subdivision. However, the EIR's "Alternatives" section says the opposite. Page 2-29, Section 2.2.3.9 states "No changes to freight service operations on the Niles and Oakland Subdivisions would occur as a result of Project implementation." This statement conflicts

205-4

with the mailed flyers. Which is correct?

Page 2-44, Section 2.3 states "Alternatively, the proposed Project includes upgrades at the Niles Subdivision only in the vicinity of the connection points between the Niles Subdivision and Oakland Subdivision (at Elmhurst and Newark) and does not include any improvements to the Oakland Subdivision." Once again, this statement conflicts with the mailed flyers which clearly state there will be modifications to the Niles Subdivision that will allow freight trains to turn east into Niles Canyon. Which is correct?

205-5

My final point is that Capitol Corridor had already been careless and frivolous with public money when the staff had planned for CC to use the Oakland Subdivision to stop at the Union City BART station, and then dropped that plan. Huge sums of tax money have been spent on that station to accommodate future CC trains that now will never arrive - simply because CC staff shrugged off that plan and stated, "Well, we've changed our minds. We're not going to pursue that plan any longer."

205-6

It's a little late for that.

Stop the hemorrhaging of wasted taxpayer dollars and end this SBC project now. There is no conceivable reason for CC trains to travel anywhere south of the Coliseum station.

205-7

Thank you.

From: [Paula Rasmussen](#)
To: info@southbayconnect.com
Subject: Southbay connect
Date: Sunday, July 14, 2024 12:06:02 PM

Hello

I would like to submit my comment on the recent draft EIR for the southbay connect project.

First, it is not apparent the reasons for this project. Given the pushback on the last project which involved rescheduling and rerouting trains to supposedly serve more train riders. However, it appears ridership is down and the same environmental concerns exist should the commuter trains be switched to different tracks. It is not readily apparent who this project actually serves.

207-1

Second the unwritten and unsaid implications are that the Union Pacific railroad will have full reign to run dangerous freight thru Niles Canyon which parallels the prior project.

207-2

It is apparent to anyone living in the Niles section of Fremont that this project is an end run to accomplish the former goals of track improvements paid for by tax payers, for which UPRR will benefit. UPRR is of course not contemplated in this project and yet South Bay Connect cannot guarantee that UPRR will NOT increase freight.

207-3

It is disingenuous to say that this project will not affect freight traffic. By omitting this potential cause and effect the draft EIR is lacking crucial information.

207-4

I would want to see this addressed going forward; specifically what the options are for the UPRR track going thru Nile's Canyon.

207-5

Thank you
Paula Rasmussen

Sent from my iPhone
Please forgive random autocorrect or typos

From: [Ken Nishimura](#)
To: info@southbayconnect.com
Subject: Comments to DEIR South Bay Connect
Date: Sunday, July 14, 2024 6:27:33 PM
Attachments: [SBConnect.pdf](#)

Public Comments to Draft EIR South Bay Connect released May 29, 2024

The following are comments regarding the proposed South Bay Connect Project (“Project”) and its accompanying Draft Environmental Impact Report (“Draft EIR”).

To begin, I do not believe the No Project Alternative (2.2.2) or the “Do Nothing” option has been taken seriously enough. The proposed Project will invest additional resources to duplicate an existing or planned and approved public transit option, which is fully electrified, with a project utilizing diesel locomotives which are powered by fossil fuels and emit particulates in addition to carbon dioxide, oxides of nitrogen, and other pollutants. While the No Project Alternative, absent cancelling the existing service, will not reduce existing emissions, expending resources to further duplicate a zero-emission mode of transportation with a fossil-fueled mode is backwards thinking.

208-1

A stated objective of the Project is to better connect the Capitol Corridor train with existing bus services across the Dumbarton Bridge through the construction of a new station at Ardenwood. The Dumbarton Express service already exists. No mention is made in the Draft EIR of the option to realign the Dumbarton Express to serve the existing Fremont Amtrak station. After serving the Fremont Amtrak station, the bus could then serve either the Fremont BART station as an alternative to the Union City BART station currently served, or it could serve both. This option would meet the objective of better connecting Capitol Corridor and BART with the Dumbarton Express without the need to invest in this Project and construct a new station.

208-2

Specific areas of concern center mostly on noise and lack of noise mitigations.

208-3

Air Quality (3.4)

The Project will increase the emissions along the proposed right-of-way and subject a larger population to these emissions, owing to the placement of the proposed right-of-way and the prevailing winds. Moreover, many of these newly exposed populations are economically challenged, leading to an environmental justice issue.

208-4

Noise and Vibration (3.14)

Table 3.14-7 specifies the section of the Coast Subdivision between Ardenwood Boulevard to Alvarado Boulevard is residential, and the noise-sensitive land use is mostly single family and multifamily residential. If so, why is this section omitted from Figure 3.14-7? The area in question lies between Section 2 and Section 3 of the Figure and contains a bridge (see below) which is a significant noise concern.

208-5

The Draft EIR focuses on grade crossings as a significant noise concern due to train whistles. The Draft EIR omits noise due to bridges, both due to the train whistle as well as increased operational noise over bridges. There is a railroad bridge on the proposed right-of-way which traverses the Alameda Creek Flood Control Channel located at (Lat: 37.57412, Lon: -122.06029).

Trains often blow their whistles as they approach the bridge; transients have been known to be present on that bridge. Again, due to the prevailing winds, the noise impacts

from these whistles are heard in a primarily southeasterly direction from that bridge. Many residential units in the area rely on the cooling breezes of originating from the Bay to provide climate control via open windows. Additional noise from increased train operations on the bridge would negatively impact those residents. These impacts are not adequately addressed in the Draft EIR. The closest noise monitoring station, LT-4, is not properly placed to capture this impact given the prevailing winds. Moreover, the observation period of 24 hours is inadequate to capture itinerant use of the whistle on the bridge. MM NOI-2 fails to address mitigation measures for whistle operation associated with bridges.

Population and Housing (3.15)

Additional noise impacts which are not adequately discussed in the DEIR are due to homeless encampments which are disposed alongside the soundwalls along the right-of-way. As such, trains are forced to blow their whistle.

In addition to the added noise, there are serious safety issues from the potential for trains striking the homeless to the homeless setting fire to the brush alongside the right-of-way; this has happened on numerous occasions in Fremont. There is no mitigation mentioned in the DEIR to increase track security to minimize the egress of unauthorized persons on the right-of-way, including the bridge mentioned above.

Transportation (3.18)

There are several concerns related to traffic flows both for cars and bicycles during construction and during operation:

- It is not clear how cars will access the proposed parking at Ardenwood Station. If via Ardentech Ct itself access via Dumbarton Circle, there will be increased traffic on Kaiser Dr and Dumbarton Circle. Access to Kaiser and Dumbarton are from Ardenwood Blvd or Paseo Padre Pkwy, controlled by traffic lights. Inadequate analysis and mitigation of grade of service degradation at these key intersections.
- If the intent of the Ardenwood station is to intercept a significant fraction of automobiles which would otherwise traverse the Dumbarton Bridge, then these vehicles would exit SR-84 at Ardenwood. This interchange is already overcrowded; furthermore, cars exiting WB SR-84 in the morning commute would have to then head northbound on Ardenwood, cross over the tracks, make a left turn onto Kaiser which would significantly impact the already congested roads and reduce the grade of service at the Ardenwood/Kaiser intersection.
- Both Paseo Padre Parkway and Ardenwood Blvd are major cycling arterials; inadequate analysis on impact to cycling community due to increased vehicular traffic caused by Ardenwood Station in the DEIR.
- Current Ardenwood Park and Ride is a convenient location of cyclists to access the Dumbarton Express. It is at grade and cyclists can literally ride up to the bus. This Project will degrade this easy access, both during construction and after. What assurances do cyclists have to ensure safe access to the bus service at the Ardenwood Park and Ride during construction?
- Moving the bus stops to be level with SR-84 necessitates elevating the access significantly above grade, requiring cyclists to either carry their bicycles up several flights of stairs, or rely on elevators. Elevators at other public transit depots have a proven record of unreliability, unsanitary conditions and dubious

security. Elevators also have limited space for passengers and bicycles and other mobility devices. With the increased prevalence of heavier and larger e-bikes, having an access ramp is critical.

- This Draft EIR fails to adequately address the degraded access to the Dumbarton Express by cyclists and pedestrians which must walk longer distances to access the service. No mitigation measures are proposed.
- The proposed at SR-84 level bus station requires climbing 3 flights of stairs (approximately 24 feet vertical). In addition to mobility impaired persons, many ambulatory people will find that challenging, thus placing the elevator as a critical element. The DEIR does not address elevator reliability and thus fails to adequately examine the impact of the Project on accessibility to the existing bus lines at Ardenwood Park and Ride.
- One should note that in Section 3.18.4.1, the list of Bus Transit by city fails to note that Fremont is served by the Dumbarton Express. The current Ardenwood Park and Ride is in Fremont as will be the proposed Ardenwood Station.

Respectfully submitted,

Ken Nishimura

Fremont, CA 94555

Public Comments to Draft EIR South Bay Connect released May 29, 2024

The following are comments regarding the proposed South Bay Connect Project (“Project”) and its accompanying Draft Environmental Impact Report (“Draft EIR”).

To begin, I do not believe the No Project Alternative (2.2.2) or the “Do Nothing” option has been taken seriously enough. The proposed Project will invest additional resources to duplicate an existing or planned and approved public transit option, which is fully electrified, with a project utilizing diesel locomotives which are powered by fossil fuels and emit particulates in addition to carbon dioxide, oxides of nitrogen, and other pollutants. While the No Project Alternative, absent cancelling the existing service, will not reduce existing emissions, expending resources to further duplicate a zero-emission mode of transportation with a fossil-fueled mode is backwards thinking.

A stated objective of the Project is to better connect the Capitol Corridor train with existing bus services across the Dumbarton Bridge through the construction of a new station at Ardenwood. The Dumbarton Express service already exists. No mention is made in the Draft EIR of the option to realign the Dumbarton Express to serve the existing Fremont Amtrak station. After serving the Fremont Amtrak station, the bus could then serve either the Fremont BART station as an alternative to the Union City BART station currently served, or it could serve both. This option would meet the objective of better connecting Capitol Corridor and BART with the Dumbarton Express without the need to invest in this Project and construct a new station.

Specific areas of concern center mostly on noise and lack of noise mitigations.

Air Quality (3.4)

The Project will increase the emissions along the proposed right-of-way and subject a larger population to these emissions, owing to the placement of the proposed right-of-way and the prevailing winds. Moreover, many of these newly exposed populations are economically challenged, leading to an environmental justice issue.

Noise and Vibration (3.14)

Table 3.14-7 specifies the section of the Coast Subdivision between Ardenwood Boulevard to Alvarado Boulevard is residential, and the noise-sensitive land use is mostly single family and multifamily residential. If so, why is this section omitted from Figure 3.14-7? The area in question lies between Section 2 and Section 3 of the Figure and contains a bridge (see below) which is a significant noise concern.

The Draft EIR focuses on grade crossings as a significant noise concern due to train whistles. The Draft EIR omits noise due to bridges, both due to the train whistle as well as

increased operational noise over bridges. There is a railroad bridge on the proposed right-of-way which traverses the Alameda Creek Flood Control Channel located at (Lat: 37.57412, Lon: -122.06029).

Trains often blow their whistles as they approach the bridge; transients have been known to be present on that bridge. Again, due to the prevailing winds, the noise impacts from these whistles are heard in a primarily southeasterly direction from that bridge. Many residential units in the area rely on the cooling breezes of originating from the Bay to provide climate control via open windows. Additional noise from increased train operations on the bridge would negatively impact those residents. These impacts are not adequately addressed in the Draft EIR. The closest noise monitoring station, LT-4, is not properly placed to capture this impact given the prevailing winds. Moreover, the observation period of 24 hours is inadequate to capture itinerant use of the whistle on the bridge. MM NOI-2 fails to address mitigation measures for whistle operation associated with bridges.

Population and Housing (3.15)

Additional noise impacts which are not adequately discussed in the DEIR are due to homeless encampments which are disposed alongside the soundwalls along the right-of-way. As such, trains are forced to blow their whistle.

In addition to the added noise, there are serious safety issues from the potential for trains striking the homeless to the homeless setting fire to the brush alongside the right-of-way; this has happened on numerous occasions in Fremont. There is no mitigation mentioned in the DEIR to increase track security to minimize the egress of unauthorized persons on the right-of-way, including the bridge mentioned above.

Transportation (3.18)

There are several concerns related to traffic flows both for cars and bicycles during construction and during operation:

- It is not clear how cars will access the proposed parking at Ardenwood Station. If via Ardentech Ct itself access via Dumbarton Circle, there will be increased traffic on Kaiser Dr and Dumbarton Circle. Access to Kaiser and Dumbarton are from Ardenwood Blvd or Paseo Padre Pkwy, controlled by traffic lights. Inadequate analysis and mitigation of grade of service degradation at these key intersections.
- If the intent of the Ardenwood station is to intercept a significant fraction of automobiles which would otherwise traverse the Dumbarton Bridge, then these vehicles would exit SR-84 at Ardenwood. This interchange is already overcrowded; furthermore, cars exiting WB SR-84 in the morning commute would have to then

head northbound on Ardenwood, cross over the tracks, make a left turn onto Kaiser which would significantly impact the already congested roads and reduce the grade of service at the Ardenwood/Kaiser intersection.

- Both Paseo Padre Parkway and Ardenwood Blvd are major cycling arterials; inadequate analysis on impact to cycling community due to increased vehicular traffic caused by Ardenwood Station in the DEIR.
- Current Ardenwood Park and Ride is a convenient location of cyclists to access the Dumbarton Express. It is at grade and cyclists can literally ride up to the bus. This Project will degrade this easy access, both during construction and after. What assurances do cyclists have to ensure safe access to the bus service at the Ardenwood Park and Ride during construction?
- Moving the bus stops to be level with SR-84 necessitates elevating the access significantly above grade, requiring cyclists to either carry their bicycles up several flights of stairs, or rely on elevators. Elevators at other public transit depots have a proven record of unreliability, unsanitary conditions and dubious security. Elevators also have limited space for passengers and bicycles and other mobility devices. With the increased prevalence of heavier and larger e-bikes, having an access ramp is critical.
 - This Draft EIR fails to adequately address the degraded access to the Dumbarton Express by cyclists and pedestrians which must walk longer distances to access the service. No mitigation measures are proposed.
 - The proposed at SR-84 level bus station requires climbing 3 flights of stairs (approximately 24 feet vertical). In addition to mobility impaired persons, many ambulatory people will find that challenging, thus placing the elevator as a critical element. The DEIR does not address elevator reliability and thus fails to adequately examine the impact of the Project on accessibility to the existing bus lines at Ardenwood Park and Ride.
- One should note that in Section 3.18.4.1, the list of Bus Transit by city fails to note that Fremont is served by the Dumbarton Express. The current Ardenwood Park and Ride is in Fremont as will be the proposed Ardenwood Station.

Respectfully submitted,

Ken Nishimura

Fremont, CA 94555

From: [Ryan O'Keefe](#)
To: [Teurn, Tammy](#)
Subject: New South Bay Connect Comment
Date: Sunday, July 14, 2024 6:27:46 PM

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New South Bay Connect Comment

Name:

Ken Nishimura

Email:

nishimura.ken@gmail.com

Phone:

Organization:

ZIP Code:

94555

Subject:

Public Comments to Draft EIR South Bay Connect released May 29, 2024

Comment:

*** This is a backup submission of a comment sent to info@southbayconnect.com. It does not contain the formatting in the original submission. ***

The following are comments regarding the proposed South Bay Connect Project ("Project") and its accompanying Draft Environmental Impact Report ("Draft EIR").

To begin, I do not believe the No Project Alternative (2.2.2) or the "Do Nothing" option has been taken seriously enough. The proposed Project will invest additional resources to duplicate an existing or planned and approved public transit option, which is fully electrified, with a project utilizing diesel locomotives which are powered by fossil fuels and emit particulates in addition to carbon dioxide, oxides of nitrogen, and other pollutants. While the No Project Alternative, absent cancelling the existing service, will not reduce existing emissions, expending resources to further duplicate a zero-emission mode of transportation with a fossil-fueled mode is backwards thinking.

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213-1

213-2

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Specific areas of concern center mostly on noise and lack of noise mitigations. | 213-3
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213-4

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213-5

Trains often blow their whistles as they approach the bridge; transients have been known to be present on that bridge. Again, due to the prevailing winds, the noise impacts from these whistles are heard in a primarily southeasterly direction from that bridge. Many residential units in the area rely on the cooling breezes of originating from the Bay to provide climate control via open windows. Additional noise from increased train operations on the bridge would negatively impact those residents. These impacts are not adequately addressed in the Draft EIR. The closest noise monitoring station, L T-4, is not properly placed to capture this impact given the prevailing winds. Moreover, the observation period of 24 hours is inadequate to capture itinerant use of the whistle on the bridge. MM NOI-2 fails to address mitigation measures for whistle operation associated with bridges.

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213-6

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213-7

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Respectfully submitted,

Ken Nishimura

From: [Ryan O'Keefe](#)
To: [Teurn, Tammy](#)
Subject: New South Bay Connect Comment
Date: Sunday, July 14, 2024 6:30:17 PM

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

New South Bay Connect Comment

Name:

Ken Nishimura

Email:

nishimura.ken@gmail.com

Phone:

Organization:

ZIP Code:

Subject:

Website capture of comments

Comment:

I find the Captcha difficult to navigate. It took me three tries to submit my comment and each time, it forced me to start over. This is borderline insinuation of a structural impediment to deny public comment to those who have difficulties with Captcha.

214-1

From: [Carol Drake](#)
To: info@southbayconnect.com
Subject: Capitol Corridor South Bay Connect Project 7-15-24
Date: Monday, July 15, 2024 6:17:22 AM

Hello,

I oppose the Capitol Corridor South Bay Connect project.

UPRR (the owner of the track) still reserves the right to run freight trains when there is no passenger train.

There is no guarantee from Capitol Corridor that Union Pacific will not increase freight traffic through Fremont, even though one of their proposals discussed up to 60 freight trains per day through Fremont and Niles.

The project aims to save "up to 13 minutes" in a 3 hour commute costing \$264 million to taxpayers at a time of COVID-19 pandemic. For comparison, the Capitol Corridor FY2019 revenue is only 38 million.

Thank you.

Carol Drake
Sierra Club Member

216-1

From: [Concerned Neighbor](#)
 To: info@southbayconnect.com; robert.raburn@bart.gov; imei@fremont.gov; rsalwan@fremont.gov; tkeng@fremont.gov; info@bacon4mayor.com; ccjboard@capitolcorridor.org; Rebecca.Saltzman@bart.gov; bosdis14@acgov.org; carold@unioncity.org
 Subject: Capitol Corridor South Bay Connect Project
 Date: Monday, July 15, 2024 7:39:30 AM

Hello -

I live in Fremont, and oppose the Capitol Corridor South Bay Connect Project ("Project").

Stated benefits of the Project include increasing ridership by 2,000 passengers, easing congestion on Bay Area roadways, and reducing greenhouse gas emissions. However, circumstances have significantly changed since this Project was initially scoped, making desired benefits considerably less likely to be achieved and much more costly. The draft EIR states that there would be no appreciable change in locomotive emissions, and reduction in greenhouse emissions would primarily be achieved by an increase in ridership, which presumably would reduce cars on the road.[1] When the Project was scoped in 2014-2018, there was an anticipated ridership increase of 2,000 passengers daily. However, the Project has not presented any compelling evidence that the Project will meaningfully increase ridership and decrease traffic. Indeed, ridership on the Capitol Corridor has decreased by 50% since 2019.[2] Even assuming ridership increases by 2,000 passengers in accordance with the Project's goals, that removes less than 1% of cars daily from I-880 traffic.[3] For the current \$1 billion price tag (which has increased over 300% in the past 4 years), this seems like a low return on taxpayer investment. Furthermore, the draft EIR itself admits that, by 2040, environmental benefits resulting from reduced vehicle motor traffic become less beneficial because cars will have lower emissions due to improved technology and more stringent regulations.[4]

217-1

Moving passenger rail service from the Oakland-Niles rail line to the Coast rail line will enable Union Pacific to substantially increase freight traffic on the Oakland-Niles rail line, up to 50-60 trains per day.[5] This will negate and overcome any reduction in greenhouse gas emissions from increased ridership. However, the draft EIR does not address this increase because the CCJPA does not manage freight traffic. This is an abrogation of CCJPA's ethical responsibilities to the community. There should at least be an attempt to estimate the net emissions so that the community can understand the true benefits and costs of the Project.

217-2

Four years ago, the anticipated cost of the Project was \$264 million. Today, the projected cost of the Project is \$700-900 million. This is more than a 300% increase in only 4 years, even though the general Project plan has not changed nor will there be additional benefits realized. Indeed, given the 50% reduction in ridership and substantial increase in freight service along the Oakland-Niles rail line, there will be a net reduction in benefits. If CCJPA believes the scope of the Project has substantially increased in the past 4 years to justify the massive increase in anticipated costs, then it should educate the public about and permit the public to comment on those changes.

217-3

Much of the draft EIR assumes the Project will be completed and operational by 2025. Clearly, this is an outdated assumption. The environmental impact assessments and the Project scoping should be redone based on updated data and assumptions, including updated expected ridership (in light of the 50% reduction since 2019), construction timeframe, likely completion date, and time needed to obtain the required \$700-900 million in funding. Given the dramatic change in circumstances and substantial increase in projected cost since the Project was initially scoped, we should reconsider the need for and benefits of the proposed Project.

217-4

The draft EIR evaluated a "No Project" alternative but rejected it because the proposed goals for the Project would not be met. Specifically, under the "No Project" alternative, route times between Oakland and San Jose would remain the same, additional ridership would not occur, and roadway congestion and greenhouse gas emissions would not be reduced. However, the proposed Project would not meet these proposed goals either.

217-5

- Route times are reduced by 13 minutes only because the Project abandons the Hayward station (which significantly harms the Hayward community).
- No evidence has been provided that ridership would recover the 50% it lost post-pandemic and increase by 2,000 passengers as desired.
- The anticipated reduction in roadway congestion would be less than 1%.
- There would be diminishing environmental benefits resulting from reduced traffic as cars are designed to expel increasingly lower emissions.
- There will be a net increase in greenhouse gas emissions from the substantial increase in freight traffic that would be enabled on the Oakland-Niles rail line.

Furthermore, the draft EIR does not adequately address significant risks to the impacted communities and environment. The noise and vibration analysis takes a very narrow view of impacted stakeholders. For those living in the communities near the Coast rail line, the draft EIR does not identify any adverse noise or vibration impacts during on-going operation of the rail line. However, this ignores the very real increase in noise and vibration residents will feel, which studies have shown leads to chronic stress, diabetes, and even breast cancer.[6],[7],[8] Also, the draft EIR does not anticipate any additional needs for fire or police, even though the Ardenwood train station will bring additional traffic and possibly crime to the area.[9] Fremont will not get any additional resources to deal with the increased traffic and crime.

217-6

Furthermore, the draft EIR only evaluated the potential impact of sea level rise and inundation to the year 2050 (likely because the EIR assumed Project completion in 2025), even though the design life of the Project is at least 75 years (i.e., to year 2100). Since the estimated cost is nearly \$1 billion and the Project isn't projected to be completed until almost 2030, shouldn't the assessment cover a longer period, such as the full design life of the Project, rather than a useful life of only 20 years? Also, the draft EIR does not assess:

- impact on the regional parks, shoreline, and wildlife refuges located very near the Coast rail line (some at less than a quarter of a mile);
- the environmental impact of double tracking and bridge upgrades along the Coast rail line; nor
- how the Project organizers will ensure that proposed mitigations are actually put in place, as some mitigations require construction companies to take precautionary measures on a daily basis.

Taxpayers are already footing the bill for the BART extension into San Jose, which is going to cost nearly \$13 billion. It does not make sense to spend another \$1 billion to enable a duplicative route. For those commuters wishing to travel to the Peninsula from the Sacramento area, they can transfer to BART at the Oakland station and then take Caltrain. Or they can transfer to BART and get off at the Fremont or Union City BART stations, where there are both public and private bus connections. Most private company shuttles already make stops at one or

217-7

both BART stations.

Finally, the community has not been provided with proper due process for this Project. The public did not have sufficient time to consider Project scoping and provide feedback in 2020. The 45-day public commenting period for Project scoping was June 29, 2020 to Aug. 13, 2020. This was at the heart of the pandemic when millions of people were dying from COVID-19. Everyone was focused on the pandemic. Having the public commenting period for a crucial part of the Project during one of the most stressful times in our lifetime is insufficient for proper due process.

I urge you to put a stop to the South Bay Connect Project. For the \$1 billion price tag, we should consider other alternatives that will be more effective and cost efficient.

Thank you.

[1] https://www.southbayconnect.com/documents/Individual%20Resource%20Files%20for%20Ch.%203/3.4%20Air%20Quality_MASTER.pdf.
Page 3.4-10.

[2] <https://www.ccperformance.org> indicates that ridership dropped from 1.8M in 2019 to 0.7M in 2022 and 0.9M in 2023. With most people having returned to in-office work in 2022 and 2023, it's unclear what will drive recovery of ridership to 2019 levels and a 2,000 increase in ridership.

[3] https://www.alamedactc.org/wpcontent/uploads/2020/01/Freeway_System_FS_Jan2020.pdf indicates peak daily number of vehicles on I-880 at A St. Hayward is 277,000 (based on 2018 data).

[4] https://www.southbayconnect.com/documents/Individual%20Resource%20Files%20for%20Ch.%203/3.4%20Air%20Quality_MASTER.pdf.
Page 3.4-28.

[5] Information on planned increase in freight traffic provided at recent public meetings by Liz Ames, who is an elected official on the BART Board of Directors and a licensed Professional Civil Engineer. Ms. Ames is opposed to the Project and stated at the meeting that this Project is part of a larger plan, of which the public may not be aware or have full information.

[6] <https://www.nationalgeographic.com/science/article/health-risks-living-near-railroads-east-palestine-trains>

[7] <https://pubmed.ncbi.nlm.nih.gov/35588775/>

[8] <https://www.sciencedirect.com/science/article/abs/pii/S0013935121000335>

[9] <https://www.sciencedirect.com/science/article/abs/pii/S0166046215000071>

From: [Marian Hsu](#)
To: info@southbayconnect.com
Cc: Alec.Naugle@waterboards.ca.gov; danielw@acpwa.org; KShackelford@fremont.gov; david.benoun@newark.org; joanm@unioncity.org
Subject: ACWD Comments on Draft Environmental Impact Report for the Capitol Corridor South Bay Connect Project
Date: Monday, July 15, 2024 10:34:48 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[Final DEIR ACWD Comments for South Bay Connect \(signed\).pdf](#)

Attn: South Bay Connect DEIR

218-1

Please see the attached PDF for ACWD's Comments on the Draft Environmental Impact Report for the Capitol Corridor South Bay Connect Project.

Thank you,
Marian



Marian Hsu
Exec. Assistant/District Secretary

Email: marian.hsu@acwd.com
Office: 510-668-4202
43885 S Grimmer Blvd., Fremont, CA 94538
www.acwd.org



BOARD MEMBERS

43885 SOUTH GRIMMER BOULEVARD • FREMONT, CALIFORNIA 94538
(510) 668-4200 • www.acwd.org

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Operations and Maintenance

GIRUM AWOKE
Engineering and Technology

LAURA J. HIDAS
Water Resources

JONATHAN WUNDERLICH
Finance and Administration

July 15, 2024

VIA ELECTRONIC MAIL

Capitol Corridor Joint Powers Authority
info@southbayconnect.com
Attention: South Bay Connect DEIR
2150 Webster Street, 3rd Floor
Oakland, CA 94612

Dear Capitol Corridor Joint Powers Authority (CCJPA),

Subject: Draft Environmental Impact Report for the Capitol Corridor South Bay Connect Project

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Capitol Corridor South Bay Connect Project (Project).

218-2

ACWD is providing comments based upon concerns for water supply, water quality, and ongoing fish passage projects and existing ACWD facilities that may be affected by the various alternatives contemplated in the Capitol Corridor South Bay Connect Project. ACWD supplies water to a population of over 344,000, primarily in the cities of Fremont, Newark, and Union City. ACWD was formed in 1914 for the purpose of protecting the Niles Cone Groundwater Basin (Niles Cone) and conserving waters of the Alameda Creek watershed. Local runoff, along with water imports, is percolated into the Niles Cone through in-stream percolation and off-stream recharge ponds within the Quarry Lakes Regional Recreation Area and surrounding areas under permits issued by the State of California. Groundwater is subsequently recovered through wells and distributed to ACWD's customers. Alameda Creek and the Niles Cone constitute approximately 40% of the water supplies for the cities of Fremont, Newark, and Union City.

In order to better secure the long-term reliability of local water supply in an environmentally sensitive and compliant manner, ACWD and its partners are making major investments of time and resources in various projects to enable the re-establishment of a steelhead fishery in Alameda Creek. ACWD's core mission continues to include efforts that protect the 633 square mile Alameda Creek Watershed and protect the beneficial use of groundwater as a potable water supply.

1) Alameda Creek and Watershed Protection During Construction and Operation: The Project includes Capitol Corridor passenger service as well as freight rail operations crossing Alameda Creek, and construction of major infrastructure in this highly sensitive environment. ACWD is particularly concerned with potential impacts that the Project may have on water quality, water supply, and fisheries restoration in Alameda Creek. ACWD requests that the Project EIR and final Project design and planning efforts fully address the following:

218-3

- a. Pollution Prevention: ACWD appreciates the inclusion of BMP's HYD-1 through 10 and would like to emphasize the importance of selecting Best Management Practices (BMPs) which minimize adverse impacts to the quality of water in Alameda Creek. ACWD has a strong interest in ensuring the highest level of water quality possible in Alameda Creek and its watershed during and after construction and encourages any permanent pollution prevention improvements accomplished by construction and long-term use of the Project.
- b. Notifications: ACWD must be included on the list of first responder agencies who are provided prompt notification of railroad accidents causing, or having the potential to cause, contamination of waters within the Alameda Creek watershed, and in particular, the unimproved and improved reaches of Alameda Creek, as well as the Niles Cone or impacts to ACWD facilities. In the event of a railroad accident, hazardous material release, or other pollution event in the Alameda Creek watershed, ACWD requests that the Project implement a 24-hour rapid notification system (e.g. phone numbers, contact names) to immediately alert first responders and ACWD of water quality incidents so actions can be taken to minimize or prevent pollution of potable groundwater supply. This plan can be coordinated with ACWD's Water Supply Supervisor, Leonard Ash, who can be reached at (510) 668-6539 and Leonard.Ash@acwd.com.

2) Protect Water Quality, Habitat, and Threatened Species: ACWD, in a joint effort with the Alameda County Flood Control and Water Conservation District (ACFCD), is currently operating fish ladders to provide passage across the migratory barriers presented by ACWD's Rubber Dam No. 1, Rubber Dam No. 3, and the ACFCD drop structure in Lower Alameda Creek. The upper Alameda Creek Watershed is accessible to migrating Central California Coast (CCC) steelhead (*Oncorhynchus mykiss*), a federally listed threatened species, and other anadromous fish such as salmon. These species migrate in and out of San Francisco Bay via Alameda Creek.

218-4

As a result, ACWD provides the following comments related to CCC Steelhead and Other Anadromous Fish Passage for your consideration:

- a. ACWD appreciates the inclusion of mitigation measures MM BIO-1, MM BIO-8, MM BIO-9, and MM BIO-10, MM BIO-17, and MM BIO-19. ACWD requests that in addition to ensuring continued passage of CCC steelhead and other anadromous fish such as salmon, that the Project avoids the creation of predatory holding habitats.
- b. MM BIO-8 states that "The specific work windows will be in accordance with the terms of the NMFS Programmatic Biological Opinion (June 15 to October 15) and as determined during NMFS consultation, if warranted." ACWD requests that NMFS consultation occurs and that ACWD be kept informed of discussions and decisions regarding the Project and fish passage as it pertains to CCC steelhead and other anadromous fish such as salmon.

<p>c. Appendix C, Attachment 1, Table A-1 does not appear to list Central California Coast steelhead. ACWD requests this species be added (it may be that the font color of the “Species” is not appearing in the DEIR) to the table.</p>	<p>218-4</p>
<p>3) <u>ACWD’s Groundwater Management and Protection</u>: ACWD requests that the following potentially significant impacts to the protection of groundwater be addressed by the EIR:</p>	<p>218-5</p>
<p>a. <i>Sustainable Groundwater Management Act (SGMA)</i>: ACWD appreciates that Section 3.11.2.2 of the DEIR identifies the state regulations relevant to proposed Project and the proposed Project’s consistency with the regulations described, including SGMA. ACWD requests the EIR acknowledge that ACWD is identified by statute to manage groundwater and deemed to be the exclusive local agency within its statutory boundaries to comply with SGMA. Specifically, ACWD is the Groundwater Sustainability Agency for the Niles Cone Subbasin and has an approved Alternative to a Groundwater Sustainability Plan.</p>	
<p>b. <i>Groundwater Well Protection/Destruction</i>:</p> <p>i. ACWD has identified several ACWD-owned monitoring wells located within the Project area. Groundwater sampling and monitoring of these wells is imperative to ACWD’s continued management of the Niles Cone. ACWD requests the Project proponents include a provision in the EIR that Project proponents will coordinate with ACWD and the monitoring wells will be protected during construction activities.</p> <p>ii. In addition, ACWD has identified other monitoring wells and water wells located within or adjacent to the Project area. In order to protect the groundwater basin, each well located within the Project area must be in compliance with ACWD Ordinance No. 2010-01 and must be either protected or properly destroyed prior to or during construction activities. If the well(s) are to remain, a letter indicating so must be sent to ACWD. If the well(s) are: 1) no longer required by any regulatory agency; 2) no longer monitored on a regular basis; or 3) damaged, lost, or the surface seal is jeopardized in any way during the construction process, the wells must be destroyed in accordance with ACWD requirements. Project proponents are encouraged to coordinate with ACWD for assistance in the identification and location of wells within the Niles Cone portion of the Project area.</p>	<p>218-6</p>
<p>c. <i>Hazards and Hazardous Material Contamination</i>:</p> <p>i. Section 3.10.4.1 and Appendix E of the DEIR (Environmental Records Review) provide a summary of the properties determined to represent potential environmental concerns in the area. The EIR should acknowledge that as part of ACWD’s Groundwater Protection Program, ACWD entered into Cooperative Agreements with both the Regional Water Quality Control Board – San Francisco Bay Region (Regional Board) and with the cities of Fremont, Newark (includes the Alameda County Department of Environmental Health), and Union City, which allow ACWD to provide technical oversight for the investigation and remediation at leaking underground fuel tank (LUFT) sites and sites where the pollution is attributed to spills or leaks from structures other than underground fuel tanks now referred to as Site Cleanup Program, or SCP. ACWD also provides assistance within southern portions of the City of Hayward located within the Niles Cone. These Cooperative Agreements further strengthen the interagency coordination and cost-effective implementation of groundwater protection within the cities in order to protect the Niles Cone.</p>	<p>218-7</p>

- ii. Table 3.10-1 and Appendix E of the DEIR identify the low-, moderate-, high-, critical-, and indeterminate-risk sites within the Contamination Resource Study Area (RSA) (1/8 mile)¹ of the Coast Subdivision. ACWD has briefly reviewed the list of sites provided in Table 3.10-1 and Appendix E of the DEIR and has identified several LUFT and SCP sites that are located within the Contamination RSA but not identified; for example, the FMC Corp. site (GeoTracker ID SL20240858), the Baron-Blakeslee site (GeoTracker ID SL20268886), and the Thornton Business Center site (GeoTracker ID T0600101358). Please refer to the properties identified on the State Water Resources Control Board's GeoTracker database and the California Department of Toxic Substances Control's EnviroStor database to identify all open and closed cleanup sites located within the Contamination RSA in the Final EIR. It's important to also determine which closed sites have remaining contamination in soil or groundwater but were determined by the regulatory agency to be low threat. Many of those sites have management criteria should soil and/or groundwater be encountered in or adjacent to the sites.
- iii. MM HYD-2: Dewatering Permit in Case of Contaminated Groundwater, discusses what to do should contaminated groundwater be encountered. ACWD requests that MM HYD-2 be modified to include coordination and an approval process with ACWD and the San Francisco Bay Regional Water Quality Control Board regarding the management of contaminated groundwater including within areas of known open or closed cleanup sites in order to ensure that the dewatering activities will not result in migration of existing groundwater contamination plumes.
- iv. BMP HAZ-1: Prepare a Construction Hazardous Material Management Plan (HMMP), states "an HMMP is prepared by the construction contractor, which will outline provisions for safe storage, containment, and disposal of chemicals and hazardous materials, contaminated soils, and contaminated groundwater used or exposed during construction...". ACWD requests the EIR clarify what is meant by "contaminated groundwater used" for the Project.
- v. BMP HAZ-2: Property Acquisition Phase 1 and Phase 2 Environmental Site Assessments, discusses the need for Phase 2 investigations. As required by ACWD Ordinance No. 2010-01, drilling permits are required prior to the start of any subsurface drilling activities for wells, exploratory holes, and other excavations (including those conducted for Phase 2 assessments) within the cities of Fremont, Newark, and Union City.
- d. *Piers, Piles and Caissons*: In order to protect the groundwater basin, ACWD regulates the construction, repair, and destruction of wells, exploratory holes, and other excavations (including piles, piers, and caissons) located within the cities of Fremont, Newark, and Union City under ACWD Ordinance No. 2010-01.

218-7

218-8

As referenced in Section 2.2.3.7, the installation of support piers, piles and caissons are associated with retaining wells and structures, timber bridge construction, and Alameda Creek bridge and Ward Creek bridge replacement. The DEIR does not discuss the potential pile/pier depths. Such features which can intersect an aquifer or may impact the integrity of any aquitard

¹ Page 3.10-12 of the DEIR states, "A 0.125-mile radius is considered "adjacent" to the proposed Project and is used to determine the potential for contaminated media, such as soil or groundwater, to be disturbed by the Project construction or operations."

- located directly above an aquifer are regulated as other excavations under ACWD's Ordinance No. 2010-01. Support piers, piles and caissons are frequently installed similar to wells and exploratory holes. If the annular space between the excavation or borehole wall and the support pier or pile is not properly sealed, it can act as a vertical conduit and may create preferential pathways that allow pollutants (including saline water) to rapidly infiltrate the subsurface and impact groundwater. The Newark Aquifer, the shallowest regional drinking water Aquifer within the Niles Cone, is located as shallow as 35 feet within some areas of the Project. For this reason, Project proponents should coordinate the design of these features with ACWD to ensure the protection of groundwater resources. 218-8
- e. *Geotechnical Information:* Section 3.8.5 of the DEIR (Best Management Practices) indicates that BMP GEO-1 (Geotechnical Investigations) "requires CCJPA to conduct geotechnical investigations to inform Project design." As stated in Comment 3d above, the DEIR does not discuss the potential pile/pier depths. ACWD requests that any geotechnical reports generated for the Project be included as an appendix to the Final EIR. In addition, ACWD requests that Project proponents submit all geotechnical data for the Project site within the cities of Fremont, Newark, and Union City, to ACWD for review and comment to ensure the protection of groundwater resources from creating preferential pathways or interconnection of aquifers and/or water-bearing zones and to assist in ACWD's drilling permit application review process (discussed in Comment 3g below). The geotechnical information provided should include the ground surface elevation during the time of drilling and exploratory borehole information. 218-9
- f. *Dewatering:*
- i. Since groundwater is an important component of ACWD's water resources, and groundwater dewatering is likely within the Project area, the EIR should estimate the amount of water that may be extracted by dewatering and the potential impact of the Project on the local drinking water supply. Alternative designs should be evaluated that would minimize the amount of dewatering required during and subsequent to construction. Per the Replenishment Assessment Act of the Alameda County Water District (Replenishment Assessment Act), groundwater losses due to dewatering should be measured and may be subject to a replenishment assessment fee. Mitigation measures should be proposed to replace all significant losses of ACWD's water supplies. 218-10
- ii. Page 3.11-61 states "Clean groundwater could be used for dust control". Any groundwater extracted within ACWD's service area that is used for dust control is considered beneficial use and is subject to the Replenishment Assessment Act. Therefore, the EIR should discuss the ACWD Replenishment Assessment Act as a regional regulation relevant to the proposed Project, and to which the proposed Project will be subject, in the Regulatory Setting section.
- iii. Section 3.11.6.2 indicates that, "a dewatering permit would be obtained from ACWD during construction," if required. Please note that ACWD regulates the installation and destruction of dewatering wells under ACWD's Ordinance No. 2010-01 such that ACWD permits are required for dewatering well installations and destructions. ACWD does not require a "dewatering permit"; rather, a permit is required for installation and destruction of dewatering wells, and any extracted volumes may be subject to the ACWD Replenishment Assessment Act.

- g. *Drilling Permit Requirement:* As required by ACWD Ordinance No. 2010-01, drilling permits are required prior to the start of any subsurface drilling activities for wells, exploratory holes, and other excavations (such as piles, piers and caissons) within the cities of Fremont, Newark, and Union City. Application for a permit may be obtained from ACWD’s Engineering Department, at 43885 South Grimmer Boulevard, Fremont or online at <http://www.acwd.org>. Before a permit is issued, a cash or check deposit is required in a sufficient sum to cover the fee for issuance of the permit or charges for field investigation and inspection. All permitted work requires scheduling for inspection; therefore, all drilling activities must be coordinated with ACWD prior to the start of any field work.

218-11

Further, the EIR should discuss ACWD Ordinance No. 2010-01 as a regional regulation relevant to the proposed Project, and to which the proposed Project will be subject, in the Regulatory Setting section.

- 4) Section 5.2 Significant Irreversible Environmental Changes and Irretrievable Commitments of Resources: This section of the DEIR states, “...the proposed Project would require approximately 7.4 million gallons of water during construction, but coordination with EBMUD, HWS, and ACWD would allow for most of the water required to come from recycled sources, sparing potable water.” In addition, Table 3.20-3 of the Draft EIR indicates that ACWD is one of three providers of potable and recycled water in the City of Hayward.

218-12

Please note that recycled water is not currently available within the ACWD service area. Further, the use of recycled or other water originating outside ACWD’s service area must be coordinated in advance with ACWD. Other sections of the DEIR discuss the possible use of extracted groundwater from dewatering operations for dust control during construction. ACWD does not consider that to be “recycled sources,” but a direct use of groundwater. Therefore, ACWD requests that this section be modified to reflect the use of recycled water and groundwater. As stated previously, extracted groundwater within ACWD used for dust control is subject to the Replenishment Assessment Act fee.

ACWD also recommends Project proponents coordinate any use of recycled water with other interested parties in the Alameda Creek watershed, such as other water and wastewater utilities in Alameda County, to ensure prevention of potential impacts to water quality.

- 5) Existing ACWD Infrastructure within the Project Area: The following potentially significant impacts to existing ACWD facilities and infrastructure must be addressed by the EIR:

218-13

- a. ACWD has water system infrastructure, including but not limited to, water pipelines, services, valves, and associated appurtenances, monitoring stations, etc., located within the limits of the Project alignment, and the proposed service route (Alternative E). The EIR should include mitigation measures to protect this important infrastructure. In addition, this infrastructure should be included on the plans for the Proposed Project and protected during any construction activities.
- b. ACWD operates the Newark Desalination Facility on ACWD-owned property adjacent to Union Pacific Railroad right-of-way between MP 31.25 and 31.50. This is a critical water production facility for ACWD, and ACWD has no plans to relocate existing facilities or infrastructure in this location or to change the operation of this facility in any way for this Project.

- c. Record drawings of the infrastructure, including pipelines, within the limits of the Proposed Project may be requested and obtained from ACWD. Project proponents may request ACWD 200-scale base map drawings and record drawings along the Project alignment via Public Records Request using the ACWD Next Request PRA portal.
<https://alamedacountywaterdistrict.nextrequest.com/requests/new>
- d. ACWD has no plans to relocate existing facilities or infrastructure for this Project. Any addition of a tunnel, side tracking, double track areas, improvements to crossings, or conversion of at-grade intersections to grade-separated intersections may have significant impacts to ACWD infrastructure which must be coordinated with ACWD and fully mitigated. Relocations resulting from crossing widenings should be noted and borne by the Project.
- e. ACWD has existing pipelines crossing UPRR Right-of-Way at the following proposed improvements to at-grade and bridge crossings along the Project alignment. The Project should reach out to ACWD regarding and potential conflicts to the existing water mains and casings, and proposed track widenings and crossing improvements.

#	Street	City	ACWD Facility	Diameter	Material
1	Whipple Road	Union City (UC)	Pipeline	12-inch	C900 PVC (PVC)
2	Union City Boulevard	UC	Pipeline	14-inch	Asbestos-Cement Pipeline (ACP)
3	Watkins Court to Abalone Court	UC	Pipeline	8-inch	Welded Steel Pipe (WSP)
4	Smith Street	UC	Pipeline	14-inch	WSP
5	Fair Ranch Road to San Pablo Court	UC	Pipeline	12-inch	ACP
6	Alvarado Boulevard	UC	Pipeline	16-inch	WSP
7	Alvarado Boulevard	UC	Pipeline	12-inch	ACP
8	Alvarado Boulevard	UC	Pipeline	12-inch	ACP
9	Lowry Road	UC	Pipeline	16-inch	PVC
10	4827 Barn Dance Street to 33667 Bardolph Circle	Fremont (F)	Pipeline	12-inch	WSP
11	Paseo Padre Parkway	F	Pipeline	16-inch	WSP
12	Tupelo Street to Ridgewood Drive	F	Pipeline	36-inch	WSP
13	Ardenwood Boulevard	F	Pipeline	16-inch	WSP
14	Jarvis Avenue	Newark (N)	Pipeline	14-inch	ACP
15	Haley Street	N	Pipeline	24-inch	WSP
16	Mayhews Landing Road	N	Pipeline	12-inch	ACP
17	Mayhews Landing Road	N	Pipeline	4-inch	ACP
18	Thornton Avenue	N	Pipeline	12-inch	ACP
19	Carter Avenue	N	Pipeline	8-inch	ACP
20	Sycamore Street	N	Pipeline	14-inch	WSP
21	Central Avenue	N	Pipeline	18-inch	WSP
22	Redecker Place to Cargill Salt at Central Avenue	N	Brine Concentrate Pipeline	16-inch	High-Density Polyethylene (HDPE)

#	Street	City	ACWD Facility	Diameter	Material
23	Cherry Street	N	Pipeline	8-inch	ACP
24	Cherry Street	N	Raw Water Pipeline	24-inch	HDPE
25	Cherry Street	N	Raw Water Pipeline	24-inch	HDPE

218-13

- 6) Planned ACWD Capital Improvement Program (CIP) Projects within South Bay Connect Project Boundary: ACWD requests that the Project recognize planned ACWD CIP projects within the proposed Project boundary, including potential significant impacts to the following projects:

218-14

- a. Main Renewal – Whipple (Whipple Road): This pipeline replacement project intersects the Project. The section of pipe within UPRR right-of-way will be replaced along with a new casing.
- b. Alvarado Niles Pipeline Seismic Improvement Project (Smith Street): This project will replace an existing pipeline and casing with a new pipeline and casing within UPRR right-of-way. Design of this project is complete, and construction is expected to start in late 2024 or 2025.
- c. Newark Old Town Streetscape Improvement Project (Thornton Avenue): This project includes the replacement of an existing pipe and casing with a new pipeline and casing in UPRR right-of-way. ACWD is currently working with City of Newark on the waterline replacement component of a larger improvement project. It is expected that construction will be complete in 2026.
- d. Main Renewal – Central Newark (Central Avenue): This project will replace an existing pipeline and casing with a new pipeline and casing. This replacement is in coordination with the City of Newark's Central Avenue Grade Separation project. It is expected to be completed in 2030.
- e. Central Avenue Grade Separation Improvements - Relocations: This project is in coordination with the City of Newark's Central Avenue Grade Separation project and will relocate existing ACWD facilities (including an 18-inch potable water main in Central Avenue, 14-inch potable water main in Sycamore Street, 16-inch non-potable brine concentrate line within Cargill's property, services and appurtenances) outside the alignment of the proposed grade separation (i.e., bridge). It is expected to be completed with the City of Newark's Central Avenue Grade separation project and timeline.

- 7) Section 3.11.8 Cumulative Impact Analysis: This section lists potential cumulative impacts from a combination of the proposed Project and other nearby projects. In the list of projects, the Lower Alameda Creek Fish Passage Restoration in Flood Control District Zone 5, cities of Fremont and Union City (Lower Alameda Creek Fish Passage), is not identified but should be included in the cumulative analysis. Phase 3 of the Lower Alameda Creek Fish Passage project extends 600 feet west the Union Pacific Railroad (UPRR) crossing, where the South Bay Connect Project has plans for the Alameda Creek Bridge replacement (Segment G). Phase 3 of the Lower Alameda Creek Fish Passage project includes cutting below the original U.S. Army Corps of Engineers grade in the Alameda Creek Flood Control Channel, which may result in moving the tidally influenced zone of the Channel further inland to Dry Creek. The Niles Cone is susceptible to saltwater intrusion via the Newark Aquifer and vertical conduits. As previously mentioned, piles and piers can create preferential pathways.

218-15

As stated in Comment 3e above, ACWD requests that Project proponents submit all geotechnical data for the Project site to ACWD for review and comment. As part of ACWD's drilling permit application review process (discussed in Comment 3g above), ACWD will evaluate the subsurface lithology and proposed pile/pier depths to consider the potential for the South Bay Connect Project to introduce saltwater into the Niles Cone, considering the proposed Lower Alameda Creek Fish Passage project.

218-15

- 8) Consultation and Coordination with Non-Tribal Stakeholders (Section 6.4): ACWD requests that the Project list ACWD as an interested party within Section 6.4 and arrange a meeting to discuss these and any other questions or comments from the Project team.

218-16

ACWD Contacts: The following ACWD contacts are provided so that the Capitol Corridor Joint Powers Authority (CCJPA) can coordinate with ACWD as needed during the California Environmental Quality Act (CEQA) process:

- Leonard Ash, Water Supply Supervisor, at (510) 668-6539, or by email at leonard.ash@acwd.com, for coordination regarding ACWD's water supply.
- Michelle Walden, Groundwater Resources Manager, at (510) 668-4454, or by email at michelle.walden@acwd.com, for coordination regarding ACWD's groundwater resources, groundwater wells, and drilling permits.
- Sean O'Reilly, Development Services Manager, at (510) 668-4472, or by email at sean.oreilly@acwd.com, for coordination regarding public water systems and water services.
- Rekha Ippagunta, Project Engineering Manager, at (510)-668-4480, or by email at rekha.ippagunta@acwd.com, for coordination regarding ACWD's Capital Improvement Project program and planned projects.

Again, thank you for the opportunity to comment on the Draft Environmental Impact Report for the Capitol Corridor South Bay Connect Project.

Sincerely,



Ed Stevenson
General Manager

sro/mh

cc: Alec Naugle, San Francisco Bay Regional Water Quality Control Board
Daniel Woldesenbet, Alameda County Flood Control and Water Conservation District
Karena Shackelford, City of Fremont
David Benoun, City of Newark
Joan Malloy, City of Union City

From: [Bruce King](#)
To: info@southbayconnect.com
Subject: Comments on Capitol Corridor South Bay Connect Project & DEIR
Date: Monday, July 15, 2024 11:01:27 AM

Dear Capitol Corridor Joint Powers Authority,

We should not develop a \$1 billion passenger rail project to save 13 minutes and delete train stops in Hayward and Centerville. The proposed South Bay Connect Project, ignores investment plans for housing, jobs and transit connections to the Hayward and Centerville stations along the current Capitol Corridor route.

219-1

The east bay deserves to retain the Capitol Corridor stops at Hayward and Centerville stations, with greater transit connectivity and future transit village development, promoting downtown communities our cities need for new revenues.

219-2

Not explained in the Project is the Capitol Corridor Joint Powers Authority 2016 Vision Implementation Plan to expand passenger and freight trains from Oakland to Fremont and through the east bay, this adds over 50 freight trains daily with freight trains up to three miles long. The South Bay Connect Project and DEIR does not include any mention of the vision plan in detail and safety measures are minimized for pedestrians and vehicles against lengthy, slow freight train traffic. The DEIR does not include sufficient passenger and freight train safety measures.

219-3

Bruce King
3127 Terry Court Castro Valley CA

From: [Michelle Powell](#)
To: info@SouthBayConnect.com
Subject: Comments on SBC Draft Environmental Impact Report
Date: Monday, July 15, 2024 11:20:26 AM
Attachments: [Powell SBC DEIR comments PDF.pdf](#)
[Untitled attachment 00114.htm](#)

To SBC: Attached and below are my comments on the South Bay Connect Draft EIR. Thank you.

Michelle Powell
36966 Niles Blvd.
Fremont CA 94536
(510) 468-2661

Following are my comments on the South Bay Connect DRAFT EIR:

- | | |
|--|-------|
| 1. During the recorded May 16, 2024 Community Working Group virtual meeting, attendees were told we could ask questions and receive responses from South Bay Connect staff right up to the date of the DEIR release on May 29. On May 25, 2024, I sent an email asking questions, but did not receive a SBC staff response until after I noted the lack of response during an SBC virtual public meeting held after the DEIR was released. | 220-1 |
| 2. The two “Virtual Community Meetings” did not allow the community to receive answers to questions asked. Allowing staff to respond could have clarified information for citizens. To avoid answering questions that could assist Alameda County citizens as they pored through the massive DEIR was disrespectful and dismissive. SBC should have extended the comment period to make up for its subpar meeting format and subpar outreach to interested community groups. | 220-2 |
| 3. The DEIR notes multiple times the goal of the 2018 California State Rail Plan and 2016 Vision Implementation Plan is to move passenger rail to the Coast subdivision and move the Coast’s freight over to the Niles subdivision. Yet this proposed project claims that freight traffic on the Coast subdivision will not change. The inclusion of the language telegraphs plans for freight to switch over in the future, even though SBC is currently touting no changes to UPRR freight activities on the Coast subdivision. The impacts of switching freight to other subdivisions should be fully analyzed by this project as part of the regulatory setting it is operating under. The project standing alone in connotes segmentation and piecemealing to avoid full analyses of total impacts. | 220-3 |
| <p>Executive Summary:
“The South Bay Connect Project is a key element in CCJPA’s 2014 Vision Plan Update and 2016 Vision Implementation Plan, both of which call for relocating Capitol Corridor service from the Niles Subdivision to the Coast Subdivision between Oakland and Newark to provide a more direct, efficient, and operationally reliable route from Oakland to San Jose. Improvements to the rail network and operations between Oakland and San Jose are also both components of the 2018 California State Rail Plan, which calls for rerouting passenger rail service from the Niles Subdivision to the Coast Subdivision to facilitate faster travel times.”</p> <p>Population and Housing 3.15.2.2, Transportation 3.18.2.2
2018 California State Rail Plan
“The 2018 California State Rail Plan is a plan to strategize the state’s operational and capital investments toward its statewide travel system. The plan is considered an important element in the comprehensive planning and analysis of statewide transportation investment strategies illustrated in the California Transportation Plan 2040. Specifically, the plan calls for rerouting passenger rail service from the Niles Subdivision to the Coast Subdivision and rerouting freight operations from the Coast Subdivision to the Niles Subdivision to facilitate faster travel times.”</p> | |
| 4. The DEIR clearly states in multiple sections that the goal of this move of Capitol Corridor passenger rail to the Coast subdivision is to reduce travel time between Oakland and San Jose. What is the plan for scheduling Capital Corridor trains’ switch to the single UPRR | 220-4 |

<p>track south of the proposed Ardenwood station and continuing UPRR's scheduled freight trips on the same line? Are potential schedules developed? Are the Capital Corridor trains subject to wait times due to UPRR freight activities? If so, could those wait times affect the purported reduction of 13 commute minutes between Oakland and San Jose?</p>	<p>220-4</p>
<p>5. In the Population and Housing section, 3.15, page 3, this statement is made: "Inconsistency with regional and local plans and policies are not necessarily considered a significant impact under CEQA, unless it is related to a physical impact on the environment that is significant in its own right." This breathtakingly brief sentence dismisses decades of local planning to build Transit-oriented development housing next to existing stations and dismisses the proposed project's abandonment of riders in those areas, forcing them to commute to the new station. Capital Corridor users from the Hayward and Centerville areas will now have to travel several miles to access the train. How can local jurisdictions confidently plan for the future when the state is willing to ignore impacts to their plans and residents?</p>	<p>220-5</p>
<p>6. The project also proposes construction of a State Route 84 Intermodal Bus Facility The DEIR states: "This project proposes the construction of an Intermodal Bus Facility to be located on SR-84 near the Ardenwood Park and Ride Facility to improve access and travel times for regional buses along the SR-84 corridor. Improvements include construction of westbound and eastbound bus stop platforms on SR-84. The SR-84 Intermodal Bus Facility project is located within the cities of Fremont and Newark and crosses UPRR ROW along the Coast Subdivision for the proposed Project. Both projects are being sponsored by CCJPA and coordination would be recommended to limit any potential cumulative impacts." This project is clearly connected to the proposed project, sponsored by the CCJPA and listed as integral to the success of SBC, with outcomes desired that are beyond the scope of the SBC's stated goal of reducing commute time between Oakland and San Jose. The DEIR is omitting detailed description of the Intermodal project and analysis of its impacts. This project should be studied as part of the SBC project as a whole.</p>	<p>220-6</p>
<p>7. In Transportation Section 3.18, pages 4-5, it is noted: "The 2016 Capitol Corridor Vision Implementation Plan is a plan for the implementation of capital improvements that are needed to accommodate for future trends such as population increase, business demands, and climate change trends along the Capitol Corridor." "For passenger train travel between Oakland and Diridon Station in Downtown San Jose, several possible rights-of-way already exist. Each is a freight corridor, and the Capitol Corridor currently uses segments of two of them. "If the Capitol Corridor had exclusive use of any of the alignments—with existing freight relocated to another right-of-way (ROW)—then service could be greatly expanded prior to electrification and other improvements to speed up service." This telegraphs a clear desire to move freight to a separate right of way, therefore the impacts of potential future relocation of freight to other ROWs should be analyzed. It also telegraphs potential extension of the additional track further south. This and above-mentioned segmented projects should be examined along with the South Bay Connect project as a programmatic whole.</p>	<p>220-7</p>
<p>8. Transportation Section 3.18, pages 11-12: "The purpose of the proposed Project is to create a more direct passenger rail route; significantly reduce rail travel time between Oakland and San Jose, facilitating more auto competitive travel times for intercity passenger rail trips throughout the Northern California area; and promote environmental sustainability by reducing regional VMT and associated GHG emissions."</p>	<p>220-8</p>

<ul style="list-style-type: none"> A. The proposed project claims to reduce VMT, but does not measure VMT added to the region by requiring commuters who formerly used the defunct Hayward and Centerville stations to commute several miles south and west to the Ardenwood Station. These VMT should be quantified and their effects analyzed. B. The proposed project claims to alleviate roadway congestion, but does not address increased roadway congestion from Hayward and Centerville station commuters who would now travel on freeway segments and city streets to reach Ardenwood station. This new congestion should be part of the analyses. C. The proposed project claims to reduce greenhouse gas emissions, but does not address additional greenhouse gas emissions created by commuters who used the Hayward and Centerville stations now traveling to reach the Ardenwood station. These should be analyzed. 	220-8
<p>9. Transportation Section 3.18, Page 15 uses outdated Traffic Volume Assumptions, noting “Opening Year 2025 traffic volumes represents the year the proposed Project would be open to the public.” And “Horizon Year 2040 traffic volumes represents the design year that is 15 years after the opening year.” These should be re-evaluated and updated.</p>	220-9
<p>10. Section 3.18, Page 31, The proposed Project would result in “changes in ridership patterns along the Capitol Corridor route due to the opening of new travel markets (e.g., Transbay travel connections at Ardenwood Station), reducing service travel times between Oakland and San Jose, using a more direct route for Capitol Corridor services.”</p> <ul style="list-style-type: none"> A. “Additional ridership at the proposed Ardenwood Station location in the City of Fremont would result in an increase in traffic around the station.” These anticipated traffic impacts should receive analyses. Increased traffic on city streets and freeway segments as commuters drive to the station should be analyzed. B. “The proposed Project would result in an additional 950 to 1,050 Capitol Corridor systemwide riders per day in the Opening Year 2025 Pre-COVID Basis scenario. For the Opening Year 2025 Post-COVID Basis scenario, there is an expected increase of 480 to 530 riders per day. Systemwide riders per day in the Horizon Year 2040 Pre-COVID Basis scenario would increase by an additional 1,050 to 1,170, and for the Post-COVID Basis scenario, the increase would be an additional 940 to 1,040” These numbers should be updated and cost/benefit ratio of these figures (project cost vs. additional ridership) should be stated in the FEIR. C. Is there information available to the public regarding projected cost of Capital Corridor commuting after the proposed project is completed? Are there public documents comparing current fares to anticipated fare amounts? Sacramento to San Jose? Oakland to San Jose? 	220-10
<p>11. The ridership analysis indicates that between 60 percent and 70 percent of this ridership increase is due to the new local and Transbay travel market served at the proposed Ardenwood Station. In other words, some of this ridership increase is due to services that that have nothing to do with this proposed project’s goal (shaving commute time from Oakland to San Jose). The proposed intermodal bus facility is noted as integral to the success of this project. Its design and potential impacts region-wide are not analyzed as part of this project. There should be a complete analysis of effects this proposed intermodal station will bring, including number of bus trips anticipated, whether public or public and private bus transportation is relied upon for success of this project, impacts of potential additional buses to the region, GHGs potentially emitted, VMTs potentially added in region.</p>	220-11

12. Again, in Hydrology, 3.11, Page 89, the proposed State Route 84 Intermodal Bus Facility is noted. “This project proposes the construction of an Intermodal Bus Facility to be located on SR-84 near the Ardenwood Park and Ride Facility to improve access and travel times for regional buses along the SR-84 corridor. Improvements include construction of westbound and eastbound bus stop platforms on SR-84. The SR-84 Intermodal Bus Facility project is located within the cities of Fremont and Newark and crosses UPRR ROW along the Coast Subdivision for the proposed Project. The SR-84 project would be adjacent to and potentially impact a ACFCD channel within the Newark Slough watershed. Both projects are being sponsored by CCJPA and coordination would be recommended to limit any potential cumulative impacts.” This project is clearly connected to the proposed SBC project and its absence of analysis from this DEIR indicates piecemealing. Potential cumulative impact analyses should be developed.	220-11
13. Since the Ardenwood station design is offered as a conceptual, not final design, will final design and impact analyses of the station, access and circulation routes, and parking lot be included in the FEIR, and will the public be able to provide comment on these elements?	220-13
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From: [diana.brumbaugh](#)
To: [South Bay Connect](#)
Cc: [jeff@alamedacreek.org](#); [jpullen@fremont.gov](#); [President](#); [planning.division@hayward-ca.gov](#);
[info@cbcafremont.wpengine.com](#); [planning@unioncity.org](#)
Subject: Comments to the South Bay Connect DEIR
Date: Monday, July 15, 2024 4:24:17 PM
Attachments: [DEIR Comments - CCJPASouth Bay Connect.docx.pdf](#)

Good Afternoon,

Please see attached letter which includes comments and questions regarding the South Bay Connect project DEIR.

Diana Brumbaugh
Fremont Resident
Niles for Environmentally Safe Trains (Nest)



July 15, 2024

Via e-mail

Capitol Corridor Joint Powers Authority
Attn: South Bay Connect DEIR
2150 Webster St, 3rd Floor
Oakland, CA 94612

Re: Comments on South Bay Connect Draft Environmental Impact Report

221-1

The following are comments on the **South Bay Connect (SBC) Draft Environmental Impact Report** (DEIR). At this time, I support the No Project Alternative.

I remain disappointed and concerned that requests for an extension of the formal DEIR comment period were not granted. This denial negatively impacts the public's trust in your project. While the detail of the DEIR is appreciated, it is an extremely long document that the public needs more time to review.

Although there is a great deal of information presented in the DEIR, there are still areas that need to be addressed by the Capitol Corridor Joint Powers Authority (CCJPA).

- Necessity of the project;
- the inter-relationship between the project and the potential increase of freight;
- connections and alternatives (BART, the South Bay and Peninsula commutes);
- the removal of passenger rail through Union City, Fremont and Hayward; and
- Alameda Creek and fish-passage projects

1. Necessity of Project

221-2

Throughout the DEIR, it is noted that this project is to “improve passenger rail service between Oakland and San Jose”. But, the estimated reduction in commute time of 13 minutes is small in comparison with the scale and potential cost of this project. This comparison of cost versus benefit is only amplified by the small number of passenger rail riders that may be served on the Coast Subdivision.

The Valley Transit Authority (VTA) and Bay Area Rapid Transit (BART) broke ground on June 14, 2024, for the Silicon Valley Phase II Extension Project ([Phase II Project](#)). The proposed SBC project is redundant with this extension which is already under construction. The DEIR needs to provide detailed data on how the SBC project is still needed with the current and under-construction alternatives such as BART. Also,

will the BART extension and the proposed SBC project decrease ridership on both transportation systems due to competing ridership?

221-2

In section 3.4.6.1 , DEIR states ``The 2018 California State Rail Plan projects that rail intermodal traffic in California will increase at a compound annual growth rate of 2.9 percent through 2040 while rail carload traffic will increase at a compound annual growth rate of 1.7 percent through 2040". It also states that "the forecasted projected growth along the rail corridor would still occur with or without project implementation". Please respond to how this is not a direct contradiction of the need for the SBC project as stated in other sections of the DEIR (meaning growth would occur regardless of the 13-minute decrease in passenger rail time).

2. Freight

The DEIR makes it clear that the Capitol Corridor rail system operates under a contract with the owner of the rail corridor (UPRR) and CCJPA/SBC has no ability to affect (or predict future) freight rail operations. It is understood that rail freight is regulated by the Federal government. However, there is documentation of, and a growing concern over, derailments of freight trains, hazardous materials spills, safety at crossings, and environmental and human health risks due to freight, both from the operating of freight trains and from accidents. The DEIR must be augmented to discuss this concern and to identify the potential for increased risks due to an increase in the frequency of freight trains on the UPRR (on the Coast, Oakland and Niles Subdivisions) that could be allowed by the construction of rail improvements and the shift of commuter rail to the Coast Subdivision.

221-3

3. Lack of Commuter Connections

Again, the documented purpose of SBC is to "improve passenger rail service between Oakland and San Jose". The elephant in the room with the DEIR is a lack of addressing any future projects that would connect Ardenwood to the South Bay. Where are the environmental impacts of commuter rail between the Ardenwood Station and its connection to the South Bay? Is there a Notice of Preparation (NOP) and Scoping Plan being prepared by CCJPA for a connection between Ardenwood and San Jose, possibly through Alviso? If so, this DEIR needs to include possible impacts by the whole project, including the route to San Jose, to avoid dividing a project into two or more pieces and evaluating each piece in a separate environmental document which is explicitly forbidden by CEQA.

221-4

Section 3.4.6.1 states "The proposed Project will also improve service between Northern California markets by enhancing connections between high demand destinations, overcoming existing geographic service gaps between job centers and affordable housing on the San Francisco Peninsula". It is clear that thought was given by CCJPA to the Peninsula commute, but any possible environmental impacts from connections to the Peninsula aren't addressed in the DEIR. As there is not currently a passenger rail connector to the Peninsula from the Coast Subdivision, has there been collaboration to incorporate SBC into a larger, regional ridership? Are Peninsula-bound buses going to use the Ardenwood Station? If so, how many and what are the environmental impacts? It is understood that Peninsula counties are not under the authority of CCJPA, however larger regional connectivity should be included in the EIR as it could have an impact on areas noted in the DEIR.

4. Removal of Passenger Rail Through Union City, Fremont and Hayward

Comment number one above addresses the lack of need for the SBC project. In areas where the project proposes to discontinue passenger rail, it again brings into question its overall need. There are established transport hubs or stations in those areas that were embedded in respective cities' long-range plans. Will pulling passenger trains from those stations negatively impact overall ridership? Will it counter the potential positive impacts of SBC by pushing workers in those areas to auto commutes for convenience?

221-5

5. Alameda Creek and Fish-Passage Projects

221-6

Section 3.5 of the DEIR references direct impacts on migration, critical habitat and potential injury or death of steelhead and/or green sturgeon. It also states that the construction of in-water piers associated with the railroad bridge over Alameda Creek would also permanently impact habitat.

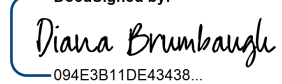
The Alameda County Water District and San Francisco Public Utilities Commission have constructed multiple fish passage and water supply projects to support the restoration of salmonid and other anadromous fish species to the Alameda Creek Watershed. The project has met with success. The first juvenile trout tagged, detected and documented migrating downstream from the upper watershed through lower Alameda Creek in April of 2023. The currently proposed SBC project may jeopardize the progress of Alameda Creek restoration.

If given more time to review DEIR, I believe more questions and comments needing to be addressed would have been discovered, particularly in the areas of cumulative impacts in sections of Chapter 3 and corresponding Appendices.

221-7

Please address the above comments in any follow-up communication or documents.

Respectfully,

DocuSigned by:
 7/15/2024
 094E3B11DE43438...

Diana Brumbaugh

dianabrumbaugh@yahoo.com

Founding Member, Niles for Environmentally Safe Trains

cc: City of Fremont, Joel Pullen, Planning Manager
 City of Hayward, Planning Department
 Union City Planning Division
 Centerville Business and Community Association
 Niles Main Street Association
 Alameda Creek Alliance

From: [Mariam Poklong](#)
To: info@SouthBayConnect.com
Cc: miriam.lens@hayward-ca.gov; List-Mayor-Council@hayward-ca.gov; Dustin.Claussen@hayward-ca.gov; Michael.Lawson@hayward-ca.gov; Alex.Ameri@hayward-ca.gov
Subject: Sienna at Parkside- South Bay Connect
Date: Monday, July 15, 2024 1:38:02 PM
Attachments: [Outlook-11bt5hy5.png](#)
[Outlook-2bjvlj2w.png](#)
Importance: High

Dear Capitol Corridor Joint Powers Authority (CCJPA),

On behalf of the Sienna at Parkside Owners' Association, which represent 332 townhomes and approximately 1,200 residents who immediately surround the Hayward Capitol Corridor stop, we are requesting an in-person meeting to address your proposal to remove the Capitol Corridor train stop from our Cannery Park neighborhood.

222-1

To date, no representative from the CCJPA has invited our HOA to a meeting to discuss the potential removal of the transit service. Many in our community have purchased homes here with the expectation of having a nearby transit center for commuting purposes. Furthermore, numerous studies and empirical evidence have demonstrated that proximity to transit stops significantly enhances the desirability and market value of residential properties. For instance, research conducted by the American Public Transportation Association has shown that homes within a half-mile radius of rail stops experience an average increase in value of 4% to 24% compared to those located further away. Additionally, once passenger service is removed, there are concerns that freight trains will replace passenger trains, which will further decrease property values.

222-2

There are four other surrounding HOA communities in Cannery Pary that also deserve to be heard. We have been in contact with the presidents of three of these four HOAs, and they have told us that they also have not heard from the CCJPA. Together we represent 709 homes and more than 2200 residents. We feel this lack of public outreach is a breach of public trust.

222-3

With the decision deadline approaching on July 15, 2024, we request that you extend the draft environmental impact report by 30 days and hold an in-person meeting for Hayward residents to hear the potential impacts and voice their concerns.

222-4

Sincerely,

Mariam Poklong, Senior Association Manager on behalf of Sienna at Parkside Owners Association

Office: 925-746-0542 Ext: 170

Email: Mariam@BayService.net

Office: 3021 Citrus Circle #205, Walnut Creek, CA 94598

Please note, our offices will be closed on Monday, September 2, 2024, in observance of Labor Day.

Kindest regards,

Mariam Poklong

Senior Community Association Manager

Toll Free/After-Hours:

800-610-0757 (for after-hours emergencies, please select "9")

Office: 925-746-0542 Ext: 170

Email: Mariam@BayService.net

Office: 3021 Citrus Circle #205, Walnut Creek, CA 94598

****Homeowners note:**** In the future, you can find Association information on Caliber Web via www.bayservice.net such as insurance certificates and governing documents. You can also view your HOA account, pay online, and sign up for e-statements. If for any reason you are unable to log in or have misplaced your password, please contact Melissa Pynn, webmaster, at Melissa@bayservice.net.



****After-Hours Emergency Calls:****

If you are experiencing an after-hours emergency, please contact BAPS at (925) 746-0542 or 800-610-0757 and follow the prompts. Please note that each after-hours call is charged to the Association. This line should be used for emergencies only. Emergencies include fire, flood, and major damages in the common areas. Calls charged for owner-responsible issues will be charged back to the owner.

This e-mail, and any attachments, are intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this e-mail message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is prohibited. If you have received this e-mail in error, please notify us immediately by telephone at (925) 746-0542 and delete the email and any attachments. Thank you.

From: [Devan Reiff](#)
To: info@SouthBayConnect.com
Cc: [Edward Willis](#); [Francisco Zermeno](#); [Brian Holt](#); [Jason Rosenberg](#)
Subject: HASPA Comment letter on South Bay Connect
Date: Monday, July 15, 2024 2:01:56 PM
Attachments: [HASPA comment letter_South Bay Connect DEIR_July 2024.pdf](#)

Ms. Qian, attached please find comments on the South Bay Connect project from the Hayward Area Shoreline Planning Agency (HASPA).

HASPA appreciates the opportunity to comment on the project.

Regards,



Devan Reiff
Principal Planner | Planning, Trails, and GIS
East Bay Regional Park District
2950 Peralta Oaks Court, Oakland, CA 94605
T: 510-544-2325
DReiff@ebparks.org | www.ebparks.org

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 Please consider the environment before you print



HAYWARD AREA SHORELINE PLANNING AGENCY

City of Hayward
East Bay Regional Park District
Hayward Area Recreation and Park District
Alameda County Mosquito Abatement District

July 15, 2024

Shirley Qian, Principal Planner
CCJPA – South Bay Connect
2150 Webster St., 3rd Floor
Oakland, CA 94612

Sent via email to: info@SouthBayConnect.com

Re: Capitol Corridor JPA's South Bay Connect Project Draft Environmental Impact Report

Dear Ms. Qian,

The Hayward Area Shoreline Planning Agency (HASPA) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for Capitol Corridor's South Bay Connect Project (Project). HASPA is a fifty-four year old Joint Powers Authority, now comprised of the East Bay Regional Park District (EBRPD), the City of Hayward, Hayward Area Recreation and Park District (HARD), and Alameda County Mosquito Abatement District. EBRPD acts as the Managing Agency for HASPA, and staff has prepared this letter on behalf of the HASPA Board of Trustees, who reviewed its contents.

HASPA has dual goals of protecting the Hayward shoreline area's marshlands from industrial, commercial, and residential development and protecting the shoreline and adjacent communities and infrastructure from the effects of climate change, especially sea level rise (SLR). In 2021, HASPA adopted the Hayward Regional Shoreline Adaptation Master Plan (HASPA Master Plan) which lays out a comprehensive vision for facing the challenge of SLR at the Hayward area shoreline while enhancing habitat and access for recreation and protecting critical infrastructure.

The Proposed Project reroutes current passenger rail service onto the Coast Subdivision Union Pacific Railroad right of way (ROW), adding of 17 miles of new double-track¹. HASPA is particularly interested in the proposed Project's potential effects on the Hayward area shoreline and future infrastructure projects proposed in the HASPA Master Plan, specifically Segments C and D, where the Project's proposed new double track borders the Oro Loma Marsh, in the HASPA service area.

Staff have reviewed the DEIR and would like the Capitol Corridor JPA to consider the following:

¹ Draft EIR, Section 2.2.33.1



HAYWARD AREA SHORELINE PLANNING AGENCY

City of Hayward
East Bay Regional Park District
Hayward Area Recreation and Park District
Alameda County Mosquito Abatement District

1. **HASPA Master Plan reference in the DEIR:** The HASPA Master Plan contains 17 proposed projects ranging from horizontal levees to marshland restoration, to public education, to plan for, mitigate against, and adapt to SLR. Some of these proposed projects, including the Oro Loma Interim Levee and the Oro Loma LOP (line of protection), are adjacent to the proposed project. HASPA requests that a reference and description of the HASPA Master Plan be added to the DEIR's "Regulatory Settings" sections of Chapter 3.17 – Recreation and Chapter 4 – Sea Level Rise, and any other chapters' Regulatory Settings sections where a reference be appropriate.

224-2

2. **Right-of-Way (ROW) potential expansion into Oro Loma Marsh:** Oro Loma Marsh is adjacent to the proposed Project on the west side of the Union Pacific Railroad tracks between Keller Avenue in San Lorenzo and the southern end of the former Skywest Golf Course in Hayward. Oro Loma Marsh is operated by EBRPD as part of the Hayward Regional Shoreline and is composed of parcels owned by EBRPD, the State of California, and the United States Fish and Wildlife Service. The DEIR states that:

224-3

(N)one of the proposed permanent improvements (Chapter 2 Project Alternatives) would alter any recreational features within the... Hayward Regional Shoreline.... Right-of-way would not be acquired from any of the parks. Further, temporary and permanent improvements adjacent to the Bay Trail would occur within the existing UPRR right-of-way or within existing public roads and would not alter any recreational features of the Bay Trail. (Section 3.17.6.2)

However, the "Proposed Project" section of the DEIR notes that "Permanent ROW acquisitions...would be required throughout the Project corridor for construction of the second track..." (pg. 2-16). And the detailed designs in Appendix A indicate that approximately five feet of additional ROW may need to be acquired by Capitol Corridor from the Oro Loma Marsh properties, totaling, overall, approximately 20,000 sq. feet in the Hayward shoreline areas of the Project's Segments C and D (maps "PO23-PO26"). HASPA requests that the DEIR clarify the correct amount of square footage of additional ROW needed, and demonstrate that there are no biological or recreational impacts to the affected parkland. Also, it is not clear from the current DEIR language what the impacts of the expanded ROW for the second track would be to the existing stormwater channel operated by Alameda County Flood Control District, and separately, what, if any impacts there might be to land owned by EBRPD, California, and the United States.

3. **First Mile Horizontal Levee Project:** The East Bay Dischargers Authority (EBDA) is managing the design of the First Mile Horizontal Levee, a nature-based solution for SLR adaption in the Oro Loma Marsh, adjacent to residential neighborhoods in San Lorenzo and in the City of Hayward, as well as San Lorenzo Community Park. The First Mile Levee is currently at the thirty percent design stage and is noted in the DEIR in Chapter 4 – Sea Level Rise, on page 4-27 as an example of a project that Capitol Corridor "may collaborate or form potential partnerships with" (pg. 4-25).

224-4



HAYWARD AREA SHORELINE PLANNING AGENCY

City of Hayward
East Bay Regional Park District
Hayward Area Recreation and Park District
Alameda County Mosquito Abatement District

However, the Project will potentially have an impact on the design and regulatory permitting of the First Mile Levee project which is not acknowledged or studied in the DEIR: as noted above, the Project proposes five feet of new ROW in addition to land currently owned by UPRR, to build a second track of the Coast Subdivision. In the Project's Segments C and D, that five feet of new ROW is on land currently in the design for the First Mile Horizontal levee.

224-4

Because of this potential design conflict in the Oro Loma Marsh segments of the Project, HASPA requests:

224-5

- That the First Mile Horizontal Levee, as a reasonably foreseeable project included in the HASPA Master Plan and currently in design, should be added to Table 3.1 Cumulative Projects List, with the status "Preliminary Design"
- That the design conflict should be addressed between Capitol Corridor and EBDA and a discussion of the regulatory permitting and mitigation challenges which the Project's ROW expansion places on the First Mile Levee should be included in the EIR.

HASPA appreciates the opportunity to comment on the DEIR for the Capitol Corridor's South Bay Connect Project. If there are any questions, or if staff would like to discuss HASPA's concerns related to the proposed Project, please contact Devan Reiff, EBRPD Principal Planner, at dreiff@ebparks.org.

224-6

Sincerely,

Francisco Zerrmeno,
Chair, HASPA Board of Trustees

CC:
City of Hayward
Hayward Area Recreation and Park District
East Bay Regional Park District
Alameda County Mosquito Abatement District
East Bay Dischargers Authority

From: [Jacqueline Zipkin](#)
To: [Shirley Qian](#); info@southbayconnect.com
Cc: [Devan Reiff](#)
Subject: EBDA Comments on South Bay Connect Project's DEIR
Date: Monday, July 15, 2024 4:24:14 PM
Attachments: [EBDA Comments on SBC DEIR.pdf](#)

Dear Ms. Qian,

Attached please find comments of the East Bay Dischargers Authority (EBDA) on the Draft Environmental Impact Report for the South Bay Connect Project. Thank you for the opportunity to comment, and we look forward to working with you to resolve the issues discussed.

Sincerely,

Jackie Zipkin

Jackie Zipkin, P.E. | General Manager
East Bay Dischargers Authority
510.278.5910 Office | 510.206.3820 Cell
jzipkin@ebda.org | www.ebda.org



EAST BAY DISCHARGERS AUTHORITY
2651 Grant Avenue
San Lorenzo, CA 94580-1841
(510) 278-5910
FAX (510) 278-6547

A Joint Powers Public Agency

July 15, 2024

Shirley Qian, Principal Planner
CCJPA – South Bay Connect
2150 Webster St., 3rd Floor
Oakland, CA 94612
Sent via email to: info@SouthBayConnect.com

RE: EBDA Comments on South Bay Connect Project Draft Environmental Impact Report

Dear Ms. Qian:

The East Bay Dischargers Authority (EBDA) appreciates the opportunity to comment on the South Bay Connect Project Draft Environmental Impact Report by the Capitol Corridor Joint Powers Authority (JPA). [EBDA](#) is a joint powers public agency made up of the City of San Leandro, Oro Loma Sanitary District, Castro Valley Sanitary District, City of Hayward, and Union Sanitary District. EBDA also provides service by contract to Livermore-Amador Valley Water Management Agency, which serves the City of Pleasanton, Dublin San Ramon Services District, and City of Livermore. On behalf of these agencies, EBDA sustainably manages the discharge of wastewater from one million East Bay residents and thousands of businesses to the San Francisco Bay.

225-1

For over five years, EBDA has been the project manager and champion for the First Mile Horizontal Levee Project. This project, which is a key element of the [Hayward Regional Shoreline Adaptation Master Plan](#), would improve water quality in the Bay by providing additional wastewater polishing, provide upland refugia and enhanced habitat, and provide flood protection in the face of sea level rise for communities and infrastructure in Hayward and San Lorenzo. As shown in Figure 1, the project is located at the back of Oro Loma Marsh along the same corridor as proposed for the South Bay Connect Project segments C and D (see DEIR Figures 2.4 and 2.5). The First Mile Project has recently completed 30% design, and we have recently been awarded grant funding to continue work through final design and CEQA.

EBDA appreciates Capitol Corridor JPA staff's engagement in First Mile Project stakeholder meetings and the discussion of First Mile in the DEIR chapter on Sea Level Rise as "an opportunity for UPRR to participate on a potential integration of railroad track embankment into a larger SLR embankment/levee structure that consolidates flood defense with an access corridor" (p. 4-27). However, we remain concerned that the DEIR has not adequately considered the impacts of the South Bay Connect Project on the design and permitting of the First Mile.

Regulatory agencies, including the Regional Water Quality Control Board and the U.S. Army | 225-2

CHAIR	VICE-CHAIR	COMMISSIONER	COMMISSIONER	COMMISSIONER	GENERAL MANAGER
Fred Simon	Ralph Johnson	Bryan Azevedo	Angela Andrews	Jennifer Toy	Jacqueline T. Zipkin
Oro Loma S.D.	Castro Valley S.D.	City of San Leandro	City of Hayward	Union S.D.	LEGAL COUNSEL
					Eric S. Casher

Corps of Engineers, have communicated in early consultations that any fill in existing wetlands must be balanced by wetland restoration in order for the project to be permitted. The First Mile Project is therefore trying to impact as little of the Oro Loma Marsh as possible by siting the levee as far back toward the railroad right-of-way as feasible (see Figures 2 and 3). Expansion of the railroad right-of-way as proposed for the South Bay Connect Project (see Appendix A, which notes “Potential R/W Required Extends Approx. 5’ outside UP R/W”), would necessitate moving the First Mile Project further out into the wetland, where any additional impact results in additional mitigation requirements. These mitigation requirements translate to significant additional cost and could render the First Mile Project infeasible.

225-2

EBDA therefore requests that a discussion of the regulatory permitting and mitigation challenges that the South Bay Connect’s right-of-way expansion places on the First Mile Project be included in the EIR.

Additionally, EBDA requests that the First Mile Horizontal Levee be added to the Table 3.1 Cumulative Projects List with the status “Preliminary Design.”

225-3

Thank you for the opportunity to comment, and we look forward to continued collaboration to ensure that the First Mile Horizontal Levee Project is complementary to rather than in conflict with the South Bay Connect Project. If you have any questions or would like to discuss these comments, please feel free to contact me at jzipkin@ebda.org.

Sincerely,



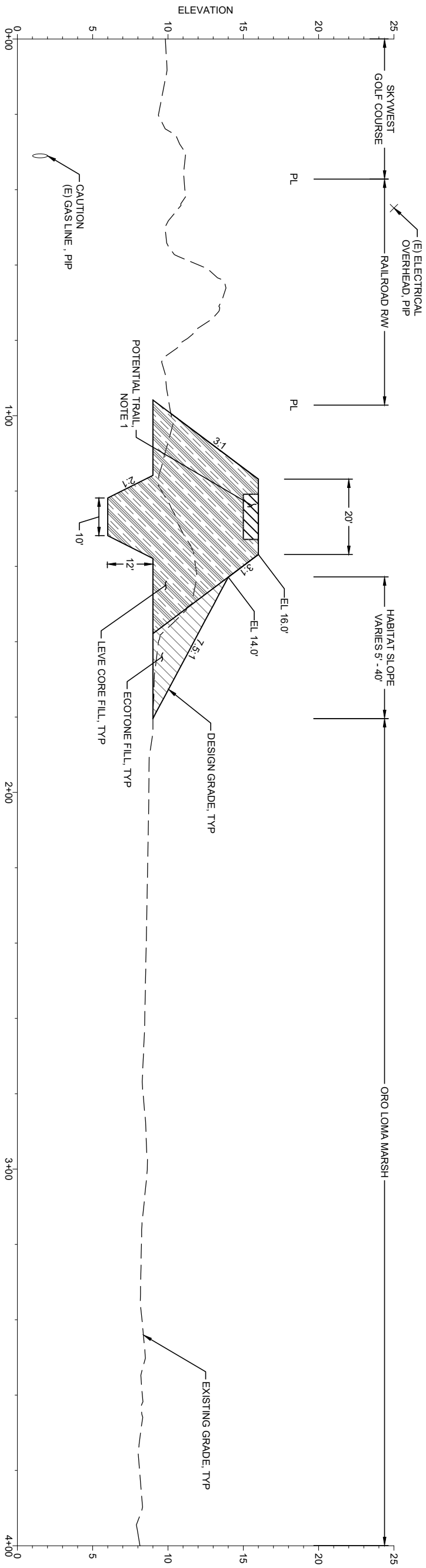
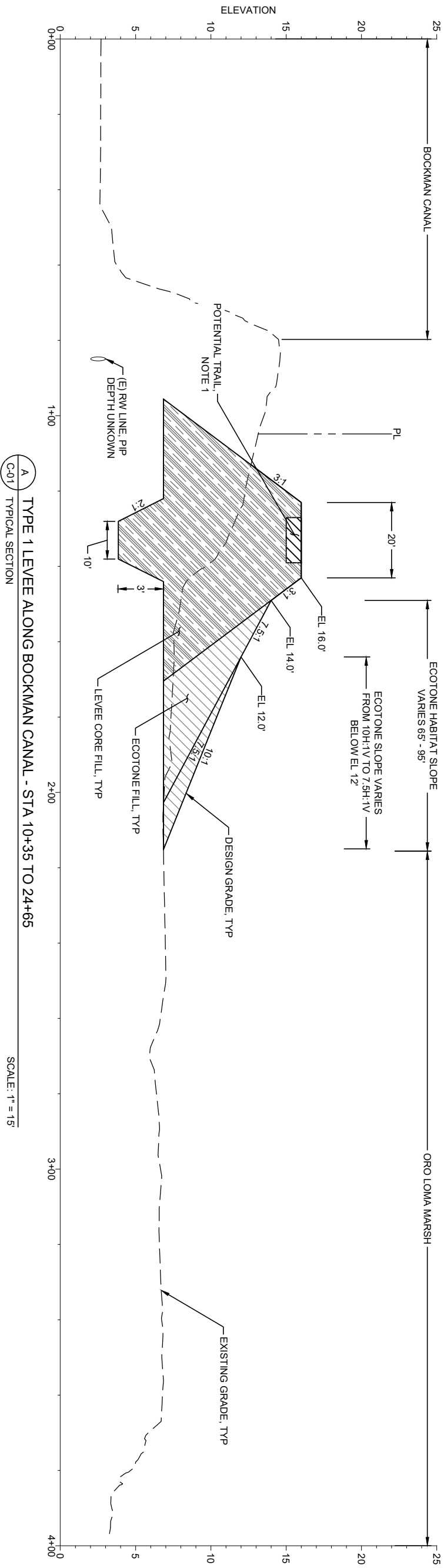
Jacqueline Zipkin, P.E.
General Manager

CC: Hayward Area Shoreline Planning Agency

FIGURE 1



FIGURE 2



- NOTES
1. A TRAIL SECTION TO BE POTENTIALLY ADDED TO THE LEVEE CREST AS AN EXTENSION OF THE BAY TRAIL.

C-01

TYPE 3 LEVEE ALONG RAILROAD TRACKS - STA 55+90 TO 64+75

SCALE: 1" = 15'



550 KEARNEY STREET,
SUITE 800
SAN FRANCISCO, CA 94108
OFFICE - 415.886.5900
WWW.ESASSOC.COM

STAMP

PRELIMINARY
NOT FOR
CONSTRUCTION

CONSULTANT



PROJECT NAME

FIRST MILE HORIZONTAL LEVEE PROJECT

2655 GRANT AVENUE
C-29 SAN LORENZO, CA 94580

REVISIONS

DATE DESCRIPTION

DESIGNED E. DIVITA
DRAWN SM/DH/LT
CHECKED E. DIVITA
IN CHARGE E. DIVITA
C81281

PROJECT NUMBER 201800437.01

ISSUE DATE 06/28/2024

SCALE AS SHOWN WHEN
PLOTTED TO FULL SIZE (22"x34")

PHASE 30% DESIGN

SHEET TITLE

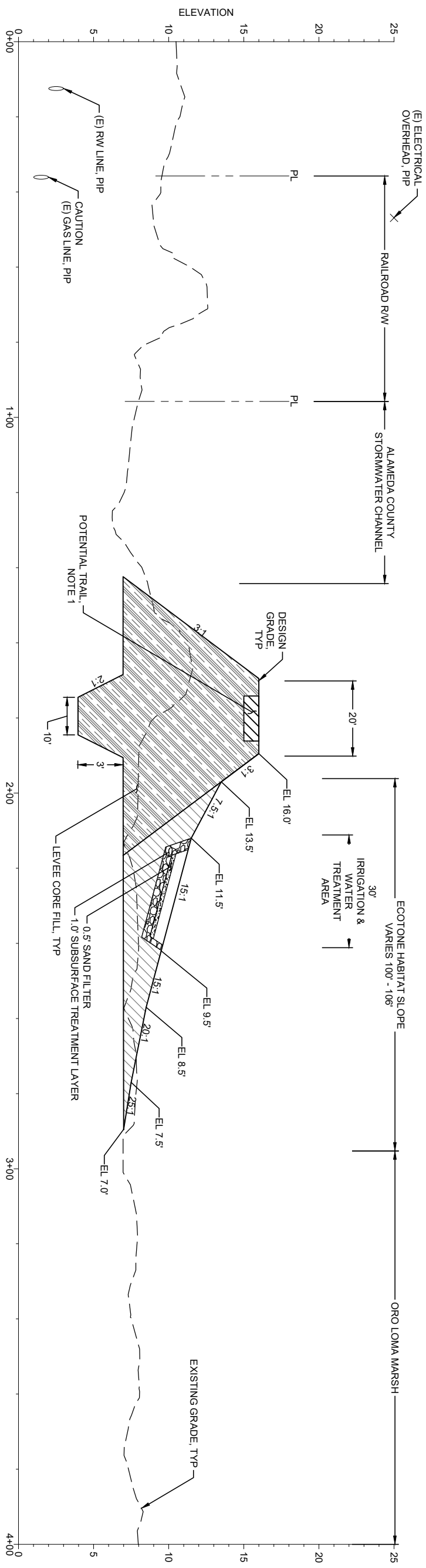
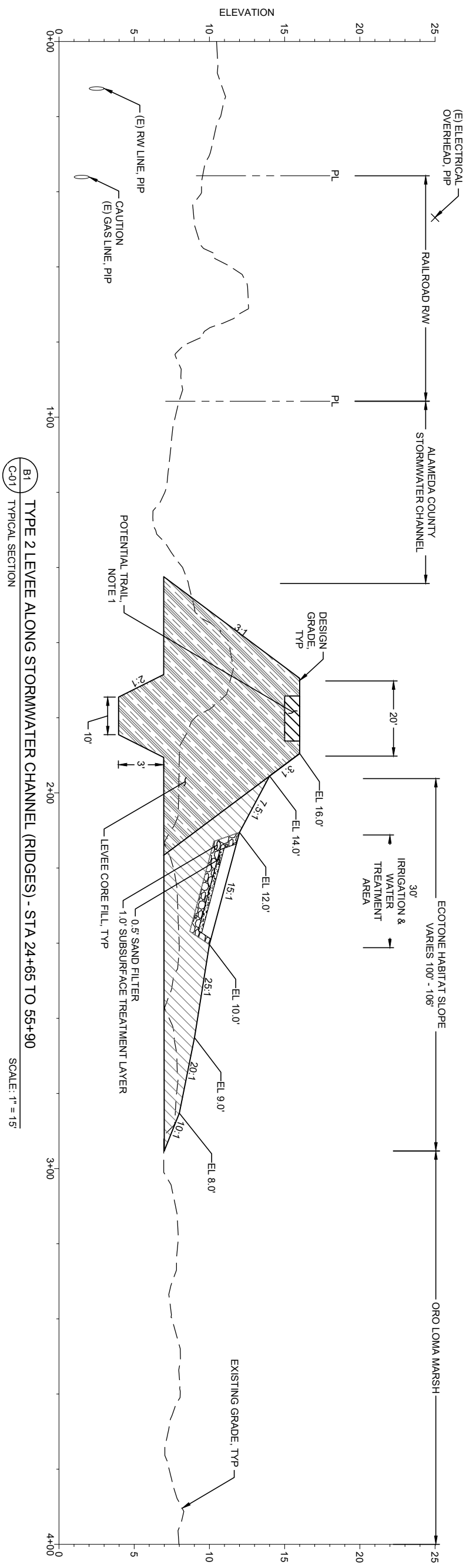
TYPICAL SECTIONS

SHEET NUMBER

C-02

SHEET 7 OF 27

FIGURE 3



NOTES

1. A TRAIL SECTION TO BE POTENTIALLY ADDED TO THE LEVEE CREST AS AN EXTENSION OF THE BAY TRAIL.

B2	TYPE 2 LEVEE ALONG STORMWATER CHANNEL (SWALES) - STA 24+65 TO 55+90
C-01	TYPICAL SECTION

SCALE: 1" = 15'



550 KEARNY STREET,
SUITE 800
SAN FRANCISCO, CA 94108
OFFICE - 415.896.5900
WWW.ESASSOC.COM

AMP

PRELIMINARY

NOT FOR
CONSTRUCTION

CONSULTANT



FIRST MILE HORIZONTAL LEVEE PROJECT

2655 GRANT AVENUE
C-298 SAN LORENZO, CA 94580

PROJECT NAME

REVISIONS	
#	DATE DESCRIPTION

DESIGNED	E. DIVITA
DRAWN	SM/DH/LT
CHECKED	E. DIVITA
IN CHARGE	E. DIVITA
	C81281

PROJECT NUMBER 201800437.0

ISSUE DATE 06/28/2024

SCALE IS AS SHOWN WHEN
PLOTTED TO FULL SIZE (22"x34")

PHASE

30% DESIGN

SHEET TITLE

TYPICAL SECTIONS

SHEET NUMBER

C-03

SHEET 8 OF 27

From: [Connor Webb](#)
To: info@southbayconnect.com
Subject: South Bay Connect DEIR Comments
Date: Monday, July 15, 2024 4:24:15 PM
Attachments: [South Bay Connect DEIR Comments.pdf](#)

Dear CCJPA and South Bay Connect Team, ,

Attached are my comments on the South Bay Connect DEIR.

Thank you,

Connor M. Webb (*he, him, his*)
MD-PhD Candidate
UCLA-Caltech Medical Scientist Training Program
Mobile: 734-787-5719

Subject: South Bay Connect DEIR Comments

Dear CCJPA and South Bay Connect Team,

Generally, I strongly support the goal of the South Bay connect Project to shift the Capitol Corridor to the Coast Subdivision. However, the proposed alternative falls short of the necessary improvements to meet the needs of the surrounding communities and fulfill goals laid out in the Capitol Corridor Vision Plan and the California State Rail Plan. Most concerning is the lack of electrification, lack of additional stations, and lack of a fully double-tracked Coast Subdivision from San Jose to Oakland. That Vision Plan states: “shifting to the Coast Subdivision is the first priority of this plan. Remaining projects to further increase capacity and speed in this segment are recommended to occur around the same time, as they would allow for fast, frequent service between Oakland, Newark, Santa Clara and San Jose as a complement to the BART service farther east.” Those other projects are electrification, ~110 mph speeds, double tracking, level boarding, and freight and passenger rail separation.

227-1

Electrification: The California State Rail Plan calls for 30 minute service on the Capitol Corridor, and this section should be constructed to enable those headways. This includes full double track and overhead contact system (OCS) electrification, as outlined in the Vision Plan. The environmental and performance benefits of overhead electrification are unmatched by any other technology, and transitioning to OCS should be a top priority that is included in this project. With targeted electrification, battery trains (that recharge under OCS) or hybrid locomotives can be used on the Capitol Corridor until the full Sacramento-San Jose route is electrified when other Vision Plan segments are completed. The omission of electrification from the South Bay Connect Project is the most egregious and transformational of any of the items included in this letter, and should by far be the highest priority for inclusion in the project.

227-3

Stations: Whereas the current route on the Niles subdivision duplicates BART service, the Coast Subdivision provides an opportunity to expand transit access to new communities not served by BART or current Capitol Corridor service. Especially with BART Silicon Valley Phase 2, these two services can offer very different routes and stations with similar endpoints in Oakland and San Jose, opening improved trips to those destinations from separate communities. However, the proposed South Bay Connect alternative does not provide any new transit access due to the absence of new stations along the Coast Subdivision except for the Ardenwood station (that in essence only serves to “make-up” for losing Fremont and Hayward stations, rather than expand access). For example, the Ardenwood to Oakland station spacing is 17 miles. I encourage the addition or, at minimum, accommodations for additional stations in the future, such as at San Lorenzo and areas that are ripe for transit-oriented development. The addition of more station stops could increase travel times. However, electric rail performance advantages, level boarding, and a fully double-tracked corridor that allows for local and express services would counteract the impact of additional stops on travel time.

227-4

Level Boarding: The DEIR is not clear if true level boarding will be included at Ardenwood station. All newly-built stations should be built to allow level boarding (such as a freight bypass track or gauntlet tracks if necessary for clearances). Level boarding improves accessibility and comfort while reducing dwell times at stations, improving overall travel times.

227-5

Double tracking, Junctions, and Track Speed: The proposed double tracking plans in the DEIR only call for the addition of a continuous second track from Elmhurst and Newark, but double tracking should be extended from CP Mowry to Santa Clara Station in the Alviso Wetlands for a fully double-tracked corridor from Oakland to San Jose as laid out in the Vision Plan. Additionally, design of a Coast Subdivision to Oakland subdivision connection (as outlined in the Vision Plan to enable a CC viaduct adjacent to BART and an intermodal Oakland Coliseum station on the Oakland Subdivision) should be considered when constructing the Coast Subdivision to Niles Subdivision junction in this project. A flyover or tunnel under the Niles Subdivision will likely be necessary as part of that future project to avoid freight conflicts on the Niles Subdivision, and those structures should be facilitated by any relevant work done in the South Bay Connect Project. In addition, any needed track geometry changes to allow at least 110 mph on the entire Coast Subdivision portion of the Oakland to San Jose corridor should be included now.

227-6

Freight: The Capitol Corridor Vision Plan calls for freight relocation to the Oakland and Niles subdivisions, with only overnight freight on the Coast Subdivision. However, the South Bay Connect plan specifically rejected alternatives that are in line with this vision. More attention to relocation of freight should be included in South Bay Connect.

227-7

Sincerely,

Connor Webb
c.webb34@gmail.com

From: [Ruby Acevedo](#)
To: info@SouthBayConnect.com
Cc: [Sharifa Taylor](#); [Maya Inigo-Anderson](#); [Shana Lazerow](#); [Sarah Chen Small](#); [Marie Calhoun](#)
Subject: Communities for a Better Environment
Date: Monday, July 15, 2024 4:24:16 PM
Attachments: [image001.png](#)
[CBE DEIR Comments South Bay Connect.pdf](#)

Hello,
Please find attached comments from Communities for a Better Environment.

Best,
Ruby Acevedo

Ruby Acevedo (she/her)
Senior Staff Attorney, East Oakland
Communities for a Better Environment
100 Hegenberger, Suite 270
Oakland, CA 94621
www.cbecal.org

COMMUNITIES
FOR A BETTER
ENVIRONMENT
established 1978

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July 15, 2023

James R. Allison, CJJPA Planning Manager

Shierly Qian, CJJPA Principal Planner, Project Manager

RE: South Bay Connect Project Draft Environmental Impact Report

Dear Capitol Corridor Joint Powers Authority,

Communities for a Better Environment (CBE) has reviewed the Draft Environmental Impact Report (DEIR) prepared by Capitol Corridor Joint Powers Authority the assess the environmental impacts of a proposal to relocate the Capitol Corridor passenger rail services from Niles and Oakland subdivisions to the Coast Subdivision between Oakland and Newark.

CBE is a community-based environmental justice organization located in Southern and Northern California. In Northern California, CBE works with community members in East Oakland who live near the locations identified by the proposed Project for upgrades, construction, and demolition of existing facilities within the City of Oakland. Before enumerating specific concerns with the project's potential environmental impacts, we begin with important contextual information regarding vital community development and empowerment that must inform the analysis.

Introduction

For decades, CBE has advocated at the local, state and federal levels to incentivize clean, accessible transportation that reduces impacts on near-freeway communities like those where we organize in East Oakland, Richmond, Southeast Los Angeles and Wilmington. Emissions from passenger and freight transport are among the greatest impacts experienced by these communities, who breathe diesel particulate emissions where they sleep, learn, play and pray. Clean, well-functioning rail is an important alternative to heavily-congested freeways as well as polluting short-haul flights. As such, CBE is well-positioned to support a project to improve Amtrak service. Upon reviewing the DEIR, however, we are concerned that the project description is so ambiguous that it prevents decision-makers and the public from understanding the project's components. The impacted communities cannot meaningfully participate because of the lack of detail and specificity of the proposed project potential. As it stands now, the DEIR only provides vague conceptual components, with no specific information about how and when the components will be implemented or whether they will be implemented at all.

Southern California
6325 Pacific Blvd., Suite 300
Huntington Park, CA 90255

Richmond
340 Marina Way
Richmond, CA 94801

East Oakland
100 Hegenberger Rd., Suite 270
Oakland, CA 94621

CBE urges the CCJP to adopt the following principles for clean transportation investments:

228-3

- Prioritize zero-emission technologies
- Prioritize technologies that have the highest criteria, toxic and greenhouse gas reduction outcomes
- Avoid creating new burdens
- Prioritize community-led transportation solutions
- Help increase clean transportation access and affordability and reduce barriers to adoption and use.
- Must address the presence of “mobile source magnets” in the most impacted communities (i.e.: the congregation of many mobile sources of pollution, such as may occur at heavy-duty diesel vehicle facilities or freight facilities)
- Investments must address and seek to correct existing economic inequities in communities and among workers

I. The Project description is inadequate because it sets forth possible components of the project but leaves open many questions as to what construction, demolition, and ongoing operations will occur and when.

228-4

The description of the project in the DEIR is not specific enough to enable CBE to raise all potential concerns regarding the environmental impacts and mitigation measures of the proposed project. Specifically, the DEIR repeatedly uses language that calls into question what the proposed project entails:

- “The proposed Project also *recommends* a new intermodal station...” (ES-8)
- “The UPRR Coast Subdivision includes improvements...*which may include*” track and civil improvements. (ES-9)
- “The following existing at-grade crossing...*may require modifications* due to the installation of new rail infrastructure, *potentially including* new or modified” devices.
- “*some* crossings *may require* pier protection...and modification” (ES-11)
- “Existing railroad bridges *would be replaced or modified...*” (ES-13)
- “existing single-track bridges *are expected to either be widened* to accommodate an additional track *or replaced entirely* with new bridges to accommodate two tracks.” (ES-13)
- “construction *would generally* consist of the following” (ES-15)

- Continued planning coordination with UPRR and other partners, as well as more detailed design *may require additional CEQA* if the footprint of disturbance increases at any location. (ES-70)
- Permitting will be conducted by CCJPA at 60% design (currently at 30% design); *if, during permitting*, changes in design are requested by resource agencies, changes would need to be assessed to ensure still in alignment with CEQA. (ES-70)
- “Sidewalk ADA improvements, replace existing crossing equipment, *as needed, potential* roadway surfacing, stripping, and signage” (2-17)
- 98th Avenue Oakland: “ADA improvements, replace existing crossing equipment *as needed, potential* roadway surfacing, stripping, and signage” (2-17)
- 105th Avenue Oakland: “Addition of one track, potential road re-profiling near crossing, sidewalk ADA improvements, replacing existing crossing equipment *as needed*, striping, and signage” (2-17)
- Edes Avenue Oakland: Addition of one track, potential road re-profiling near crossing, sidewalk ADA improvements, replace existing crossing equipment (gates, arms, signal cabins) *as needed*, striping, and signage
- Knight Street/ Kerwin Avenue Addition of one track, potential road re-profiling near crossing, sidewalk ADA improvements, replace existing crossing equipment (gates, arms, signal cabins) *as needed*, striping, and signage.

228-4

The Project description’s inadequacies have important implications for both the environmental impact analysis and identifying appropriate mitigation measures. The impact of the proposed Project and necessary analysis is tied to details regarding how the Project is to be constructed and operated. The FEIR must specify the significance of those items listed as “recommended.” Specifically, it must disclose to the public whether those recommendations are part of the Project and if so, provide the appropriate analysis of environmental impacts. The FEIR must also include detailed information about Project components that are listed to occur “as needed,” included as “either or” possibilities, or described “generally.” The speculative nature of the Project description effectively prevents meaningful public participation.

II. The DEIR includes only a brief, broad, and speculative description of potential upgrades, modifications, replacements, and improvements but does not specify where and when these may occur.

228-5

We understand the proposed project will also discontinue a service route currently operating in East Oakland and proposes to construct a new service route near low-income neighborhoods

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already burdened by environmental stressors. Based on the DEIR, the Project includes the following components in the city of Oakland:

228-5

- Proposed Tracks near 98th Ave and other unidentified areas near Knight St, Nattress Way, Douglass Ave, Kerwin Ave, Cary Ave, and Edes Ave (Appendix A- Alternative E, Page 4, 5, 6, and 7)
- Proposed Roadway Improvements in a large portion of 98th Ave including an unidentified cross street (Appendix A- Alternative E, Page 4)
- Grade Crossing Improvements on a large portion of 98th Ave (Appendix A- Alternative E, Page 4)
- Proposed Roadway Improvements in a large portion of Edes Ave. and Cary Ave. (Appendix A- Alternative E, Page 5)
- New Rail and Station Disturbance Area- Permanent in an unidentified area parallel to Edes Ave. (Appendix A- Alternative E, Page 5)
- Proposed Roadway Improvements in a large portion of Knight St, Nattress Way, Douglass Ave, Kerwin Ave, (Appendix A- Alternative E, Page 7)

Section 2.2.3.1 broadly describes Track and Civil Improvements as improvements “*within or adjacent* to the existing railroad right of way on the Coast Subdivision between the railroad junction at Elmhurst in Oakland and the railroad junction in Newark.” This section goes on to list ten fifteen (15) proposed improvements. (Project Alternatives Page 2-15 and 2-16). The list of proposed improvements includes but is not limited to:

228-6

- Replacement of existing rail and ties on the existing track for the entire Coast Subdivision railroad corridor within the Project footprint.
- The addition of several inches of ballast to help level the existing main track and siding tracks.
- Installation of new wayside and grade crossing signal technology and associated equipment.
- Modifications to discourage trespassing, which could include fencing and signage improvements.
- Upgrades and slight shifts of existing tracks to allow higher train speeds.
- Existing bridges would be either upgraded or replaced and new bridges to accommodate

As illustrated above, the DEIR includes only a brief, broad, and speculative description of potential upgrades, modifications, replacements, and improvements but does not specify where and when these may occur. Further, the DEIR fails to set forth any criteria detailing how staff

228-7

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will determine whether they will take place at all. In addition to this, the DEIR acknowledges that “local agency decisions are needed for the Project to be constructed and operated” and vaguely asserts that it will require local permits from Alameda County and various cities.” (Page 1-11). Despite this acknowledgement, the DEIR fails to provide sufficient information to appropriately analyze the environmental impacts and to consider appropriate mitigation measures.

228-7

The City of Oakland will be responsible for granting or denying permits for these proposed improvements, modifications, replacements, installations, and upgrades located within its jurisdiction. To do so, the City of Oakland will need to rely on the certified EIR when considering approvals related to the project. The aforementioned project components must be updated to include mapping and a description of Oakland’s jurisdiction such that it is clear what project components will be subject to Oakland's laws and policies. The DEIR does not include any kind of mapping sufficient to detail the required permits that will fall within its jurisdiction in relation to the Proposed Project. Thus, it is difficult to clearly identify the impacts, policies, or regulations which may be relevant to the project. The DEIR must set forth a project description that includes the precise location, a general description of the project’s characteristics, a list of permits and other approvals required to implement the project.

228-8

III. The DEIR does not provide the necessary information to review and understand the potential sources of impacts to air quality, transpiration, land use, noise and vibration, and greenhouse gas emissions.

228-9

The DEIR sets forth a brief discussion of air quality, greenhouse gas emissions land use and planning, transportation considerations and conclusively finds the environmental impacts to be “less than significant.” The analysis does not provide adequate details to support these conclusions. Specifically, the DEIR fails to account for impacts from construction-based emissions. The analysis should discuss any potential for demolition, construction, or operation associated with the proposed Project to disturb and/or mobilize contaminants into neighboring residential neighborhoods.

Air Quality

- Conflict with or obstruct implementation of the applicable air quality plan
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard
- Expose sensitive receptors to substantial pollutant concentrations

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<ul style="list-style-type: none">Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people	228-9	
Greenhouse Gas Emissions	228-10	
<ul style="list-style-type: none">Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environmentConflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases		
Land Use and Planning	228-11	
<ul style="list-style-type: none">Physically divide an established communityCause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect		
Transportation	228-12	
<ul style="list-style-type: none">Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilitiesConflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)		
Noise and Vibration	228-13	
<ul style="list-style-type: none">Result in the generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agenciesResult in the generation of excessive ground-borne vibration or ground-borne noise levelsFor a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels		
CBE respectfully requests that the entire DEIR be updated to identify specific air quality plans, jurisdictional plans, nearby proposed projects, and relevant policies within those documents. Failing to identify and incorporate these plans, projects, and relevant policies	228-14	
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renders the entire DEIR incomplete and inadequate. The DEIR should also provide a vehicle and equipment inventory to be used for each project component and indicate the extent to which each of those is anticipated to contribute to emissions, traffic, and air quality so that the potential sources are disclosed. While the lack of specificity regarding air quality and GHG impacts pervades the analysis, the DEIR does specify that certain diesel equipment will operate on “renewable” diesel. (BMP GHG-1: Implement BAAQMD Construction Measures.) Because “renewable” diesel has significant air quality and climate impacts, we urge CCJP instead to require electric vehicles in every instance except where the operator makes a showing of infeasibility. More broadly, and understanding the existence of baseline clean transportation plans, the South Bay Connect project should require or express strong preference for electric trains on the new route. Finally, the DIER should be updated to include a more detailed analysis that accounts for and analyzes human health impacts from criteria air pollutants to residential neighborhoods in East Oakland. East Oakland residents who will experience impacts associated with parts of the project located near their homes must be informed of those impacts.

228-14

IV. The DEIR analysis of environmental impacts is incomplete and inadequate because it makes no mention of the construction, demolition, and other project activities to be carried out in East Oakland.

228-15

In considering impacts related to resource topics such as air quality, hazards and hazardous materials, noise, and transportation, which could affect quality of life for the surrounding community, the DEIR should consider whether impacts may be borne disproportionately in vulnerable or disadvantaged communities. The DEIR should base this determination on input gathered from meaningful engagement with potentially affected communities which include the residents of East Oakland who will bear the effects ongoing construction will have on their neighborhoods and daily lives.

Conclusion

228-16

In sum, the proposed Project poses unknown substantial and unacceptable risks to the surrounding community and will increase the pollution burdens felt by those nearby communities. The details of the Project’s significant environmental and public health impacts are impossible to determine from the present DEIR, which omits key analyses, details, and supporting documents. For all these reasons, CJJPA must undertake a broad revision of the DEIR that fully assesses and mitigates the Project’s environmental and public health harms, including those identified above, and provides all supporting information, documents, and data. In light of

the DEIR's present inadequacy as an informational document-which deprives the public of a meaningful opportunity to review and comment, CBE respectfully requests the DEIR be recirculated with the necessary information.

228-16

Sincerely,

Ruby Acevedo

Ruby Acevedo,

Senior Staff Attorney

Communities for a Better Environment

Southern California
6325 Pacific Blvd., Suite 300
Huntington Park, CA 90255

Richmond
340 Marina Way
Richmond, CA 94801

East Oakland
100 Hegenberger Rd., Suite 270
Oakland, CA 94621

From: [diana.brumbaugh](mailto:diana.brumbaugh@southbayconnect.com)
To: info@southbayconnect.com
Cc: jeff@alamedacreek.org; [Board of Directors](#); info@cbcafreemont.wpengine.com; jpullen@fremont.gov; planning.division@hayward-ca.gov; planning@unioncity.org
Subject: Request for Extension of Comment Period - SBC DEIR
Date: Monday, July 15, 2024 11:49:59 AM
Attachments: [CCJPA_SBC_Request_for_Extension_of_Comment_Period.pdf](#)

To whom it may concern,

Please see the attached letter requesting an extension for comments for the Capital Corridor Joint Powers Authority/South Bay Connect DEIR.

Respectfully,
Diana Brumbaugh



Sent via electronic mail

July 15, 2024

Capitol Corridor Joint Powers Authority South Bay Connect
2150 Webster St.
3rd Floor
Oakland, CA 94612
Email: info@SouthBayConnect.com

Re: Extension for Public Comment Period for the South Bay Connect Draft Environmental Impact Report

To whom it may concern,

As a resident of the Niles District community in Fremont, CA, and founding member of the community group Niles for Environmentally Safe Trains (NEST), I respectfully request the Capitol Corridor Joint Powers Authority (CCJPA) extend the public comment period for the Capitol Corridor South Bay Connect Draft Environmental Impact Report (DEIR).

229-1

During the Public Meeting on June 20, 2024, it was clear that many community members in DEIR-referenced areas such as Ardenwood, Centerville, Union City and Hayward, were not aware of how their communities would be impacted prior to the meeting. It would be a show of good will to provide these individuals more time to review the incredibly long DEIR so that any questions they have about the project can be properly addressed. I also heard invitations for CCJPA to attend other community meetings extended at the Public Meeting; specifically from Hayward. If those invitations were not accepted by CCJPA, it would, again, be fair to give those communities more time to review the DEIR and submit their comments.


229-2

I urge you to consider an extension of at least 15 days. Given the sheer size of this document, 45 days for review is a challenge even for those with experience reviewing DEIR documents.

229-3

Thank you for your consideration.

Sincerely,

DocuSigned by:
 7/15/2024
094E3B11DE43438...

Diana Brumbaugh

cc:

City of Fremont, Joel Pullen, Planning Manager
City of Hayward, Planning Department
Union City Planning Division
Centerville Business and Community Association
Niles Main Street Association
Alameda Creek Alliance

From: [Robert Daulton](#)
To: info@southbayconnect.com
Cc: map117@comcast.net; alamedacreekalliance@gmail.com; dianabrumbaugh@yahoo.com
Subject: CCSBC Draft EIR comments
Date: Monday, July 15, 2024 4:24:18 PM

Comments on the Capitol Corridor South Bay Connect DEIR, from Niles for Environmentally Safe Trains and Alameda Creek Alliance

1. Public Funding - In light of the BART system expansion to Santa Clara, the CCSBC project is effectively redundant. This new routing comprises a considerable strain on public finances for a private company, Capitol Corridor, and creates a slew of community and environmental problems for the areas it affects, through new construction and the abandonment of existing transit service areas, all for the sake of potentially shaving 13 minutes off travel times. As well, further public funds for this project will be necessarily channeled toward improvements to the infrastructure of Union Pacific Rail, as noted in the DEIR.

230-1

2. Consideration of the Fremont General Plan is largely dismissive:

230-2

Fremont General Plan > Implementation 3-5.4.C: Amtrak/Capitol

Corridor- Support continued Amtrak/Capitol Corridor service at the Centerville station, providing an alternate means of travel to San Jose, Oakland, Sacramento, and points beyond, including potential connections to future high speed rail. Encourage continued improvements to the Centerville station area, possibly including additional parking and better multi-modal connections for transit riders.

In some areas, the Project is worse than redundant, particularly with regard to loss of Capitol Corridor service at the Hayward and Centerville (FMT) stations. Within Hayward and Fremont, nearly 20 years of conceptual planning and on-the-ground zoning and building is swept aside by the CCSBC project plan. The Transit Oriented Development overlay district in Centerville has dedicated specific floor area ratio (FAR) and density (housing units per net acre) requirements for mixed-use or residential projects within the boundaries of the TOD which are effectively defunct should the Project remove service to Centerville.

3. City Planning - The repercussions are severe, especially in terms of previous Fremont city planning decisions based upon 3-5.4.C. In 2016, the City of Fremont facilitated a developer's acquisition and demolition of a full block of the Centerville historic town center for the purposes of developing a high density, mixed-use complex which relied upon the participation of Capitol Corridor service for robustness and frequency, and ultimately for this development's approval by the Fremont City Council. With the abandonment of the Capitol Corridor Centerville FMT stops, the goal of a vibrant, walkable downtown Centerville will be crushed, and the City of Fremont will be dealing with the resulting problems in terms of traffic, access, transit and environmental stress for decades. How are these losses factored into the outcomes for the Project? Is there an expectation at CCSBC for the affected TODs

230-3

to drive to Ardenwood for transit services formerly available in their areas?

230-3

Fremont General Plan > Policy 3-5.4: Passenger Rail Service - Support the provision of convenient and affordable commuter rail service to Fremont residents, visitors, workers and businesses.

4. Ridership - Capitol Corridor's assertion that "the combined ridership at Hayward and Fremont Stations account for about 3 percent of Capitol Corridor's ridership for the entire system" is disingenuous without citations of ridership percentages of other existing service stations on the line. 3% of the ridership for 2023 (921,000) is ~27,630 passengers (add an additional 19% for the increased ridership in 2024). If this mere 3% figure is considered inconsequential, then how does CCSBC justify the expense of the proposed Ardenwood station in the first place?

230-4

5. Intermodal Bus Facility - The proposed State Route 84 Intermodal Bus Facility isn't even represented with a concept sketch, and yet is touted as integral to the success of the overall project. Again, how are we to assess the environmental and aesthetic impacts of a facility that is largely undescribed? When will plans be available for public review? How many buses are being proposed for this route? What are the environmental and traffic impacts of these buses? Will they be electric vehicles?

230-5

6. Pre-existing bus access - Ardenwood as an new, upgraded intermodal transbay connection to bus services between the East Bay and Peninsula is wishful thinking. A bus connection already exists for East Bay residents and includes the Dumbarton Corridor Improvement Project which is a single seat ride across the bridge for residents close to the Route 84 corridor in the cities of Union City, Fremont, and beyond. Why would riders take a train from Santa Clara to Ardenwood to transfer to a bus across the Dumbarton when US-101 is a short, straight shot up the Peninsula?

230-6

CCSBC Draft Environmental Impact Report > 3.12 Land Use and Planning, pg.23: The proposed Project would promote environmental sustainability by reducing greenhouse gas emissions through an increase in transit mode sharing along the Project Corridor.

7. Traffic and VMT - The Dumbarton Rail project is currently in a state of abandonment. A main justification of that project was to address traffic congestion in the East Bay and across the Dumbarton bridge. The CCSBC proposal will accelerate traffic issues in Hayward, Union City, Fremont and surrounding areas, as commuters will have to travel much further to reach the new station, in the process driving past stations their community has for years relied upon for proximity. Is there a revised VMT estimate for this increased traffic through these communities?

230-7

CCSBC Draft Environmental Impact Report > 3.12 Land Use and Planning, pg.23: The proposed Project would improve transit services by creating a more direct passenger rail route and allow for greater access to work, education, services, and recreation along the Project Corridor.

The proposal might improve access along the Project Corridor, but won't it concurrently diminish access in the communities now abandoned by the changed routing?

230-7

8. Freight issues - Since the announcement of the latest DEIR, CCSBC has consistently stated that freight along the Niles Subdivision will see no increases via rerouting by Union Pacific. This is at odds with the often referenced 2018 California State Rail Plan and 2016 Vision Implementation Plan. South Bay Connect will enable changes in freight transport through Niles Canyon that are unaddressed in the DEIR and will not be addressed in any other environmental review process. Of concern is increased likelihood of derailments of freight trains and spills of hazardous materials along a creek corridor.

230-8

Is there a public statement or document to the effect that freight will not be rerouted by any official Union Pacific personnel? Where can that statement be found? By what mechanism will the potential new freight needs of UPRR be monitored? Should such rerouting become necessary in the future, by what means will the public be able to address environmental problems in this regard?

The creation of a new freight-only corridor via the removal of Capitol Corridor trains from the Niles subdivision is certain to have its own set of environmental and social impacts which will likely be exempt from CEQA once they are constructed, in particular should this increase the frequency of freight traffic through Niles Canyon. At what point will these be studied, if at all?

CCSBC Draft Environmental Impact Report > 3.12.2.2: ... Although considered in the 2018 California State Rail Plan, the proposed Project does not reroute freight services, but does reroute Capitol Corridor passenger rail service to the Coast Subdivision.

9. Ardenwood station - The conceptual design illustration of the proposed Ardenwood station is nice, but I was disappointed by the lack of any solid architectural plans or elevations of the proposed construction on a map of the site. It is assumed that these will not be available until the often mentioned "final design" phase. Without a final design, how can the environmental impact of this construction be adequately assessed? In 2021, CCSBC stated the plans would be available later in the process. It is now 2024, so when will these plans become available to the general public or interested city planners? After the Project has been approved? After the FEIR? Is this an omission?

230-9

CCSBC Draft Environmental Impact Report > 3.2.7: MM AES-7 Aesthetic Plan for Ardenwood Station structures, Pedestrian Overcrossings, Grade Separated Structures, Retaining Walls, and Bridges: During final design, CCJPA will develop an aesthetic plan for new structures with high visibility from SR 84 and Alameda Creek Regional Trail

10. Alameda Creek - The Lower Alameda Creek Fish Passage Improvements Program is an \$80 million environmental investment which has been in conception and construction for nearly 30 years. The Alameda County Water District and the San Francisco Public Utilities Commission have constructed seven fish passage and water supply projects with the goal of enabling upstream migration of steelhead, salmon and other anadromous fishes in the watershed. The first juvenile trout was tagged, detected and documented migrating downstream from the upper watershed through lower Alameda Creek in April of 2023. Loss of riparian habitat or direct impacts on these species could jeopardize this costly and delicate long term project. Any bridge crossing of Alameda Creek or piers in the active creek channel need to be designed so as to not impede fish passage.

230-10

CCSBC Draft Environmental Impact Report > 3.5 Biological Resources: Direct impacts on steelhead and green sturgeon associated with the construction of the rail bridge structure would include temporary loss of migratory and/or critical habitat and potential injury or death of steelhead and/or green sturgeon. Construction of in-water piers associated with the railroad bridge over Alameda Creek would also permanently impact riverine habitat.

11. Piecemealing - The entire southern end of the proposed CCSBC project, known as the Alviso Wetlands Railroad Adaptation (AWRA), is fundamentally integral to the proposal at hand in this DEIR. Yet it is omitted from this report. Without a comprehensive understanding of the impacts of the AWRA, there's no way to assess the overall impacts of the proposal now on the table. This is piecemealing of the overall project, and obscuring the full array of cumulative impacts of the project as a whole without which any assessment of the DEIR is incomplete.

230-11

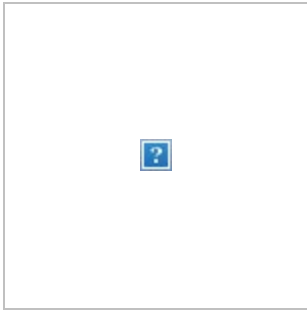
The DEIR must address the full cumulative and synergistic environmental impacts of the Ardenwood station facilities, the Intermodal Bus Facility, the increased traffic through Fremont and Hayward to Ardenwood, and the ARWA, if a true picture of the overall project is to be seen. We currently recommend the "No Project" alternative until these overall project issues and omissions within the DEIR can be evaluated and remedied.



Robert Daulton
Founding member, Niles for Environmentally Safe Trains

**37523 2nd Street,
Fremont, CA 94536**

<https://www.facebook.com/Nilesforsafetrains>



Jeff Miller

Director

Alameda Creek Alliance

(510) 499-9185

www.alamedacreek.org

From: [Robin Freeman](#)
To: info@southbayconnect.com
Cc: [David C. Ralston](#); [The Hood Planner](#); [Ayano Jeffers-Fabro](#); [Eoni510 Info](#); [Bianca Lorenz](#); [Sylvia Brooks](#); [robin freeman](#)
Subject: Comment letter on the South Bay Connect DEIR.
Date: Monday, July 15, 2024 5:29:01 PM
Attachments: [South Bay Connects comment letter.docx.pdf](#)

Please accept the attached comment letter on the South Bay Connect DEIR.

Thank you,

*Robin Freeman, Co-Director,
David R Brower, Ronald V. Dellums Institute for Sustainable Policy Studies,
Chair emeritus, Environmental Management and Technology, Merritt College
www.browerdellumsinstitute.org*

David R. Brower, Ronald V. Dellums Institute for Sustainable Policy

Studies and Action
www.browerdellumsinstitute.org

July 15, 2024

Capitol Corridor Joint Powers Authority
Attn: South Bay Connect DEIR
2150 Webster St, 3rd Floor, Oakland, CA 94612

Dear Project Sponsors,

On behalf of the Brower-Dellums Institute for Sustainable Policy Studies and Action (ISPSA) , we would like to submit this comment letter for the South Bay Connect project to address the inadequacies and incomplete nature of this DEIR especially in regards to unmitigated and studied impacts to the Sobrante Park, Columbia Gardens, and Brookfield Village neighborhoods of Deep East Oakland. Our organization has been working with these communities for over a decade on several healthy/sustainable community planning initiatives including the San Leandro/Lisjan Creek Urban Greenway. We have also submitted and made oral comments to the Notice of Preparation for the South Bay Connect DEIR

231-1

The "South Bay Connect" project that is proposed to send high speed diesel passenger trains every hour through these identified environmental justice communities will cause significant and unmitigated environmental harms that are not adequately considered or discussed or addressed in the DEIR. Several community leaders we have spoken with feel that input given to date has been completely ignored including a 2020 petition submitted with over 100 signatures describing the severe traffic impacts of increased train crossings on Sobrante Park's existing one way in, one way out road configuration traffic in addition to the added danger and the noise to residents and the neighborhood's four schools.

Ms. Sylvia Brooks (Sobrante Park resident) states how bad the existing conditions are that this project will only exacerbate: "Currently we are forced to deal with stolen and stripped vehicles being left on the train tracks which interrupt rail service and residents with the trains blaring horn in the early morning hours. In addition, the street barriers being left down blocking Edes Ave or 105th for hours - it has happened a few times where no one could get in or out of the community. This is not good."

Overall, we raise the fact that the DEIR does not adequately address these existing baseline conditions nor the impacts the project with a proposed new track and 14 daily relocated train trips along the Coast Subdivision through East Oakland poses to resident's health and well-being in addition to the fact the project effectively impedes the completion of on-going neighborhood efforts for safer active transportation access explicitly seeking to overcome the barriers the existing railroad ROW presents. In sum, these concerns represent environmental

justice and health equity issues that the Project fails to adequately address as significant or sufficiently mitigate.

231-1

Specifically, we note the DEIR inadequacy in the following specific resource area analyses:

231-2

- In the **land use/planning** analysis, the DEIR fails to address the direct conflict with key adopted community-based active transit and safe route to school connector plans. The San Leandro/Lisjan Creek Greenway plan is clearly articulated in the Oakland Bike Plan 2019 as well as the 2020 County of Alameda Community Based Transportation Plan (CBTP). These plans were explicitly established and initiated with a state-funded Caltrans Community-based Transportation Planning grant for the purposes of mitigating and reducing the harms of existing rail and freeway infrastructure barriers to the Deep East Oakland neighborhoods by linking Sobrante Park and other neighborhoods to the MLK Jr. Regional Shoreline Park.

The adopted plans explicitly notes how the SLC greenway path will address gaps in local and regional bike infrastructure and enable safe routes to schools.¹ The proposed project however effectively curtails the connection of the green plan to 105th Ave by not enabling the UPRR under-crossing along the creek easement given the added track construction and increased train traffic while at the same time increasing the danger to residents who are essentially forced to try and navigate these infrastructure barriers to have access to schools and regional open space resources.

Section 3.12 of the DEIR assessing “conflict with land use plan, policies adopted for the purposes of avoiding or mitigating community barriers to freeways and rail infrastructure” concludes that this criterion is a Less Than Significant (LTS) impact, yet the analysis fails to acknowledge or evaluate the existing plans and the impact of the proposed project to these plans. This analysis needs to be correctly stated as a significant impact.

- For the analysis of **transportation**, the DEIR states that “there is no mitigation needed.” The proposed plan of adding a new track and new train trips will only propose to repaint stripes and install new crossing gates at the at-grade crossings along Edes Ave. Residents have asked for over and under passes and safety/sound walls as well as the immediate and accelerated phasing out of diesel engines and the cumulative pollution this contributes to the already overburdened community.

231-3

¹ The 2019 *Oakland Bike Plan* highlights as part of the recommended bike network (p85) that the San Leandro creek trail will serve as a Bay Trail connector for the community and it is part of a designated proposed vision priority project network (pp. 120, 133) as well as a “protected bikeway” and planned “low-stress bikeway” (pp. 91, 99) providing critical access to the MLK Jr Regional Shoreline as part of the City’s “long distance corridor” planning (p.107). The plan further highlights that the planned active transit path under the UPRR railroad is necessary as a safe passage to nearby schools (Lionel Wilson, Sobrante Park elementary, Madison Park Academy, Lighthouse, Aspire) (p.105). The CBTP (chapter 7, Recommendations) emphasizes safe biking and walking, especially to schools, and acknowledges the role of greenways projects (p. 7-4) highlighting the San Leandro Creek Trail as part of the plan to improve safety and multimodal access (along with need rail safety enhancements) as it proposes to connect the San Leandro BART station to the Bay Trail and surrounding neighborhoods (p. 7-15).

<p>Further, while the overall project attests that displaced regional VMT will be achieved, the vehicle trips are not being generated by these communities and for an estimated 13 minutes of saved travel time by relocation, yet they will suffer the burden of the added locomotive traffic.</p>	231-3
<ul style="list-style-type: none"> • The Public Services analysis also fails to acknowledge or address the impacts of the Project to the above-mentioned plans to directly create a safe route to school between Madison Park and Sobrante Elementary school to Columbia Gardens and Brookfield neighborhoods. Establishing a safe walking and biking route under the existing railroad tracks along the creek right-of-way easement (as proposed by the County of Alameda Flood Control District) is the only feasible direct connection (1/4-1/2-mile) for students from Columbia Gardens and Brookfield Village to have access to the neighborhood schools. The other alternative is a 2-mile circumnavigation along heavily trafficked surface streets with limited sidewalks and unsafe freeway on ramp crossings. The proposed project directly and indirectly impedes this "Safe Routes to School" and public service planned infrastructure. 	231-4
<ul style="list-style-type: none"> • The Noise analysis (3.14) fails to acknowledge Sobrante Park and Columbia Gardens as "noise quiet zones" and fails to acknowledge the scope of impact to this community with a new track and 14 additional trains passing through along a curved track section in addition to increased vibrations and severe traffic congestion resulting from the project's at-grade crossings into these neighborhoods. 	231-5
<ul style="list-style-type: none"> • For the Air Quality section, the project will clearly expose the sensitive receptors (residents and school children within 1,000 feet of the Project) of Sobrante Park and Brookfield Village to substantial concentrations of newly introduced pollution by virtue of the 14 relocated diesel producing train trips through the neighborhood. The tracks in this neighborhood have a turn which also means higher emissions as trains (which are slated to go faster via the overall goals of the project) must decelerate and accelerate. These specific increased diesel, CO, particulate matter emissions were not quantified nor were they analyzed, characterized, discussed, or evaluated. (3.4-10). Further, the DEIR does not adequately address the projected increase of CO from idling cars waiting for trains in this already congested environment. 	231-6
<ul style="list-style-type: none"> • The cumulative impact, environmental justice, and overall determination discussion in the DEIR states that there are "no issues to be resolved" and no "unmitigated effects" (p. ES-70). Furthermore, the criterion used to determine if the proposed Project would result in a potentially adverse effect to communities with EJ concerns that would be appreciably more severe or greater in magnitude than adverse impacts borne by communities without EJ concerns in the affected area is not justified considering the facts discussed above. 	231-7
<p>The DEIR states (p. 5.6.5) that the proposed Project would not contribute to cumulative impacts to communities with EJ concerns and that "the overall benefits of the proposed Project would enhance ridership and mobility, strengthen economic vitality, support</p>	

sustainability, integrate transit services, and improve safety and accessibility... [and that] these benefits would be experienced by all communities... including communities with EJ concerns.” This determination that the proposed Project would not cause cumulative disproportionately high and adverse effects on any communities with EJ concerns (in accordance with the provisions of Executive Order 12898) is plainly wrong given the health and safety concerns and environmental impacts to the effected communities of Deep East Oakland while at the same time receiving none of the asserted regional benefits.

231-7

- Finally, the Section on “**known controversies and issues**” makes no mention of the concerns expressed in these comments which were also part of comments our group (and others) submitted for the NOP. Attachment H does not show the 7 mailed letters received.

231-8

Thank you for the opportunity to comment on this project. We look forward to a thorough response and revision of the EIR and its findings of significance. Based on the severe projected impacts to the EJ communities in Deep East Oakland we strongly advocate that this project be substantially reconfigured or that the “no project alternative” be selected.

231-9

Sincerely,

Robin M Freeman

Robin M. Freeman, Co Director

CC:

David Ralston

Sylvia Brooks

Keta Price

Aya Fabro-Jeffers

Bianca Lorenz

Sobrante Park Resident Action Council

The Hood Planner

East Oakland Neighborhood Initiative

Oakland Schools Administration

From: [Ed Grutzmacher](#)
To: info@southbayconnect.com
Subject: Comments on South Bay Connect DEIR
Date: Monday, July 15, 2024 5:29:02 PM
Attachments: [Letter to James R. Allson Shirley Qian - CCJPA.pdf](#)

Please find attached comments on behalf of the Cities of Newark, San Leandro, and Union City.

233-1

Regards,

Ed Grutzmacher



July 15, 2024

James R., Allison, CCJPA Planning Manager
Shirley Qian, CCJPA Principal Planner, Project Manager
CCJPA
South Bay Connect
2150 Webster Street, 3rd Floor
Oakland, CA 94612
info@southbayconnect.com

RE: South Bay Connect Project Draft Environmental Impact Report – Comments by the
Cities of Newark, San Leandro, and Union City

Dear Mr. Allison and Ms. Qian,

Redwood Public Law, LLP represents the Cities of Newark, San Leandro, and Union City as City Attorney. On behalf of the three cities, and each individual city, we offer these comments on the Draft Environmental Impact Report, State Clearinghouse #2020060655 (“DEIR”) prepared by Capitol Corridor Joint Powers Authority (“Capitol Corridor”) for the South Bay Connect Project (“Project”) pursuant to the California Environmental Quality Act (“CEQA”).

233-2

Introduction

“The foremost principle under CEQA is that the Legislature intended the act ‘to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.’” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 563–564.)

233-3

“The purpose of an EIR is to give the public and government agencies the information needed to make informed decisions, thus protecting “not only the environment but also informed self-government.” (*Goleta, supra*, 52 Cal.3d at p. 564.) The EIR is the heart of CEQA, and the mitigation and alternatives discussion forms the core of the EIR. (*In re Bay-Delta etc.* (2008) 43 Cal.4th 1143, 1162.) Moreover, an EIR “must contain sufficient detail to help ensure the integrity of the process of decisionmaking by precluding stubborn problems or serious criticism from being swept under the rug. [Citations.] It must reflect the analytic route the agency traveled from evidence to action. [Citation.] An EIR which does not produce adequate information regarding alternatives cannot achieve the dual

purpose served by the EIR, which is to enable the reviewing agency to make an informed decision and to make the decisionmaker's reasoning accessible to the public, thereby protecting informed self-government. [Citation.]” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 733.)

233-3

Unfortunately, the DEIR does not meet CEQA's exacting standards. As set forth herein, the DEIR requires substantial revisions in order to come into compliance with CEQA's requirements.

Comments

Mitigation Measure NOI-2 Does Not Feasibly Mitigate the Project's Impacts

233-4

If Capitol Corridor approves the Project, each of the three Cities will experience significant noise impacts from the Project at sensitive receptors including residences and schools. The DEIR proposes to mitigate these impacts through “*considering the potential* establishment of quiet zones along the corridor.” (DEIR, 3.14-44 (emphasis added).) NOI-2 also lists various safety measures that Capitol Corridor will “consider” or the use of wayside horns that Capitol Corridor will also “consider.” (*Id.*) If “quiet zones are not feasible” Capitol Corridor will also “consider” building sound insulation at impacted private residences. (DEIR, 3.14-45.) Based on all of these things that Capitol Corridor will “consider” doing, the DEIR finds that the significant impact would be mitigated to a less than significant level. (DEIR, 3.14-39.)

This mitigation measure and the conclusion of a resulting less than significant impact violate CEQA. First, NOI-2 does not commit Capitol Corridor to doing anything about the Project's noise impacts. Considering whether to implement reductions in the Project's noise impacts is not the same as committing to reducing the Project's noise impacts. At a minimum, NOI-2 should be revised to commit Capitol Corridor to taking the necessary actions to reduce the Project's noise impacts, including a commitment to construct the identified crossing safety improvements necessary to qualify for a Quiet Zone.

Even if the DEIR makes this necessary change, however, the DEIR is still flawed because it concludes that NOI-2 will feasibly mitigate the impact to a less than significant level. This conclusion is unsupported by the evidence because Capitol Corridor has no say or control over whether the FTA will approve any Quiet Zones, nor does Capitol Corridor have any authority over private residences or schools and whether the owners of those buildings will allow Capitol Corridor to modify their buildings. While it is certainly acceptable under CEQA, and indeed required, to adopt mitigation measures that would only partially mitigate an impact, it is not acceptable under CEQA to determine that uncertain measures, which may or may not actually be implemented, will feasibly reduce the Project's impacts to less than significant. As a result, the DEIR should change its findings of the Project's residual impacts following the application of NOI-2 to “significant and unavoidable.”



Traffic, Pedestrian, and Cyclist Safety Impacts

233-4

The DEIR does not seriously examine the Project's potential impacts on traffic, pedestrian, and cyclist safety impacts due to the interaction between trains and other modes of transportation at the Project's many at-grade crossings in heavily populated areas. This oversight appears to be based on the fact that these impacts are not specifically called out under the CEQA Guidelines Appendix G checklist. The use of CEQA Guidelines Appendix G, however, does not excuse an agency from independently examining the impacts of a project. (*Ctr. for Biological Diversity v. Dep't of Fish & Wildlife* (2016) 62 Cal.4th 204, 230–31 [“Thresholds, it should be noted, only define the level at which an environmental effect ‘normally’ is considered significant; they do not relieve the lead agency of its duty to determine the significance of an impact independently.”].) Nor does Appendix G necessarily encompass the entire universe of potential environmental effects. (See, e.g. *E. Oakland Stadium All. v. City of Oakland* (2023) 89 Cal.App.5th 1226 [examining, in part, the EIR's discussion and mitigation of “wind” impacts].) “Appendix G's thresholds of significance ... are ‘only’ a ‘suggest[ion].’” (*Save Cuyama Valley v. Cnty. of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068.)

Here, the Project description at Table 2.2-1 lists a number of safety improvements, but the EIR is uncertain and indefinite whether Capitol Corridor will actually construct any of these improvements, instead stating that Capitol Corridor will construct “potential” improvements “as needed.” The DEIR does not provide any clarification regarding how, when, or on what basis Capitol Corridor will determine whether these improvements are needed.

Likewise, the DEIR only tangentially examines the potential for such safety impacts from interactions between trains and other modes of transportation at at-grade crossings through the ill-fitting threshold in 3.18.6.3, which asks whether the Project would “Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?” First, the question the EIR should examine is not geometric design features, or farm equipment – the question the EIR should examine is what are the safety impacts of the Project introducing high-speed, passenger rail service in short-length trains to at-grade crossings where the population is used to dealing with slow-moving, miles-long freight trains? Second, the DEIR needs to describe exactly what safety improvements are to be implemented at which at-grade crossings, instead of the generic lists of “potential” “as needed” improvements listed in Table 2.2-1 and in section 3.18.6.3. Finally, the DEIR needs to analyze whether the improvements the Project will actually construct will mitigate the impacts. All of these changes are needed to bring the DEIR into compliance with CEQA.

Improperly Deferred Mitigation Measures

233-5

Because of the critical importance of mitigation measures in reducing environmental impacts, an agency generally may not defer formulation of mitigation measures to the future. (CEQA Guidelines, § 15126.4, subd. (a)(1)(B).) However, an agency may develop



the specific details of a mitigation measure “after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure.” (*Ibid.*)

“Deferred mitigation violates CEQA if it lacks performance standards to ensure the mitigation goal will be achieved.” (*Golden Door Properties, LLC v. Cnty. of San Diego* (2020) 50 Cal.App.5th 467, 520. “[G]eneralized goals” are not sufficient and “courts have invalidated deferred mitigation measures having similar generalized goals that lack performance standards.” (*Id.* at 522.)

Many, if not most of the proposed mitigation measures in the DEIR attempt to take advantage of CEQA Guidelines section 15126.4 by proposing to mitigate impacts through a future plan of mitigation and deferring the specifics of the mitigation until after project approval. However, many of these proposed mitigation measures largely fail to comply with CEQA because they 1) fail to provide a performance standard, 2) fail to disclose who will determine compliance with the performance standard or how such compliance will be determined, and/or 3) fail to draw the analytical link between the proposed mitigation measure and actual mitigation of identified environmental impacts. Specifically, the following mitigation measures are improperly deferred for the following reasons:

- AES-1 – lack of performance standard, lack of information regarding how it will be determined that the plan adequately mitigates impact and who will make that determination;
- AES-2 – lack of performance standard, lack of information regarding how it will be determined that the plan adequately mitigates impact and who will make that determination;
- AES-3 – lack of performance standard, lack of information regarding how it will be determined that the plan adequately mitigates impact and who will make that determination;
- AES-4 – lack of performance standard, lack of information regarding how it will be determined that the plan adequately mitigates impact and who will make that determination;
- AES-5 – lack of information regarding how it will be determined that the plan adequately mitigates impact and who will make that determination;
- AES-6 – lack of information regarding how it will be determined that the plan adequately mitigates impact and who will make that determination;



- AES-7 – lack of information regarding how it will be determined that the plan adequately mitigates impact and who will make that determination;
- AES-8 – lack of defined performance standard (no way to tell what “minimize” light trespassing and glare means), lack of information regarding how it will be determined that the plan adequately mitigates impact and who will make that determination;
- BIO 18 – this is more of a classic deferral of the analysis of impacts. The EIR does not disclose why it cannot provide an analysis of what protected trees, and how many, will be impacted by the Project and improperly defers that analysis until after approval of the Project in violation of CEQA;
- CUL-2 – this is more of a classic deferral of the analysis of impacts. The EIR does not disclose why it cannot provide an analysis of why cultural resource impacts cannot be evaluated now and improperly defers that analysis until after approval of the Project in violation of CEQA (see *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 301;
- NOI-3 – in addition to the other issues listed herein, the mitigation measure lacks a performance standard and lacks information regarding how it will be determined that the plan adequately mitigates impact and who will make that determination;
- REC-1 – lacks a specific performance standard, lacks proper mitigation because it says it will only schedule short-term closures of trails to off-peak times “to the extent feasible” with no indication of who will determine feasibility or by what standard feasibility will be determined.

233-5

The mitigation measures should be corrected to comply with CEQA’s standards for appropriate mitigation.

Alternatives Analysis

233-6

“To be legally sufficient, the consideration of project alternatives in an EIR must permit informed agency decision-making and informed public participation. What CEQA requires is ‘enough of a variation to allow informed decision-making.’ [Courts] judge the range of project alternatives in the EIR against ‘a rule of reason.’” (*California Native Plant Soc’y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 988.

Under CEQA, the Proposed Project is not a project alternative, and the alternatives section should be limited to consideration and discussion of alternatives to the Proposed Project per Section 15126.6 of the CEQA Guidelines. The EIR should be revised to remove discussion of the Proposed Project from the alternatives chapter in the EIR, and the Proposed Project should be discussed in its own chapter of the EIR.

Although Alternatives A through D were considered but rejected as infeasible, Section 15126.6(c) of the CEQA Guidelines state that “the range of potential alternatives to the



proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.” The EIR failed to identify and analyze a feasible project action alternative as the only alternatives discussed in detail are the No Project Alternative and the Proposed Project (Alternative E).

The EIR identified the Proposed Project as the environmentally superior alternative which is not acceptable under CEQA. Section 15126.6(e)(2) states that “if the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” The Proposed Project cannot be the environmentally superior alternative under CEQA. The alternatives analysis needs to be revised to identify a feasible project action alternative that accomplishes most of the basic objectives of the Proposed Project and could avoid or substantially less one or more of the significant effects.

More importantly, the reasoning the DEIR gives for its curtailed alternatives analysis is that the Project does not have any significant and unavoidable impacts that could be addressed through a Project alternative. However, as set forth above, this is incorrect. The Project will have significant and unavoidable impacts from Noise because Capitol Corridor has no control over whether the actions proposed in MM NOI-2 to reduce the Project’s noise impacts will actually be implemented. As such, the DEIR should be revised to, at a minimum, analyze a project alternative that would address the Project’s noise impacts. Considering the unanalyzed safety impacts of pedestrians and cyclists interacting with trains at at-grade crossings, the DEIR could also consider an alternative that would address these concerns as well.

City of Newark Specific Comments

The proposed project would shift Capitol Corridor passenger rail service from the Niles Subdivision to the Coast Subdivision. The Coast Subdivision currently provides Amtrak and freight rail services, which would not be affected with the addition of Capitol Corridor passenger rail under the proposed project. The project proposes to install 17.4 miles of track within the Coast Subdivision from the Elmhurst Junction to the Newark Junction to allow trains to pass each other. The existing track would be shifted laterally 5 to 10 feet to make space for the additional track, and the two tracks would be spaced about 15 to 20 feet apart. The project would conduct various track and crossing improvements along the Coast Subdivision. The following at-grade crossing improvements are proposed within the City of Newark:

- Jarvis Avenue: Addition of one track, potential road re-profiling near crossing, sidewalk Americans with Disabilities Act (ADA) improvements, replace existing crossing equipment (gates, arms, signal cabins) as needed, striping, and signage.



- Haley Street: Addition of one track, potential road re-profiling near crossing, sidewalk ADA improvements, replace existing crossing equipment (gates, arms, signal cabins) as needed, striping, and signage.
- Mayhews Landing Road: Addition of one track, potential road re-profiling near crossing, sidewalk ADA improvements, replace existing crossing equipment (gates, arms, signal cabins) as needed, striping, and signage.
- Thornton Avenue: Addition of one track, potential road re-profiling near crossing, sidewalk ADA improvements, replace existing crossing equipment (gates, arms, signal cabins) as needed, striping, and signage.
- Carter/Filbert Avenue: Addition of one track, potential road re-profiling near crossing, sidewalk ADA improvements, replace existing crossing equipment (gates, arms, signal cabins) as needed, striping, and signage.
- Sycamore Street: Sidewalk ADA improvements, replace existing crossing equipment (gates, arms, signal cabins) as needed, potential road re-profiling near crossing, striping, and signage.
- Cherry Street: Sidewalk ADA improvements, replace existing crossing equipment (gates, arms, signal cabins) as needed, potential road re-profiling near crossing, striping, and signage.

The following grade separated crossing improvement is proposed within the City of Newark:

- State Route (SR) 84, City of Fremont/City of Newark: Abutment modification.

A grade separation (overpass) is scheduled to be constructed at Central Avenue in the City of Newark. The proposed improvements at Central Avenue will be constructed by others prior to the proposed project and are not part of this project.

The existing Capitol Corridor service route along the Niles Subdivision is currently served by the Hayward and Fremont-Centerville stations. As a result of the proposed project, Capitol Corridor service at the Fremont-Centerville Station would cease and the Hayward Station would be closed entirely. The project proposes to construct a new Ardenwood Station to provide Capitol Corridor services along the Coast Subdivision between Oakland and Newark. The proposed station would be constructed adjacent to the Newark city boundary and State Route (SR) 84 and would require expansion of track and modifications of the existing Ardenwood Park-and-Ride in Fremont. The proposed Ardenwood Station is included in the Draft EIR as a project component, however, the station design is not fully completed.



Global Comment

233-8

- Comment: This EIR is presented, formatted, and analyzed like a National Environmental Policy Act (NEPA) document. The EIR should be revised and reorganized to meet the standards of a CEQA document.

Existing Conditions, Environmental Impacts, and Mitigation Measures

- Comment: The analysis in Chapter 3, Existing Conditions, Environmental Impacts, and Mitigation Measures, is presented like a NEPA document. This chapter should be revised to only include the impact analysis of the Proposed Project. The impact analysis for the alternatives, including the No Project Alternative, should be contained within the Project Alternatives chapter.

Air Quality

233-9

The Draft EIR concludes that project operations would result in less than significant impacts to air quality and would require no mitigation measures, and project construction would result in less than significant impacts with implementation of Mitigation Measures AQ-1 and AQ-2. Below are impacts that may have an effect on Newark residents.

- Comment: Due to the location of the proposed Ardenwood Station, operation of the station would expose nearby sensitive receptors in the Newark community to diesel particulate matter (DPM, or PM₁₀) and PM_{2.5} due to engine idling, increased localized vehicular trips to the proposed station, and increase in the number of trains passing through the existing corridor. However, the Draft EIR only included a health risk assessment (HRA) during project construction. Due to the station's proximity to the sensitive receptors in the Newark community, increased localized trips to the proposed station, and increase in the number of trains passing through the existing corridor, an HRA should also be prepared for project operations.

Land Use

233-10

Table 3.12-3. Consistency with Applicable Plans, Policies, and Regulations includes reference to City of Newark General Plan Policy LU-1.4: "Coordinate land use and development decisions with the capacity of the transportation system and plans for future transportation improvements." The No Project Alternative indicates that the Project is Inconsistent with Policy LU-1.4. However, land use coordination and development decisions would be reviewed within the existing capacity of the transportation system as well as future transportation improvements. This policy is not dependent upon the Project for a determination of consistency. Therefore, the No Project Alternative should be described as "Consistent" with Policy LU-1.4.

Comment: Table 3.12-3. Consistency with Applicable Plans, Policies, and Regulations should evaluate the Project and No Project Alternative for consistency with applicable

233-11



Transportation policies, including Policy T-3.1, Policy T-3.2, Policy T-3.9, Policy T-6.1, Policy T-6.4, Policy T-6.5, and Policy T-6.6.

233-11

Comment: In October 2023, the City Council of the city of Newark adopted the 2023-2031 General Plan Housing Element, which was subsequently certified by the State of California in December 2023. This should be considered as the reference document for determining the Project's consistency with Housing Element policies.

233-12

Noise and Vibration

Below are impacts that may have an effect on Newark residents.

233-13

- Comment: The EIR considers a Federal Transit Administration (FTA) transit project "severe impact" to be a significant impact under CEQA. However, the EIR does not consider an FTA "moderate impact" to be potentially significant under CEQA. The EIR does not provide any justification or evidence to support this determination of what constitutes a significant noise impact under CEQA. For a moderate impact, the FTA noise and vibration manual states:

Project-generated noise in this range is considered to cause impact at the threshold of measurable annoyance. Moderate impacts serve as an alert to project planners for potential adverse impacts and complaints from the community. Mitigation should be considered at this level of impact based on project specifics and details concerning the affected properties.

The EIR identifies 226 residential receivers in the City of Newark with moderate impacts. The EIR should either provide justification or evidence as to why mitigation is not considered for these residences or identify mitigation measures to reduce the moderate impacts to these residences.

- Comment: Appendix G, Noise and Vibration, identifies a total of five severe noise impacts to single- and multi-family residences within the Newark community: four impacts between Jarvis Avenue and Cedar Boulevard Park (southbound side of the tracks) and one impact between Cedar Boulevard Park to Clark Avenue (northbound side of the tracks). These residences would be subjected to severe noise impacts that would exceed the FTA severe impact criteria of 66 dBA due to the proximity of the alignment and the horn noise in the area. Mitigation Measure NOI-2 would require the creation of quiet zones at Jarvis Avenue, or, if quiet zones are not feasible, then CCJPA will consider the application of building sound insulation at the impacted residences. Please see above comments regarding the feasibility of NOI-2 and the corrections that are needed.

233-14

- Comment: Mitigation Measure NOI-2 does not adequately mitigate the severe noise impact for Assessor's Parcel Number (APN) 92A-506-38 which is between Cedar Boulevard Park and Clark Avenue. Mitigation Measure NOI-2 only proposes the establishment of a quiet zone at Jarvis Avenue; however, this parcel is over 4,000 feet southeast of the at-grade

233-15



crossing at Jarvis Avenue. This parcel is approximately 800 feet northwest of the at-grade crossing at Mayhews Landing Road and approximately 3,000 feet southeast of the at-grade crossing at Haley Street. However, Mitigation Measure NOI-2 does not identify establishing a quiet zone at either at-grade crossing in closer proximity to APN 92A-506-38. Mitigation Measure NOI-2 needs to be revised to identify adequate mitigation for severe noise impacts to APN 92A-506-38 in the City of Newark. 233-15

- Comment: Figure 6 (page 3 of 3) of Appendix G should be revised to show the four severe impacts between Jarvis Avenue and Cedar Boulevard Park. It is understood that the four severe impacts are close in proximity, but the figure as presented only depicts one severe impact in this area. 233-16

- Comment: The Draft EIR concludes that no new vibration impacts would be generated within the City of Newark. However, the Draft EIR does not include analysis of potential impacts as a result of the proposed 17.4 miles of side-by-side track, which may result in increased vibration when two trains are at the same location on the track. The Draft EIR should include detailed analysis of the potential vibration impacts that may result from side-by-side tracks. 233-17

- Comment: Appendix G, Noise and Vibration, should include analysis of the City of Newark in Attachment 3, Figure 1: Vibration Impact Locations. Currently, the figure does not include the project footprint south of SR 84, including the entire City of Newark. 233-18

Population and Housing and Growth Inducement

Below are impacts that may have an effect on Newark residents. 233-19

- Background Information: Program H2.3 of the City of Newark 2023-2031 Housing Element identifies the proposed Ardenwood Station as a facilitator of important market-rate and affordable housing. Assembly Bill (AB) 2011 allows for the development of mixed income housing at a density of 80 dwelling units per acre on land located within 0.5 mile of a major transit stop. The Four Corners area in the City of Newark is zoned for community commercial, which does not allow for by right development of residential units. However, per AB 2011, the location of the proposed Ardenwood Station would allow property owners to redevelop these underutilized strip malls into multi-unit housing, thereby promoting the development of housing adjacent to the station and providing overall neighborhood revitalization in the Four Corners area. Beyond AB 2011, the proposed Ardenwood Station would provide the Newark community with a proximate train station, which could create opportunities for transit-oriented development and generate employment opportunities for Newark residents during the construction and operation phases.

- Comment: Section 5.4, Growth-Inducing Impacts, fails to acknowledge potential growth inducement impacts in the City of Newark from the construction of a train station in Ardenwood. Per Assembly Bill 2011, the location of the proposed Ardenwood Station



would allow property owners with commercial properties within 0.5 mile of the proposed Ardenwood Station to redevelop lands zoned for commercial into high-density, multi-unit housing, thereby promoting growth inducement in the City. The EIR should be revised to analyze potential growth-inducement impacts to the City of Newark from the construction of the Ardenwood Station.

233-19

Public Services

Below are impacts that may have an effect on Newark residents.

233-20

- Comment: Although impacts to public services and response times were identified as less than significant, Table 4.4, Ardenwood Station Intersection Levels of Service – Year 2040 Conditions (Appendix H – Public Services), notes that the project would result in a noticeable worsening of operations at Newark Boulevard/Jarvis Avenue due to the addition of project trips resulting in an increase of five or more seconds of delay. Appendix H of the EIR concludes that the congestion at Newark Boulevard in the study area is due to supersaturation of the ramp terminal intersections at the SR 84/Ardenwood Boulevard-Newark Boulevard interchange, which could be improved by interconnecting and coordinating signals along the corridor. Appendix H of the EIR includes a recommendation that Capitol Corridor works with the City of Newark to identify a funding contribution towards interconnection and coordination of signals along the Newark Boulevard corridor in the vicinity of the proposed Ardenwood Station. The EIR should be revised to identify the recommendation in Appendix H as either a Condition of Project Approval or mitigation measure to ensure implementation of the recommendation is enforceable.

Transportation

Below are impacts that may have an effect on Newark residents.

233-21

- Comment: Table 3.18-1 in the Transportation Section should be revised to include Jarvis Avenue, Central Avenue, and Cedar Boulevard as principal and major arterials in the City of Newark.

- Comment: The principal and major arterials in the City of Newark within the transportation RSA are Thornton Avenue, Newark Boulevard, Cherry Street, and Mowry Avenue. The project would result in a decrease in the level of service operations at Newark Boulevard/Jarvis Avenue in the Year 2040 Conditions projections. Appendix H of the EIR includes a recommendation that Capitol Corridor and the City of Newark identify funding to coordinate signals along the Newark Boulevard corridor to improve conditions, however, no timeline or next steps are noted in the appendix. The EIR should be revised to identify the recommendation in Appendix H as either a Condition of Project Approval or mitigation measure and provide a timeline to ensure implementation of the recommendation is enforceable.

233-22



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|---|--------|
| <ul style="list-style-type: none"> • Comment: The Draft EIR identifies existing pedestrian facilities and Class I, II, and III bicycle routes within the RSA. According to Figure 3.18-4, the City of Newark has mostly Class III routes and some Class I and II routes within the RSA, and a single Class III route would provide access to the proposed Ardenwood Station via Newark Boulevard. Figure 3.18-4 incorrectly classifies most of the City of Newark's Class II routes to Class III routes. Figure 3.18-4 and associated text needs to be revised to correct the bicycle routes in the City of Newark. | 233-23 |
| <ul style="list-style-type: none"> • Comment: Due to its proximity to the City of Newark, the proposed Ardenwood Station could allow for increased ridership to members of the community who rely on walking and cycling for transportation. The 2017 City of Newark Pedestrian and Bicycle Master Plan identifies the Ardenwood Park area as an unsafe, difficult to reach destination via bicycle and walking due to the SR 84 interchange. Since the Ardenwood Station is proposed on the side of SR 84 within the City of Fremont, the Newark community may face challenges accessing the proposed station safely. The EIR should be revised to include detailed bicycle facility plans and improvements at the proposed station and surrounding communities in order to encourage safe, multi-modal transportation to the station. | 233-24 |
| <ul style="list-style-type: none"> • Comment: An ADA-compliant pedestrian pathway running from the south end of the proposed Ardenwood Station platform would be constructed with a connection to Overlake Place in the City of Newark. No other pedestrian or bicycle facility improvements are proposed within the Newark community, yet the proposed station would be constructed adjacent to the City of Newark and SR 84. The Draft EIR should disclose the condition of existing pedestrian and bicycle routes leading to and from the proposed Ardenwood Station and identify and analyze the impacts of necessary infrastructure improvements in order to facilitate safe, alternative methods of transportation to the proposed Ardenwood Station. The proposed bike and pedestrian facility improvements at and within the vicinity of the proposed station should be clearly discussed and analyzed in the EIR. | 233-25 |
| <ul style="list-style-type: none"> • Comment: Safe Routes to School (SRTS) is an approach that promotes walking and bicycling to school through infrastructure improvements, enforcement, tools, safety education, and incentives to encourage walking and bicycling to school. Five schools are located within the hazards RSA along the segment of the project in Newark, including Safari Kid Preschool, Challenger School, H.A. Snow Elementary, New Horizons School, and Lincoln Elementary School, and Safari Kid Preschool is nearby the proposed Ardenwood Station. The EIR does not analyze whether the proposed project conflicts with SRTS plans and should evaluate potential temporary or permanent impacts to SRTS from the development of the new station and at-grade crossings improvements. | 233-26 |

Newark Comments on Alternatives

City of San Leandro Specific Comments

233-27

The following comments are submitted specifically on behalf of the City of San Leandro:



Priority Development Areas

233-27

The proposed realignment of the Capitol Corridor locates commuter rail farther from San Leandro's Priority Development Areas and farther from both of San Leandro's BART stations, reducing the opportunities for long-distance commuters to transfer from the Capitol Corridor to BART to reach a larger number of final destinations. While the realignment will be closer to San Leandro's industrial area, there are no stations in this employment area. A basic principle of transportation planning is that transit should reinforce existing transportation patterns. This principle underpins the establishment of Priority Development Areas in San Leandro. The realignment does not appear to support existing and planned development patterns as described in Plan Bay Area and in the San Leandro General Plan. The DEIR should be revised to completely and fully examine the Project's inconsistencies with these plans and the potential for Capitol Corridor realignment to disrupt development in the Priority Development Areas by encouraging development outside of PDAs. The growth inducing impact of realigning passenger rail should be evaluated in addition to the impact on regional plans.

Freight Transportation

Section 2.2.3 of the DEIR states that "there are no freight operation changes contemplated or identified by UPRR as a result of this project; however, because the tracks are owned by UPRR, they may choose to increase...freight traffic levels or vary the type of freight traffic on their subdivisions based on their own business decisions at any time." Why is it not reasonably foreseeable that shifting commuter rail from the Niles Subdivision to the Coast Subdivision will not result in a corresponding shift of freight rail from the Coast Subdivision to the Niles Subdivision?

233-28

Realigning freight rail from the Coast Subdivision to the Niles Subdivision would appear to have an effect on local freight traffic. How will these travel patterns change in terms of types and numbers of vehicles? What will be the effect on truck routes? Furthermore, if there is an emergency related to the freight train, a larger number of people will be affected or need to be evacuated. These potential impacts should be identified, evaluated, disclosed, and mitigated, if necessary, in order to satisfy the requirements of CEQA.

233-29

Realigning freight rail to the Niles Subdivision into and adjacent to San Leandro's Priority Development Areas will also result in substantial and possibly significant operational noise and vibration impacts on a larger and growing population as compared to the Coast Subdivision. Plan Bay Area and the San Leandro General Plan support increasing the population in these areas, plans which are further supported by passenger transportation investments in BART and Tempo. These potential impacts may be significant. They should be identified, evaluated, disclosed, and mitigated, if necessary, in order to satisfy the requirements of CEQA.

233-30

While the City of San Leandro recognizes that Capitol Corridor does not control freight traffic, the realignment of freight rail from the Coast Subdivision to the Niles Subdivision is

233-31



a reasonably foreseeable impact of the Project and the environmental effects of this realignment should be examined in the DEIR.

233-31

Noise

MM NOI-2 identifies Lewelling Boulevard as being within Unincorporated San Lorenzo. This should instead reflect that Lewelling Boulevard lies within the city limits of San Leandro.

233-33

As set forth above, MM NOI-2 states that “CCJPA...will implement a phased program considering the potential establishment of quiet zones...” The mitigation measure should instead state that if establishment of a quiet zone is determined to be feasible by the local jurisdiction(s), CCJPA would be responsible for the cost to construct the necessary improvements to qualify the at-grade crossing for Quiet Zone establishment, with the understanding that Quiet Zone approval is ultimately outside the authority of CCJPA.

233-34

Per Section 2.2.3.1 of the DEIR, the Project will install a 2nd track along the entire project length. The existing track would be shifted 5-10 feet, resulting in trains running closer to adjacent residential developments and other sensitive receptors compared to the existing condition. Was this decrease in the separation between the tracks and sensitive receptors considered during the Noise Analysis?

233-34

Table 2 in Attachment 1 of Appendix G of the DEIR shows that the Faith Chapel Church of God – East Bay (Category 3 sensitive receptor), located near the existing at-grade rail crossing on Fairway Drive will experience a moderate noise impact due to the project; however, the Noise Analysis neither speaks to nor provides mitigation for this identified impact.

233-35

The same table indicates that there will be an increase in noise levels experienced by the Our Future Tots – Day Care located near the existing at-grade rail crossing on Marina Boulevard, but the project noise levels (51 dBA) are less than what they have determined to be the threshold for a ‘Moderate Impact’ (57 dBA). Regardless, the City is concerned about the increased noise levels that would be experienced by this sensitive receptor.

233-36

Section 3.14.6.1 of the DEIR states that “because most track improvements are located on an active rail line, some construction work is anticipated to occur during the nighttime.” As the section then currently states, San Leandro and other jurisdictions limits construction activities to weekday daytime hours. San Leandro, Newark and Union City have all struggled with noise impacts due to nighttime track work by UPRR in recent years after UPRR stated that the work could not be performed during the day due to the active nature of the tracks. The DEIR provides no further discussion on the noise impacts and potential mitigation for potential nighttime work necessitated by the active rail line.

233-37



Vibration

In Section 3.14.6.2 of the DEIR, the narrative states that MM NOI-3 would require repairs to be made or compensation provided in the event building damage occurs due to construction vibration; however, MM NOI-3 on page 3.14-45 does not include required repairs or compensation. Regardless, the DEIR should state who/how it will be determined that observed damages were caused by construction vibrations. City of San Leandro Staff has experienced similar cases where contractors deny that the identified damages were caused by vibrations from their construction activities, making it difficult for homeowners to receive just compensation.

233-38

Section 3.14.6.2 of the DEIR states that “existing conditions in the rail corridor include vibration generated by the current volume of passenger and freight trains passing through the RSA. As a result, there are no new vibration impacts that would be generated as a result of the proposed Project...” It further states that impacts due to operational vibration would only be caused by new or relocated turnouts or crossovers; however, does the addition of a second track that would place the tracks closer to sensitive receptors thereby increase the vibration impacts during operations? These potential impacts should be analyzed as well.

233-39

Traffic

Section 3.16.6.1 – As part of the proposed Transportation Management Plan (TMP), Traffic Impact Analyses (TIAs) should be conducted in conjunction with all long-term closures of at-grade crossings to analyze resultant traffic congestion along proposed detour routes. CCJPA should be responsible for all costs associated with the TIAs as well as traffic signal and intersection modifications along the route required to minimize LOS impacts to less than significant levels as established by the local jurisdiction. CCJPA should also be responsible for all costs associated with developing and implementing an extensive community outreach and notification program for each long-term at-grade crossing closure including but not limited to traditional and social media campaigns, with corresponding impacts.

233-40

Air Quality

The DEIR claims that Capitol Corridor has no control over freight traffic and, thus, the DEIR does not examine the impacts of realignment of freight traffic from the Coast Subdivision to the Niles Subdivision. The Coast Subdivision will now be more congested with the shift in Capitol Corridor trains to that subdivision while the Niles Subdivision will be less congested with the removal of Capitol Corridor trains from that subdivision. Therefore, it is a reasonably foreseeable outcome that shifting passenger rail traffic from the Niles Subdivision to the Coast Subdivision will result in a corresponding shift of freight traffic from the Coast Subdivision to the Niles Subdivision. The DEIR should examine the impacts of this shift in freight traffic, including the impacts of exposing a greater number of people

233-41



in San Leandro to the effects of diesel exhaust. This potential impact needs to be fully evaluated in a Health Risk Assessment and mitigated, if the effect is found to be significant.

233-41

City of Union City Specific Comments

The following comments are submitted specifically on behalf of the City of Union City:

233-42

Land Use and Planning

The DEIR gives short shrift to examining the Project's consistency with regional and local planning documents. The DEIR claims consistency with these plans, but provides little to no analysis of the actual consistency. The DEIR should include a more robust analysis of the Projects consistency with all relevant plans, but in particular Plan Bay Area, the Alameda Countywide Transit Plan and the Union City General Plan. In addition to the noise, traffic, and safety issues identified in this letter, the analysis should also focus on how moving passenger rail services from the Niles Subdivision to the Coast Subdivision will impact planning efforts that have assumed passenger rail service on the Niles Subdivision. These issues may include, but are not limited to Planned Development Areas around existing stations, county-wide movement of goods and people, and the removal of co-benefits of having the Capitol Corridor near BART stations and ACE train stations.

Transportation and Safety

The Project will involve at-grade crossings at four streets within Union City: Union City Boulevard, Smith Street, Dyer Street, and Alvarado Boulevard. Three of these are identified in the DEIR as Principal and Major Arterials, with the fourth, Smith Street, also becoming the Principal or Major Arterial Alvarado-Niles Boulevard approximately ½ mile from the at-grade crossing. As set forth above, the DEIR should disclose exactly what safety improvements Capitol Corridor plan for each of these at-grade crossings. Furthermore, the DEIR should examine the impacts the planned improvements will have on vehicular movement, bicycle movement, and pedestrian movement through the City. In particular, the DEIR does not, but should, examine the impacts of the Project on safe routes to school. Alvarado Elementary School, Alvarado Middle School, Itliong-Vera Cruz Middle School, Adventure Montessori Academy and the Safari Kid Preschool are all within ½ mile of the tracks.

233-43

Noise

Union City joins with the other comments in this letter regarding the DEIR's analysis and mitigation of the Project's noise and vibration impacts.

233-44



Conclusion

The City's of Newark, San Leandro, and Union City thank you for the opportunity to comment on the DEIR and look forward to reviewing the revised DEIR after Capitol Corridor has made the necessary corrections.

233-45

Sincerely,



Edward Grutzmacher



From: [Elizabeth ames](#)
To: info@southbayconnect.com
Cc: [Caroline Harris](#)
Subject: Request for more time and South Bay Connect DEIR comments from Tri-City Ecology Center
Date: Monday, July 15, 2024 5:29:03 PM
Attachments: [TCEC letter to CCJPA - south bay connect comments on DEIR.pdf](#)

Dear Project Team,

Please see attached letter from Tri-City Ecology and thank you for allowing us and the community to comment.

Yours.
Elizabeth (liz) Ames
510.371.1311

234-1



July 15, 2024

TO: Capitol Corridor Joint Powers Authority (CCJPA) Members
Rob Padgette CCJPA Managing Director

Email: info@southbayconnect.com

Subject: Request for 15-day time extension and South Bay Connect Draft EIR
Project comments

Dear Mr. Padgette and Honorable CCJPA Members:

The community and non-profits have asked us to request a 15-day time extension to allow for public comment on the South Bay Connect Project Draft EIR given the limited outreach and information shared from the 2020 Project scoping meeting and 3 years have passed since then. We have questions about the complexity and information shared by Capitol Corridor selecting the Project superior Alternative (proposed Project) on the coastal route. We request community meetings to allow for questions and answers, sharing information to assist the community understanding of the magnitude and scope of the proposed Project and in relation to future Capitol Corridor projects being studied to expand passenger and freight service.

The proposed Project includes adding 17 miles of new track and widening of 25 at-grade rail crossings up to 40 feet within the coastal UPRR right-of-way to allow for new passenger tracks adjacent to the existing coastal freight line between the cities of Oakland and Newark. The proposed Project creates a two-track coastal passenger and freight system, enhances freight and passenger rail, and connects to existing freight and passenger rail systems north, south and east of the Oakland Port and the City of Newark using the coastal route. The proposed coastal route will lead trains into Niles Canyon and San Jose outside of the proposed Project limits.

Given the larger region and the proposed Project limited scope, we recommend a minimum of 4 project alternatives be studied in the environmental assessment to explore a range of project impacts and mitigations related to sea level rise (SLR).

Development of Project Alternatives

- 1) The Proposed Project Plan deemed as a superior Alternative (proposed Project) with a SLR 2050 as defined by Capitol Corridor

234-2

234-3

- 2) The NO Project deemed as a superior Alternative as defined by Capitol Corridor along the current route under current land use and zoning conditions
- 3) The Proposed Project Plan SLR 2100 Alternative further upholds the integrity of the new rail system rebuild along the coastal route and completing the rail connections from Oakland to Newark by 2030.
- 4) The Full Build-Out Project SLR 2100 Alternative upholds the integrity of the proposed new rail system rebuild in phases completing the rail connections from Oakland to San Jose by 2050. The rail system will have a 75-year design life for bridges and freight/passenger rail assets. This includes expanding the rail system and all available land for potential conservation beyond the proposed Project limits. This alternative is consistent with the 2018, draft 2023 State Rail Plans and the 2016 CCVIP freight diversion and freight mitigation plans. This alternative will include the proposed Project's full impact on existing transit dependent communities, wetland/riparian corridors, and existing/ future passenger and freight rail operations,

234-3

The Proposed Project Plan SLR 2100 and Full Build-out SLR 2100 Alternatives 3 and 4

To optimize rail performance for safe, reliable and efficient service, using these alternatives will consider a 3-foot SLR metric in 2100 from Oakland to San Jose, ensuring a climate resilient rail system.

The Project multi-billion investment using a 1-foot SLR metric in 2050 is substandard as compared to the alternatives using SLR 2100. Given the proposed Project will begin to experience flooding in just 20 years after 2030 when the proposed Project construction is complete, alternatives using SLR 2100 will ensure superior operational performance equal to the No Project alternative.

To emphasize the importance of these alternatives, suppose the proposed Project Full Build-Out from Oakland to San Jose starts with Oakland to Newark at a cost of \$1 billion using SLR 2100 and is completed in 2030. Suppose the second phase from Newark to San Jose completes the Full Build-Out from Oakland to San Jose at a total cost of \$4 billion using SLR 2100 and is completed in 2040. Under this scenario, \$4 billion of rail assets will be subjected to significantly less flooding, liquefaction and settlement risks during the later years of the 75-year Project design life. This alternative best meets the Project goals and objectives of safe, reliable, efficient passenger service.

Long Range Planning Issues

Given the Bipartisan Infrastructure Law provides more than \$102 billion for commuter and freight rail over the next five years to help our communities tackle climate change and other advancements, we offer suggestions that will help decision-makers weigh planning alternative options to evaluate impacts such as the significant climate change threat of SLR in 2100.

234-4

The governor signed SB 272 into legislation in 2023 to plan for climate resilience and to mitigate effects of SLR through regional and local planning efforts to establish shoreline resiliency. What measures will be taken to ensure the proposed Project will not impact future regional shoreline planning and decades of advocacy to restore a rare resource using the long-range conservation vision and goals of the Don Edwards SF Bay National Wildlife Refuge (Refuge) <https://permanent.fdlp.gov/gpo51796/index.htm> Comprehensive Conservation Plan?

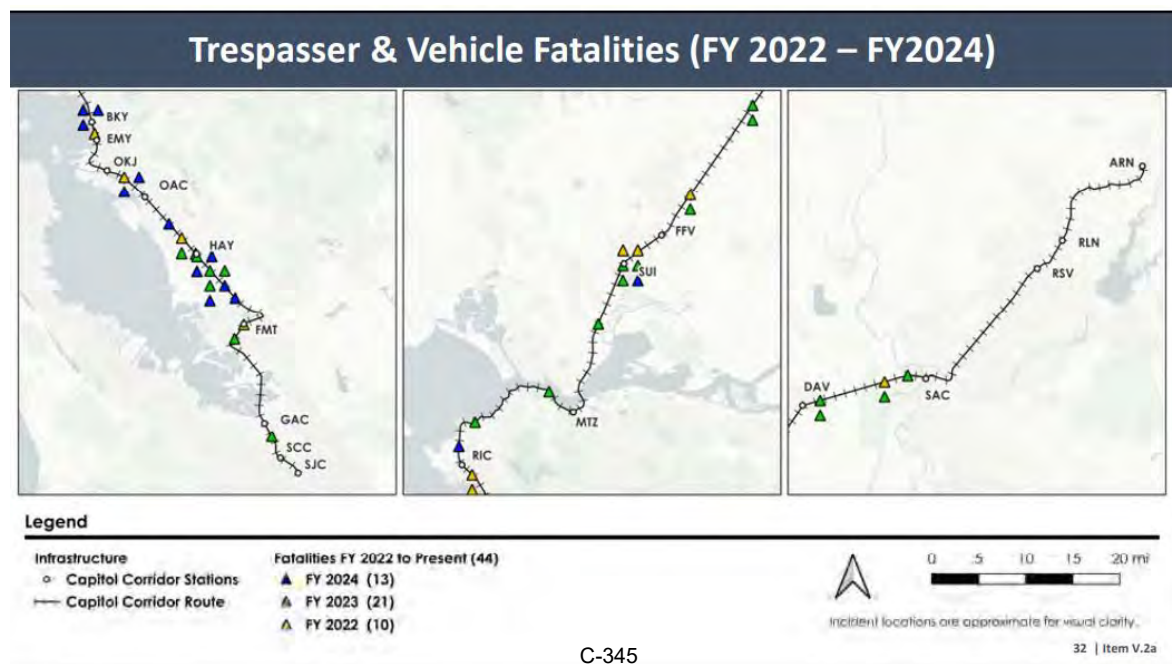
A piecemeal environmental assessment approach does not build public trust, and Full Build-Out alternatives should be evaluated. The federal, state and local agencies should hold CCJPA accountable to disclose the overall intent to promote more passenger and freight rail in the east bay. We fear the future passenger and freight rail service increases will be exempt from CEQA after the proposed Project is complete. Please clarify the legality of splitting projects to streamline permits and add more rail service, omitted from the proposed Project DEIR. We look forward to further explanation of Capitol Corridor vision planning and the targeted freight train planning. We request more alternatives be developed through the environmental review to help understand the full build-out of rail networks.

CCJPA should reconsider selecting the No Project as the superior alternative that is less threatened by sea level rise. The current route is 13 minutes slower but meets the long-term goals and objectives of safe, reliable and efficient service.

Environmental Issues

1. The proposed Project omits building new grade separations on the new coastal route and omits new grade separations on the vacated Niles rail route. Please see the CCJPA graph of the recent fatalities created by at-grade crossings reported during the June 2024 CCJPA meeting. The graph shows hazardous train collisions with pedestrians and vehicles exceeding 10 fatalities per year from 2024 to 2022 in communities without grade-separation improvements.

234-5



Grade-separations that remove at-grade rail crossings protect communities of concern and save lives. Yet, the proposed Project includes the minimum of safety measures of the new coastal at-grade crossings as noted below:

234-5

Improve 25 existing at-grade crossings, including improved striping and signage, as well as replace existing equipment (gates, arms, signal cabinets).

2. The proposed Project omits a larger environmental area and protection efforts for endangered species and habitat within and around the Don Edwards National Refuge, the coast and the Niles Canyon watershed. We must assume the proposed Project will increase passenger and freight train frequency over the 75-year life of the project. Considering an increase in passenger and freight service levels will likely to be realized shortly after the proposed Project is completed.

234-6

3. CCJPA has shown interest in expanding rail service from San Francisco to Oakland and to San Jose. These rail routes are at risk of flooding as identified in the CCJPA 2014 Sea Level Rise Vulnerability Assessment. Yet, the 2014 Vision Plan and the 2016 Vision Implementation Plan identifies no priorities. Please explain how the proposed Project is a high priority but has a small increase in post-pandemic ridership as compared to heavy rail systems in the east bay. Please explain how the proposed Project will connect to a larger set of Capitol Corridor initiatives in sufficient detail that results in expanding service based on issues noted below:

234-7

- a. Link 21 and South Bay Connect Project cumulative impacts of adding passenger service resulting in diverting freight trains to support Capitol Corridor vision plans
- b. Niles Canyon and the coast are identified as the primary recipients of freight diversion plans as noted on Figure 2-1, pdf 18 and 19 in the CCVIP. To understand this freight plan vision omitted from the proposed Project, how will freight trains increase to levels described to reach 55 to 65 freight trains daily on the Oakland/Niles routes?
- c. The proposed Project omits a freight train volume analysis of heavier trains with much slower speeds and varying train lengths up to 3 miles. There are growing problems with controlling heavier and longer trains anticipated now and into the future, not included in the proposed Project analysis.
 - i. CCVIP Final Report Appendices notes increased freight trains through the east bay, the coast and in Niles Canyon.
<https://www.capitolcorridor.org/wp-content/uploads/2016/12/CCVIP-Final-Report-Appendices-v2.pdf>
 - ii. Freight trains are increasing in length to increase efficiencies, but this strategy creates trains that are heavier and harder to control, linked to causing more derailments. The proposed Project provides a new opportunity for enhancing freight mobility in the east bay can increase the risk of derailments omitted from the proposed Project.
<https://thebossmagazine.com/freight-trains-are-longer-than-you-think/> <https://www.gao.gov/products/gao->

- iii. Freight train analysis in the proposed Project identifies freight trains use an average speed of over 35 mph reaching speeds of up to 50 to 60 mph. The proposed Project does not analyze slower freight train operations and efficiencies gained by longer, slower, heavier freight trains spanning between 1 to 3 miles. Freight operators are choosing this method of transport due to staffing shortages and minimizing operating costs which is of great concern in Niles Canyon, on the coast and near densely populated east bay cities. Please revise the assessment to accommodate slower, heavier train assessments and associated potential impacts.
- iv. The existing UPRR rail routes connect to the north and south of the Oakland Port. To the south, a UPRR rail port in Lathrop connects to the Oakland Port using Niles Canyon and the proposed Project coast rail line. Please describe the Niles Canyon/Oakland, Niles and Coastal freight rail connectivity unobstructed from Capitol Corridor passenger service that could induce more freight into our communities and into Niles Canyon.

Revisiting the allocation of billions proposed for the South Bay Connect full build-out project spanning from Oakland to San Jose falls short in operational performance after 2050 when SLR worsens. CCJPA must avoid a short-term outlook of gaining 13 minutes in commuter travel time only to experience long-term delays with flooding and other infrastructure damage anticipated on the coast rail network after 2050.

234-8

At this time, the No project is the superior alternative given the lower risks, more reliable, efficient service as compared to future settlement, liquefaction and ground water intrusion caused by sea level rise on the coastal route. SLR alternatives were not considered in the draft environmental assessment and should be considered.

We support thriving, walkable/bikeable urban transit villages, protecting infrastructure from sea level rise to improve communities and conserve diverse, unique ecosystems into the next century. We appreciate the opportunity to provide written comments to carefully consider freight and passenger rail corridor changes and expansion plans especially on the coast and through Niles Canyon, our watershed providing 40 percent of the tri-city drinking water supply.

Sincerely,

Caroline Harris
Tri-City Ecology Center Chair

Liz Ames, PE
TCEC Vice Chair
BART Director

From: [CCCCR](#)
To: info@southbayconnect.com
Cc: [Shirley Qian](#)
Subject: Citizens Committee to Complete the Refuge Comments re SBC DEIR
Date: Monday, July 15, 2024 5:29:04 PM
Attachments: [CCCCR Comment Letter South Bay Connect DEIR 7.15.24.pdf](#)
[CCCCR request for a time extension.pdf](#)

To whom it may concern,

Please find comments submitted on behalf of the Citizens Committee to Complete the Refuge regarding the South Bay Connect DEIR.

We request acknowledgement of receipt of this email, and that we be informed of future opportunities to review and provide comments on the SBC project.

Respectfully submitted,
Carin High
CCCCR



Citizens Committee to Complete the Refuge

P.O. Box 23957, San Jose CA 95137

Tel: 650-493-5540

Email: cccrrefuge@gmail.com

www.bayrefuge.org

Sent via electronic mail only

July 15, 2024

Capitol Corridor Joint Powers Authority
Attn: South Bay Connect DEIR
2150 Webster St, 3rd Floor
Oakland, CA 94612
info@southbayconnect.com

Re: Comments on the Capitol Corridor South Bay Connect Draft Environment Impact Report

To whom it may concern,

235-1

Citizens Committee to Complete the Refuge (CCCR) appreciates the opportunity to provide scoping comments in response to the Capitol Corridor South Bay Connect (SBC) Draft Environmental Impact Report (DEIR). The Notice of Availability for this DEIR states:

“The proposed Project would relocate Capitol Corridor passenger rail service to the existing Union Pacific Railroad Coast Subdivision between Oakland and Newark to improve operational efficiency and reliability. The proposed Project also includes constructing a new passenger rail station on the Coast Subdivision at the existing Ardenwood Park-and-Ride to serve southern Alameda County passengers and facilitate connections to existing transbay transit services.”

Citizens Committee to Complete the Refuge has an ongoing interest in wetlands protection, restoration and acquisition. Our efforts have led to the establishment and expansion of the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge), including the addition of 1600 acres at Bair Island in Redwood City. We have taken an active interest in Clean Water Act, Endangered Species Act and California Environmental Quality Act regulations, policies and implementation at the local, state and national levels, demonstrating our ongoing advocacy on wetland issues and our commitment to the protection of San Francisco Bay wildlife and habitats. For the past decade CCCR has been actively involved in issues, planning, and policies at the local, regional and state that focus on the threat posed by sea level rise to the ecological health of San Francisco Bay and to the resilience of our shoreline communities.

CCCR had requested a 15-day time extension of the public comment period due to the overwhelming size of the DEIR and Appendices (1100+ pages, 1500+ pages) and background materials referenced on the South Bay Connect webpage. [Time extension request attached] Unfortunately, our request, though completely reasonable, was declined. CCCR has a history of actively reaching out to the Capitol Corridor Joint Powers Authority (CCJPA) and worked to facilitate two meetings during 2021

235-2

between CCJPA staff and local environmental groups. Evidently community meetings have taken place between 2021 and the release of the DEIR at the end of May, unfortunately CCCR was not informed of the meetings.

235-2

CCCR incorporates by reference the comments provided by the Tri-City Ecology Center (TCEC) and Niles for Environmentally Safe Trains (NEST). Based upon the information provided on the SBC webpage, CCCR is submitting comments on the following issues:

235-3

- Piecemealing/Segmentation of the Project and Need for a Programmatic EIR
- Aesthetics/ Vegetation Impact, Protection, and Replacement Plan
- Biological Resources/Proposed Mitigation
 - Inadequate Identification of Impacts to Waters of the U.S./Waters of the State
 - Inadequacy of Proposed Mitigation Measures
 - Deferral of Mitigation
- Inadequacy of Sea Level Rise Adaptation Measures
- Lack of Cumulative Impact Analysis of Rail Projects on the Coast Subdivision
- Freight Rail Concerns

Improper Segmentation of the Project/Need for a Programmatic EIR:

235-4

The proposed project would relocate 14 round-trip Capitol Corridor passenger trains from Union Pacific Railroad's (UPRR) Niles and Oakland Subdivisions to UPRR's Coast Subdivision. The DEIR repeatedly states that the major purpose and need for the relocation is to "reduce travel times between Oakland and San Jose." [emphasis added]

The DEIR describes the South Bay Connect project as running from "the City of Oakland to the north, and the junction at Newark (in the City of Newark) to the south." Figure 2-10. "Proposed Project Footprint – Segment I" indicates the project ends abruptly at MP 31.50. However, CCCR is aware of another Capitol Corridor project that picks up where the SBC project ends in Newark and continues to the San Jose Diridon Station– the "Alviso Wetland Railroad Adaptation Alternatives Study (Alviso Wetland Study)." During the environmental stakeholder's meetings for the Alviso Wetland Study, it was abundantly clear from comments made by CCJPA staff and consultants, that in addition to identifying rail line vulnerability and adaptation measures that would provide sea level rise resilience, identifying an alternative that would result in increased train speed and rail line capacity was an equally important goal of the project. To that end, to address rail line capacity, the Alviso Wetland Study also proposed installation of up to two additional train tracks from the switching yard in Newark, located between Mowry Avenue and Stevenson Boulevard, and south to the Diridon Station in San Jose.

These two projects are clearly linked – the purpose and need is to reduce travel times between Oakland and San Jose – not Oakland and Newark. The entire segment San Jose-Oakland is discussed in the *Capitol Corridor Vision Implementation Plan* (Implementation Plan), dated November 2016, describes the process of developing alternatives:

"Preliminary analysis of travel times was then completed, and ridership was estimated for the alternatives using a model, to confirm that faster, more frequent and more reliable service would actually result in much greater ridership, and was really worth pursuing."

Based upon this goal, three alternatives were developed. Alternative A of the Implementation Plan, for rail between San Jose and Oakland is described as follows:

“Alternative A, the Coast Subdivision alignment currently used by the Amtrak Coast Starlight, would be faster than either the current alignment or a modified version of it (Alternative C), but would bypass existing stops in Hayward and Fremont (a stop could be added near the Dumbarton Bridge on the Fremont/Newark border). Both this alternative and Alternative C would require double-tracking of the existing single-track segment through the Alviso Wetlands at the southeastern tip of San Francisco Bay.” [emphasis added]

Alternative A clearly deems both the South Bay Connect project and the Alviso Wetlands project as necessary components of the overall plan to reduce travel times for the Capitol Corridor segment that runs from Oakland to San Jose.

The California Environmental Quality Act, Title 14 §15378 (a) defines a “project” as follows:

(a) "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” [emphasis added]

According to an Association of Environmental Professionals (AEP) 2020 CEQA Portal Topic Paper¹:

“The CEQA Guidelines define a project under CEQA as “the whole of the action” that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment.

Piecemealing or segmenting means dividing a project into two or more pieces and evaluating each piece in a separate environmental document, rather than evaluating the whole of the project in one environmental document. This is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less-than-significant impact on the environment, but which together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies.

In general, if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis. The project description should include all project components, including those that will have to be approved by responsible agencies. When future phases of a project are possible, but too speculative to be evaluated, the EIR should still mention that future phases may occur, provide as much information as is available about these future phases, and indicate that they would be subject to future CEQA review.” [emphasis added]

The underlined passages are pertinent to the discussion of piecemealing of environmental review of projects proposed for the San Jose to Oakland rail corridor. The South Bay Connect and Alviso Wetlands projects are clearly interrelated – physically - as the Alviso Wetlands project is on the UPRR tracks and connects directly to the southern terminus of the South Bay Connect project in Newark, and continues on to San Jose. And the two projects are interrelated stemming from the goal of

¹ “What is a Project?” AEP CEQA Portal, CEQA Portal Topic Paper. California Association of Environmental Professionals. 02.10.2020. <https://ceqaportal.org/tp/CEQA%20Project%20Description%202020%20Update.pdf>

reducing passenger rail travel times and increasing efficiencies and reliability for the Oakland to San Jose Capitol Corridor segment. Improvements proposed within the Alviso Wetlands project, of increasing the segment between Newark and San Jose, from a single track serving both passenger and freight trains to double or triple tracks are meant to further reduce the travel times and efficiency for the entire Oakland to San Jose segment of the Capitol Corridor.

235-5

One of the project objectives described in the SBC DEIR is to, “Reduce passenger rail travel time between Oakland and San Jose, and throughout the megaregion, to increase ridership on transit, ease congestion on the Bay Area’s stressed roadways, and reduce lengthy auto commutes.” [emphasis added] Also, “Support economic vitality by permitting enhanced rail movement and the preservation of freight rail capacity in the Northern California market through the reduction of conflicts between freight rail operations and passenger rail service.” [emphasis added] Both the SBC and the Alviso Wetlands projects include construction of an additional track(s) within the right-of-way for the purposes of providing separation between passenger and freight rail.

According to the prohibition of piecemealing, “When future phases of a project are possible, but too speculative to be evaluated, the EIR should still mention that future phases may occur, provide as much information as is available about these future phases, and indicate that they would be subject to future CEQA review.” The SBC DEIR does not even mention the Alviso Wetlands project which is a crucial component of reducing travel times and increasing reliability of passenger rail service on the Oakland to San Jose segment. There is no mention of the Alviso Wetlands project in the cumulative projects lists, nor is there any mention of the Newark-Albrae Siding Connection Project, which is described in Appendix 3.1 “Capital Projects – General Capital Projects” of the Draft 2023 California State Rail Plan, dated March 2023²:

235-6

“The project involves connecting two sidings to create a second main track. With implementation of this project, the connected sidings would permit double track operation between Fremont and just north of the Alviso Wetlands, thus increasing overall capacity. This project connects with previous improvements implemented by the Capitol Corridor Joint Power Authority and will benefit both the ACE and Capitol Corridors.”

- This project appears to be an actual component of the “whole of the project” to improve the corridor segment reliability and efficiency and to reduce travel times and should be included in the project description. Failing that, the project isn’t even included within the SBC DEIR Cumulative Projects List – why isn’t it? Is there a separate environmental review document for this project? Are all the impacts of the proposed project confined to the boundaries of the existing right-of-way? Depending upon the exact location of the proposed project, there may be seasonal, pickleweed, and vernal pool wetlands in close proximity to the UPRR ROW, are there potential direct and indirect impacts to adjacent habitats and wildlife. Where are the cumulative impacts for the Oakland to San Jose Capitol Corridor segment related projects identified?

235-7

We are extremely concerned that the environmental review of interrelated projects within the Oakland to San Jose segment is being piecemealed.

² California State Rail Plan Public Draft Appendix. Caltrans.2024. <https://dot.ca.gov/-/media/dot-media/programs/rail-mass-transportation/documents/california-state-rail-plan/20230310-casrp-appendices-final.pdf>

- Has a Program EIR ever been prepared for the various projects of the Oakland to San Jose Capitol Corridor segment?

Title 14 §15168 of the California Code of Regulations describes a Program EIR as follows:

(a) General. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

- (1)** Geographically,
- (2)** As logical parts in the chain of contemplated actions,
- (3)** In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
- (4)** As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

(b) Advantages. Use of a program EIR can provide the following advantages. The program EIR can:

- (1)** Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action,
- (2)** Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis,
- (3)** Avoid duplicative reconsideration of basic policy considerations,
- (4)** Allow the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts,
- (5)** Allow reduction in paperwork.

(c) Use With Later Activities. Later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.

- ...(3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into later activities in the program.
- (4)** Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR.
- (5)** A program EIR will be most helpful in dealing with later activities if it provides a description of planned activities that would implement the program and deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed project description and analysis of the program, many later activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.

The South Bay Connect project, the Alviso Wetlands project, and the Newark-Albrae Siding Connection Project are interrelated projects and certainly consistent with §15168 a.1, a.2, a.3 and potentially a.4 conditions. CCJPA must “ensure consideration of cumulative impacts that might be

slighted in a case-by-case basis (Title 14 § 15168 b.2),” which is needed based upon our review of the SBC DEIR. A Program EIR would be consistent with §15168 (c) since the Alviso Wetlands project is still in the planning phase.

235-8

3.2 Aesthetics

235-9

MM AES-3: Vegetation Impact, Protection, and Replacement Plan – The DEIR proposes the preparation of a Vegetation Impact, Protection and Replacement Plan that includes mitigating vegetation losses to several areas near native habitats and agricultural lands (Alameda Creek, Crandall Creek with proximity to Coyote Hills Regional Park and Ardenwood Historic Farm). This plan must address the potential to introduce *Phytophthora* species into these natural and working lands through the installation of nursery plants. This issue is not addressed in the DEIR.

The DEIR should acknowledge the presence of Sudden Oak Death (*Phytophthora ramorum*) and other *Phytophthora* species and provide mitigation measures to minimize the introduction and spread of these pathogens during construction and habitat restoration activities. Since 2010 numerous new *Phytophthora* species have been identified that impact other native shrub and perennial species. Some of these new *Phytophthora* have been introduced to mitigation sites reducing plant success and spreading the pathogens into native habitats. The DEIR should incorporate updated *Phytophthora* protocols into the construction documents to minimize the spread of these new pathogens (Working Group for Phytophthoras in Native Habitats, 2017) and in plant nurseries that may grow container plants for the SBC Project (Working Group for Phytophthoras in Native Habitats, 2016).

Working Group for Phytophthoras in Native Habitats. 2017. Guidance to Reduce the Risk of Phytophthora and other Plant Pathogen Introductions to Mitigation Sites. Available online: http://www.suddenoakdeath.org/wp-content/uploads/2016/04/PWG-regulator-white-paper-updated_09.19.17.pdf

Working Group for Phytophthoras in Native Habitats. 2016. Guidelines to Minimize Phytophthora Pathogens in Restoration Nurseries. Available online: http://www.suddenoakdeath.org/wp-content/uploads/2016/04/Restoration.Nsy_Guidelines.final_092216.pdf

3.5 Biological Resources/Mitigation Measures:

235-10

(p. 3.5-27) – Jurisdictional Aquatic Resources:

“As depicted in Attachment 2 of Appendix C there are multiple jurisdictional aquatic resources mapped within the proposed Project footprint. Mitigation measures to ensure that the proposed Project does not result in significant impacts on jurisdictional aquatic resources would be required as part of the regulatory permits for impacts on jurisdictional features.” [emphasis added]

- The DEIR does not appear to provide a table that describes the aquatic resource that will be impacted by direct or indirect impacts, nor the estimated physical extent of permanent and temporary impacts. This is information that must be provided in the EIR so the public can assess the level of significance of the impact.
- Not only must this information be provided, but for every instance where work is proposed within an aquatic resource, a description of the type of work proposed (e.g. piles? piers? wingwalls? impacts to streambed substrate? cofferdams? etc.) should be

provided, rather than the graphic information provided in Attachment 2 of Appendix C. The description should include an estimation of the duration of the construction period and should describe activities pertinent to temporary and permanent changes to the physical environment.

- The statement underlined above constitutes a deferral of mitigation. An AEP CEQA Portal Topic Paper on Mitigation states under the heading “Rules”³:

235-11

“Do not defer mitigation measures until a later time, except as provided in the CEQA Guidelines.”

Regarding deferral:

“Deferred mitigation refers to the practice of putting off the precise determination of whether an impact is significant, or precisely defining required mitigation measures, until a future date. Over the years, the courts have addressed the issue of deferred mitigation numerous times to the point where patterns of appropriate and inappropriate CEQA behavior have emerged. Such certainty is not possible if the details of enforceable mitigation measures to avoid the impacts are deferred.”
[emphasis added]

The Topic Paper goes on to cite the *Sacramento Old City Assoc. v. City Council of Sacramento* (1991) 229 Cal. App. 3d 1011, and states “in order to meet CEQA’s requirements a mitigation measure must meet one of the following basic conditions”:

- “The agency must commit itself to the mitigation by identifying and adopting one or more mitigation measures for the identified significant effect. The mitigation measure must also set out clear performance standards for what the future mitigation must achieve.
- Alternatively, the agency must provide a menu of feasible mitigation options from which the applicant or agency staffs can choose in order to achieve the stated performance standards.”

The SBC DEIR fails to provide information sufficient for the public to determine the level of significance for impacts proposed in aquatic resources, and fails to provide any information regarding future mitigation for those impacts that would allow the lead agency to reach a determination that the impacts have indeed been reduced to a level that is less than significant.

p.3.5-43 – “Special-Status Birds, including Migratory Birds”:

235-12

Attachment 2 of Appendix C depicts the alignments of Alternatives A-D and the location of potential impacts for those alternatives. Alternatives A-D were dropped from consideration in the SBC DEIR. Just as a point of information regarding potential impacts in the vicinity of Quarry Lakes in Fremont, a pair of Bald Eagles have been reported in the area since 2015, and this area appears to be an

³ “Mitigation Measures” AEP CEQA Portal, CEQA Portal Topic Paper. California Association of Environmental Professionals. 02.10.2020. <https://ceqaportal.org/tp/CEQA Mitigation 2020.pdf>

“important eagle-use area.” CCCR has been informed that the eagle pair have been spotted in the vicinity of Quarry Lakes again this year and foraging along the Alameda Flood Control Channel.

We believe it is extremely important that CCJPA be made aware of the use of this area by a Bald Eagle pair.

The Bald Eagle is state listed “endangered” under the California Endangered Species Act (CESA). In addition, the Bald Eagle is afforded federal protection under the Bald and Golden Eagle Protection Act. According to the U.S. Fish and Wildlife Service⁴:

“The Bald and Golden Eagle Protection Act ([16 U.S.C. 668-668d](#)), enacted in 1940, and amended several times since, prohibits anyone, without a permit issued by the Secretary of the Interior, from “taking” bald or golden eagles, including their parts (including feathers), nests, or eggs.

The Act provides criminal penalties for persons who “take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part (including feathers), nest, or egg thereof.”

The Act defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” Regulations further define “disturb” as “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior” ([50 CFR 22.6](#)).” [emphasis added]

50 CFR 22.80 describes the permit process for “eagle take that is associated with, but not the purpose of, an activity.” 50 CFR 22.80(a) states:

“Purpose and scope. This permit authorizes take of bald eagles and golden eagles where the take is compatible with the preservation of the bald eagle and the golden eagle; is necessary to protect an interest in a particular locality; is associated with, but not the purpose of, the activity; and cannot practicably be avoided.”

The Code of Federal Regulations at 50 CFR 22.6 provides a definition for an “Important eagle-use area”:

“...means an eagle nest, foraging area, or communal roost site that eagles rely on for breeding, sheltering, or feeding, and the landscape features surrounding such nest, foraging area, or roost site that are essential for the continued viability of the site for breeding, feeding, or sheltering eagles.” [emphasis added]

Additional definitions include, “foraging area” which “means an area where eagles regularly feed during one or more seasons,” and “communal roost site” refers to “an area where eagles gather

⁴ U.S. Fish & Wildlife Service. Bald and Golden Eagle Protection Act. Accessed 9-5-2023. <https://www.fws.gov/law/bald-and-golden-eagle-protection-act>

repeatedly in the course of a season and shelter overnight and sometimes during the day in the event of inclement weather.”

235-12

50 CFR 22.6 also includes a definition of “disturb” that is consistent with that of the Bald and Golden Eagle Protection Act:

“...means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available,

(1) injury to an eagle,

(2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or

(3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.” [emphasis added]

If work is to occur in the vicinity of Quarry Lakes, we urge CCJPA to require surveys for the Bald Eagle pair, provide proposed mitigation measures to ensure “take” of the pair is avoided, and require coordination with the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW).

p. 3.5-55 – Impacts to Aquatic Resources: “Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?”

235-13

As stated earlier, the SBC DEIR fails to provide any estimates of the direct and indirect, temporary and permanent impacts to aquatic resources, nor does the DEIR provide anything more than vague language regarding mitigation that will reduce project impacts to a level that is less-than-significant, instead deferring mitigation details into the future. Mitigation BIO-17 is specific to compensation for the loss of riparian habitat and does not offer any language regarding compensation for the temporary and/or permanent loss of other aquatic resources (e.g. marsh, vernal pool, coastal, etc.).

MM BIO-1: Implement Biological Resources Protection Measures during Construction:

235-14

All of the mitigation measures should be modified to ensure the “qualified biologist” is a “USFWS and CDFW-approved” Project Biologist, or “NMFS and CDFW-approved” Project Biologist as appropriate. The proposed project has the potential to impact not only state-listed species, but federally-listed species as well. And USFWS and/or NMFS should be added to the list of regulatory and resource agencies that should review and approve plans pertinent to the protection of plants and wildlife covered by the federal Endangered Species Act.

Use of rodenticides and herbicides – the proposed use of rodenticides should be avoided. Their use should be banned in areas adjacent to potential salt marsh harvest mouse and Burrowing Owl habitat, or in the case of herbicides, adjacent to areas that support listed or special-status plant species. MM BIO-1, while acknowledging the problem of secondary poisoning, is devoid of any description of how secondary poisoning of raptors and other wildlife would be prevented. Certainly

235-15

USFWS, NMFS and CDFW should first be consulted before CCJPA develops any plans to utilize rodenticides and herbicides.	235-15
MM BIO 9: Dewatering and Aquatic Species Relocation Plan – The mitigation measure states if “in-water pile driving activities are required” the avoidance and mitigation measures outlined in the Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish, dated November of 2015 and developed by Caltrans would be utilized. That document proposes a wide range of potential avoidance and mitigation measures. The SBC DEIR should provide examples of the types of avoidance and mitigation measures that might be employed given the locations and conditions of the creeks/streams that will be impacted.	235-16
MM BIO 11: The Western Pond Turtle is proposed for listing as threatened under the federal Endangered Species Act (ESA) therefore the mitigation measure should be modified to require that a qualified biologist be approved by the USFWS and CDFW, and that any proposed relocations, plans, etc. must also be reviewed and approved by the USFWS prior to implementation.	235-17
MM BIO 12: Nesting Migratory Birds, Special-Status Birds, and Raptor Pre-construction Surveys: The mitigation measure should be modified to include consultation with USFWS pursuant to the Bald and Golden Eagle Protection Act, should any actions be proposed in the vicinity of where this pair roosts or actively forages.	235-18
Chapter 4. Sea Level Rise:	235-19
Page 4-4 - Location 5: Old Alameda Creek: Tracks south of SR-92, adjacent to Eden Landing in Hayward MP 23.09 to MP 23.78 and tracks crossing Old Alameda Creek MP 24.18. It should be added that Old Alameda Creek flows into the Eden Landing Ecological Reserve.	
Page 4-4 – Location 7: Newark Slough: Both of these channels are considered to be part of the Newark Slough Watershed by the Alameda County Flood Control & Water Conservation District. These channels flow to the Don Edwards San Francisco Bay National Wildlife Refuge.	235-20
Page 4-9 – Figure 4-5. Estimated BCDC Jurisdiction, Extent 5 – This figure should identify the Eden Landing Ecological Reserve.	235-21
Page 4-11 - Figure 4-7. Estimated BCDC Jurisdiction, Extent 7: This figure should identify the Don Edwards San Francisco Bay National Wildlife Refuge.	235-22
Page 4-16: Reads “RSA Location 7 covers the unnamed channel and Newark Slough crossings. Both the unnamed channel and Newark Slough flow southwest when crossing the trackway. Newark Slough and the unnamed channel join downstream to form an unrestricted waterbody flowing toward the San Francisco Bay.” The phrase “through the Don Edwards San Francisco Bay National Wildlife Refuge” should be added to the sentence. It should be noted that these areas are subject to both stormwater flooding as well as sea level rise.	235-23
Page 4-15 to 4-16: Reads “RSA Location 5 is east of Eden Landing, a tidal marsh area, with the elevation of the trackway consistently within the range of approximately 10 to 11 feet. ... Elevations within the Alameda Creek crossing and RSA range from approximately 0 to 5 feet.” Here again it should be noted that Old Alameda Creek flows to Eden Landing Ecological Reserve and noted that this area is subject to both stormwater flooding as well as sea level rise.	235-24

Failure to Analyze Impact of SLR on the Entire Project

235-25

The DEIR fails to analyze the impacts of SLR on the entire project. It instead analyzes only SLR impacts within potential BCDC jurisdiction. This limits an assessment of the viability of the of the project in the face of climate change.

- Should the public be asked to spend \$1B in taxpayer funds for a project with a limited future?
- Why was this analysis restricted to areas of BCDC jurisdiction?
- Other areas of the track alignment have low elevations which are similar to the elevations of Locations 2 through 5 and are directly adjacent to marshes, salt crystallizers and low-lying uplands susceptible to SLR inundation.

Failure to clearly identify the total water levels/time-frame for sea level rise adaptive strategies

235-26

The various SBC documents that address the issue of sea level rise resilience mention adaptation to 2050, 2100 and beyond, however, it is unclear which value will be utilized when designing the resilience strategies. The DEIR and Appendix mention a 100-year life of a project and we certainly concur that to plan for anything less with critical infrastructure is inconsistent with State Guidance.⁵ The Ocean Protection Council (OPC) Guidance pointedly states:

“Extreme risk aversion: For high consequence projects that have little to no adaptive capacity, would be irreversibly destroyed or significantly costly to relocate/repair or would have considerable public health, public safety, or environmental impacts. For instance, critical infrastructure should be considered as extremely risk averse. Extreme risk aversion projects should be resilient to high-end sea level scenarios, when feasible.”

- Please clearly state what the expected life of the various components of the Oakland to San Jose Capitol Corridor segment are (tracks, bridges, etc.) and the levels of sea level rise that will be used when designing adaptive strategies.

Failure to Implement SLR Adaptation Measures

235-27

The DEIR identifies three categories of SLR Adaptation Measures and briefly explores the feasibility of these measures. However, it does not specify which, if any, of the measures will be implemented even at the seven locations within BCDC jurisdiction. It instead defers these actions by stating that “The decision to raise the tracks will be made based on the site design conditions of each segment and tracks will be raised as necessary to a height that provides operational passage while addressing SLR to the extent possible.” In Chapter 2 – Section 2.2.3.1. – Track and Civil Improvements and Section 2.2.3.5 Bridge and Structure Improvements there is no mention of elevating the tracks or the bridges to adapt to SLR.

Failure to Evaluate Cumulative Impacts and Feasibility of SLR Adaptation Measures

235-28

In Section 4.4.3 Cumulative Impact Analysis fails to evaluate the how the other capital improvement project proposed on the Coast Subdivision, the *Alviso Wetland Railroad Adaptation Alternatives Study*, extending from Newark to San Jose, would relate to the SLR Adaptation Measures, identified but not specified, to the South Bay Connect Project. The Alviso Study intends to raise the elevation of the entire track line from San Jose to Newark.

⁵ *California Sea Level Rise Guidance: 2024 Science and Policy Update*. 2024. California Sea Level Rise Science Task Force, California Ocean Protection Council, California Ocean Science Trust.

- If the track line is to be elevated as it comes into Milepost 31.50 how would this impact the elevation of nearby and farther away tracks and track improvements (at-grade crossings, bridge crossings, grade-separated crossings, pedestrian and bicycle facilities, etc.)?

The DEIR fails to examine the integration of these two projects on the same track alignment, the Coast Subdivision, serving the same passengers and being proposed to achieve the same goals of reduced travel time between San Jose and Oakland.

235-29

Concerns Regarding Diversion of Freight Rail Through Niles Canyon

Increase in Freight Rail Traffic Through Niles Canyon: The Tri-City Ecology Center and Niles for Environmentally Safe Trains will be submitting comments regarding concerns that the proposed project could ultimately result in an increase of freight rail through Niles Canyon, an environmentally sensitive area. The SBC DEIR states that the SBC project will not result in changes to existing freight operations. However, relocation of freight from the Coast Subdivision was discussed in the *“Final Capitol Corridor Vision Implementation Plan,”* dated November 2016 states:

235-30

“The Coast Subdivision north of Newark Junction is currently used by the Amtrak Coast Starlight, and is currently the primary southbound freight route out of the Port of Oakland. Most freight trains would be relocated to the Oakland and Niles Subdivisions (freight trains could continue to serve local destinations overnight), and improvements would be made for them there (as described in the following pages).”

We understand that this DEIR states freight rail will not be relocated, but the concept of relocating freight rail from the Coast Subdivision to the Niles and Oakland Subdivisions keeps coming up for consideration.

- We have been trying to obtain clarification on this matter for several years and request that this issue be directly addressed. We are not asking whether freight rail on the Coast Subdivision will increase as a result of this realignment and track addition. We have been told the types of freight that run on the Coast Subdivision are for “local” freight, whereas the freight trains that run on the Niles and Oakland Subdivisions are for long-distance freight, and that a realignment to the Niles and Oakland Subdivisions would not increase efficiencies for local freight. We request that CCJPA clarify once and for all, whether the realignment of Capitol Corridor passenger rail trains to the Coast Subdivision, could result in an increase in freight rail traffic through Niles Canyon due to a transfer of freight rail from the Coast Subdivision to the Niles and Oakland Subdivisions.

Conclusion:

Despite the volume of pages that comprise the SBC DEIR and Appendices, there is a surprising lack of information crucial to informing the public’s understanding of:

235-31

- the purpose and need for the proposed project,
- an understanding of the complete project,
- the environmental impacts of the proposed project,
- the adequacy of mitigation measures (both to reduce the impacts of the proposed project and to provide compensatory mitigation for those impacts that occur),
- deferral of mitigation
- the adequacy of sea level rise resilience planning, and

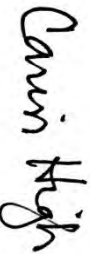
- the impacts of the potential consequences of the proposed project and freight rail through Niles Canyon.

Regarding the purpose and need for the proposed project, we have heard repeatedly about the time savings of 14 minutes for the portion of the segment from Oakland to Newark, but without the improvements proposed by the Alviso Wetlands segment, that those time efficiencies could be lost due to the existing conditions from Newark south to San Jose.

We believe there are a number of substantive flaws with the SBC DEIR that must be rectified to ensure CEQA compliance.

Thank you for the opportunity to provide comments. We request that we be informed of future opportunities for public review and comment.

Respectfully submitted,



Carin High
CCCR, Co-Chair
cccrefuge@gmail.com



Jana Sokale
CCCR
cccrefuge@gmail.com

From: [Kimberly Harbin](#)
To: info@SouthBayConnect.com
Subject: Southbay Connect DEIR comments
Date: Monday, July 15, 2024 5:29:06 PM

To whom it will concern,

My property is adjacent to the railroad tracks, and I will be directly impacted by this project, particularly if the tracks are doubled, and freight trains filled with dangerous cargo go by me at far greater frequency than they already do now. I have grave reservations about this project that appears to have been piecemealed in violation of CEQA. It is disingenuous at best, but is more likely illegal, to chop up a project up in order to create small enough impacts that the parts become ministerial approval or less than significant. A great deal of case law has been defined in the CEQA Guidelines that support my concerns.

236-1

Sincerely,
Kimberly Harbin
36882 Niles Blvd
Fremont, CA 94536

Sent from my HAL 9000

From: Pan_Katharine@BCDC
To: info@southbayconnect.com
Cc: [OPR State Clearinghouse](#)
Subject: BCDC Comments on South Bay Connect DEIR
Date: Monday, July 15, 2024 7:19:08 PM
Attachments: [SouthBayConnect_DEIRCommentLetter_071524.pdf](#)

See comments attached. Please let us know if you have any questions.

Katharine Pan

Shoreline Development Program Manager

Direct: (415) 352-3650 | katharine.pan@bcdc.ca.gov

San Francisco Bay Conservation and Development Commission

Bay Area Metro Center

375 Beale Street, Ste. 510

San Francisco, CA 94105

Main: (415) 352-3600

www.bcdc.ca.gov | [@SFBBCDC](#)

BCDC is hiring! Visit <https://www.bcdc.ca.gov/employment/index.html> to see current openings.

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 888 348 5190

State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

July 15, 2024

Capitol Corridor Joint Powers Authority

Attn: South Bay Connect DEIR

2150 Webster Street, 3rd Floor

Oakland, CA 94612

Via E-mail: info@southbayconnect.com

SUBJECT: Comments on the Draft Environmental Impact Report for the Capitol Corridor South Bay Connect Project; BCDC Inquiry File No. MC.MC.2024.01

To Whom It May Concern:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Capitol Corridor South Bay Connect Project (Project), State Clearinghouse No. 2020060655, published in May 2024 by the Capitol Corridor Joint Powers Authority. The Notice of Availability and DEIR were received by our office on May 29, 2024.

The San Francisco Bay Conservation and Development Commission (BCDC) is providing the following comments as a responsible agency with discretionary approval power over aspects of the Project, as described below. BCDC will rely on the Final EIR when considering its approvals for the project, and we appreciate this opportunity to comment on the information and analyses presented in the DEIR. The Commission itself has not reviewed the DEIR; the following comments are based on BCDC staff review of the DEIR, the McAteer-Petris Act (Title 7.2 of the California Government Code), and the *San Francisco Bay Plan* (Bay Plan).

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

BCDC is a State planning and regulatory agency with permitting authority over San Francisco Bay, the Bay shoreline, and Suisun Marsh, as established in the McAteer-Petris Act and the Suisun Marsh Preservation Act. Per the McAteer-Petris Act, BCDC is responsible for granting or denying permits for any proposed fill; extraction of materials; or substantial changes in use of any water, land, or structure within the Commission's jurisdiction (Government Code Section 66632). Additionally, BCDC establishes land use policies for the Bay as a resource and for development of the Bay and shoreline in the Bay Plan, which provides the basis for the Commission's review and actions on proposed projects.



Portions of the Project may be located within the following areas of BCDC's permitting jurisdiction:

- In the San Francisco Bay, being all areas subject to tidal action, including the marshlands lying between mean high tide and five feet above mean sea level; tidelands (land lying between mean high tide and mean low tide); and submerged lands (Government Code Section 66610[a]); and
- In the shoreline band, consisting of all territory located between the shoreline of the Bay and 100 feet landward of and parallel with the shoreline (Government Code Section 66610[b]).

Based on the information provided in the DEIR, portions of the project that may be within the Commission's jurisdiction include (from north to south):

- Estudillo Canal/Flood Control Channel
- Heron Bay
- San Lorenzo Creek
- Bockman Canal/Canal 1
- Oro Loma Marsh
- Sulphur Creek
- New Alameda Creek/Lower Alameda Creek
- Alameda County Flood Control District Line F-1; Zone 5 (near Central Ave. in Newark)

Note that these are preliminary and that the project proponent would be expected to review each of these locations and any additional locations that may be subject to tidal action to determine whether a permit is needed before construction can take place. To facilitate future review of the Project in areas potentially within BCDC's jurisdiction, please ensure that all symbols and lines presented on figures in the Final EIR are clearly labeled, including any bodies of water, particularly Figures 2-2 through 2-10.

Project Description

Based on the DEIR, we understand that the Project will include the following components:

237-2

1. The relocation of the Capitol Corridor passenger service from the Union Pacific Railroad (UPRR) Niles Subdivision to the UPRR Coast Subdivision between the rail junction at Elmhurst (Oakland, CA) and the rail junction at Newark, CA.
2. Rail alterations, expansions, and infrastructure improvements within the Project Corridor on the Coast Subdivision, and at junction points at Elmhurst (in Oakland, California) and Newark, California. This may include including track and civil improvements, as well as:
 - a. Ballast, track, bridge and structure improvements, including replacements and modifications, between Elmhurst and Newark.
 - b. New sidings and retaining walls of varying heights intermittently along most of the corridor.
3. At-grade crossing improvements such as new or modified active warning devices, or roadways improvements such as: improvements to the roadway profiles, paving, curbs, gutters, sidewalks, signage, and striping to conform to the proposed new track profile. Additional at-grade crossing improvements include modifications such as interconnected roadway traffic signals and signage.
4. Grade separated crossing improvements at seven existing grade-separated crossings, some of which require pier protection, as well as abutment modification at grade-separated crossings at State Route 84.
5. A new intermodal station on the Coast Subdivision at the existing Ardenwood Park-and-Ride, within the City of Fremont, except for the south pedestrian overcrossing (within City of Newark jurisdiction). The proposed Ardenwood Station will provide a new passenger platform with a pedestrian overcrossing. The proposed passenger facility would be configured to include a center boarding platform located between the tracks. The proposed north pedestrian overcrossing would be approximately 42 feet high. The platform would have grade-separated access across the tracks.
6. Construction of additional parking northwest of the passenger rail station on a currently vacant parcel, initially consisting of a surface parking lot with the potential for the construction of a two-level parking garage.

ENVIRONMENTAL ANALYSES

The Commission’s permitting process attempts to balance development with natural resource conservation and maximum feasible public access. Below are BCDC staff’s questions and comments on the DEIR as well as relevant Bay Plan Policies, organized by environmental topic. Please note that the Bay Plan policies listed in this letter are not exhaustive. Rather, our intention is to identify a selection of applicable policies which the DEIR has not already acknowledged or considered in all applicable contexts.

237-3

Aesthetics

BAY PLAN POLICIES AND DESIGN GUIDELINES

The description of BCDC on p.3.2-3 includes a discussion of BCDC’s public access policies and findings from 2001. However, the most recent versions of both BCDC’s Public Access Design Guidelines and Public Access Signage Guidelines were published in 2005 (See Design Guidelines: [Guidelines | SF Bay Conservation & Development \(ca.gov\)](#)). Additionally, the Bay Plan (2020) includes several policies relevant to the proposed project that were not discussed in the regulatory setting on p.3.2-3. Consider revising this section to also include discussion of Bay Plan policies and findings from the Appearance, Design, and Scenic Views section, and consider the following policies, which are relevant to the Project:

237-4

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- **Policy 6:** Additional bridges over the Bay should be avoided, to the extent possible, to preserve the visual impact of the large expanse of the Bay. The design of new crossings deemed necessary should relate to others nearby and should be located between promontories or other land forms that naturally suggest themselves as connections reaching across the Bay (but without destroying the obvious character of the promontory). New or remodeled bridges across the Bay should be designed to permit maximum viewing of the Bay and its surroundings by both motorist and pedestrians. Guard rails and bridge supports should be designed with views in mind.
- **Policy 7:** Access routes to Bay crossings should be designed so as to orient the traveler to the Bay (as in the main approaches to the Golden Gate Bridge). Similar consideration should be given to the design of highway and mass transit routes paralleling the Bay (by providing frequent views of the Bay, if possible, so the traveler knows which way he or she is moving in relation to the Bay). Guardrails, fences, landscaping, and other structures related to such routes should be designed and located so as to maintain and to take advantage of Bay views. New or rebuilt roads in the hills above the Bay and in areas along the shores of the Bay should be constructed as scenic parkways in order to take full advantage of the commanding views of the Bay.

PROPOSED PROJECT ELEMENTS

The following text is included on page 3.2-18: “None of the above-listed BCDC-managed lands or any public access would be affected by the proposed project. Likewise, the San Francisco Bay Trail, which generally runs along the shoreline, is not affected by the proposed Project. The San Francisco Bay Trail, at its closest point, is about a half mile from the Coast Subdivision.” Please note that the Bay Trail not only runs close to, but directly intersects the Coast Subdivision at several points, including intersections at Eden Shores Blvd, New Alameda Creek, Ardenwood Blvd, as well as a proposed section of the Bay Trail at Old Alameda Creek. Additionally, note that BCDC does not manage any lands as stated in the DEIR; rather, the “above-listed” lands may be located within BCDC jurisdiction and, if so, those components of the Project at those locations must be consistent with BCDC policies.

VISUAL CHARACTER AND QUALITY

Note that as part of BCDC’s review of visual impacts, we typically consider how a proposed project’s design would affect the public’s experience of the Bay. For this Project, we would consider whether the design could potentially deter members of the public from using public access areas, whether by affecting perceptions of safety or public-ness. Please consider assessing this aspect of visual character in Section 3.2.6.4. Otherwise, note that staff will review potential impacts with the project proponent at the time of permit application.

Biological Resources

REGULATORY SETTINGS

The section on page 3.5-8 describing BCDC’s laws and policies should be located in the State section of the Regulatory Settings rather than the Regional section. In this section, the DEIR references the Bay Plan with a citation of “BCDC 2021.” Note that the most current version of the Bay Plan is the May 2020 version, which includes new Environmental Justice and Fill for Habitat Restoration policies adopted by the Commission in 2019. Prior to the revision, the most recent version available on the BCDC website was dated March 2012. As part of the Regulatory Settings, please also acknowledge that the Bay Plan includes a number of specific policy sections related to biological resources, including Fish, Other Aquatic Organisms and Wildlife; Tidal Marshes and Tidal Flats; Subtidal Areas; and Mitigation. Please also see the attached suggested revisions to the boilerplate regulatory settings language used throughout the DEIR.

CRITICAL HABITAT

In Section 3.5.6.2, on page 3.5-53, the DEIR states that critical habitat for sturgeon occurs outside of the proposed Project footprint. However, this is not clear from Figure 3.5-2, which shows areas of critical habitat following waterways up to the rail line in the northern reaches of the Project near San Leandro. Please provide a more detailed and zoomed in diagram of the critical habitat in this area to support this finding.

BRIDGE IMPACTS

For the analyses in Sections 3.5.6.1, 3.5.6.2, and 3.5.6.3, please analyze the potential for in-water work associated with bridge construction to impact special-status species, habitats, and wetlands. Additionally, please discuss whether the additional shading caused by the expanded bridge fill would negatively affect any species or habitat.

MITIGATION

The Bay Plan’s Mitigation policies provide direction for mitigating impacts to Bay natural resources (such as water surface area, volume, or circulation; aquatic organisms and habitat; subtidal areas; and tidal marshes and flats) that cannot be avoided. Please note the requirements for approaching mitigation as established in Mitigation Policy No. 1:

“Projects should be designed to avoid adverse environmental impacts to Bay natural resources such as to water surface area, volume, or circulation and to plants, fish, other aquatic organisms and wildlife habitat, subtidal areas, or tidal marshes or tidal flats. Whenever adverse impacts cannot be avoided, they should be minimized to the greatest extent practicable. Finally, measures to compensate for unavoidable adverse impacts to the natural resources of the Bay should be required. Mitigation is not a substitute for meeting the other requirements of the McAteer-Petris Act.”

Mitigation Measure MM BIO-17 describes mitigating for permanent habitat impacts through in lieu fee payments to a mitigation bank. Please note Mitigation Policy No. 12, which states:

“The Commission may allow fee-based mitigation when other compensatory mitigation measures are infeasible. Fee-based mitigation agreements should include: (a) identification of a specific project that the fees will be used for within a specified time frame; (b) provisions for accurate tracking of the use of funds; (c) assignment of responsibility for the ecological success of the mitigation project; (d) determination of fair and adequate fee rates that account for all financial aspects of the mitigation project, including costs of securing sites, construction costs, maintenance costs, and administrative costs; (e) compensation for time lags between the adverse impact and the mitigation; and (f) provisions for long-term maintenance, management and protection of the mitigation site.”

Please confirm that mitigation for any habitat impacts within BCDC’s jurisdiction can be conducted in a manner consistent with the Bay Plan’s policies on Mitigation.

237-5

BCDC PERMIT TYPE

On page 3.5-74, the DEIR anticipates either a BCDC major or regionwide permit will be required for the project. It would be more accurate to state that a BCDC permit will be required for work within the Commission's jurisdiction, and the type of permit will depend on the extent of that work. Note that there is a high likelihood that the appropriate permit type will be an administrative permit, and it is not clear whether one of the existing regionwide permits would cover the work proposed as part of the Project.

237-5

Geology and Soils

REGULATORY SETTING

Please include BCDC's laws and policies in the Regulatory Setting for this environmental topic. The Bay Plan includes Safety of Fills policies which are relevant to the seismic stability of the propose bridge structures.

237-6

MITIGATION MEASURES

Note that both mitigation measures described in this section are numbered MM GEO-1, and only one of them is described in detail. MM GEO-1: Geotechnical Investigation is mentioned on page 3.8-58, but is not included on page 3.8-64, which lists only MM GEO-1: Paleontological Resources Mitigation Plan (as referenced on page 3.8-63).

Hydrology and Water Quality

SILTATION AND IMPACTS ON FLOWS

For Section 3.11.6.3(i), even with erosion control measures, there is potential for alterations to stream flows from new in-water structures to increase siltation on or off site by causing deposition of sediment traveling from upstream. Please review and revise this analysis to address this potential impact.

237-7

ALTERNATIVES AND MITIGATION FOR FILL

Findings on page 3.11-81 indicate that new bridge construction over the crossings of several creeks would have permanent impacts to the creeks, including partial blockage of flows. As is consistent with Bay Plan policies and BCDC regulations, staff strongly encourages exploration of design alternatives that would limit these blockages, which could adversely affect Bay sedimentation. Please review Bay Plan policies and findings related to altering flows into the Bay, including policies concerning Fresh Water Inflow (ex. policies 1 and 3), and policies concerning Water Quality in the Bay (ex. policies 2, 3, and 6).

Note that BCDC requires that "the surface area of the Bay and the total volume of water should be kept as large as possible in order to maximize active oxygen interchange, vigorous circulation, and effective tidal action" (Water Surface Area and Volume Policy No. 1), and that impacts to water surface area, volume, or circulation are impacts that should be mitigated (Mitigation Policy No. 1). Please assess whether these impacts have been avoided and

minimized to the extent feasible, and whether it is possible to achieve no net new fill for portions of the Project within BCDC’s Bay jurisdiction.

237-7

CONTAMINANTS

Regarding findings for 3.11.6.4, please assess whether overtopping of the bridges and rail line during the 100-year storm has the potential to mobilize contaminants into the Bay.

LAND USE

237-8

PRIORITY USE AREAS AND LAND USE POLICIES

The McAteer-Petris Act specifies that “certain water-oriented land uses should be permitted on the shoreline”, and that “Priority use areas designated for such uses in the Bay Plan are to be reserved for them to minimize the need for future filling in the Bay for such uses” (BCDC, 2020). Additionally, please note that the project site abuts the Oro Loma Marsh Wildlife Priority Use Area, as designated in the Bay Plan. Please review Bay Plan policies and findings related to wildlife. Additionally, please consider the following geographically specific Bay Plan Policies:

- **San Leandro Shoreline Park System** - Protect and provide public access to shellfish beds offshore. (Bay Plan Map 6 Policy No. 3)
- **Hayward Shoreline** - Preserve interpretive center. Continue to manage for wildlife habitats and wildlife, and provide wildlife compatible recreation activities. Maintain trails and continue to provide environmental education. Gateway to Eden Landing Ecological Reserve. (Bay Plan Map 6 Policy No. 4)
- **Coyote Hills Regional Park** - Preserve multi-use public access along Alameda Creek Trail to Don Edwards San Francisco Bay National Wildlife Refuge and to Highway 84 toll plaza crossing. Preserve visitor’s center, picnic areas, camping, multi-use trails and naturalist programs. Protect tidal wetlands and provide opportunities for wildlife observation and non-motorized small boat access. (Bay Plan Map 7 Policy No. 2)

CONSISTENCY WITH THE BAY PLAN

Given its relevance to Land Use in the Proposed Project Area, please incorporate the Bay Plan into Table 3.12-3. Additionally, on page 3.12-22, the following text is included in table 3.12-3: “changes to lands protected under the McAteer-Petris Act would not be applicable,” and “The proposed Project would not encroach on lands that are protected under the McAteer-Petris Act.” This text indicates a misunderstanding of the McAteer Petris act, because the Act does not “protect” lands, but rather ensures that a project in BCDC jurisdiction and in/along priority use areas are consistent with the provisions of the Act and the Bay Plan.

Recreation

PUBLIC ACCESS REQUIREMENTS

Ensuring maximum feasible public access to the Bay is one of BCDC’s primary imperatives as a state agency. Therefore, the regulatory setting on p.3.17-3 should incorporate discussion of BCDC’s laws and policies on this issue. In particular, note that Section 66602 of the McAteer-Petris Act states that “maximum feasible public access, consistent with a proposed project, should be provided.” Public Access Policy No. 1 states, “A proposed fill project should increase public access to the Bay to the maximum extent feasible, in accordance with the policies for Public Access to the Bay.” Additionally, as noted elsewhere in the DEIR, Transportation Policy No. 4 states that “bridges over the Bay or certain waterways should include pedestrian and bicycle paths that will either be a part of the Bay Trail or connect the Bay Trail with other regional and community trails.” Therefore, it is likely that public access will be a requirement of any BCDC permit for the Project. It may be appropriate to incorporate a public access proposal into the project description, a project alternative, or the analysis in Section 3.17.6.2 (the project would require the construction or expansion of recreational facilities). BCDC staff is available to consult on public access opportunities for portions of the project within the Commission’s jurisdiction.

Additionally, please note that the first Bay Plan policy included in the regulatory setting on p.3.17-3 is intended to guide the Commission’s decision-making and is less relevant as a policy to guide a project applicant’s decision-making or environmental impact analysis. Please review the Bay Plan Recreation policies and findings for many relevant alternative policies, several of which are noted below.

ALAMEDA CREEK DETOUR PLAN

Wherever the Project contemplates a closure or detour of public access (such as the Bay Trail) within BCDC jurisdiction, BCDC should be included among public agencies consulted on potential trail detours or closures. More generally, for any closures or detours that would involve Bay Trail, whether inside or outside of BCDC jurisdiction, please consult with the Metropolitan Transportation Commission (MTC). This is relevant for measures such as Mitigation Measure MIM REC-1: Detour Plan for the Alameda Creek Regional Trail.

Transportation

REGULATORY SETTING

The Bay Plan establishes policy “relevant to the analysis of transportation” within the extents of BCDC’s jurisdiction. Policy 4 in the Bay Plan states: “Transportation projects on the Bay shoreline and bridges over the Bay or certain waterways should include pedestrian and bicycle paths that will either be a part of the Bay Trail or connect the Bay Trail with other regional and community trails. Transportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline.” Please review the findings and

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237-10

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policies in the Bay Plan's sections on Transportation and Public Access and reference them in the Regulatory Setting for Section 3.18.

Additionally, MTC has been working on the Bay Trail Gap Closure Implementation Plan (<https://mtc.ca.gov/operations/regional-trails-parks/san-francisco-bay-trail/bay-trail-gap-closure-implementation-plan>). Please contact MTC staff to learn more about the plan and incorporate information into the Regional section of the Regulatory Setting as needed. Planned segments of the Bay Trail should be discussed in the assessment under Section 3.18.6.1.

TRAIL IMPACTS

As previously noted, the Coast Subdivision intersects the Bay Trail and public access routes to the shoreline at several points. Information on existing and planned Bay Trail alignments can be sourced from MTC and can be viewed using this web tool:

<https://experience.arcgis.com/experience/817c5f3b503848deb44e83d337285fd6/>.

Additionally, it appears the Project would also intersect with a required public access facility to the South San Leandro Shoreline System at Lewelling Blvd, which is required by BCDC Permit No. M1992.057.02. Please describe all trail crossings in greater detail to resolve discrepancies and to demonstrate that the Project would not increase hazards due to a geometric design feature or incompatible uses, as discussed in Section 3.18.6.3.

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DETOURS AND ROUTING

Please ensure that BMP TR-1: Transportation Management Plan includes consultation with BCDC for any detours or closures of public access facilities in the Commission's jurisdiction.

Sea Level Rise

237-11

STATE SEA LEVEL RISE GUIDANCE

Note that the State of California Sea Level Rise Guidance described on page 4-2 was recently updated in June 2024.

RESILIENCE TO 2050

From this analysis, it appears that the Project is not designed to be resilient to sea level rise at 2050, as a number of the locations analyzed in Table 4-5 would be expected to flood at projected elevations. Please provide a discussion as to why resiliency was not fully incorporated into the current project design and how resiliency through mid-century will be addressed moving forward.

GROUNDWATER RISE

The DEIR identified sea level rise as a flood risk using projections that include on BCDC climate guidance. The preparers should note, however, that sea level rise threatens water quality and may damage infrastructure not only through overland flooding, but also through possible shallow groundwater rise. Please review the Bay Plan Climate Change Policy Guidance section 5.2.4 for additional discussion of shallow groundwater rise, an underexplored coastal flood



hazard, which “could be as extensive or worse than that resulting from overland coastal flooding due to sea level” (BCDC, 2021).

237-11

CUMULATIVE PROJECTS

Please consider including the East Bay Dischargers Authority (EBDA)/Cargill MSS Pipeline Project in the list of cumulative impacts projects. The pipeline is planning to have a similar alignment as the Coast Subdivision and is planned for construction in the next 5 to 10 years

(<https://ebda.org/projects/cargill-partnership/>).

Conclusion

We appreciate your attention to the topics discussed above and for the opportunity to make the above comments on the DEIR. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (415)-352-3650 or by email at

katharine.pan@bcdca.gov.

Sincerely,

DocuSigned by:

Katharine Pan

157169C7B19F403...

KATHARINE PAN

Shoreline Development Program Manager

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510

San Francisco, California 94105

Tel: 415-352-3600

Fax: 888 348 5190

Email: info@bcdca.gov

Website: www.bcdca.gov

cc: State Clearinghouse (state.clearinghouse@opr.ca.gov)

Attachment 1: Redline Corrections

AESTHETICS

San Francisco Bay Conservation and Development Commission

The San Francisco Bay Conservation and Development Commission (BCDC) is a state commission in charge of the protection, enhancement, and responsible use of the San Francisco Bay. BCDC's jurisdiction includes the Bay, a shoreline band extending inland 100 feet from the Bay's shoreline, salt ponds, managed wetlands, and named waterways subject to tidal action. The San Francisco Bay Plan (BCDC 2020) states that "transportation projects on the Bay shoreline and bridges over the Bay or certain waterways should include pedestrian and bicycle paths that will either be a part of the Bay Trail or connect the Bay Trail with other regional and community trails. Transportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline."

Per BCDC adopted public access findings and policies (2001), public access is an integral component of development and should consist of pedestrian and other non-motorized access to the Bay. A critical aspect is visual access for the public. Per BCDC, there are numerous shoreline areas without existing visual access to the Bay. Transportation facilities near the edge of the water should be designed as scenic parkways for slow moving recreational traffic. Transportation ROW should maintain and enhance visual access for its users and provide separated access to/from the shoreline.

Local Plans, Policies, and Regulations

The proposed Project would not remove or alter existing public access to the San Francisco Bay. In addition, the proposed Project would use existing railroad right-of way. BCDC does not require public access to be provided where "access would be clearly inconsistent with the project because of public safety considerations" (BCDC 2001), although alternative access elsewhere could be required if removed/alterd by a project. Limited project ROW and safety considerations would preclude incorporating new public access into the proposed Project. However, the proposed Project would provide enhanced visual access for passenger train riders by bringing them closer to the Bay along the Coast subdivision. This would provide previously inaccessible public views of the Bay.

BIOLOGICAL RESOURCES

McAteer-Petris Act of 1965

The McAteer-Petris Act established the Bay Conservation and Development Commission (BCDC) to prepare an enforceable plan to guide protection and use of the San Francisco Bay and its shoreline. BCDC requires that any person or governmental agency wishing to place fill in, or to extract materials exceeding \$20 in value from, or make any substantial change in use of any land, water, or structure within BCDC's area of jurisdiction secure a permit from the BCDC (as well as any permit required from any city or county within which any part of the work is to be performed). BCDC regulates nearly all work, including grading, on land within 100 feet of San Francisco Bay shoreline ("shoreline band"), all areas subject to tidal action, such as sloughs and marshes, and certain designated waterways. BCDC is a Coastal Zone Management Agency, and carries out its federal consistency responsibilities review according to the provisions of the

Commented [PK1]: Please also review Appearance, Design, and Scenic Views policy section.

Coastal Zone Management Act ~~by reviewing federal projects much as it reviews permit applications. The~~ BCDC issues a variety of permits, and a permit must be obtained by any public agency or private owner holding shoreline lands before proceeding with development in the Commission's jurisdiction. ~~four types of permits: major permits, administrative permits, emergency permits, and region-wide permits.~~

Commented [PK4]: For reference, BCDC issues major permits, administrative permits, notices of intent to proceed under regionwide and abbreviated regionwide permits, emergency permits, and permit amendments.

The agency's decision to grant or deny a permit for the project is guided by the McAteer-Petris Act's provisions and the standards set out in the San Francisco Bay Plan (Bay Plan) (BCDC 2020¹). BCDC is authorized to regulate fill or dredge in the San Francisco Bay and development of the shoreline band. ~~The McAteer-Petris Act created broad circumstances under which a permit is required by providing that any person wishing to place fill, extract materials, or make any substantial change in the use of water, land, or structures within areas subject to BCDC's jurisdiction must obtain a permit.~~ The term fill is defined broadly to include not only earth and other materials, but pilings, structures placed on pilings, and floating structures. BCDC is authorized to issue a permit for fill in the Bay if it determines that the issuance of the permit would be consistent with the provisions of the Act and with the policies established for the Bay Plan or if BCDC determines that the activity to be permitted is necessary for the health, safety, or welfare of the public in the entire Bay Area. Pursuant to Section 66605 of the McAteer-Petris Act, BCDC must determine if the proposed fill in the Bay: (1) is for a water-oriented use and provides public benefits that outweigh the adverse impacts from the loss of open water areas; (2) there is no alternative upland location available for the proposed action; (3) the fill would be the minimum amount necessary to achieve the purpose of the proposed action; (4) the nature, location, and extent of fill minimizes harmful effects on the Bay; (5) the fill is constructed in accordance with sound safety standards.

The McAteer-Petris Act also provides that a permit must be obtained from BCDC prior to undertaking construction activities within the shoreline band jurisdiction. In addition, ~~for permitting purposes,~~ the McAteer-Petris Act requires that the San Francisco Bay Plan make provision for adequate and suitable locations for certain water-oriented land uses essential to the public welfare of the bay area by designating Priority Use Areas. Within the Commission's jurisdiction, development in these Priority Use Areas ~~allows for areas associated with the shoreline band to be designated by BCDC for priority uses. Within such areas, the proposed use~~ must be consistent with the priority uses specified for the designated area.

HYDROLOGY AND WATER QUALITY

McAteer-Petris Act (Gov. Code § 66600 et seq.)

[...]

For any locations confirmed to be within BCDC jurisdiction, the proposed Project would need to obtain the appropriate permit from BCDC. To obtain a permit for development within the shoreline band, the proposed Project must provide for maximum feasible public access to the Bay and the shoreline. BCDC also requires those portions of a project in San Francisco Bay and

the shoreline band to plan for and adapt to sea level rise caused by ~~global~~ climate change. BCDC ~~updated their~~ prepared the San Francisco Bay Plan Climate Change Policy Guidance (Guidance) in July 2021. The Guidance provides non-regulatory, but interpretive, information to assist in the development of prospective projects in relation to the requirements of the Climate Change policies ~~with permit applicants, local jurisdictions, and the public at large~~. Further discussion of sea level rise impacts as an aspect of the permit determination for the proposed Project is included in Chapter 4.

Commented [PK5]: Unclear what this means

LAND USE

San Francisco Bay Conservation and Development Commission

The San Francisco Bay Conservation and Development Commission (BCDC) is a state planning and regulatory agency, with regional authority over the San Francisco Bay, the Bay's shoreline band, and the Suisun March. The BCDC's authority derives from the following statute:

- McAteer-Petris Act (Gov. Code 66600-66694): Under the McAteer-Petris Act, the jurisdiction of the BCDC of the San Francisco Bay includes the San Francisco Bay itself (including all areas that are subject to tidal actions), a shoreline band of land extending inland for 100 feet from the shoreline of the San Francisco Bay, salt ponds, managed wetlands, and certain waterways consisting of all areas that are subject to tidal action on named tributaries that flow into the Bay.

PUBLIC SERVICES AND RECREATION

San Francisco Bay Conservation and Development Commission

The BCDC was created by the California Legislature in 1965 under the McAteer-Petris Act in response to broad public concern over the future of the San Francisco Bay. The BCDC is a California state planning and regulatory agency with permitting regional authority over the San Francisco Bay and its shoreline. The McAteer-Petris Act (California Government Code 66600–66682) is the key legal provision under California state law that preserves the San Francisco Bay from indiscriminate filling and to regulate shoreline public access. The McAteer-Petris Act requires that any person or governmental agency wishing to place fill, to extract materials, or to make any substantial change in use of any land, water, or structure within the area of BCDC's jurisdiction must secure a permit from BCDC.

San Francisco Bay Plan

The San Francisco Bay Plan (BCDC 2020~~3~~) was prepared by the BCDC and adopted by the California Legislature in 1969. The BCDC is ~~the agency~~ designated to carry out the San Francisco Bay Plan. The plan provides ~~a formula~~ policies for developing the San Francisco Bay and its shoreline to their highest potential, while protecting the San Francisco Bay as an irreplaceable natural resource for the benefit of present and future generations. This plan contains policies

that the BCDC uses to determine whether permit applications can be approved for projects within the BCDC's jurisdiction^s.

The following San Francisco Bay Plan policies are applicable to the proposed Project:

- Because of the continuing vulnerability of the San Francisco Bay to filling for transportation projects, the BCDC should continue to take an active role in San Francisco Bay Area regional transportation and related land use planning affecting the Bay, particularly to encourage alternative methods of transportation and land use planning efforts that support transit and that do not require fill. The Metropolitan Transportation Commission, the California Department of Transportation, the California Transportation Commission, the Federal Highway Administration, county congestion management agencies, and other public and private transportation authorities should avoid planning or funding roads that would require fill in the San Francisco Bay and certain waterways.
- Transportation projects on the San Francisco Bay shoreline and bridges over the San Francisco Bay or certain waterways should include pedestrian and bicycle paths that will either be a part of the San Francisco Bay Trail (Bay Trail) or connect the Bay Trail with other regional and community trails. Transportation projects should be designed to maintain and enhance visual and physical access to the San Francisco Bay and along the San Francisco Bay shoreline.

Commented [PK6]: Note this policy is directed towards the Commission rather than to project proponents.

San Francisco Bay Trail Plan

Senate Bill 100, which was passed into law in 1987, created the vision of the Bay Trail and directed ABAG to develop a plan for this regional trail system. The San Francisco Bay Trail Plan (Bay Trail Plan) (ABAG 1989), adopted by ABAG in July 1989, includes a proposed alignment, a set of policies to guide the future selection and implementation of routes, and strategies for implementation and financing. Since its inception, the Bay Trail Plan has enjoyed widespread support. The majority of counties and cities through which the Bay Trail passes have included the Bay Trail in general plans, specific plans, bicycle plans, and/or pedestrian plans. The BCDC considers the Bay Trail Plan in making determinations as to whether a project is consistent with their policies.

Commented [PK7]: Reference MTC/ABAG's role in carrying out the Bay Trail plan.

SEA LEVEL RISE

4.1.1.1. Coastal Zone Management Act (16 U.S.C. §§ 1451 et seq.)

The objective of the Coastal Zone Management Act of 1972 is to "preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone." Coastal zone means "the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the lands therein and thereunder including the waters therein and thereunder), strongly influenced by each other and close to the shorelines of the several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands and beaches." This act also requires projects to be planned, located, designed, and engineered for

the changing water levels and associated impacts that might occur over the duration of the development. Along the outer coast, ~~t~~The Coastal Zone Management Act is administered by the California Coastal Commission ~~in most areas within California~~; in the Bay Area, the Coastal Zone Management Act is administered by BCDC, as established by the McAteer-Petris Act. This act is described in the Local Plans, Policies, and Regulations Section (4.1.3), along with more details on BCDC climate change policies.

4.1.3.1. McAteer-Petris Act (Gov. Code § 66600 et seq.)

The McAteer-Petris Act was enacted September 17, 1965, and created the San Francisco BCDC as a temporary state agency charged with preparing a plan for the long-term use of the Bay. The act was amended in 1969 and established BCDC as a permanent agency. BCDC in 1972 incorporated sections of the McAteer-Petris Act to administer the policies of the CZMA by regulating the use of land and water in the coastal zone of San Francisco Bay, as stated above. ~~The act is a state law, but it is administered locally through BCDC.~~ BCDC regulates nearly all work, including grading, on land within 100 feet of San Francisco Bay shoreline (~~what BCDC calls~~ the shoreline band), all areas subject to tidal action, such as sloughs and marshes, and certain designated waterways. BCDC carries out ~~its “federal consistency” responsibilities~~ review by reviewing projects according to the provisions of the Coastal Zone Management Act ~~much as it reviews permit applications.~~ BCDC ~~issues four types of permits: major permits, administrative permits, emergency permits, and region-wide permits.~~ issues a variety of permits, and a permit must be obtained by any public agency or private owner holding shoreline lands before proceeding with development in the Commission’s jurisdiction.

Since the passage of AB 2094 in 2008, BCDC has been the state agency responsible for leading the Bay Area’s preparedness for, and resilience to, rising sea level, tides, and storm surge due to climate change. As required by AB 2094, the Bay Area Regional Collaborative (BARC) was formed as an association of the BCDC, MTC, ABAG, and BAAQMD. The bill also authorized BCDC, in coordination with local governments, regional councils of government, and other agencies and interested parties, to develop regional strategies, as needed, for addressing the impacts of, and adapting to, the effects of sea level rise and other impacts of global climate change on the San Francisco Bay and affected shoreline areas (AB 2094 Assembly Bill - AMENDED).

In 2011, BCDC adopted policies to require projects to be resilient to rising sea level through at least mid-century and beyond, given the project’s expected life. Just as important, the amendments directed that a regional adaptation strategy be developed by the Bay Area’s regional agencies.

Section 66632 of the Act requires that projects obtain permits from BCDC to fill, to extract materials, and to make substantial changes in use of land, water, or existing structures in the shoreline band. In determining whether to issue permits, BCDC looks to policies set forth in the act and in the San Francisco Bay Plan. In general, these policies authorize fill or excavation of

wetlands only for water dependent projects where no feasible upland alternatives exist, and only if wetlands impacts are mitigated.

4.1.3.2. San Francisco Bay Plan Climate Change Policy Guidance

BCDC requires those portions of a project in San Francisco Bay and the shoreline band to plan for and adapt to SLR caused by global climate change. BCDC ~~updated its~~ [prepared the](#) San Francisco Bay Plan Climate Change Policy Guidance (Guidance) [document](#) in July 2021. The Guidance provides non-regulatory, but interpretive, information to assist in the development of prospective projects in relation to the requirements of the climate change policies with permit applicants, local jurisdictions, and the public at large. **Climate Change Policy 2 – Risk Assessment of the Guidance states:**

When planning shoreline areas or designing larger shoreline projects, a risk assessment should be prepared by a qualified engineer and should be based on the estimated 100-year flood elevation that takes into account the best estimates of future SLR and current flood protection and planned flood protection that will be funded and constructed when needed to provide protection for the proposed project or shoreline area. A range of SLR projections for midcentury and end of century based on the best scientific data available should be used in the risk assessment. Inundation maps used for the risk assessment should be prepared under the direction of a qualified engineer. The risk assessment should identify all types of potential flooding, degrees of uncertainty, consequences of defense failure, and risks to existing habitat from proposed flood protection devices.

Climate Change Policy 3– Resilient to Mid-Century and Adaptable to End of Century states:

To protect public safety and ecosystem services, within areas that a risk assessment determines are vulnerable to future shoreline flooding that threatens public safety, all projects—other than repairs of existing facilities, small projects that do not increase risks to public safety, interim projects and infill projects in existing urbanized areas—should be designed to be resilient to a mid-century SLR projection. If it is likely the project will remain in place longer than midcentury, an adaptive management plan should be developed to address the long-term impacts that will arise based on a risk assessment using the best available science-based projection for SLR at the end of the century.

If a project has a short lifespan, BCDC Climate Change policies may potentially apply depending on the circumstances. The determination of whether a project is considered a “larger shoreline project” (Climate Change Policy 2) requiring a risk assessment depends more on a project’s physical characteristics (e.g., scale or intensity of use) than the life of a project. If a project is not required to prepare a risk assessment, a project may still be subject to other Bay Plan policies related to SLR and flooding, such as shoreline protection, safety of fills, and habitat projects. Coordination with other state and federal agencies, such as USACE, CDFW, and USFWS, would also occur during project review.

Commented [PK8]: This policy is from the Bay Plan. It is described in the guidance, but the source is the Plan and it’s an enforceable policy.

Commented [PK9]: This is also from the Bay Plan.

From: [Krysten Laine](#)
To: [South Bay Connect](#)
Cc: [diana.brumbaugh](#); [jeff@alamedacreek.org](#); [Board of Directors](#); [info@cbcafremont.wpengine.com](#); [Joel Pullen](#); [planning.division@hayward-ca.gov](#); [planning@unioncity.org](#)
Subject: Re: Request for Extension of Comment Period - SBC DEIR
Date: Monday, July 15, 2024 9:43:53 PM

While you may feel the 45 day comment period is enough, you failed to give communities equal and ample opportunity for discussion as outlined by Ms. Brumbaugh, which lays the groundwork for disparity claims. In addition, the website for submittal has been down on numerous occasions. I urge you to reconsider a modest extension. This is a simple ask of consideration. If again denied, this let's us know the tone of the conversation moving forward.

239-1

Best
Krysten Laine
President
Niles Main Street Association

On Mon, Jul 15, 2024, 4:28 PM South Bay Connect <info@southbayconnect.com> wrote:

Dear Diana,

Thank you for your email dated July 15 regarding the South Bay Connect Draft EIR comment period. In your email, you requested that the Capitol Corridor Joint Powers Authority (CCJPA) extend the comment period.

CCJPA has considered your request and believes that the 45-day comment period is appropriate. While CCJPA cannot accommodate your request for an extension of the comment period, the hearing on the Final EIR will be another opportunity to comment later this year. We look forward to receiving your comments.

Please visit the South Bay Connect website for more information and how to submit a comment.

Thank you again for your comments.

Sincerely,

South Bay Connect Team

On Mon, Jul 15, 2024 at 11:40 AM diana brumbaugh <dianabrumbaugh@yahoo.com> wrote:

To whom it may concern,

Please see the attached letter requesting an extension for comments for the Capital Corridor Joint Powers Authority/South Bay Connect DEIR.

Respectfully,
Diana Brumbaugh

From: diana_brumbaugh
To: info@southbayconnect.com
Cc: jeff@alamedacreek.org; [Board of Directors](#); info@cbcafreemont.wpengine.com; jpullen@fremont.gov; planning.division@hayward-ca.gov; planning@unioncity.org
Subject: Server down Re: Request for Extension of Comment Period - SBC DEIR
Date: Monday, July 15, 2024 4:24:13 PM

Please note that access to the DEIR has been down since 2:30 pm.

241-1

Diana Brumbaugh

On Monday, July 15, 2024, 11:40:22 AM PDT, diana brumbaugh <dianabrumbaugh@yahoo.com> wrote:

To whom it may concern,

Please see the attached letter requesting an extension for comments for the Capital Corridor Joint Powers Authority/South Bay Connect DEIR.

Respectfully,
Diana Brumbaugh

From: [Ryan O'Keefe](#)
To: [Teurn, Tammy](#)
Subject: New South Bay Connect Comment
Date: Monday, July 15, 2024 3:58:54 PM

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

New South Bay Connect Comment

Name:

Robert Daulton

Email:

r.daulton@att.net

Phone:

(510) 449-5643

Organization:

Niles for Environmentally Safe Trains and Alameda Creek Alliance

ZIP Code:

94536

Subject:

CCSBC Draft EIR

Comment:

Comments on the Capitol Corridor South Bay Connect DEIR,
from Niles for Environmentally Safe Trains and Alameda Creek Alliance

1. Public Funding - In light of the BART system expansion to Santa Clara, the CCSBC project is effectively redundant. This new routing comprises a considerable strain on public finances for a private company, Capitol Corridor, and creates a slew of community and environmental problems for the areas it affects, through new construction and the abandonment of existing transit service areas, all for the sake of potentially shaving 13 minutes of travel times. As well, further public funds for this project will be necessarily channeled toward improvements to the infrastructure of Union Pacific Rail, as noted in the DEIR.

249-1

2. Consideration of the Fremont General Plan is largely dismissive:

Fremont General Plan > Implementation 3-5.4.C: Amtrak/Capitol Corridor- Support continued Amtrak/Capitol Corridor service at the Centerville station, providing an alternate means of travel to San Jose, Oakland, Sacramento, and points beyond, including potential connections to future high speed rail. Encourage continued improvements to the Centerville station area,

249-2

possibly including additional parking and better multi-modal connections for transit riders.

In some areas, the Project is worse than redundant, particularly with regard to loss of Capitol Corridor service at the Hayward and Centerville (FMT) stations. Within Hayward and Fremont, nearly 20 years of conceptual planning and on-the-ground zoning and building is swept aside by the CCSBC project plan. The Transit Oriented Development overlay district in Centerville has dedicated specific floor area ratio (FAR) and density (housing units per net acre) requirements for mixed-use or residential projects within the boundaries of the TOD which are effectively defunct should the Project remove service to Centerville.

249-2 cont.

3. City Planning - The repercussions are severe, especially in terms of previous Fremont city planning decisions based upon 3-5.4.C. In 2016, the City of Fremont facilitated a developer's acquisition and demolition of a full block of the Centerville historic town center for the purposes of developing a high density, mixed-use complex which relied upon the participation of Capitol Corridor service for robustness and frequency, and ultimately for this development's approval by the Fremont City Council. With the abandonment of the Capitol Corridor Centerville FMT stops, the goal of a vibrant, walkable downtown Centerville will be crushed, and the City of Fremont will be dealing with the resulting problems in terms of traffic, access, transit and environmental stress for decades. How are these losses factored into the outcomes for the Project? Is there an expectation at CCSBC for the affected TODs to drive to Ardenwood for transit services formerly available in their areas?

249-3

Fremont General Plan > Policy 3-5.4: Passenger Rail Service - Support the provision of convenient and affordable commuter rail service to Fremont residents, visitors, workers and businesses.

4. Ridership - Capitol Corridor's assertion that "the combined ridership at Hayward and Fremont Stations account for about 3 percent of Capitol Corridor's ridership for the entire system" is disingenuous without citations of ridership percentages of other existing service stations on the line. 3% of the ridership for 2023 (921,000) is ~27,630 passengers (add an additional 19% for the increased ridership in 2024). If this mere 3% figure is considered inconsequential, then how does CCSBC justify the expense of the proposed Ardenwood station in the first place?

249-4

5. Intermodal Bus Facility - The proposed State Route 84 Intermodal Bus Facility isn't even represented with a concept sketch, and yet is touted as integral to the success of the overall project. Again, how are we to assess the environmental and aesthetic impacts of a facility that is largely undescribed? When will plans be available for public review? How many buses are being proposed for this route? What are the environmental and traffic impacts of these buses? Will they be electric vehicles?

249-5

6. Pre-existing bus access - Ardenwood as a new, upgraded intermodal transfer connection to bus services between the East Bay and Peninsula is wishful thinking. A bus connection already exists for East Bay residents and includes the Dumbarton Corridor Improvement Project which is a single seat ride across the bridge for residents close to the Route 84 corridor in the cities of Union City, Fremont, and beyond. Why would riders take a train from Santa Clara to Ardenwood to transfer to a bus across the Dumbarton when US-101 is a short, straight shot up the Peninsula?

249-6

CCSBC Draft Environmental Impact Report > 3.12 Land Use and Planning, pg.23: The proposed Project would promote environmental sustainability by reducing greenhouse gas emissions through an increase in transit mode sharing along the Project Corridor.

7. Traffic and VMT - The Dumbarton Rail project is currently in a state of abandonment. A main justification of that project was to address traffic congestion in the East Bay and across the Dumbarton bridge. The CCSBC proposal will accelerate traffic issues in Hayward, Union City, Fremont and surrounding areas, as commuters will have to travel much further to reach

249-7

the new station, in the process driving past stations their community has for years relied upon for proximity. Is there a revised VMT estimate for this increased traffic through these communities?

CCSBC Draft Environmental Impact Report > 3.12 Land Use and Planning, pg.23: The proposed Project would improve transit services by creating a more direct passenger rail route and allow for greater access to work, education, services, and recreation along the Project Corridor.

249-7 cont.

The proposal might improve access along the Project Corridor, but won't it concurrently diminish access in the communities now abandoned by the changed routing?

8. Freight issues - Since the announcement of the latest DEIR, CCSBC has consistently stated that freight along the Niles Subdivision will see no increases via rerouting by Union Pacific. This is at odds with the often referenced 2018 California State Rail Plan and 2016 Vision Implementation Plan. South Bay Connect will enable changes in freight transport through Niles Canyon that are unaddressed in the DEIR and will not be addressed in any other environmental review process. Of concern is increased likelihood of derailments of freight trains and spills of hazardous materials along a creek corridor.

Is there a public statement or document to the effect that freight will not be rerouted by any official Union Pacific personnel? Where can that statement be found? By what mechanism will the potential new freight needs of UPRR be monitored? Should such rerouting become necessary in the future, by what means will the public be able to address environmental problems in this regard?

249-8

The creation of a new freight-only corridor via the removal of Capitol Corridor trains from the Niles subdivision is certain to have its own set of environmental and social impacts which will likely be exempt from CEQA once they are constructed, in particular should this increase the frequency of freight traffic through Niles Canyon. At what point will these be studied, if at all?

CCSBC Draft Environmental Impact Report > 3.12.2.2: ... Although considered in the 2018 California State Rail Plan, the proposed Project does not reroute freight services, but does reroute Capitol Corridor passenger rail service to the Coas Subdivision.

9. Ardenwood station - The conceptual design illustration of the proposed Ardenwood station is nice, but I was disappointed by the lack of any solid architectural plans or elevations of the proposed construction on a map of the site. It is assumed that these will not be available until the often mentioned "final design" phase. Without a final design, how can the environmental impact of this construction be adequately assessed? In 2021, CCSBC stated the plans would be available later in the process. It is now 2024, so when will these plans become available to the general public or interested city planners? After the Project has been approved? After the FEIR? Is this an omission?

249-9

CCSBC Draft Environmental Impact Report > 3.2.7: MM AES-7 Aesthetic Plan for Ardenwood Station structures, Pedestrian Overcrossings, Grade Separated Structures, Retaining Walls, and Bridges: During final design, CCJPA will develop an aesthetic plan for new structures with high visibility from SR 84 and Alameda Creek Regional Trail

10. Alameda Creek - The Lower Alameda Creek Fish Passage Improvements Program is an \$80 million environmental investment which has been in conception and construction for nearly 30 years. The Alameda County Water District and the San Francisco Public Utilities Commission have constructed seven fish passage and water supply projects with the goal of enabling upstream migration of steelhead, salmon and other anadromous fishes in the watershed. The first juvenile trout was tagged, detected and documented migrating

249-10

downstream from the upper watershed through lower Alameda Creek in April of 2023. Loss of riparian habitat or direct impacts on these species could jeopardize this costly and delicate long term project. Any bridge crossing of Alameda Creek or piers in the active creek channel need to be designed so as to not impede fish passage.

CCSBC Draft Environmental Impact Report > 3.5 Biological Resources: Direct impacts on seelhead and green sturgeon associated with the construction of the rail bridge structure would include temporary loss of migratory and/or critical habitat and potential injury or death of seelhead and/or green sturgeon. Construction of in-water piers associated with the railroad bridge over Alameda Creek would also permanently impact riverine habitat.

249-10 cont.

11. Piecemealing - The entire southern end of the proposed CCSBC project, known as the Alviso Wetlands Railroad Adaptation (AWRA), is fundamentally integral to the proposal at hand in this DEIR. Yet it is omitted from this report. Without a comprehensive understanding of the impacts of the AWRA, there's no way to assess the overall impacts of the proposal now on the table. This is piecemealing of the overall project, and obscuring the full array of cumulative impacts of the project as a whole without which any assessment of the DEIR is incomplete.

249-11

The DEIR must address the full cumulative and synergistic environmental impacts of the Ardenwood station facilities, the Intermodal Bus Facility, the increased traffic through Fremont and Hayward to Ardenwood, and the ARWA, if a true picture of the overall project is to be seen. We currently recommend the "No Project" alternative until these overall project issues and omissions within the DEIR can be evaluated and remedied.

Robert Daulton
Founding member, Niles for Environmentally Safe Trains
37523 2nd Street,
Fremont, CA 94536

Jef Miller
Director
Alameda Creek Alliance
(510) 499-9185
www.alamedacreek.org

PEERY/ARRILLAGA

2450 Watson Court • Palo Alto, California • 94303 • PHONE (650) 618-7000 • FAX (650) 618-7800

July 12, 2024

Fed Ex Tracking No: 7773 6715 8202

Capitol Corridor Joint Powers Authority
South Bay Connect
2150 Webster St.
3rd Floor
Oakland, CA 94612

Re: Comments on Draft Environmental Impact Report, South Bay Connect Project
Partial Acquisition of APN 543-439-144

To Whom It May Concern:

Del Rey Investment Company, dba Peery/Arrillaga ("**Peery/Arrillaga**"), is the largest property owner within the Ardenwood Technology Park ("**Park**"), a first-class, R&D/Office park with almost 300 acres developed with R&D/Office buildings occupied by several large, Fortune 100 companies. The Capitol Corridor Joint Powers Authority ("**Agency**") plans to develop a portion of the South Bay Connect Project's Proposed Alternative (as defined in the Draft Environmental Impact Report, or "**Draft EIR**") ("**Project**") within the boundaries of the Park. One of the Park properties owned by Peery/Arrillaga, located at 34808 Ardentech Court, Fremont, California 94555 (APN 543-439-144, or "**Parcel 144**" or "**Parcel**") is proposed for partial acquisition as part of the Project for use as the main parking lot of the proposed Ardenwood Intermodal Station ("**Station**").

255-1

We have not yet studied all the impacts of this transportation project on the Park or on our property, as described in the Draft EIR to provide comments, however, we are confident that a **partial** acquisition of Parcel 144 would create extraordinary and costly damages to the remaining portions of said Parcel, which would not be in the best interest of the public. This letter provides our preliminary comments only on the issue of a partial acquisition of Parcel 144, as only preliminary information on the proposed acquisitions was provided in the Draft EIR. We reserve the right to amend our comments on this issue, as well as other potential impacts to other Peery/Arrillaga-owned properties in the Park, and the Project.

255-2

Parcel 144 contains approximately 5.3 acres and is located at the terminus of a cul-de-sac. The Draft EIR does not specify how much of Parcel 144 is proposed for acquisition, but it appears that at least fifty percent (50%) of the Parcel is proposed for acquisition, all of which is located in the front, most desirable and useable portions of the Parcel, along the street frontage ("**Partial Acquisition**").

Parcel 144's street frontage is comparatively short, at about 107 linear feet, given the location at the terminus of Ardentech Court, which provides the only vehicular access to the Parcel. The narrow street frontage would likely accommodate little more than a single curb cut providing all ingress and egress to and/or from the Parcel, resulting in shared access for all users of the Parcel's 5.3 acres.

255-2

As stated previously, the Partial Acquisition would acquire the most desirable and most usable portions of Parcel 144. The remaining rear portion of the Parcel ("**Remainder**"), with no street frontage, no street visibility, too small for development for typical users occupying the Park, and butting up against an elevated roadway in the back, would become an unusable remnant. Access to the Remainder would likely require the use of the same curb cut and driveway that will be utilized by the Project's public parking lot. These factors, as well as the additional traffic to the Station's parking lot, would render the Remainder unusable and unmarketable.

The lack of usability and marketability would result in costly damages to the Remainder that would result in the same acquisition cost as if the entire Parcel were acquired from the onset. Additional damages to Parcel 144 and the other properties owned by Peery/Arrillaga would be likely due to the increased traffic and other impacts from the Project.

In other words, the proposed Partial Acquisition is equivalent to a complete taking. The Partial Acquisition would result in the same cost (if not more) as a full acquisition, however, the Agency would only receive a portion of the Parcel. If the Project is successful, the Agency would likely need to acquire the Remainder in the future, for expansion of the Station's parking lot, overpaying for a site that it should have acquired at the Project onset. A partial acquisition, therefore, is not in the best interest of the public.

255-3

To be clear, Peery/Arrillaga prefers that the Agency not acquire any Park property for the Project. But if the Project moves forward as currently proposed, any acquisition of Parcel 144 should be a full and complete acquisition of the entire 5.3 acres, not a partial acquisition, because "just compensation" to Peery/Arrillaga, for a partial acquisition, is equivalent to the "just compensation" for a full taking. Peery/Arrillaga is ready to defend the value of its property in any taking.

Sincerely,

Del Rey Investment Company, dba PEERY/ARRILLAGA



John Arrillaga Jr., Co-trustee of the
John Arrillaga Survivor's Trust UTA dated
7/20/77



Jason Peery, Special Trustee of the
Richard T. Peery Separate Property Trust
dated 7/20/77, as amended

From: [Rui Jiang](#)
To: info@southbayconnect.com
Subject: Concerns about the Capitol Corridor South Bay Connect Project
Date: Tuesday, July 16, 2024 4:51:00 PM

Dear Sir/Madam,

I hope this message finds you well. I am writing to express my concerns and formally reject the proposed Capitol Corridor South Bay Connect project as detailed in the Environmental Impact Report prepared by the Capitol Corridor Joint Powers Authority.

256-1

As a resident of Ardenwood, I am deeply concerned about several aspects of the project:

1. **Environmental Impact:** The project aims to relocate the Capitol Corridor passenger rail service to the Coast Subdivision, which would pass through densely populated and environmentally sensitive areas. Despite the proposed mitigation measures, the potential for significant disruption to local ecosystems, air quality, and noise levels is considerable. The project's claims of reducing greenhouse gas emissions by transitioning commuters from auto to rail do not sufficiently address the immediate environmental disruptions it would cause during construction and operation.

2. **Community Disruption:** The construction of a new passenger rail station at the Ardenwood Park-and-Ride will significantly alter the character of our community. Increased foot and vehicle traffic, noise pollution, and the potential for increased crime are all concerns that have not been adequately addressed. The suburban nature of Ardenwood and its surrounding areas is not compatible with the scale of development proposed.

256-2

3. **Insufficient Alternatives:** The Draft EIR only considered a limited range of alternatives, many of which were rejected without thorough analysis. The "No Project" alternative, which would maintain the current rail routes, appears to have been dismissed too readily despite meeting many of the project's objectives without the associated negative impacts.

256-3

4. **Economic Viability:** While the project aims to enhance economic vitality by linking residents to jobs, commerce, and recreation, it does not convincingly demonstrate how these benefits outweigh the costs and disruptions to the local communities. The economic justification seems speculative and does not account for the long-term impacts on property values and local businesses during the extensive construction period.

256-4

5. **Public Health and Safety:** The relocation of passenger rail services to the Coast Subdivision, an area already constrained by heavy industrial use, poses significant risks to public health and safety. Increased rail traffic in close proximity to residential areas raises concerns about accidents, hazardous material spills, and emergency response capabilities.

256-5

Given these substantial issues, I urge the Capitol Corridor Joint Powers Authority to reconsider the scope and necessity of the South Bay Connect project. A more thorough analysis of the environmental, social, and economic impacts is needed, along with a greater exploration of less disruptive alternatives.

256-6

Thank you for considering my concerns. I look forward to your response and hope that the voices of local residents will be taken into account in future planning decisions.

256-6

Sincerely,

Rui Jiang

From: [Márquez, Elisa, BOS Dist2](#)
To: info@SouthBayConnect.com
Subject: Request for public hearing
Date: Monday, July 22, 2024 8:21:36 AM

To whom it may concern:

259-1

I am writing to request a public hearing in the City of Hayward and reopen the public comment period to allow the community to analyze the EIR.

Respectfully,

Elisa Márquez (She/her/ella)

Supervisor, Second District

Phone: 510-272-6692 Email: Elisa.Marquez@acgov.org

1221 Oak Street, Suite 536 Oakland, Ca 94612

<https://www.acgov.org/board/district2/>